

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

NEW YORK CITY CHARTER REVISION COMMISSION 2019

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February 25, 2019

Start: 6:11 p.m.

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HELD AT: COUNCIL CHAMBERS - CITY HALL

B E F O R E: GAIL BENJAMIN
COMMISSIONER CHAIR

COMMISSIONERS: Sal Albanese
Dr. Lilliam Barrios-Paoli
Lisette Camilo
James Caras
Eduardo Cordero, sr.
Stephen Fiala
Paula Gavin
Lindsay Greene
Alison Hirsch
Reverend Clinton Miller
Sateesh Nori
Dr. Merryl Tisch
James Vacca
Carl Weisbrod

A P P E A R A N C E S (CONTINUED)

Panel 1 Ranked Choice Voting

Karen Brinson Bell, Ranked Choice Voting Resource Center. Former Election Administrator from North Carolina with experience in implementing ranked choice voting.

Susan Lerner, Executive Director, (Common Cause) Lerner is the Executive Director of Common Cause, which is extremely involved in election reform.

Bella Wang (League of Women Voters) Wang heads the Voting Reform Initiative at the Leagues of Women Voters

Craig Burnett (Hofstra University (Via Skype) Burnett is an Assistant Professor of Political Science, Hofstra University and is the co-author of a 204 paper examining the phenomenon of "Ballot Exhaustion" in RCV systems

Esmeralda Simmons, (Founder and Executive Director of the Center for Law and Social Justice, Medgar Evers College (CUNY) Simmons founded CLSJ and has also served on various public boards, including the NYC Districting Commission and NYC Board of Education

John Arntz (Executive Director of the San Francisco Department of Elections) (via Skype)

Panel 2 Redistricting

Michael Li (Brenna Center) Li is Senior Counsel for the Brennan Center's Democracy Program and is a nationally recognized expert in redistricting.

TJ Costello (Austin Independent Citizens Redistricting Commission) (via Skype) Costello served as the Vice Chair of the Austin Independent Citizens Redistricting Commission, which was the first commission in the country to have ordinary citizens draw city council districts.

Jeffrey M. Wice (Fellow, SUNY Rockefeller Institute of Government) Wice has over 35 years of experience working in redistricting, voting rights and Census Law.

Esmeralda Simmons (Founder and Executive Director of the Center for Law and Social Justice at Medgar Evers College (CUNY). Simmons founded CLSJ and has also served on various public boards, including the NYC Districting Commission and NYC Board of Education.

Panel 3 Campaign Finance

Frederick Schaffer (NYC Campaign Finance Board) Schaffer is the chair of the city's Campaign Finance Board (and we anticipate that he will be joined by Amy Loprest the Board's Executive Director)

Michael Malbin (Campaign Finance Institute) Malbin is the co-founder and Executive Director of the Campaign Finance Institute and a Professor of Political Science at the State University of New York at Albany. He has written extensively on the NYC Campaign Finance's Board public matching funds program, as well as other campaign finance programs around the country.

Wayne Barnett (Seattle Ethics and Elections Committee) (Via Skype)

Jennifer Heerwig (Stony Brook University) Heerwig is an Assistant Professor of Sociology at Stony Brook

University and co-author of a 2018 paper examining the impact of Democracy Vouchers in Seattle

Alan Durning (Sightline Institute) (Via Skype) Durning is the founder of the Sightline Institute, a key group in the development of Seattle's democracy voucher system in 2015.

Jerry Goldfeder (Election Attorney) Goldfeder is an experienced election lawyer and the chair of the New York City Bar Association's Charter Revision Task Force

2 [sound check] [background comments/pause]

3 [gavel]

4 CHAIRPERSON BENJAMIN: Good evening and
5 welcome to the today's public meeting of the 2019 New
6 York City Charter Revision Commission. I'm Gail
7 Benjamin, the Chair of the Commission, and I am
8 joined by the following Commission Members: The
9 Honorable Sal Albanese, Honorable Lilliam Barrios-
10 Paoli, Honorable James Caras, the Honorable Lisette
11 Camilo, Honorable Eduardo Cordero, Sr., Honorable
12 Lindsay Greene; Honorable Sateesh Nori, the Honorable
13 Dr. Merryl Tisch, Honorable Carl Weisbrod. With
14 those Commission members present we have quorum.
15 Before we begin, I will entertain a motion to adopt
16 the minutes of the Commission's meeting on January
17 31st at City Hall, a copy of which has been provided
18 to all of the Commissioners. Do I hear a motion?

19 COMMISSIONER: [off mic]

20 CHAIRPERSON BENJAMIN: Is there a second?

21 COMMISSIONER: Second. I do.

22 CHAIRPERSON BENJAMIN: All in favor?

23 COMMISSIONERS: [in unison] Aye.

24 CHAIRPERSON BENJAMIN: Any opposed? The
25 motion carries. Today we are very excited to kick

2 off the Commission's series of expert forums on the
3 focus areas we adopted at our meeting in January.

4 Today, we are privileged to be joined by a
5 distinguished set of panelists put together in
6 consultation with my fellow commissioners who have
7 generously agreed to speak to us about our elections
8 buckets. In the interest of time, we're getting
9 started right away. Each panelist will have three
10 minutes to introduced themselves and provide brief
11 opening remarks, and there will be a clock, which is
12 over there that you can consult as you're speaking,
13 and then we will have 30 minutes for questions by the
14 Commissioners. If 30 minutes ends up not being
15 enough time for all of the Commissioners' questions,
16 please let staff know, and they will arrange a
17 follow-up. For brevity's sake I'm going to call up
18 the witnesses that I'll ask that each of them
19 introduce themselves briefly within their statements.
20 On the first panel to discuss Ranked Choice Voting
21 and related election process reforms, we have Karen
22 Brinson Bell, Susan Lerner, Bella Wong, Craig Burnett
23 via video. Maybe waive Mr. Burnett.

24 JOHN ARNTZ: John Arntz.

2 CHAIRPERSON BENJAMIN: Okay. Esmerelda
3 Simmons and John Arntz opening statements. Ms. Bell

4 KAREN BRINSON BELL: [off mic] Thank you.
5 [on mic] Is that on? Thank you. Good evening,
6 Commissioners, and thank you for having me. My name
7 is Karen Brinson Bell. I've conducted elections for
8 more than a decade including city and district
9 instant run-off voting elections and was part of the
10 Implementation Team for the Statewide Ranked Choice
11 Voting Election of the North Carolina Court of
12 Appeals seat in 2010, which was the first statewide
13 use of our RCV in the U.S. since the 1930s and was
14 implemented in just 86 days. I'm here today
15 representing the Ranked Choice Voting Resource
16 Center, which is a non-advocacy, non-profit
17 organization focused on education and sharing
18 election administration practices. I believe you're
19 familiar with what Ranked Choice Voting and the term
20 Ranked Choice Voting and the Term Instant Runoff so
21 I'll go into why jurisdictions adopt. It includes to
22 eliminate costly low turnout runoff elections, avoid
23 vote splitting and weak plurality results and
24 franchise military oversees citizens, and increase
25 stability in campaigns. Currently RCV is used in

2 eleven U.S. cities including Minneapolis, Minnesota;
3 San Francisco, California; Cambridge, Massachusetts;
4 and Santa Fe, New Mexico. In 2018, the state of
5 Maine used RCV at its state and Federal Primaries and
6 then for the U.S. House and Senate General Election.
7 Eighteen additional cities and counties have also
8 approved RCV for future elections. Some key things
9 to factor in for administration and implementation
10 first, it is no different than any other election.
11 Implementation of RCV for a jurisdiction follows many
12 of the same protocols and procedures used in any
13 election. It is a proven voting method, and we do
14 not need to bring at the wheel. We have materials
15 freely available for sharing. With good instruction,
16 voters do understand RCV. Voter education can
17 involve as little or as much of the resources
18 available and permitted, and some jurisdictions
19 conduct extensive public education campaigns, while
20 others like North Carolina and Maine were given no
21 additional funding and had to educate their educate-
22 their efforts at a minimum of resources. Previous
23 implementations have proven that the most impactful
24 and inexpensive voter education method is verbal and
25 written instructions with the voters present

2 themselves to vote. Additionally, New York City's
3 voting equipment is RCV ready. With the equipment
4 you have in place you can move forward RCV ballot
5 design and both capture and the vendor does provide
6 RCV tabulation software as an additional module.
7 Last but not least we have data from recent elections
8 in Santa Fe and Minneapolis to illustrate that voter
9 understanding and proficiency in marking RCV ballots
10 is—is just a very low voter rate often just one-third
11 of one percent of ballots are removed to voter error
12 in Santa Fe for example. I got it in.

13 CHAIRPERSON BENJAMIN: Wow, that's
14 [laughter] a hard act to follow with seven seconds to
15 spare. My gosh. [laughter]

16 SUSAN LERNER: Thank you very much,
17 Commissioners for inviting me. I'm Susan Lerner.
18 I'm the Executive Director of Common Cause New York,
19 and I'm one of the founders and leaders of the
20 statewide Let New York Vote coalition. Common Cause
21 is a national organization that works on issues to
22 strengthen our democracy. We are involved in
23 election reform and improving election administration
24 all across the country. My colleagues in different
25 states and different cities have the hands-on

2 experience that Karen has with Ranked Choice Voting,
3 but I'm here to talk about our situation here in New
4 York City. First, I'd like to say from our
5 perspective there is no one magic silver bullet in
6 terms of one election reform that will fix everything
7 that anybody wants to see in our election system.

8 Getting our elections right requires the right
9 combination of reforms, and finally, in Albany we're
10 beginning to see some of the reforms that we need to
11 help tackle some of the problems, but here in New
12 York City I believe we are uniquely situated to
13 benefit from Ranked Choice Voting, and that is
14 because of our admirable and well regarded Campaign
15 Finance system. Our campaign finance system results
16 in our having a large number of races, which are
17 multi-candidate races. Combine that with our term
18 limit system, and repeatedly what we see are not only
19 in our citywide offices, but particularly at the
20 Council level and most particularly in the primary
21 races where you will have anywhere from 4, 5, 6
22 sometimes 8 or 10 candidates who are running in the
23 same election. Witness our current Special Election
24 for Public Advocate. That situation has the benefits
25 that come from our campaign finance system have the

2 unfortunate side effect of sometimes having a very
3 split ticket where people are afraid to vote for
4 their first choice. They're afraid that if they vote
5 for who they really support that a candidate they
6 really don't like ala Donald Trump might be elected,
7 and they are confused in terms of whether their vote
8 is going to count. We also see the unfortunate
9 situation where you have elected officials who come
10 into office without a really strong majority behind
11 them. Ranked Choice Voting addresses these issues.
12 It-it eliminates the spoiler effect. It allows
13 people to vote for their real first choice. It
14 encourages the candidates to collaborate, and it
15 allows the ultimate winner to be able to say that
16 they are the consensus candidate who has built the
17 strongest support in their community. These are all
18 good things, which strengthen our democracy, and
19 that's why we at Common Cause have provided for you a
20 proposed amendment to the Charter, which would set up
21 a top 5, a rank your top 5 Ranked Choice Voting
22 system. Thank you.

23 CHAIRPERSON BENJAMIN: [off mic] Is that
24 in-[on mic] Is that in this handout that you gave us?

2 SUSAN LERNER: There's--there's the--a
3 lengthier handout, which has our analysis of the
4 multi-candidate races, and a separate sheet with our
5 proposed language for the Charter Revision.

6 CHAIRPERSON BENJAMIN: Thank you very
7 much. Ms. Wang.

8 BELLA WANG: Okay. Let me make sure this
9 on. Should I talk into it? Great. Alright. Good
10 evening, Commissioners. Thank you for inviting me.
11 My name is Bella Wang. I am the Chair of the Voting
12 Reform--Reform Initiative at the League of Women
13 Voters of the City of New York. We are a multi-issue
14 non-partisan political organization. We promoted
15 informed and active participation in government at
16 the national, state and local level, although I am
17 here representing the local. So, we're very pleased
18 to see the Commissioners explore the implications of
19 Ranked Choice Voting. We've supported this process
20 for a long time. In the start we advocated for it to
21 be implemented for the special non-partisan elections
22 that filled City Council's vacancies as well as for
23 the absentee and military voters. We now actually
24 recommend that it be implemented in all city
25 elections including City Council and Citywide

2 positions. As Susan pointed out, the Public Advocate
3 Special Election and actually just the history of the
4 Public Advocate elections, really highlights the need
5 for Ranked Choice Voting. The 2009 and 2013 citywide
6 Democratic Primaries required runoff elections after
7 no Public Advocate candidate received 40% or more of
8 the vote. These elections each cost the city \$13
9 million, had a 7% turnout. Tomorrow, we have an
10 election where there won't be a runoff. So, with a
11 17-candidate field, we very well may have someone win
12 with 25, 30 or less percent of the vote. Totally
13 feasible. Similarly, also they are not subject to
14 runoff. City Council races may have many candidates
15 in the primaries leading to situations where the
16 winner may receive only a small plurality vote. So,
17 we're in favor in large part because this reveals
18 voter preferences, right. We want more information
19 about what voters think not less. If we know voters
20 can rank three or five people, that gives us more
21 information. So, because of our interest, we looked
22 for a some alternatives, and we've done a little
23 research reaching out to other League of Women Voter
24 chapters around the country. In some cases, they
25 spoke to us directly. In other cases, they directed

2 us to colleagues at places like Fair Road for example
3 talking to tell us about their experiences. So, just
4 a few results from our research last fall. Some
5 people have suggested that the process is too
6 confusing for voters, but actually as Ms. Karen
7 point-pointed out, exit surveys in the Santa Fe
8 Municipal Elections in 2018 indicated increased voter
9 confidence in the quality of the result. I actually
10 personally went to the main June 2018 and Mayor of
11 Minneapolis in 2017 just election results. Those of
12 you at the Board of Elections or whatever
13 organization runs that was kind of actually put every
14 stage of rankings, and so I looked through and I
15 found that actually in Maine--and think this is the
16 first time they used it--about 80% of voters during
17 that primary selected at least two candidates for
18 Mayor of Minneapolis. I think it was the second or
19 third I may (sic)--that attended that. 87% of voters
20 actually voted for at least two candidates, and it's
21 not like people are necessarily ranking one through
22 all of them. So, in Minneapolis you can rank up to
23 three. As Susan here has pointed out or has
24 suggested that we build the rank up to five. We're
25 pretty agnostic, but 3 to 6 is where we think, and we

2 found that in Maine only about 8% ranked all 8; 80%
3 ranked 2, so at least 2. So, you know, there's a
4 fair amount of use. So, that's just one bit of the
5 research we did. Happy to answer questions and
6 more.(sic)

7 CHAIRPERSON BENJAMIN: Thank you very
8 much

9 ESMERALDA SIMMONS: Good evening,
10 Commissioner. Thank you for the invitation. My name
11 is Esmeralda Simmons. I'm the Executive Director of
12 the Center for Law and Social Justice at Medgar Evers
13 College, City University of New York. I'm very happy
14 to be here tonight to talk to you about Ranked Choice
15 Voting. I'm going to speak to it on a--from the
16 perspective of the area in which my center operates.
17 We're voting rights attorneys, and we have for the
18 last 30+ years urged election reform that would
19 benefit particularly racial quote/unquote
20 "minorities" in the city of New York. I'm going to
21 speak from history in New York City. Ranked Choice
22 Voting, which has been called several things--
23 cumulative voting is the most common way it's been
24 described as--was already in effect in New York for a
25 very short period of time. It was from 1970 to 2002

2 the operation under which the method under which
3 school board elections took place. That ended when
4 mayoral control came into New York City under Mayor
5 Bloomberg, and he changed the law so that there would
6 no longer be elections, school board elections. When
7 that change was about to occur, every single voting
8 rights practice that represented communities of
9 color, Asian-American Legal Defense Fund, the Puerto
10 Rican Defense Fund/Latino Justice, the Center for Law
11 and Social Justice came before the hearing and asked
12 that this not occur. We testified. We went to the
13 Department of Justice in Washington, D.C. and asked
14 for it not to occur. Why? Because it has been a
15 tremendous success for communities of color in the
16 city of New York. Indeed, the first Asian elected in
17 the city of New York was elected on School Board
18 election. I went and researched and came across a
19 report by Matthew--and it's in my testimony--in which
20 he says that Ranked Choice Voting he called it
21 preferential voting I believe was--that it was an
22 overriding-- On the ballot, I recommend that
23 proportional representation and preferential
24 balloting be continued. He showed that there was
25 near exact opportunity as represented by population

2 for—for Latinos, for Blacks and for Asians in Ranked
3 Choice Voting, and that the confusion dissipated
4 after the second election. I think Ranked Choice
5 Voting would be excellent in the city of New York.
6 It provides small communities, our small communities
7 a choice to indicate their choice and to have
8 representation that truly reflects their candidate of
9 choice. Thank you.

10 CHAIRPERSON BENJAMIN: Thank you. [bell]
11 Mr. Craig, John.

12 JOHN ARNTZ: [via Skye] Hello. I'm John
13 Arntz. I'm the Director of Elections in San
14 Francisco. I've been the Director—I was the Director
15 2004 when the city implemented Ranked Choice Voting.
16 I've implemented Ranked Choice Voting on two
17 different voting systems. I expect to implement
18 Ranked Choice again on a third system this—in this
19 November's election. We've have three rankings for
20 the last what? Fifteen years in a Ranked Choice
21 contest, and for the upcoming November 2019 election
22 we expect to have 10 rankings on our ballot, and
23 that's my introduction.

24 CHAIRPERSON BENJAMIN: Thank you, and Mr.
25 Burnett will be the next speaker. [pause] Don't go

2 away. [background comments/pause] Alright, Mr.
3 Burnett, you're on, you're on.

4 CRAIG BURNETT: Yep. Okay. I won't spend
5 a lot of time talking because I've actually provided
6 a pretty comprehensive list of things I would like to
7 flesh out. The one thing I would like to get across
8 to everybody is that there is no perfect system to
9 count votes, and it is important to keep that in mind
10 because there are a lot of people who will tell you
11 deposit in negative (sic) things of this system or
12 that system of which-the IRV is one of them, but I
13 would be sure to highlight some of the potential
14 negative things by-with runoff I mean because people-
15 you'll find plenty of people who will tell you the
16 positive aspects of this. The first is and I think
17 pretty-pretty key here that ranking more than one
18 candidate is indeed, in fact, more difficult
19 cognitively than any single choice. This is not
20 necessarily a problem in high information
21 environments. A lot of voters who kind of figure
22 things out when they're talking about the presidency
23 for example where there's a lot of information, but
24 as you go down the ballot, as it is-it's more
25 difficult to find-a race to have more difficult to

2 find information about who's running? What do they
3 stand for? Ranking becomes an even more difficult
4 task, and so I would caution that the Commission
5 think about that as-as they move forward in looking
6 at this carefully. The other I would actually
7 highlight it, which is the majority of my research is
8 that Instant Runoff Voting does not usually actually
9 produce a majority winner. It usually produces a
10 plurality winner, and that is because of the fact
11 that most elections that use Instant Runoff Voting
12 have a number of scrolled (sic) ballots due to ballot
13 exhaustion (sic) to no fault of voters' own-own
14 mechanisms to fill another ballot, they end up just
15 not counting in the final votes. This has been true
16 in-in just about every election. I think that it's
17 very rare actually that instant reporting increases a
18 true voting winner. The final thing that I would-
19 that I would highlight here, and I'm happy to talk
20 more about it is that there's some initial research
21 out there, some of it is my own, which I go through
22 pretty carefully in-in my written testimony that
23 Instant Runoff Voting actually may be harmful to my
24 minority voters, and we don't really fully understand
25 the implications of this year in the African-American

2 (sic) community where are starting to get more
3 information and more research into this area, but
4 it's certainly seems to me, and this is the point
5 that I made first that there it is prominently more
6 costly than minority voters aren't necessarily in the
7 best position to be able to rank because of the
8 candidates that are available. My own research has
9 suggested that it actually—precincts that have higher
10 rates of minority voters actually have a less than
11 two or three ballots, and as a result of this, this
12 makes them more susceptible to exhaustion, which
13 means that they don't count the final tally. So,
14 this is—all things considered, and I—and-I in my
15 testimony I list very much the positive aspects, too.
16 So, I don't—I don't want to seem as I'm just totally
17 negative on this. It's—it's in every—there's been
18 problems with the worst (sic) areas of tradeoff.

19 CHAIRPERSON BENJAMIN: Thank you very
20 much. Now, are there any—are there any Commissioners
21 who have any questions, comments? Mr. Caras.

22 COMMISSIONER CARAS: I guess I'm curious
23 and this is for any—anyone and everyone. I'm curious
24 to note in a—what experience do you all have with
25 sort of further down the ballot races like a local

2 Council race in an open seat because we know New York
3 has term limits, when there are a dozen candidates
4 running? I'm just concerned that, you know, I'm—I
5 keep up with—I've worked in city government for 30
6 years. I keep up with it, and I'm lucky if I know
7 one or two Council candidates in an open seat. So,
8 if there are a dozen people running, do you—could—
9 could you come across a situation where people are
10 just sort after the one candidate they know. They're
11 just randomly assigning numbers, and come out with
12 sort of bizarre results as a—as a result of that?

13 CHAIRPERSON BENJAMIN: Whichever one of
14 you would like to--

15 KAREN BRINSON BELL: Okay. They're
16 looking at me. So, I will say that in my—my early
17 experience in 2010 when North Carolina did do the
18 statewide use of RCV, it was part of the general
19 election ballot where we had about 20 other contests
20 also on the ballot, and this was for a North Carolina
21 Court of Appeals seat. So, you can imagine that
22 that's already considered a pretty down ballot race.
23 We had 13 candidates and 86 days to implement with no
24 -no additional funding, as we've talked about and
25 voters were still able to execute their ballots. We

2 had, you know, a successful. We went into a recount.
3 We did a sample audit of the contest. So, like if
4 you—that's a prime example. Minneapolis would be
5 another example. They even use Ranked Choice Voting
6 for their Parks and Rec Commission, and in—let me get
7 back to my notes. I didn't read this part to you,
8 but in 2013, they had 35 mayoral candidates on their
9 ballot, and their error rate was similar to what they
10 found in 2017, which is about 1/5th of 1% of the
11 ballots had an over vote error in 2017 and '13 was
12 comparable with 35 mayoral candidates. So, I know
13 that's not down ballot, but Minneapolis is seeing the
14 success of their three uses.

15 CHAIRPERSON BENJAMIN: Yes. Go ahead.

16 KAREN BRINSON BELL: I actually would
17 like to go back to the thing I was saying about how
18 Maine voters voted and that was for governor. So,
19 it's a fairly high information thing. So, that's not
20 quite getting to that part, but 80% of voters in that
21 primary select at least two. Eight percent ranked
22 all eight. I think that is pretty consistent with
23 voters stopping when they run out of candidates to
24 rank. Some will choose to rank all. Some will
25 choose to rank two. Some will choose to rank one.

2 Only about 20% ranked one. I think this is
3 reasonably consistent with voters understanding what
4 they're doing. Obviously, you can't be sure that
5 would be I think evidence. Also, we spoke to a
6 former election commissioner in Cambridge,
7 Massachusetts, which obviously has been doing Ranked
8 Choice Voting forever, and they're hyper local, and
9 what we were told was that there's a lot of variation
10 in how people vote, but they never really go back and
11 forth with instant runoff round, even on the max
12 side. So, I think there's a fair amount of evidence
13 that people—voters are behaving you think they would.
14 That's not direct evidence, but I do think that it is
15 suggestive.

16 SUSAN LERNER: So we have Ranked Choice
17 Voting in four different Bay Area cities in
18 California

19 SUSAN LERNER: San Francisco--

20 KAREN BRINSON BELL: Yes.

21 SUSAN LERNER: -- has the experience of
22 the Board of Supervisors, Oakland and San Leandro and
23 I'm forgetting the—the last one, which may be
24 Richmond. I'm sorry.

25 FEMALE SPEAKER: [off mic] Berkley.

2 SUSAN LERNER: Berkley, right. They
3 elect their Councils there and, you know, again, the
4 figures are that the vast majority of people are able
5 to rank. I find it interesting that a lot of the
6 clique bait is based around ranking that we see
7 online. So, if the advertisers think that listing
8 the ten best places to spend your winter vacation is
9 going to get your attention, they must know something
10 about how people think.

11 CHAIRPERSON BENJAMIN: Thank you.

12 KAREN BRINSON BELL: I could also add
13 that--

14 CHAIRPERSON BENJAMIN: Wait, real quick.

15 KAREN BRINSON BELL: I'm sorry?

16 CHAIRPERSON BENJAMIN: Sorry. Dr. Tisch
17 had a question.

18 COMMISSIONER TISCH: I'm just curious.

19 To me it sounds like a--

20 CHAIRPERSON BENJAMIN: [off mic] You're
21 not on mic. (sic)

22 COMMISSIONER TISCH: [on mic] To me it
23 obviously sounds like an idea whose time has come,
24 but I'm wondering—I wonder about impact on large
25 communities who have been disenfranchised from a

2 vote. You spoke articulately about school board
3 elections, and those were notorious for having no one
4 come out to vote, right. So I'm wondering, in all of
5 your vast experience with this, are there cities and
6 urban centers that are comparable in population to
7 New York who have done this successfully without
8 having an impact on disenfranchised voters in San
9 Francisco?

10 ESMERELDA SIMMONS: So, I think you would
11 have to look to the experience at that state level
12 because there is city comparable to New York in our
13 country, but certainly there are large cities in
14 other countries, which used the Ranked Choice Voting.
15 Australia uses a--what they call Alternative Vote,
16 which is our Ranked Choice [coughs] Voting system and
17 I think actually that the evidence would suggest
18 first that Ranked Choice Voting is pretty neutral as
19 far as turnout is concerned in any particular
20 community that there are a number of factors, which
21 impact turnout, and Ranked Choice Voting doesn't have
22 that much of a negative or a positive effect that I
23 can see looking at the various data, but what it does
24 do, and I think this goes to your point most
25 importantly, is that it avoids the spoiler

2 allegation, which is one of the things which
3 particularly often under-represented populations.
4 Candidates who come from those populations if you
5 have more than one candidate from that community are
6 often told well you shouldn't have two or three or
7 four candidates from your community because you'll
8 split the vote of your community and then somebody
9 from outside of your community will end up
10 representing you. Ranked Choice Voting very directly
11 impacted that problem that we see, allowing a
12 multiplicity of candidates from that community to
13 run, which has the effect of attracting more people
14 from that community to vote and allow them to vote for
15 their true first choice and not worry about spoilers.
16 So, I would say that I think it's—it is neutral at
17 worst and may perhaps be helpful at best.

18 CHAIRPERSON BENJAMIN: Would you like to
19 add anything, Mr? [background comments] Yeah, John,
20 would you like to add anything to that answer about
21 the experience in San Francisco?

22 JOHN ARNTZ: As far as how turnout is
23 concerned in some communities versus others?

24 CHAIRPERSON BENJAMIN: Yes.
25

2 JOHN ARNTZ: Yeah, I agree. I don't
3 think Ranked Choice either hurts or-or helps turnout
4 in any community itself, and as far as the-the
5 rankings are concerned, I think people understand how
6 to mark the ballot. That's one thing that your
7 lesson is to burn off and to focus on is to teach
8 people how to mark the ballot. That's-that's more
9 important than even to know how Ranked Choice Voting
10 actually works so they-they can actually mark the
11 ballot correctly so they can participate in the
12 election fully. But there is certainly more outreach
13 that has to be done to people where English isn't
14 their-their first language or it went to the English
15 skills, and also the folks who don't vote often are
16 the ones who need extra outreach around the Ranked
17 Choice Voting, you know, because it's something that
18 they potentially have not been engaged with at all
19 during their voting years, and we see that in San
20 Francisco. So, outreach is a huge component of this,
21 but I don't think it-I don't think the Ranked Choice
22 Voting either hurts or-or helps with the turnout
23 votes.

24 CHAIRPERSON BENJAMIN: Well, Sal was next
25 and then Lisette.

2 COMMISSIONER ALBANESE: I'd like to have
3 your comments on what Professor Burnett stated that
4 his Preliminary Analysis shows that racial minorities
5 tend to have lower rates of battle-of ballot
6 completion that is ranking the maximum number of
7 candidates allowed. Could you comment on that? Has
8 any research been done on that besides what Mr.-
9 Professor Burnett has pointed out?

10 SUSAN LERNER: So, you know, I have a
11 fairly detailed analysis of his work, which I must
12 admit I don't have at top of mind, but we believe
13 that there's been some selectivity in the communities
14 that he is looking at, and I'd like to submit a
15 written answer in greater detail.

16 CRAIG BURNETT: That would be impossible.
17 This is an unpublished piece of work.

18 CHAIRPERSON BENJAMIN: Well, is it
19 possible you could send it to Mrs. Lerner?

20 CHAIRPERSON BENJAMIN: Uh, no. This is
21 something that would go through the peer review
22 process that are publicly available. So, she's
23 welcome to do-redo the analysis if she would like,
24 but I-I'm sorry. I have to point out the Buttress
25 and Breck. (sic) She does not have a close analysis

2 of my data. This isn't cherry picking and it's the
3 data from 2011 and 2010. There's no check. That
4 includes every single ballot that will stand there
5 and the will watch it. (sic)

6 CHAIRPERSON BENJAMIN: Is it possible you
7 could send the Committee some--some type of synopsis
8 that we could review since there seems to be
9 interest?

10 CRAIG BURNETT: It's--it's in part of
11 your--it's in the part of your--your testimony there.
12 It begins on page 63. [pause]

13 CHAIRPERSON BENJAMIN: While we take a
14 look at that, we would be happy to receive any
15 written comments that you would like to send to us--

16 SUSAN LERNER: [interposing] We sent you
17 those.

18 CHAIRPERSON BENJAMIN: --for our
19 understanding of this--this issue.

20 CRAIG BURNETT: I would also just to--I
21 would also add there is a peer reviewed publication
22 that I've cited in my testimony as well that Jason
23 Daniel, which calls into question the degree to which
24 hierarchy is harmful or helpful for turnout, and his
25 conclusion was that it's not necessarily good for

2 minority voters either. So, I'm not the only one who
3 has—who has highlighted this, and the full citation
4 is on page 4. It's the last—the last. It's on page
5 4.

6 KAREN BRINSON BELL: And, of course,
7 attached to my testimony, my full written testimony
8 is an analysis of the impact on both minority voters
9 and women vote. I'm sorry, minority candidates and
10 women candidates in the four Bay Area cities.

11 ESMERALDA SIMMONS: I would also like to
12 add that as part of my testimony, I submitted a quote
13 from Lani Guinier one of the premier voting rights
14 scholars in the country in which he absolutely
15 suggests that Ranked Choice Voting would be
16 beneficial to quote "communities of color" or voters
17 because in quote "It allows voters to accumulate
18 their vote in order to express the intensity of the
19 preferences. In this fashion interest representation
20 strives to ensure that groups that are politically
21 cohesive, sufficiently numerous and strategically
22 mobilized will be able to elect a representative of
23 their choice. Now, she's speaking as a voting rights
24 attorney formerly with the Legal Defense Fund who is
25 very familiar with all types of systems, and was

2 promoting Ranked Choice Voting as the system of
3 choice for minority voters.

4 CHAIRPERSON BENJAMIN: Wasn't she at that
5 time promoting Ranked Choice Voting as a system that
6 would allow for minority? I don't mean--minority
7 with a little M, not minority meaning people of
8 color, but would allow for minority representation as
9 well as majority representation?

10 ESMERALDA SIMMONS: She-

11 CHAIRPERSON BENJAMIN: [interposing]
12 Wasn't that part of her--

13 ESMERALDA SIMMONS: [interposing] She
14 was--she was saying--

15 CHAIRPERSON BENJAMIN: --whole analysis?

16 ESMERALDA SIMMONS: She was stating that--
17 that winner takes all was objectionable for a
18 democratic society, and--and, you know, that's her
19 book. That's the title of her book: *Tyranny of the*
20 *Majority*, and she's pushing for several things, one
21 of which was Ranked Choice Voting. The other thing
22 was open elections with our districts, and Ranked
23 Choice Voting combined, and she was also pushing
24 against--against runoff elections as injurious to
25 minority community voters. The drop-off with voter

2 fatigues of the runoff elections are really, really
3 dramatic, and one of the things the Ranked Choice
4 Voting does is that it allows all of the voters who
5 come out to rank the top five candidates and not
6 worry—and we don't have to be concerned that
7 sometimes the runoff here in New York City has had
8 turnout as low as 8%.

9 CHAIRPERSON BENJAMIN: I thin that—Sal,
10 were you next or did you ask your question?
11 [background comments] Then Lisette was next, and
12 then Lindsay and then Carl. There are 15 minutes.

13 COMMISSIONER CAMILO: I just had a very
14 quick question, and I'm curious. In your experience
15 or in your research, have—has there been any other
16 jurisdiction that has instituted Ranked Choice
17 Voting, but then has gone back to undo Ranked Choice
18 Voting, and why?

19 SUSAN LERNER: So there are two
20 jurisdictions that have, and from, you know, I have—I
21 haven't delved completely deeply into both of them,
22 but what it appears relatively quickly is that the
23 political climate changed and that a lot of the
24 arguments have little to do with actual Ranked Choice
25 Voting, and more with a change in the political wins

2 as to which party was in control, but we'll have more
3 details in that regard for you as well.

4 COMMISSIONER CAMILO: I'd appreciate
5 that.

6 CHAIRPERSON BENJAMIN: Which were what
7 cities? What jurisdictions were they?

8 SUSAN LERNER: Burlington, Vermont and
9 I'm going to mangle whether it's Tennessee or
10 Kentucky. Karen, can you help me?

11 KAREN BRINSON BELL: Actually, Pierce
12 County, Washington--

13 SUSAN LERNER: That's right.

14 KAREN BRINSON BELL: --and Burlington,
15 Vermont are the two, but there are a few other
16 examples. Actually, the history of Ranked Choice
17 Voting goes all the way back into the early 1900s for
18 our country including in New York. So, what--
19 historically, Susan is correct. It had political
20 issues. Party bosses didn't want to know that they
21 weren't in control of the elections. We also saw the
22 introduction of the labor machines and they could not
23 handle Ranked Choice Voting. Some of the more recent
24 repeals had somewhat to do again with some court
25 rulings in Pierce County and went back to--to--to talk

2 to the primary system. So that was a court ruling
3 that changed and—and caused the repeal, and also
4 again there were some issues with—with voting
5 equipment. In the last few years all of the—the four
6 largest voting equipment vendors in the country now
7 support Ranked Choice Voting within their system
8 including what's here in New York, and I have
9 provided an example ballot based on a previous race.
10 So, the—the repeals that have occurred have a little
11 more to them. We can give you some details on that
12 as well.

13 CHAIRPERSON BENJAMIN: Okay, thank you
14 very much. The next person is Commissioner Greene.

15 COMMISSIONER GREEN: Hi. Thank—than you
16 all for your [coughs] testimony tonight. I was—it's
17 an open question not necessarily directed at—at
18 anyone, but can you shed some light on transition
19 times that other jurisdictions have adopted to sort
20 of once it's agreed or voted upon by the voters that
21 they'll switch. You know, what is that—what—maybe as
22 I said, a best practices or even more importantly
23 this was too short a timeframe to transition for the
24 voters from when they knew about the change to the—to
25 the—the first election that would implement.

2 BELLA WANG: That's actually why my
3 organization exists. We're all former election
4 administrators who are sharing best practices to help
5 in that transition period. As I mentioned, North
6 Carolina for a statewide use had 86 days from the
7 time that that vacancy occurred to-to implement. We
8 even had to work round them because our voting
9 equipment wasn't capable, and to do our statewide
10 education to over six million registered voters.
11 Other jurisdictions have done it on a shorter time-
12 short timeframe as well, Maine, in preparation for
13 their primary was less than 100 days, and Santa Fe,
14 New Mexico while they had adopted it many years ago,
15 once the voting equipment became available, they
16 actually implemented within two months, but we would
17 encourage as much time as you can provide, but that
18 is achievable. [laughter] Yes, I would note, yeah
19 these have often been achieved on sort of shoestring
20 budgets very quickly. I don't necessarily recommend
21 that, but it has happened and people have
22 successfully voted. Actually, although in terms of
23 best practice, Minneapolis actually conducted a sort
24 of test election in May 2009. I think they picked
25 like sort of a smaller election and I think just did

2 a test run to estimate how long it would take to do—
3 how much staff it would take, how long it would take,
4 and I think that was like a really good practice.
5 Generally speaking, I think Minneapolis did quite a
6 good job, and I would encourage looking into their
7 sort of practices as a way to see what is a good way
8 to implement things.

9 SUSAN LERNER: And certainly if this
10 Commission were to recommend and give the voters the
11 opportunity to decide if they wanted Ranked Choice
12 Voting by putting the proposition on the ballot in
13 November it, you—there certainly would be a very
14 substantial lead time before we have our 2021
15 elections for the vast majority of offices.

16 CHAIRPERSON BENJAMIN: Carl.

17 COMMISSIONER WEISBROD: This is a
18 question to Dr. Burnett. I—I just don't understand
19 and maybe you can explain your second or I guess
20 third bullet point regarding potential negative
21 aspects of Instant Runoff Voting where you say
22 Instant Runoff Voting does not in general produce
23 majority winners. Does that mean that in—where
24 Instant Runoff Voting is in effect there is a lower
25 likelihood that it will produce a majority winner

2 without IRV being implemented or—or is it—does it
3 mean that the first cast, the post plurality winner
4 is ultimately not likely to be the winner after IRB
5 is implemented?

6 CRAIG BURNETT: Yeah, there's—there's a
7 lot going on in your question there so I'll do my
8 best to unpack this for you. I would have you look
9 at Table 1 that's on page 2 just to give you a sense
10 of what this option is, and that if you look at it,
11 what I'm saying is that, and this is in response
12 [audio distortion] to the claim, and you'll see that
13 some of the panelists have—have thrown this out there
14 that Ranked Choice Voting is the majority, and it has
15 sort of a sense of that—what it's supposed to do, and
16 it was sold that way for a long time. And what the
17 2015 did, which is what these tables are based on
18 clearly shows that that really doesn't happen. Well,
19 in fact, if you look across the country the most
20 divided and even in San Francisco this last election
21 did not produce a majority voter piece [audio
22 distortion] you are now the winner, which it means
23 that the winner of that contest wins the less
24 indifferent (sic) from all the votes cast, and so
25 it's option rate gives you a sense of what percentage

2 of the votes that were cast didn't make it into that
3 final tally, and as you can see it ranges about 10%
4 of most of the agreeable and free of the four
5 elections, but one event in San Francisco at this
6 particular vendor, it was 27% of the ballots didn't
7 make it into the final tally. For reference this
8 year in San Francisco was about 8.5%. So, it wasn't
9 [audio distortion] 9 or 10% but that we see. Now, in
10 your question of whether or not some of the [audio
11 distortion] winner is going to be the same as the
12 primary runoff winner is a very interesting one.
13 Unfortunately, we'll never know. We don't know what
14 would happen for example if the people who were—had
15 their ballots documents (sic) were given a chance to
16 vote on the final candidates that made it to the—the
17 election. We don't know—we do know something about
18 what they do in a final round, which is that they
19 choose not to show up. They're—it's not so amazing.
20 So, and it's about interests that will drop, and
21 actually go out of business. So, this, some things
22 were blocked off. So, the adoption rate—rates, well
23 what are the importance they do? Well, what would
24 they have done if it was a choice in front of them,
25 and would that choice have changed the outcome of the

2 election? [distorted audio] The answer is, and I
3 would suggest in print that—that you think about this
4 very carefully is I don't know. Nobody got one and
5 we will wait for them.

6 COMMISSIONER WEISBROD: So, so, I'm—I'm—
7 if—you're breaking up a little bit so I might not
8 have captured your entire answer, but it seems from
9 what you're saying that the—your conclusion that IRV
10 does not in general produce majority winners is more
11 accurately said we don't know.

12 CRAIG BURNETT: Well, we don't know what
13 the majority is. Let me put it to you this way. In
14 San Francisco in—in—in this election, and we're
15 looking at the year, which I think was 2010. It was
16 a [distorted audio] the year they probably had—they
17 had 27% voter ballots not making it to the primary
18 that's open. This means that we don't know if 27% of
19 those voters preferred when—out of them remained at
20 the end of the counted votes, and that is something
21 you can't know when their ballot is exhausted. So,
22 what we do know that it's definitely not a majority.
23 So, it's not [distorted audio] 3 or 4% of those votes
24 counted. [distorted audio] winner, and this is not a
25 problem that you can simply say that you at the rate

2 with adding more choices [distorted audio] allow them
3 to write everybody. Over [distorted audio] of the
4 voter count of ballots, and 18% of the vote is
5 exhausted, and now we see that the four most recent
6 one statewide came to vote. Not a--not a big winner.
7 [distorted audio]

8 COMMISSIONER GREENE: Mister, could I--
9 could I ask for a clarification from John Arntz who
10 would be able to tell us how do you report--

11 CHAIRPERSON BENJAMIN: [interposing] Yes
12 you may.

13 COUNCIL MEMBER GREENE: --the winner?
14 When you--when you've gone through the different
15 calculations do you say--what do you tell the public?

16 JOHN ARNTZ: So, the--so the Right Choice
17 in San Francisco vote it's whoever has the most
18 remaining votes. So there is a chance if there's a
19 lot of candidates on a ballot where the winner
20 doesn't have the majority of all votes casts, but has
21 the majority of votes that are remaining. We don't--
22 we don't go into detail about remaining votes when we
23 announce the--the results. We just indicate that
24 someone received 50% plus 1 of the votes for that
25 contest.

2 SUSAN LERNER: Exactly. So, the public
3 comes away with the sense that that person has been
4 elected on a consensus basis at a minimum rather than
5 a situation where we have seen runoff candidates here
6 who get a shockingly low percentage. So, even if it
7 were an abstract plurality, the voter perceives the
8 candidate as having a majority, and if we're looking
9 only at the -at the number of votes cast, we're
10 seeing a plurality that's very, very close to the
11 majority as opposed to a plurality winner who has 24
12 or 30 or even 32%. So, however you cut it from an
13 academic point of view, it's better off because you
14 have more support for the winner, and in terms of how
15 the information is actually conveyed. What the voter
16 sees is somebody who has built the consensus across
17 communities and has the strongest consensus support,
18 and that is healthy for our democracy.

19 JOHN ARNTZ: [interposing] It sounds
20 like--

21 SUSAN LERNER: Whether we quibble about
22 the abstract relative or an ultimate, the majority
23 versus the plurality of 48%. Again, the perception I
24 think is very healthy for our democracy. We have a
25 consensus when we're at a minimum.

2 JOHN ARNTZ: That's not true actually,
3 the fact of the matter is when you have a primary
4 runoff you tend to have a majority of the people who
5 participate on that runoff election. It tends to
6 actually produce a majority winner. Now, you can
7 take issue about, you know, drop-off and votes from
8 one election to the next, but that's a separate
9 issue. The idea that 48% is close enough so let's
10 call it a majority is not, and this isn't an academic
11 position. This is--this is just a strict mathematical
12 position. It constitutes a plurality winner. The
13 last time the--

14 CHAIRPERSON BENJAMIN: [interposing]
15 Okay, wait, wait, wait, wait, wait-pa-pa-pa-pa--

16 JOHN ARNTZ: --census (sic) called like a
17 majority centered complaint--

18 CHAIRPERSON BENJAMIN: [interposing]
19 Excuse me.

20 JOHN ARNTZ: --the incumbent won, and
21 they didn't really even have to go through the
22 process for Rank Choice Voting.

23 CHAIRPERSON BENJAMIN: Thank you, but I
24 have a question. How many iterations do--does the
25 Election Board generally go through when there's a

2 large number of candidates in order to call the
3 election?

4 KAREN BRINSON BELL: You can go through
5 several rounds of counting. The number of rounds
6 depends like you said on the field, but it also
7 depends on the rules that are adopted. If you allow
8 for batch elimination because so many candidates down
9 here at the low, you know, at the bottom with so few
10 votes that they mathematically could not win in any
11 standpoint and you allow for batch elimination, then
12 the number of rounds are reduced. The other thing—

13 CHAIRPERSON BENJAMIN: Did you—what are
14 the states have and localities that have implemented
15 Ranked Choice Voting also have this batch
16 elimination?

17 KAREN BRINSON BELL: That prompt to bat.
18 We can provide you—we actually have a chart that
19 shows all the rules that have been adopted by the
20 different jurisdictions and what they allow for and
21 include.

22 CHAIRPERSON BENJAMIN: That would be
23 helpful. I am old to remember and to have voted in
24 the school board elections, and they were difficult,
25 and it is certainly true that the collaboration of

2 that, which spoke happens having been a part of it
3 that people can try and arrange things here. I mean
4 Community Board is somewhat different because there
5 is more than one person who is being elected, and in
6 the elections we are talking about it's only one
7 person. So, it's not really comparable because in the
8 school board elections we just arranged things so
9 that I would vote for this person as my number one,
10 and then I would get another community over here
11 that's part of my community to vote for my—another
12 candidate that was part of our coalition as the
13 number 2. So, they would both—and as far as I can
14 tell in Ranked Order Voting with one candidate that's
15 not really possible. That's why I was interested in
16 how you and when you eliminate candidates is it just
17 that the candidate who doesn't get the number on the
18 first ballot is eliminated, but all of those people
19 who get the number, whatever that number is remain in
20 and then the votes are recalculated based on the
21 number 2s, 3s—

22 KAREN BRINSON BELL: The—the lowest vote
23 getter is eliminated, and then you move to the next
24 round of counting, and the lowest vote getter those—
25 those votes are then redistributed to that

2 candidates' the voters' second choice, third choice,
3 however—depending on where you are in the rounds of
4 counting. So, one of the things to consider is
5 [coughs] and this slightly different from what you
6 were asking but, you know, when you look at runoffs
7 taking place, and whether there's a majority in that
8 outcome, the majority—it may be a majority because
9 there were only two candidates, but when you get down
10 to [bell] it, if you only had 8% of the people
11 participating, then the majority of voters did not
12 elect that person. By have Ranked Choice Voting, and
13 condensing it to one day, you've got one day of
14 people coming out to vote expressing their
15 preferences and they don't have to figure out
16 childcare, employment, if the train is working or
17 anything else to return for another day of voting.

18 SUSAN LERNER: And our testimony analyzes
19 the history of New York City's multiple candidate
20 races and the runoffs. We're not looking at how it
21 may have worked in other places and aggregated, but
22 look at our specific situation. Now, experience and
23 academic research indicates when we were talking
24 about a collaborative situation that candidates that
25 there is a much more civil campaign atmosphere,

2 candidates will set up coalitions with audiologically
3 similar candidates or candidates within t heir
4 communities or across communities where the argument
5 is you may choose Candidate A as your first choice,
6 but I would like to be your second choice. I
7 understand the concerns of your community, and we
8 have some anecdotal evidence from gubernatorial
9 candidate in Maine of exactly that kind of
10 collaboration. They've seen it in San Francisco.
11 We've seen it in Minneapolis and other places, and as
12 we go through the kind of mudslinging that we're for
13 the Public Advocate's race, looking forward to it
14 being repeated for a primary and a general election.
15 I think that we would all like to see a more civil
16 atmosphere for our multi-candidate races here in New
17 York City.

18 KAREN BRINSON BELL: I realize--

19 CHAIRPERSON BENJAMIN: Thank you, our-our
20 half an hour is up. If you have additional
21 questions, I would hope that you would ask staff, and
22 I would hope you would let staff talk with you as we
23 conclude this small portion. I know that you are
24 going go give us additional writings. I hope all of
25 you will, and if based on the tenor of our questions

2 if you have additional thoughts, we would love to
3 hear them, but we do have two more panels, and so I'm
4 afraid that we need to thank you very much, and to
5 ask you to please continue to engage with us. These
6 are important questions [background pounding noise]
7 although I think we can all agree that the most
8 important election issue is trying to make sure that
9 more than 8% of the people get out and vote.

10 ESMERALDA SIMMONS: Absolutely and thank
11 you.

12 CHAIRPERSON BENJAMIN: Thank you very
13 much. [background comments/pause] [cell phone rings]
14 [background comments]

15 CHAIRPERSON BENJAMIN: Yes. The second
16 panel, which is regarding redistricting, we are ready
17 to start that now. Miss Simmons is staying with us
18 and we'll be joined by Jeffrey Wice, Michael Li, and
19 TJ Costello, who is on Skype. Once again, each one
20 of you will have three minutes to make a presentation
21 and then we will have 30 minutes of questions by the
22 Commissioners, the different Commissioners. I will
23 give first preference if there are [cell phone
24 chimes] If there are questions from Commissioners who
25 have not already asked questions, I will give them

2 first preference. Mr. Li, would you like to start.

3 [Laughter]

4 MICHAEL LI: If I can. So, thank you so
5 much for this opportunity to testify, and so on the
6 redistricting front, there is both good news and bad
7 news for New York City. The good news is that New
8 York City has a system that is overall pretty good
9 when it comes to redistricting in that it has a lot
10 of the right pieces in place. There is a commission
11 that draws the district maps. The Commission in the
12 past has been competently and, in fact, very well
13 staffed. The commission has held voluntarily and
14 abundant number of meetings and it's done a reasonable
15 job of engaging the public in the process of drawing
16 maps.

17 MICHAEL LI: If I can. So, thank you so
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23 of the right pieces in place. There is a commission
24 that draws the district maps. The Commission in the
25 past has been competently and, in fact, very well

2 staffed. The commission has held voluntarily and
3 abundant number of meetings and its done a reasonable
4 job of engaging the public in the process of drawing
5 maps. So overall the system has worked well. The bad
6 news is, or perhaps the opportunity is that there—
7 it's still is a process that is very susceptible to
8 being politicized, and—and by politicized I mean not
9 necessarily in the Democrats versus Republican sense,
10 because this is a very democratic city, but
11 politicized in the broader sense of the politicize—
12 politicization, and the biggest weakness of the
13 system probably is that there are relatively few
14 checks on who gets appointed to the Commission.
15 Elected officials, the Mayor and the legislative
16 leaders pick. The gold model would be to replace
17 that with a fully independent commission. Cities
18 like Austin and San Diego have—have moved in that
19 direction, but we would recommend at a minimum
20 requiring elected officials to pick off of a screened
21 list prepared by a neutral body. Perhaps something
22 like the New York City Campaign Finance Board. We
23 also would recommend putting in writing hearing
24 requirements to allow the public to participate
25 meaningfully. As I said, past charter commissions

2 have done a good job of this, but ensuring public
3 participation will be especially important this go
4 round given the demographic changes that have taken
5 place in New York and some of the hard tradeoffs that
6 will have to be made in places like Central Brooklyn.
7 We also think that it would be a useful thing to
8 require a super majority to approve maps. Right now
9 maps are approved by a simple majority, and we also
10 think that there's an opportunity to strengthen the
11 protections for communities of color, particularly as
12 areas get more diverse, there's a question of which
13 neighborhoods or which groups you keep together and
14 and putting it in writing that—making sure that
15 communities of color have the ability to elect is an
16 important change. In your packets you have some
17 materials that outline these and other
18 recommendations, and these were originally submitted
19 to the Mayor's Charter Commission as well as some
20 materials relating the Brennan's Center overall views
21 on good commission design, and with that, we're—I'm
22 happy to answer questions at the appropriate time
23 that they would be a resource. So thank you again
24 for this opportunity.

25 CHAIRPERSON BENJAMIN: Thank you, Mr. Li.

2 JEFF WICE: My name is Jeff Wice. I'm a
3 fellow at the State University's Rockefeller
4 Institute of Government. My comments tonight are my
5 own, and not reflective of any university policy. I
6 testified before this commission in late September.
7 So, I don't want to repeat everything I said
8 previously. We're solely focused on updating the
9 charter to reflect the lack of having Section 5
10 reviewed by the Justice Department that referenced
11 the Federal Voting Rights Act might be sufficient. I
12 have talked a bit about whether the Commission ought
13 to be independent. That's a judgment call. I think
14 that legislators or legislators who report back to a
15 legislative body can redistrict responsibly as long
16 as there are fair objective ranked criteria, which
17 the New York City Charter does have. I served as
18 Council to the post 2000 and post 20—and post 2010
19 Councilmanic Commissions, both which received prompt
20 Department of Justice approval under the Voting
21 Rights Act Section 5 and neither of which were
22 challenged in court whatsoever. I also think as it
23 changed since I was last here, the State Legislature
24 has changed the primary schedule for elections from
25 September to June. In 2014, the state voters

2 approved a Constitutional amendment creating a state
3 advisory commission to recommend to the Legislature
4 Congressional, State Senate and State Assembly lines,
5 and that commission has a deadline of January 15,
6 2022 to recommend the plan to the Legislature with
7 petitioning starting for this year's calendar I
8 believe tomorrow that might leave time for the Board
9 of Elections to redraw as necessary election
10 districts [background noise] to comport with new
11 assembly districts, but looking at this City
12 Councilmanic schedule, which currently takes you into
13 the third year of the dead date for the—the third
14 year Councilmanic elections you might want to
15 consider changing the deadlines for the Commission or
16 whatever you choose to draw up a council lines so
17 that the lines are in place by end of the second year
18 of the decade so that election petitioning can be
19 held in an orderly manner beginning in 2013 and in
20 subsequent decades. I've had the pleasure to talk
21 with your staff since the last commission hearing.
22 I've shared material with them especially a review I
23 did in book called *New York's Broken Constitution on*
24 *the State Process* and it's a pleasure to be here

2 again tonight and answer any questions later. Thank
3 you.

4 CHAIRPERSON BENJAMIN: Thank you very
5 much. Miss Simmons.

6 ESMERALDA SIMMONS: Hello again. I had
7 the pleasure serve as the Vice Chair of the initial
8 1991 Districting Commission, and I'm proud of the
9 work that we did in that commission, but since that
10 time there have been changes. The first major change
11 that has occurred is that New York City is no longer
12 covered by Section 5 of the Voting Rights Act. In
13 addition to that, after the Commission did its work a
14 group of citizens that by, which arriving brought a
15 lawsuit to take out language out of the Charter.
16 That language was language that said that there
17 should proportional representation by race on the-on
18 the Redistricting Commission. I believe that with
19 those changes that the present composition of the
20 formula of the Commission, which I've laid out in my
21 testimony is currently skewed against Black and
22 Latino voters. Why? Because it requires there
23 member to be appointed by the-by the Council from the
24 point that it has the second largest delegation
25 within the Council. That party is usually or has

2 been historically the Republican Party and that party
3 has received less than 4% of the voting in New York
4 City's general election. Yet, under this provision
5 alone, not even coupled with mayoral appointees, the
6 Republican Party would be given 20% of the votes on-
7 on the Districting Commission. Second, this charter,
8 the Charter as it stands has a no majority clause
9 within it that adversely guarantees that the majority
10 of the membership of the Commission will be white New
11 Yorkers. This will occur notwithstanding the reality
12 of the majority of New Yorkers today are the next
13 Blacker nation. (sic) I, therefore, recommend that
14 the Charter be amended to include permissive language
15 such as "The appointing authority should strive to
16 have the Commission reflect the city's racial
17 population." This specific language while not a
18 mandate, not a quota may serve as a reminder that
19 racial composition is important. The language would
20 prove to be a positive steps for achieving racial
21 equity, and in actually—and actually allowing the
22 criteria that already was in the Commission, the
23 Districting Commission to be into marking. (sic) I
24 lastly, I recommend that this commission establish
25 what I call the New York City Voting Rights

2 Commission. That commission would basically serve as
3 a local Voting Rights Commission that would be
4 similar to the role of the Department of Justice
5 plays while under Section 5. Other jurisdictions
6 such as the State of California has their own voting
7 rights act, and there is a voting rights act that's
8 also before the State Assembly to have a local voting
9 rights act. [bell] Thank you.

10 CHAIRPERSON BENJAMIN: Thank you very
11 much. Mr. Costello.

12 TJ COSTELLO: [via Skype] Well, thank
13 you very much. My cos are still an active board and
14 my prepared remarks are derived from our final
15 report, which I believe I sent to you. So, thank you
16 very much for this opportunity to talk to you about
17 the Austin Independent Citizens Redistricting
18 Commission or ICRC. My name is TJ Costello, and I
19 currently serve as Vice Chair of the ICRC. On
20 November 6, 2012, 61% of Austin voters answered yes
21 to a question, which asked in part: Shall the City
22 Charter be amended to provide for an independent
23 citizens redistricting commission? Passage of this
24 charter amendment would ensure that ten single-member
25 districts be joined by a commission of 14 independent

2 citizens. Serving on this 14-person commission would
3 include voluntarily 8-year terms, with no pay and
4 long hours the first six months at which point maps
5 would be drawn. Over 500 individuals applied to
6 serve. To lessen the possibility of political agenda
7 or conflict of interest the ICRC has strict
8 eligibility requirements placed upon it, and a group
9 of three independent auditors whittled the applicant
10 pool down to a list of 60. In May 2013, from this
11 pool of 60, an initial 8 commissioners were selected
12 at random. This initial group's first task was to
13 choose the remaining six commissioners to achieve
14 specified diversity goals for race, ethnicity, age,
15 and geographic representation. In the end, the
16 Commission had a very similar demographic makeup to
17 the city as a whole. Seven Commissioners were women,
18 seven were men. Ages ranged from 22 to 72, included
19 or required student represent-representative. The
20 Commission then met (sic) the first time in June 2013
21 and shortly thereafter chose our Chair, and I was
22 selected as Vice Chari. The ICRC spend countless
23 hours ensuring that our process was fair and
24 impartial. The process was extremely transparent
25 enabling full public consideration of all comments on

2 the drawing of district lines. We held over 40 open
3 meetings, which included 14 public hearings held
4 throughout the city. We solicited verbal and written
5 testimony, had 532 in-person testimonials give in 3-
6 minute sessions by 418 Austin residents. We
7 witnessed 70 invited presentations involving 22
8 speakers and received 566 emails or letters from
9 Austinites. The Commission labored sometimes
10 excruciatingly so to underscore independence the
11 Austin City Council provide. (sic) While we did
12 have a city liaison, we also hired our own Executive
13 Director, our own legal counsel and mapping
14 consultant. We established our own website, managed
15 our-our marketing and communications. Most
16 important, we strictly adhered to the City Charter
17 upholding the law throughout. We were guided by
18 eight major principals including the U.S.
19 Constitution, the Voting Rights Act and a concept
20 with communities of interest. On November 18, 2013
21 just six months after formation of the ICRC, Austin
22 made history. It became the first city in the United
23 States to have City Council Districts drawn by a
24 completely independent group of ordinary residents
25 not selected by a legislator, judge or other public

2 official. The ICRC at last but unanimously adopted
3 our final district map with Austin's first 10-member
4 City Council. In the end we had immediate
5 acceptance, zero lawsuits or challenges, 72
6 candidates run for 11 positions, and the City Council
7 has had a 40% turnover rate since. I, we, the ICRC
8 considers our work a success. Thank you.

9 CHAIRPERSON BENJAMIN: Thank you very
10 much. Sateesh is first and then Jim and then Sal.

11 COMMISSIONER NORI: Thank you all. My
12 question is for Mr. Li. Can what Mr. Costello
13 described in Austin be accomplished in New York City?

14 MICHAEL LI: It-it certainly could. I
15 mean, but the Austin model really follows closely on
16 the model that was used in California, and it has
17 produced really good results. The model in California
18 has produced really good results particularly from
19 the standpoint of ensuring that the-the-the
20 commission is diverse, and-and-and, you know, it has
21 a lot of transparency and public participation. I
22 will say that you will have to build in enough lead
23 time for it because getting set up with the
24 Commission means you have to set up a process for
25 screening the applicants, interviewing the

2 applicants, giving, you know, and—and getting people
3 up to speed because these will not be people who have
4 done this before, and—and then you—the timeline also
5 has a lot of room for hearings and—and, you know,
6 public comment and so on and so forth, but it-it
7 certainly can be something that has been done, and
8 yeah, absolutely.

9 CHAIRPERSON BENJAMIN: Jim.

10 COMMISSIONER CARAS: My question for Mr.
11 Li or whoever else on that panel would like to
12 respond, can you point to specific instances where
13 under the current re-for-for-in terms of those of you
14 who are proponents of more independence for members
15 of the Redistricting Commission, instances where
16 there have been districts drawn in a—in an unfair way
17 and in—in a political way, problems that a more
18 independent commission would have solved.

19 MICHAEL LI: I can't point to any
20 specific districts where I think there—there were
21 sort of problems, but, you know, one of the goals of
22 a—a more independent redistricting process is to make
23 sure that you get community input, and you could
24 certainly do that even if you don't go all the way
25 toward an independent commission like Austin has

2 done, but, you know, the the—the desire is to really
3 make sure that—that whatever decisions are made are
4 driven by community input and that's going to be
5 again especially important given the demographic
6 change in New York. It is going to be difficult to
7 maintain for example all of the current African-
8 American ability to elect districts in Brooklyn jut
9 given the—the changes, and it's important because the
10 people of those communities shape what those
11 districts look like, right because there are lots of
12 different ways that you could go given this new
13 reality, and it's important that—that public input
14 shape that, and not only along racial or class or-or
15 other lives, but among other dimensions. And so, the
16 example that I always like to tell is from
17 California. It's not a city redistricting but it's
18 the—the State of California redistricting and in Los
19 Angeles some of the people argued for a district to
20 be created, a State Assembly District to be created
21 in the foothills of Los Angeles, which actually would
22 join together very dipartite communities, and you
23 actually can't drive through all of the foothills.
24 You have to drive into the valley then back up, and
25 so in a lot of ways, and people everyday they go down

2 into the valley to shop and work and go to school,
3 and so in a lot of ways joining the foothills
4 together in a district, you might say doesn't make
5 sense, but the people when there and they testified
6 and they said, you know, we have one overriding
7 concern that isn't getting addressed in Sacramento,
8 and that's wildfires. Nobody pays attention because
9 they're just a small part of so many districts. If
10 we—we feel like if we were all part of one district,
11 people would pay attention to us a little bit more,
12 and the Commission made the decision to draw the
13 district. Now, could they could have drawn other
14 configurations of that district? Sure. That would
15 have been perfectly reasonable as a choice, but they
16 heard testimony from community members, and they
17 thought, you know, they were independent enough to
18 say, you know, you know, given—set aside all the
19 other ways that we could do this. We think that this
20 is actually something important, and in the next
21 election you had Democrats and Republicans that—
22 running and everybody was running talking a little
23 bit about wildfires, and what they were going to do
24 to prevent them or make sure that communities had
25 resources. And that's something that the drafters of

2 the California process wouldn't have envisioned.

3 They never thought we'd have a wildfire district.

4 But-but the, you know, because you have the right

5 people in there who were really sort of like had been

6 screened and vetted to make sure that they were like

7 people who were good listeners and sort like weren't-

8 didn't come in with an agenda. You know, I-I think

9 with that is-is-that's an example of how the process

10 could work. Now, converse to that, there are, you

11 know, there are much-there are commissions where

12 people are appointed as an in New York like in

13 Washington State and elsewhere, and-and New Jersey,

14 an what you see in those is a tendency for the

15 Commission members to come in with some kind of

16 objective, and it's not necessarily I'm going to

17 favor Jeff Wice or do anything like that. It is

18 they-they sort of have some kind of predetermined

19 outlook that they-they might be able to move off of

20 that, but you have to move them off of that.

21 Whereas, in-in-in-where you have independent

22 commissions, people much more-or it's like jury,

23 right? You select a jury of people who are willing

24 to sort of listen and-and-and participate in the

25 process and good trade, and they don't feel that

2 they're there to do the bidding of the person who put
3 them there, and they're not conducted in that way
4 necessarily so--If I could just add, the last few
5 commission that I worked for with the city had
6 representation from the Mayor, the Speaker and the
7 Minority Leader, and often, you know, political
8 considerations, what the members themselves wanted
9 played a role. My role with the Commissions on point
10 was to serve as the out--as the Counsel to be op-ed.
11 (sic) But essentially because of Section 5 of the
12 Voting Rights Act, my job was look at the districts
13 with the assistance of a qualified political
14 scientist who determined the level minority
15 population, the voting age population each district
16 had to have to maintain Section 5 compliance, which
17 essentially required that the new plan not make the--
18 would not leave the minority community any worse off
19 than it had been in the previous plan. So, out of
20 the 51 districts if you had I'll say 33 effective
21 minority districts. In the old current plan you had
22 to have at least 33 in the new plan and that was
23 based on a--really a line in the sand number that the
24 Supreme Court accepted in the 1985 case that
25 basically would say this district must have a 45 or

2 52% minority voting age population. I told the
3 members unless you draw the districts at these levels
4 that we recommend, then the plan, you know is in
5 jeopardy both at DOJ and before the courts, and that
6 worked effectively. Without Section 5, you know, any
7 more then, you know, that—that safety net that break
8 shield isn't there, and you might want to consider
9 something in any kind of revision to the
10 redistricting sections to address that issue. That's
11 the closet I think that the New York Plan would come
12 to something gerrymandering.

13 CHAIRPERSON BENJAMIN: Sal.

14 COMMISSIONER ALBANESE: I've—I've been
15 through a number of these redistricting commissions
16 as a Council Member. I'm familiar with the process
17 and there's always skepticism on the part of the
18 public about whether this is a fair process or not
19 and I think that Mr. Li pointed to it very, very
20 well. Look, when appointees are political insiders,
21 they may have the greatest intentions. They may be
22 great people, but they're appointed by folks that
23 have a vested interest in the process, and in how the
24 lines are drawn. Despite the guidelines, there's
25 still a skepticism on the part of the public. You

2 hear it all the time, this is rigged, it's fixed. My
3 question is we have a model that's a gold standard in
4 Austin, Texas, which seems to be based on what I've
5 heard and I've read a really objective and
6 independent process that's been tried in California
7 it's worked. What—Mr. Li, the question I have for
8 you is what would be the objective implementing that
9 here in New York City. What would be the—the
10 negatives of that?

11 MICHAEL LI: Well, I—I think there are a
12 couple of I wouldn't say negatives, but potential
13 challenges in—in implementing an independent
14 commission, and this is something that you saw in
15 Austin. It's also something that you saw in
16 California and elsewhere, which is that you want to
17 make sure that you have, you know, it's—it's very
18 easy at one level to make sure the Commission is
19 diverse and all of that, but you want to make sure
20 that the people who are on the Commission actually
21 are sophisticated enough to ask the right questions,
22 and to engage with their staff, and to—to get the job
23 done, and that can mean making sure that the
24 applicant, the right people apply. And in both
25 Austin and in California, that was a little bit of a

2 challenge initially in the sense that the—in both
3 places the applicant pools initially were
4 overwhelmingly male and white, and in California it
5 was mostly white males who lived in Sacramento, right
6 and—and in Austin it was a handful of zip codes where
7 people pay attention to politics are generally well
8 educated and—and whatnot. And so, it took a lot of
9 effort to go out and to fund groups to do the
10 outreach and to get people into the—into the mix, and
11 to make sure that, you know, you actually have the
12 right, you know, true representatives of the
13 community and truly impartial people as opposed to
14 some, you know, like a more superficial thing. I
15 will say one thing that can be helpful, and that is
16 like making sure that you don't disqualify too many
17 people. From serving on the commission and that was a
18 little bit of an issue in Austin because they were
19 very strict on like what you could have done in
20 politics. So, you had to have voted in a lot of
21 elections, and--

22 CHAIRPERSON BENJAMIN: [interposing] I
23 think Mr. Costello would also like to respond.

24 MICHAEL LI: Sure, sure. So, you—you—
25 I'll—let me just finish the one point, and then I—you

2 had to have voted in a lot of elections, but at the
3 same time, you could have given too much money. You
4 couldn't have worked for a campaign, and that
5 disqualified a lot of people particularly in
6 communities of color where people would have done
7 like relatively what we would consider low grade
8 campaign work delivering yard signs or things like
9 that. You know, and that disqualified some people
10 who were qualified. So you have to design it really
11 carefully, but it—it certainly can work and-and has
12 done well. In Austin and done well in California, but
13 you do have to think through a lot of the design
14 features.

15 CHAIRPERSON BENJAMIN: Mr. Costello.

16 TJ COSTELLO: [via Skype] Yeah, the one
17 thing in Austin, you're—you're correct. There was
18 various large restrictions, but some of the people on
19 the Commission were very active in their own way, and
20 I—I am very active in the community. A lot of the
21 commissioners are active in their own way, but one of
22 the ways when it got around was some of the things
23 Mr. Li talked about was the first eight commissioners
24 were literally picked out of a hat, six. It was
25 really bound to approval of 60. We—you can argue

2 whether that was the best 60 representatives of the
3 city at large or the people wanted to be involved, et
4 cetera, but eight people were picked out of a hat,
5 and they were charged to pick the best six of when,
6 you know, the 82, and that picking out of the hat
7 being really—it helped move—have representation
8 around the city. And a matter of fact, the one area
9 that was missing people they had to fill out of that
10 remaining six was probably the most active area in
11 the city. So, that is one way they got around it.
12 So, if you think—and also we have four county
13 commissioners regions, and there had to be one person
14 from each region or two people from each region. So,
15 if you think of it from a New York City standpoint,
16 there has to be one representative or two
17 representatives or whatever the number is from each
18 borough. So, there's a lot of ways you can go around
19 it, but Austin there was a lot of restrictions.
20 Don't get me wrong, but in the end it really worked
21 and there was representative—representatives from
22 every corner of the city.

23 JEFFREY WICE: If I could—if I could just
24 add.

25 CHAIRPERSON BENJAMIN: Mr. Wice.

2 JEFFREY WICE: If you—if you want to
3 consider a completely independent process, one
4 threshold question is who would administer the
5 process? I continually with the California
6 Commission I did work out there for the State Senate
7 in 2011, and the State Auditor who's an independent
8 political player in the state administered the
9 process. You'd have to consider who in this city,
10 which is so predominantly one party oriented would
11 run the process.

12 CHAIRPERSON BENJAMIN: Reverend Miller.

13 COMMISSIONER REV. MILLER: Thank you for
14 your expertise. Have there been any challenges in
15 Austin or California or Arizona or otherwise
16 regarding political forces or political interest
17 groups that may want to circumvent the independent
18 nature of such commissions. So, I guess some people
19 abide by the political philosophy rules are meant to
20 be broken even when the rules are fair and make
21 sense. So, have there been any challenges regarding
22 maybe forces that champion the status quo that would
23 try to circumvent the independence of what we do?

24 JEFFREY WICE: Not really. I mean there—
25 there has been—there have been some allegations in

2 Arizona that the-the chair of the commission was
3 really-who was supposed to be an independent. There
4 are two Democrats and two Republicans and an
5 independent who serves as the chair, but the chair
6 really favored one party over the other, and-and
7 there were allegations about that, but it doesn't
8 seem to be reflected in my maps and those challenges
9 really haven't gone anywhere. You know, there's a
10 lot of politicized effort to remove the chair and so
11 on and so forth, but in general, you know, I think
12 people would tell you that the process has worked
13 really well in both places. There were certainly
14 legal challenges, but they were resolved fairly
15 quickly unlike in the states like North Carolina and
16 Texas and-and elsewhere where maps are drawn by
17 political-the political bodies and litigation is
18 ongoing even nine years after they were drawn, and so
19 the process did work better and, you know, part of
20 the reason why, you know, sometimes people think like
21 the-the goal is to get like the perfect
22 commissioners, right? You know the angels who are
23 going to be there, and never sort of mess up. The
24 framers of the Constitution and the founding-the
25 founders of the country knew that like people weren't

2 angels, right. So, they—the key really is you do
3 want the best people on there, but you want a safety
4 guard, which is having checks and balances, right.
5 So the Commission should be a fairly large size. You
6 know, around 15 members or so. You want like
7 approval standards that mean that like even if you
8 had one or two rogue commissioners, who got through
9 on the process, they weren't going to be the
10 determiners, right, you know, that—that, you know,
11 like, you know, they might try to argue something,
12 and they might win here or there, but they weren't
13 going to be the drivers of the process, right. And
14 so, there's a healthy check and balance, and so in
15 California for example there are Democrats,
16 Republicans and Independent third-party people and
17 each bucket has to approve. So, and—and so you hope
18 you have approval overall and in each bucket, and so
19 that's that important check and balance in the
20 process, and there are others that are in the
21 California system and elsewhere that help—help make
22 sure that even if there are bad commissioners who get
23 through that—that it doesn't affect the—the process.
24 The other thing I will say is that the transparency
25 really helps a lot. In California everything was

2 streamed online. It was broadcast on public access
3 television. To this day you can download it all and
4 watch it if you are so inclined from the very first
5 interviews with commissioners to the final vote on
6 the—the maps, and people would email comments in real
7 time, and—and they would respond in real time. And so
8 the transparency helps a lot. People will police the
9 process if they're—if it's—if the process doesn't
10 occur in a—in a back room.

11 CHAIRPERSON BENJAMIN: Thank you. Mr.
12 Costello, you wanted to add something to that.

13 TJ COSTELLO: [via Skype] I just want to
14 say that with—with Austin we didn't have a problem.
15 We have a very strong area, and Austin is very
16 politically involved, and it's one of the reasons why
17 the 10-1 passed, and the—so we have districts instead
18 of at large Councils. But what we found is there
19 were some folks from that community wo did try
20 through public testimony try to sway members who may
21 not have been as savvy or been on commissions before
22 of their way, and the best thing we did and the Chair
23 and I we worked very hard on this, is to get an
24 independent legal expert on our team, and we were
25 able to rely on that person extensively. We did not—

2 he was not a city appointee. He was our employee,
3 and we paid their bills with the budget. Okay, the
4 city gave us a budget but we paid that person. That
5 independent legal expert and our independent
6 executive director really, really helped keep people
7 in line to understand what they're allowed to do.

8 CHAIRPERSON BENJAMIN: Thank you very
9 much. I just have one question, Mr. Wice. How much—
10 do you remember what the budget of the Redistricting
11 Commission?

12 JEFFREY WICE: I don't remember the
13 budget, but the—the Commission's records are still
14 intact somewhere on the city's website. [laughter]
15 I'm sure it's something available from the city
16 budget that, you know, the councilmanic portion of
17 the budget, but I don't recall the number. I was
18 involved in legislative (sic) end of it.

19 CHAIRPERSON BENJAMIN: Okay. Thank you
20 very much. Are there any other questions? If not,
21 then I thank you all very much, and I hope that you
22 will be available afterwards for additional questions
23 or concerns as—as members read and think through all
24 the materials and have additional concerns. Thank
25 you very much.

2 TJ COSTELLO: [via Skype] Thank you.

3 [background comments/pause]

4 CHAIRPERSON BENJAMIN: And finally, our
5 next panel is on Campaign Finance, and we'll be
6 joined by Frederick Schaffer and Amy Loprest, Michael
7 Malbin, Wayne Barnett on video, Jennifer Heerwig,
8 Alan Durning on video and Jerry Goldfeder. After
9 you've taken your seats if you could go ahead and
10 introduce yourselves and share your initial three
11 minutes, and then we will again have 30 minutes or
12 questions. Again, I will give preference and
13 questions to members who have not had any questions,
14 if they so choose. If not, we'll just go in the
15 order in which you raised your hands and ask to be
16 recognized.

17
18 CHAIRPERSON BENJAMIN: Yes.

19 FREDERICK SCHAFFER: Good evening, Chair
20 Benjamin and members of the Commission, my name is
21 Frederick Schaffer and I'm Chair of the New York City
22 Campaign Finance Board. With me is Amy Loprest,
23 Executive Director of the CFB. Thank you for the
24 opportunity to provide testimony today. We are proud
25 that New York City's Public Matching Funds Program

2 has served as a model Campaign Finance Program for
3 more than 30 years. Jurisdictions across the country
4 are adopting programs modeled after our own.

5 Governor Cuomo has proposed a matching funds program
6 for the state, and HR1, the Democratic bill in the
7 House of Representatives includes a small dollar
8 multiple match program like ours for Congressional
9 campaigns. The CFB is always looking for ways to make
10 our program better by working with the City Council
11 and previous charter revision commissions. Last
12 summer, the board made recommendations to the 2018
13 Charter Revision Commission. Significantly—to
14 significantly lower contribution limits, increase the
15 matching rate and increase the amount of public funds
16 that campaigns can receive. These recommendations
17 were based on data, and aimed to transform the ratio
18 of big dollar contributions to small dollar ones
19 especially the citywide offices. As you know, the
20 Commission recommended and the voters overwhelmingly
21 adopted substantially similar changes. We are also
22 seeing changes in fundraising. I'm sorry. We are
23 already seeing changes in fundraising with the Public
24 Advocate Special Election. Early data suggests that
25 that average contributions are getting smaller under

2 the new program. So far, the most frequent
3 contribution is \$10 for Public Advocate candidates
4 compared to \$100 in previous elections. We also know
5 that New York City has a diverse donor base within
6 the Matching Funds Program, and we see participation
7 from contributors from all neighborhoods across the
8 city. In terms of administering the Public Matching
9 Funds Program here in New York, a key component to
10 ensuring the strength and integrity of the program is
11 the Board's independent non-partisan structure. The
12 Board's independence and non-partisan status ensure
13 that the administration of the Public Matching Funds
14 Program is not influenced by political pressures or
15 agendas of the moment. We often work closely with
16 the Mayor and the City Council on policy issues, and
17 legislative changes to strengthen the program.
18 However, it is our independent administration of the
19 Public Financing Program and enforcement of the law
20 that ensure we are feeding—we are treating all
21 candidates fairly whether they are sitting elected
22 officials or their challenges. This independence is
23 critical to maintaining the public's confidence in
24 the program, and has been strengthened over time.
25 The Board's non-partisanship is equally important to

2 how we carry out [bell] our work. This differs from
3 partisan-bipartisan structures such as the Federal
4 Elections Commissioner of the New York State Board of
5 Elections, which are evenly divided. In a word, I
6 think our system works better. Thank you for the
7 opportunity to testify today. I'm happy to answer
8 any questions you may have.

9 CHAIRPERSON BENJAMIN: Thank you very
10 much. Who is--? Ms. Loprest, though, is not
11 speaking. Ms. Loprest is not speaking.

12 AMY LOPREST: But I am—but we are
13 testifying as joint. So, yes.

14 Okay. So, who's going next for you?

15 CHAIRPERSON BENJAMIN: You can go.

16 MICHAEL MALBIN: Sure. Okay. I—I—I do—
17 I'm wondering because some of -some of what I say may
18 be better after others speak. Is that okay?

19 CHAIRPERSON BENJAMIN: Sure.

20 MICHAEL MALBIN: Okay. Then I'll let
21 the—let the Seattle.

22 CHAIRPERSON BENJAMIN: Gentlemen, Mr.
23 Durning and Mr. Barnett, would you like to speak
24 next?

2 ALAN DURNING: (Via Skype) We would be
3 happy to.

4 CHAIRPERSON BENJAMIN: Okay.

5 ALAN DURNING: (Via Skype) My name is Al-
6 my name is Alan Durning. I'm the Founder and
7 Executive Director of Sightline Institute. We are a
8 public policy think tank based in Seattle, and I see
9 I'm going to start, and I'm the person maybe most
10 responsible for getting started with the Seattle
11 program. I can't see you right now. We'll do it
12 with that, but that's an Apple screen item. (sic)

13 CHAIRPERSON BENJAMIN: You can't see us?

14 ALAN DURNING: (Via Skype) That's—that's
15 okay. We'll move on. What I thought I would do is
16 give you a little bit of the story of Seattle's
17 Democracy Voucher Program. I'll tell you how it came
18 about, and then in the question period I'd e happy to
19 talk about all of the details of the design, any of
20 the details of the design that you care to speak
21 about, and then perhaps Mr. Barnett would then talk a
22 little bit about the—the program and its basic
23 design. So, [coughs] Seattle had the Public Funding
24 System for City Council races some years ago, which
25 was, which was stopped by a new state law, and then

2 state law changed again in—what year was it? 2008 or
3 something like that, or 2010, and the City Council
4 began setting public funding systems, and actually
5 brought forward a proposal that was based on New
6 York's Super Match System, the one that you still
7 operate, and the City Council put measure before that
8 voters of Seattle. The voters of Seattle almost
9 approved it, but didn't quite do so. In 2014, In the
10 wake of that that almost victor for our public
11 funding campaigns, a citizens coalition assembled to—
12 to try again, and at the time there was no place in
13 the world that had implemented a system of public
14 funding through vouchers. There were a number of
15 academics and reformers that had been talking about
16 it for it a long time, and so we thought [coughs] we
17 at Sightline thought well, I wonder if Seattle might
18 be a logical place to try this new idea, and see
19 whether it's a—maybe not necessarily a better method,
20 but an alternative method that would be a good tool
21 for other localities and states to use elsewhere. And
22 we realized that Seattle was to a certain extent a
23 natural laboratory for this voucher idea. Seattle
24 like all of the State of Washington votes exclusively
25 by mail. The voters, therefore, are used to getting

2 in the-receiving in the mail packets from the
3 election agencies, and then mailing in their ballots,
4 which we thought wow, that's just like a voucher
5 system is going to need to be initially. Seattle is
6 a city packed full of early adopters. Seattle has a
7 relatively high level of trust in local government.
8 People in Seattle are used to local programs that
9 provide them with recycling bins that get taken away
10 and energy saving light bulbs that plug in and save
11 energy, all kinds of things that-that-so in Seattle,
12 it's currently booming with really high--

13 CHAIRPERSON BENJAMIN: [interposing] Mr.
14 Durning, could you start--

15 ALAN DURNING: Yes.

16 CHAIRPERSON BENJAMIN: --to wrap up
17 please?

18 ALAN DURNING: Absolutely. So, it seemed
19 like a place where we could try a different approach.
20 We-we assembled a large coalition, ran a big
21 campaign, and won with 64% of the voters, and then we
22 said to the Seattle Ethics and Elections Commission,
23 Mr. Barnett implement the programs.

24 CHAIRPERSON BENJAMIN: [laughs]

25 WAYNE BARNETT: Perfect segue (sic) Alan.

2 CHAIRPERSON BENJAMIN: Mr. Barnett, it's
3 all yours. Take it away.

4 WAYNE BARNETT: (Via Skype) Alright,
5 thank you very much for having us, and I am the
6 Executive Director of the agency that was in charge
7 of implementing the Voucher Program, and let me just
8 briefly just tell you what that entails. In January
9 of 2017, we mailed to the roughly 500,000 registered
10 Seattle voters four \$25.00 vouchers a piece, and then
11 it was our job to educate the public about what they
12 could do with those vouchers to track the vouchers as
13 they came back to our office, and to send those to
14 the county so that the signatures on those vouchers
15 could be verified. And then at the final stage is we
16 converted those \$25.00 vouchers into contributions
17 for the six candidates who participated in the
18 program and its initial run in 2017. 2019 is also
19 aiming for an election year here in Seattle. We have
20 already distributed our vouchers and are now in the
21 process of again tracking them, and converting them
22 into campaign dollars. I do expect participation in
23 the program to be much higher in 2019 than in 2017.
24 In 2017 there were only three races eligible to
25 participate in the program. Two of those were held

2 by established incumbents and there was one open
3 seat. So, most of the voucher candidates buy (sic)
4 in the open seats. This year we have seven district
5 council races up. Four of those are open seats. We
6 have had four retirements this year. So, we're
7 expecting a frenzy of activity this year, and are
8 looking forward to answering any of your questions
9 about the program. Thank you.

10 CHAIRPERSON BENJAMIN: Thank you. Dr.
11 Malbin.

12 DR. MICHAEL MALBIN: Thank you very much,
13 but he can speak first.

14 CHAIRPERSON BENJAMIN: Okay. I'm just
15 here-

16 DR. MICHAEL MALBIN: Thanks.

17 CHAIRPERSON BENJAMIN: --doing whatever.
18 Dr. Heerwig.

19 DR. JENNIFER HEERWIG: I will go next.
20 So, good evening and thank you so much for asking me
21 to participate tonight. Alright, thank you. My name
22 is Dr. Jen Heerwig and I'm Assistant Professor of
23 Sociology at SUNY Stony Brook. My research is
24 broadly on the American Campaign Finance system, and
25 on how individual donors participate in the system

2 particularly—particularly in federal elections. So
3 with my co-author at Georgetown, I recently completed
4 a study that looks at that effects of the 27
5 implementation of the Seattle Democracy Voucher
6 Program. So, as you know and as Wayne already said,
7 the initiative in Seattle was the nation's first
8 Democracy Voucher program. In January of 2017, Wayne
9 mailed four \$25.00 vouchers to every registered voter
10 in the city. Those vouchers could be used for
11 qualified candidates in two citywide state council
12 races and the race for city attorney all of which
13 were held in November of 2017. In my study I asked
14 and answered two broad research questions about the
15 effects of the voucher program that will be of
16 interest to this commission. First, did the Seattle
17 program increase the number of participants in the
18 local campaign finance system? Here I answer with an
19 unqualified yes. The program dramatically increased
20 the number of citizens who funded local elections
21 compared to the number of cash donors and city
22 council or city attorney races, the Democracy Voucher
23 Program increased participation by 300%. Second, did
24 the program diversify the donor pool? In just one
25 partial implementation, the program has made some

2 notable progress in diversifying campaign donors in
3 local elections. So, I'm going to outline just a few
4 of the findings from our research paper, which I
5 included in my written testimony. Compared to local
6 donors who made cash contributions, Democracy Voucher
7 users are substantially more diverse. Democracy
8 Voucher users look more like voters in Seattle in
9 terms of race, age and income level. So, for example
10 upper income citizens provided about 36 of the
11 private contributions in 2017, but only 17% of the
12 voucher funds. So, in other words, the Democracy
13 Voucher Program worked to reduce the over-
14 representation of the wealthy among campaign donors.
15 However, I want to also note that voucher usage was
16 still lower among communities of color, younger
17 Seattleites, and those with lower levels of income,
18 an aspect of the program that Seattle is working to
19 improve in 2019. So, to summarize, the Democracy
20 Voucher Program increased participation in the local
21 Campaign Finance system by over 300%. Those who
22 participated in the program didn't look exactly like
23 all voters in Seattle, but they were much more
24 similar to Seattleites than those who made cash

2 contributions, and I anticipate that these patterns
3 will only improve in 2019. Thank you. [bell]

4 CHAIRPERSON BENJAMIN: Great. Jerry.

5 JERRY GOLDFEDER: Thanks. I'm okay.

6 CHAIRPERSON BENJAMIN: Well--

7 JERRY GOLDFEDER: It's like, no, Jerry
8 that's all. I just need to do that for the record.

9 [laughter] Should I--should I go?

10 CHAIRPERSON BENJAMIN: No hurry.

11 JERRY GOLDFEDER: Should I go?

12 CHAIRPERSON BENJAMIN: Yes.

13 JERRY GOLDFEDER: Is this on?

14 FEMALE SPEAKER: No.

15 JERRY GOLDFEDER: No?

16 CHAIRPERSON BENJAMIN: If the red light
17 is on, you're on.

18 JERRY GOLDFEDER: Oh, okay. Well, thanks
19 for inviting me tonight as to part of your panels.

20 I'm here tonight in my personal capacity as an
21 election lawyer who has represented dozens of
22 candidates in New York City, and Adjunct Professor of

23 Election Law at Fordham Law School, a 1989

24 participant in the Campaign Finance Laws, Public

25 Matching Funds Program and a student of the Charter

2 Revision Commission. I'm privileged to be joined
3 here by the experts of the Campaign Finance Board,
4 the Chair and Executive Director and the folks from
5 Seattle, and they are obviously much more familiar
6 with the intricacies of the way the programs work,
7 and I'll leave it to them to answer your questions
8 relating to those procedures. That said, I want to—I
9 want to re--reiterate what Chair Schaffer said.
10 There's no question that the New York City's 30-year
11 program is appropriately recognized as a great
12 success. Our Matching Funds Program has enabled many
13 diverse candidates of modest mean to run viable
14 campaigns, and the staff and commissioners of the CFB
15 have been assiduous in ensuring that the New York
16 City's taxpayer dollars are distributed and used
17 lawfully. Given the fact that millions of dollars
18 are distributed to candidates in municipal elections,
19 this is no small fete and, of course, extremely
20 critical to the success of our program. There's
21 always room for improvement of the program and the
22 CFB endeavors to update its procedures after every
23 election. The question regarding the Democracy
24 Voucher Program whether it should be substituted in
25 part or in whole to the CFB's current matching

2 programs is before you tonight and I want to address
3 it very briefly. First of all, you ought to know
4 that the Commission—that Seattle program’s
5 constitution-constitutionality is being—still being
6 litigated. It was challenged by plaintiffs—plaintiff
7 taxpayers in Seattle represented by the Pacific Legal
8 Foundation, and the Trial Court in Washington ruled
9 that the case should be dismissed. Nevertheless, the
10 plaintiffs have appealed, of course, and the
11 intermediate Appellate Court certified the appeal to
12 the Washington State Supreme Court, the highest court
13 in Washington. This appeal has been briefed, and
14 oral arguments are scheduled for May 14th of 2019.
15 Until the Supreme Court of Washington rules that—and
16 that the law is settled one way or the other as to
17 the Democracy Voucher Program’s constitutionality,
18 the Charter Commission I think may wish to withhold
19 judgment as to whether or not the Seattle program
20 [bell] should be imported into our Campaign Finance
21 Law. I just want to briefly make some observations,
22 though as to if you are going to consider it, it—it
23 would be beneficial in a few ways. A system in which
24 public monies are distributed to the candidates
25 directly by registered voters through vouchers

2 compels the candidates to campaign more vigorously
3 not just for votes, but for financial support. This
4 would enable less well known candidates to become
5 better known by attracting support one person at a
6 time. It also compels the more well known candidates
7 to have to really press the flesh more assiduously in
8 order to obtain the necessary funds for their
9 campaign. In short, it's a process that we can—that
10 can result in a more robust person-to-person
11 campaign. The Voucher program also eliminates a
12 great administrative burden now placed upon the CFB,
13 having to track where the private contributions are
14 eligible for matching funds. In this respect, the
15 Voucher Program is more straightforward in that every
16 registered voter's contribution can be used without
17 further administrative burdens.

18 CHAIRPERSON BENJAMIN: [interposing]

19 Jerry.

20 JERRY GOLDFEDER: My last point. It
21 saves the taxpayers a good deal of money potentially
22 as well because the CFB currently awards the
23 candidates whose races are not genuinely competitive.
24 Rather than the sometimes charade by certain
25 candidates who claim that their opponents are real,

2 the marketplace will demonstrate through the Voucher
3 Program which candidates can actually attract
4 sufficient funds to run a viable campaign. This
5 contrasts with the CFB having to distribute matching
6 funds to candidates who claim to have competitive
7 races, but really do not. CHAIRPERSON BENJAMIN:
8 [interposing] Thank you.

9 JERRY GOLDFEDER: The city would thus
10 save significant sums of tax-taxpayer dollars if we
11 use the Voucher Program. My last point is if you're
12 going to consider it, and if you're going to adopt
13 it, it obviously ought not to take effect until after
14 the 2021 elections because people are already raising
15 money for the coming elections. Thank you very much.

16 CHAIRPERSON BENJAMIN: Thank you. Mr.
17 Malbin.

18 MICHAEL MALBIN: Thank you. Hi. My name
19 is Michael Malbin, Professor of Political Science at
20 the University of Albany, SUNY. I am also Director
21 of the Co-founder and Director the Campaign Finance
22 Institute, which is a non-partisan research institute
23 specializing in money and politics. I've written for
24 some time that the city's Matching Funds Program has
25 been and should continue to be a model for the

2 nation. It is producing an impressive increase in
3 the number and demographic diversity of donors.

4 While the 2017 elections saw a drop in the importance
5 of small donors, in addition the results were never

6 as impressive for citywide candidates as for City

7 Council. So, in 2018 the Mayor's Charter Revision

8 Commission [coughs] to which we were technical

9 consultants, recommended increasing the matching rate

10 to 8 to 1 while reducing the contributions limits.

11 Eighty percent of the voters improved. Now, only a

12 few months later, we're being asked whether the city

13 should change again. Like many of my colleagues, I

14 have been intrigued by the Seattle experiment, which

15 has been implemented in a very impressive way because

16 here we have research is showing positive results for

17 2017, as we've heard. But despite these positives, I

18 would urge you not to adopt a voucher system for New

19 York City at this time. As Alan has said, this is

20 the first voucher system in the world. It has had

21 only one election with only a handful of races. The

22 first mayoral election will not be until 2021. Even

23 if the system does do better with vouchers than

24 Seattle before vouchers, that's really not the

25 question before you. The--the tougher question is

2 whether vouchers on balance would be better than
3 what's already in place. Maybe yes, but we'll know a
4 lot more in just a little while. We need time. We
5 need more time because the voucher effects go well
6 beyond participation numbers. We need time to see
7 whether there are unintended consequences some of
8 which I speculate about in the longer written
9 testimony. My recommendation is to let the 8 to 1
10 system work for at least one full cycle without
11 further changes. Eighty percent of the voters said
12 yes, let's see how it works, and let's compare it
13 others such as Seattle and Montgomery County and
14 others. At the same time the City Council should
15 commit--consider a new commission made up mostly of
16 scholars. Its job should be to compare the strengths
17 and weaknesses of the various kinds of new public
18 financing systems to each other not to nothing, but
19 to each other. No one anywhere whether scholarly or
20 anywhere has done this. It should report back to the
21 City Council after New York's and Seattle's elections
22 of 2021. At that point you could deliberate based on
23 fact and not on speculation.

24 CHAIRPERSON BENJAMIN: Thank you very
25 much. I'm going to actually ask the first question.

2 Mr. Barnett and Mr. Durning, you said that there are
3 approximately 500 registered voters in Seattle
4 proper--

5 ALAN DURNING: Yes.

6 CHAIRPERSON BENJAMIN: What is the number
7 of eligible voters? [pause]

8 ALAN DURNING: Our voter--

9 CHAIRPERSON BENJAMIN: [interposing] Who
10 may not be registered?

11 WAYNE BARNETT: Our voter registration
12 rate is very high. I don't exactly know what it is,
13 but we are--Washington State is a very voter friendly
14 place. We vote to--you can register to vote when you
15 register to get your driver's license. It is--I
16 believe it's quite high, but I don't know that number
17 off the top of my head.

18 ALAN DURNING: About half a million
19 registered voters. I think there was something like
20 70 to 80,000 additional eligible voters when we were
21 doing the design exercise a couple years ago. So, as
22 what he said a very high registration rate, but it's
23 an additional incentive to register if you get to
24 participate in the voucher program and we thought
25 that was an added benefit.

2 CHAIRPERSON BENJAMIN: Well, that's my
3 question, did you see the number of registered voters
4 go up and the number of unregistered but eligible
5 voters decrease?

6 ALAN DURNING: Well--

7 CHAIRPERSON BENJAMIN: Or there's just
8 not enough experience to--?

9 ALAN DURNING: Well, right. So, again
10 this—we think that the first round in 2017 was three
11 races. It's an off-year election. Registration
12 tends to drop down anyway. Registration goes up and
13 down as Professor Heerwig and others can tell you.
14 Based on the—the salient of the salience of the
15 election, whether there's a presidential race going
16 on. So, we haven't studied it. I doubt, though, that
17 it would early enough to tell to what degree—to what
18 degree people are registering in order to get the
19 vouchers. Again, this is the first time. Most
20 people in the city had never heard about it until
21 they got vouchers in their mailbox, and many people
22 in city didn't even notice the vouchers. So, it will
23 take a few cycles before everyone knows what it is.
24 So, we had a phenomenal increase in participation.
25 I'm—I'm sure there are anecdotes of people

2 registering in order to get it, but whether it
3 increased the registration overall, we don't know
4 yet. On other thing, which I should point out is that
5 non-registered voters are also eligible to
6 participate in the Voucher Program. So, if you are a
7 legal permanent resident or a U.S. National, you are
8 eligible to make a federal campaign contribution, and
9 therefore, also eligible to participate in the
10 Voucher program. So, it is not only registered
11 voters who can partake-participate in the Voucher
12 Program.

13 WAYNE BARNETT: So, what you had maybe
14 60, 50 people sign up for that? [laughter] I think
15 there were more than that, but not many, not many
16 more. Alan is taking me there so--

17 CHAIRPERSON BENJAMIN: Okay, thank you
18 very much. Sal, you're next and then Carl.

19 COMMISSIONER ALBANESE: Yeah, I-I was a
20 member of the Council when we passed this law. It
21 was spurred on by pay to play scandals in the Koch
22 Administration, and by the way, as a Council Member,
23 I participated in the plan. As a candidate before
24 and after the Campaign Finance plan was-was passed,
25 and there was no problem raising the money needed to-

2 to wage the city Council Members. The problem that
3 we had with this program is on a citywide basis.

4 That's the problem that we have here and in a strong
5 mayoral system that we have in New York, that's
6 significant because that impacts the public more than
7 anything when it comes to pay to play corruption.

8 I've seen more pay to play corruption the last seven
9 or eight years than I did during the Koch

10 Administration under this plan. The U.S. Attorney
11 said that favors were—were being done for large

12 donors. I can't—I—I would—I don't have time to list
13 all of the investigations that were related to

14 bundling money by lobbyists and developers under this
15 system. Now, I say why should we continue a program

16 that? It has done nothing to mitigate corruption.

17 Eight-five percent of the money toward citywide race
18 in 2017 from high—more than high and medium zip

19 codes. People of color are virtually invisible as

20 donors or under the—under the system in Seattle. I

21 as a candidate could go into Queensbridge Houses,

22 knock on the door of a voter and say, Mrs.

23 McGillicutty, I'm running for mayor. I would love

24 for you to donate my voucher. Why shouldn't we adopt

25 [background comments] a system that's fairer, more

2 inclusive and addresses the [laughter] the
3 legislative intent, the legislative intent of the
4 1989 law, which by the way, I-I voted with evidently
5 four. I have the Albanese Queen of Election sack
6 (sic), which is modeled after me. I never thought
7 this was the ideal plan, and unfortunately I was
8 proven right. We're spending thousands-millions of
9 dollars administratively and-and for a program that
10 does not really meet its legislative intent, and most
11 of the people that benefit from it are insiders, are
12 not grassroots candidates. So, please--

13 CHAIRPERSON BENJAMIN: [interposing] Is
14 that a question?

15 COMMISSIONER ALBANESE: --answer me.
16 Yeah, the question is: Why shouldn't we-we adopt a
17 better plan? You guys could administer that as well.
18 You probably have to cut three-quarters of your
19 staff, but that's okay.

20 JERRY GOLDFEDER: Who is that question
21 for?

22 CHAIRPERSON BENJAMIN: [laughs]

23 MICHAEL MALBIN: I'll take the first-I'll
24 take the first shot at it.

2 COMMISSIONER ALBANESE: It's for the
3 entire panel.

4 MICHAEL MALBIN: I was also around then
5 and we were both a little bit younger.

6 COMMISSIONER ALBANESE: Yes, I was here
7 then, but that's okay.

8 MICHAEL MALBIN: So, I agree with some of
9 your criticisms. The Campaign Finance Law I think
10 has been an enormous success in many ways, but on the
11 citywide and particularly the mayoral elections it
12 has had less of an impact than we would have liked,
13 and that's why the last Charter Revision Commission
14 proposed, and the voters approved a proposal to
15 increase the match from 6 to 1 to 8 to 1, and to
16 decrease the maximum contribution from \$5,100 to
17 \$2,000. I think that's a major change, and I expect
18 as we're beginning to see already with the Public
19 Advocate's race that it's going to result in the
20 citywide offices also large contributions playing a
21 decreasing role and smaller contributions playing an
22 increasing role.

23 CHAIRPERSON BENJAMIN: Jerry, did you
24 want to respond?

25 JERRY GOLDFEDER: I agree.

2 CHAIRPERSON BENJAMIN: [laughs]

3 JERRY GOLDFEDER: I agree with what was
4 just said, but, you know what? You can go into
5 Queensbridge Houses, introduce yourself, give them
6 some literature and ask them for a contribution.
7 It's not the same as them parting with a voucher.
8 That's true, but we both know, we all know that
9 fundraising is difficult, but there are very creative
10 ways of increasing the--the--the--the diversity of those
11 who participate. That said--

12 COMMISSIONER ALBANESE: We have a--we have
13 a system. We have a model.

14 JERRY GOLDFEDER: No. Look, we--we have a
15 model now that is working very effectively, and you--
16 you may not--I may not think so. It works effectively
17 for the most part for most candidates, and as a
18 matter of fact, I think that--I think that you'll
19 agree that we--that the diversity of candidates over
20 the life of this program in the last 30 years has
21 changed tremendously for the better, and is much more
22 representative of the population of New York City.
23 That doesn't mean it can't be improved and this 8 to
24 1 is an improvement and the lower the contribution
25 level is--is an improvement, and by the way, I don't

2 know that we need to really consider reviewing the 8
3 to 1 match because it's not really different
4 substantively as the 6 to 1 match program. It's
5 pretty much the same.

6 COMMISSIONER ALBANESE: Thank you for
7 that.

8 JERRY GOLDFEDER: So, I'm not so sure
9 that we need to put off--if we want to consider the
10 Voucher Program, I'm not sure that need to put off
11 studying it and analyzing it to see how the 8 to 1
12 program works. I disagree with Professor Malbin on
13 that. So, all of that said, it seems to me that the
14 program that we have works for the most part, has
15 improved most of the races in the sense that more--
16 more people who are less connected to wealth are able
17 to run. We have a greater diversity of people who--
18 who are able to run. That doesn't mean we can't have
19 a study as to whether or not we should include this
20 maybe even as a pilot program for one race. Maybe
21 for Public Advocate or maybe for a City Council race
22 in--in particular borough or several in different--
23 different boroughs. Maybe that would be useful.

24

25

2 COMMISSIONER ALBANESE: No, it doesn't.

3 Whichever, the stats don't bear out that it's

4 working. It's just that.

5 MICHAEL MALBIN: May-may I disagree with

6 some of the premise of this question? We've actually

7 done a lot of research on the census block where

8 people come from, where do the donors come from?

9 We've compared it before and after. We've compared

10 it with different level races. There is an

11 incredible-there is a very high percentage in-in poor

12 neighborhoods in City Council races. You are correct

13 about mayoral races. That is where the problem was,

14 and so the contribution wasn't merely a change from 6

15 to 1 to 8 to 1. That was coupled with a very

16 substantial reduction in the contribution limit. I

17 do not-I do not think we can be sure how exactly how

18 this system will work and I think with all due

19 respect that-that positive results in three City

20 Council districts in Seattle do not constitute a fair

21 test of that system comparative to the other system.

22 We have two systems with relatively positive results,

23 and you haven't studied them both together.

24

25

2 CHAIRPERSON BENJAMIN: [off mic] Carl and
3 then we have Lisette (sic) and then we have Sal
4 again.

5 CARL WEISBROD: I don't know if this is a
6 question for Mr. Durning or perhaps for Jerry
7 Goldfeder, but what is the basis for the
8 constitutional or unconstitutional claim before the
9 Washington State Supreme Court?

10 JERRY GOLDFEDER: Well, the way I
11 understand it and perhaps from friends from Seattle
12 will either correct me or amplify my remarks, but the
13 way I understand it is that taxpayer dollars are
14 being used, and there are people who are not
15 residents of the city, but yet pay taxes to the city,
16 and, therefore, they claim that their taxpaying—the
17 taxpayer dollars are being used in a system in which
18 they cannot have—they have no voice s to how those
19 taxpayer dollars are used—being used. They can't
20 vote, and yet their money is being distributed to
21 voters to contribute to candidates. That—I think
22 that's the nub of it.

23 CARL WEISBROD: So, if I—if I understand
24 and I'm not here to litigate that claim, but if I
25 understand the claim, that would be—a similar claim

2 could be made against what is now the New York
3 system, which is after all it uses taxpayer dollars
4 as well, and—and the New York system has been
5 obviously well sustained over a 30-year period now. I
6 that—is that a fair statement you'd say?

7 JERRY GOLDFEDER: I think that if
8 somebody brought that claim when the program started,
9 they might have been successful, but given the fact
10 that we've had 30 years and—and the program—a
11 different aspect of the program was just challenges
12 unsuccessfully, I think my view is that anybody who
13 wants to challenge our program will not succeed, and
14 that program

15 CARL WEISBROD: [interposing] But I mean
16 I—just to take that—just to add one more step.

17 JERRY GOLDFEDER: Yeah.

18 CARL WEISBROD: In addition to your I
19 think appropriate caution that we shouldn't do
20 anything until the Supreme Court of Washington has
21 ruled, in a certain way since this would be a new
22 system, it would—it would allow a litigant here to
23 open something up that because we have 30-year track
24 record, we wouldn't necessarily want to see opened
25 up.

2 JERRY GOLDFEDER: I think that's a fair
3 point.

4 CARL WEISBROD: Thank you.

5 JERRY GOLDFEDER: If I just might add,
6 there was such a case brought early on in this system
7 in the Federal District Court in the Southern
8 District of new York. The claim was rejected and no
9 appeal was taken, but your point is right that you
10 changed the system just enough so that somebody could
11 distinguish it and then you're off to the races all
12 over again.

13 CARL WEISBROD: Thanks.

14 CHAIRPERSON BENJAMIN: [off mic]
15 [background comments] I'm sorry, Christine. Hello,
16 Mr. Barnett, could go into prompt?

17 WAYNE BARNETT: I can't hear you.

18 CHAIRPERSON BENJAMIN: [on mic] Mr.
19 Durning or Mr. Barnett, did you want to respond to
20 the last question from-from Carl?

21 ALAN DURNING: Mr. Barnett teaches at one
22 of our local law schools. So, I'll answer the
23 question

24 CHAIRPERSON BENJAMIN: [laughter]

2 ALAN DURNING: We were astonished that
3 the-that appeal was accepted by the Supreme Court.
4 We're waiting to see why the court took it because
5 the claim, it's-the claim was astonishingly broad and
6 based on claims that have been dismissed repeatedly
7 in other-in other cases. So, I don't think you need
8 to worry about it too much, but it would be curious
9 to see-it will be curious to see what happens. Now,
10 I'll let the actual law professor say something.

11 WAYNE BARNETT: I would just be cautious.
12 I'm-I'm leery of being over-confident especially
13 because the next appeal after our State Supreme Court
14 would, of course, be the United States Supreme Court,
15 and in the wake of the Janis Opinion, I think
16 compelled speech is a new-we've gotten some new
17 currency. So I'm- Yeah, I'm concerned. I'm not-I'm
18 not-I'm not laying people off but I'm concerned.

19 ALAN DURNING: I would agree. I-I think-
20 I think the-the-the complaint against our system was
21 written I think sort of as a Hail Mary pass to try to
22 get something into Federal Courts in-in hopes that
23 maybe it would be heard by a different Supreme Court
24 and that we-that-that the matter of fact would not
25 just affect the Seattle system, but public voting

2 systems everywhere. So, again, I—I'm not an
3 attorney, but I have strong views on this matter.

4 CHAIRPERSON BENJAMIN: Thank you very
5 much. Lindsay was next and then Sal and then Jim
6 Caras

7 COMMISSIONER GREENE: Thank you all for
8 your time and your testimony today. I [coughs] so
9 forgive me as I'm not the individual in family who
10 checks the mail, but I think I got very nervous when
11 you mentioned that you—all the vouchers are
12 distributed to people via mail, and they have to
13 return them also via mail. I think on a scale of 8.5
14 million obviously that's sum or registered or
15 eligible voters. That—that seems daunting to me. So,
16 I guess my—my question for our colleagues in Seattle
17 and I guess Mr. Malbin, you know, that that—or some
18 noted that it maybe being implemented in Montgomery
19 County also. No? Okay. As you—as we evangelize or
20 talk about this, is there another method for
21 implementation that may be it's electronic or
22 something that isn't just the Postal Service. All
23 due respect to them. They do a valuable service.

24 ALAN DURNING: I can take that one. We
25 are this week been viewing an online portal where

2 Seattle residents will be able to assign their
3 vouchers online. I think the reason we did not go to
4 that exclusively is the—the fear of the digital
5 divide. People who don't have reliable Internet are
6 often the very people this program is intended to
7 assist. So, we are going to continue mailing these,
8 but yes, we are rolling out an online voucher system
9 this week.

10 COMMISSIONER GREENE: And one—and one
11 follow-up on that. Are—are you doing that in a way
12 that—that tends to try to reach those people maybe by
13 a Mobile First Optimization or an app rather than a
14 traditional website?

15 ALAN DURNING: Right now it's just the
16 website. We do this program on a shoestring budget.
17 We collect \$3 million a year in property taxes for
18 the next ten years. Ideally, most of that will go to
19 candidates, time candidate campaigns. So, we are
20 doing this in [bell] in baby steps.

21 CHAIRPERSON BENJAMIN: Thank you.

22 MICHAEL MALBIN: Commissioner—
23 commissioner.

24 CHAIRPERSON BENJAMIN: Yes.

25 MICHAEL MALBIN: If I may--

2 CHAIRPERSON BENJAMIN: Yes.

3 MICHAEL MALBIN: --can I ask you to ask
4 him how they are protecting the submission of
5 vouchers through the Internet when we have so much
6 evidence that the Internet is not exactly secure.

7 CHAIRPERSON BENJAMIN: Sure.

8 MICHAEL MALBIN: I know it's not
9 appropriate for me to ask a question, but I thought
10 it as interesting to--to hear how that's going to
11 happen?

12 CHAIRPERSON BENJAMIN: Did you guys hear
13 that?

14 WAYNE BARNETT: I'm not--I'm not a tech
15 guy. I will plead that my computer is basically a
16 glorified typewriter for me, but we have been--we've
17 engaged our IT Department, and--and we are confident
18 that these will be as secure as they possibly can be
19 I think one of the issues, you know, there has been a
20 lot of talk in our system about fraud, but the fact
21 is like every resident gets only \$100 to give. So,
22 it is difficult to imagine pulling of a fraud in a
23 way that could swing a campaign with \$100 a piece. A
24 \$100 at time. So, again, I'm not inviting that, but

2 it is--that's--that's kind of where--we did not see much
3 in the way of fraud the first time.

4 CHAIRPERSON BENJAMIN: Sal.

5 COMMISSIONER ALBANESE: Yeah, just in
6 terms of litigation, Jerry, we're both attorneys. We
7 know these--these--these programs are challenged all
8 the time. The name was challenged, we were
9 challenged, they're going to be challenged, and in
10 terms of the Supreme Court, I mean if that--if--if the--
11 as the gentleman from Seattle said, if we're impacted
12 by that very conservative court, if this program gets
13 wiped out, then everything gets wiped out. So, you
14 know I--I don't think that's a--that's a major issue.
15 Just I--by the way, Austin and Albuquerque are also
16 moving in the direction of democracy vouchers. It
17 would be on the ballot there in the next election,
18 and there's a lot of support for it. I have one
19 question for the Campaign Finance Board. Seattle was
20 able to--

21 FREDERICK SCHAFFER: We're talking--<+?

22 COMMISSIONER ALBANESE: --discern how
23 many people of color contributed to campaigns under
24 the Democracy Voucher, and they have--they have actual
25 numbers. Why doesn't the Campaign Finance Board have

2 those numbers? You have zip codes, but it doesn't
3 tell me anything.

4 JENNIFER HEERWIG: As Professor Malbin
5 stated, we, you know, our, you know, if there's been—
6 if there's a contributor and it's 93% of every census
7 block district city. So, we don't collect demographic
8 information from the contributors. That would
9 require us to ask the candidates as requesting
10 contributions to ask demographic information from
11 every contributor that they have to get that
12 information and we don't think that that's an
13 appropriate government thing to ask every person
14 who's contributing what their demographics are, but
15 that's why we use Census Blocks as bricks, as kind of
16 a stand-in for that, and since 93% of Census Block
17 Districts have at least one contributor, I think you
18 can understand that there is a wide variety of
19 demographics contributing candidates in the city.

20 CHAIRPERSON BENJAMIN: Sal.

21 COMMISSIONER ALBANESE: Yeah.

22 CHAIRPERSON BENJAMIN: Can we just ask
23 Mr. Barnett whether—how Seattle collects this data?

24 COMMISSIONER ALBANESE: Good.

2 WAYNE BARNETT: Thank you very much. We
3 did not collect that data. That was really—that was
4 researcher, it was actually Professor Heerwig and
5 Brian McKay from Georgetown who did most of the
6 research in terms of—I think they used proprietary
7 database. I believe Professor Heerwig might be the
8 person to answer those questions better about how
9 they determined, you know, with some degree of
10 confidence someone's race—race or ethnicity.

11 COMMISSIONER ALBANESE: Can you—can you
12 answer that question?

13 JENNIFER HEERWIG: Sure. I'm sure you've
14 all heard of voter lists. This data is readily
15 available for every--[coughs]—city and state in the
16 U.S., the individual level, and New York City's Voter
17 List as well as Seattle's Voter List includes a race
18 variable. That variable is what we would call
19 computed, which means that unless the state collects
20 it, which Washington State does not, the proprietary
21 data will actually model whether you're white or
22 African-American or Asian. Now, that might sound to
23 you like it's not a very accurate process, but there
24 have been a number of validation studies now that

2 have shown that this is about 95% accurate for
3 determining the race of an individual.

4 COMMISSIONER ALBANESE: 95%?

5 JENNIFER HEERWIG: About 95%. There's a
6 very extensive peer report that compared a variety of
7 different voter lists and found high confidence in
8 the race variables in particular. So, I feel pretty-
9 I particularly am a very cautious researcher and I
10 find-find those results very compelling and very-
11 very, very robust.

12 COMMISSIONER ALBANESE: Don' you think we
13 should have that data? Don't you think that's
14 important? [background comments/pause]

15 MICHAEL MALBIN: It's not within our
16 purview to conduct, but if it mimics --

17 JENNIFER HEERWIG: [interposing] I would
18 be happy to do that.

19 MICHAEL MALBIN: --you know what we're
20 [laughs]

21 COMMISSIONER ALBANESE: I have a problem
22 for you.

23 CHAIRPERSON BENJAMIN: No.

24 MICHAEL MALBIN: We—we can have a
25 conversation when this hearing is over.

2 COMMISSIONER ALBANESE: Yeah.

3 CHAIRPERSON BENJAMIN: Mr. Caras.

4 COMMISSIONER CARAS: Put all of this in a
5 context for me. I'm not--[background comments/pause]
6 to put all this in a context for me, what other
7 elements are there of the Seattle public finance
8 system? Is there an opt out provision? Are there
9 contribution limits? I mean I-I just want to put
10 this piece of it in the context of the whole system.

11 ALAN DURNING: May I?

12 COMMISSIONER CARAS: Sure.

13 ALAN DURNING: That's an excellent
14 question. The Democracy Voucher Program was one
15 component of a citizen initiative, which enhanced and
16 amended existing Campaign Finance Rules, which Mr.
17 Barnett's Commission adjudicates and enforces. If we
18 reduce the overall contribution limit for all
19 campaigns in the city to \$500, if you want to use the
20 vouchers, you have to sign a pledge to limit your top
21 contribution to \$250 for most races so we left it
22 \$500 for the Mayor's race. You also have to limit
23 your total spending, and in order to participate you
24 have to demonstrate broad or wide support in the
25 community by collecting signatures and \$10

2 contributions from prescribed numbers of-of
3 residents-of voters in the city, and if you're
4 running for a particular district, a number of voters
5 in your district. There are a number of other
6 restrictions and requirements that are included in
7 the pledge. As you all know, all public funding
8 systems are opt in for the candidate because of
9 Federal Court rulings. So, ours is an opt-in system
10 and one of the-one of the great successes that-that
11 I'm excited about from the 2017 cycle and the 2019
12 cycle that's just beginning is that almost all
13 serious candidates are opting into the system, which
14 makes me think we have-we've set it up right so that
15 people believe they can run and win under this
16 program. So, it's working not only for the-for
17 voters, but also for candidates. I'd be happy to
18 tell-to tell-to provide you more information about
19 the program, and the Seattle Website that describes
20 it all as well.

21 COMMISSIONER CARAS: I guess my concern
22 would be doing something like this and encouraging
23 people to opt out if you don't structure it correctly
24 especially in city, you know, mayoral races, high
25 profile races. Has anyone studied that?

2 JENNIFER HEERWIG: I haven't studied it,
3 but if you--in my written testimony in the research
4 paper there is some more details of the program.
5 Even though it's an opt-in system, candidates to
6 actually qualify for the program have to demonstrate
7 grassroots support by collecting low dollar donations
8 and a certain number of signatures. So, for Wayne
9 and I might get this wrong but for City Council it
10 was 400 qualifying donations and signatures, and then
11 150 signatures for a city attorney in 2017. So,
12 it's--it's not the case that anybody who is interested
13 in the program can opt in. They actually have to do
14 some work in the community before they become a
15 qualified candidate to receive the vouchers.

16 ALAN DURNING: May I--may I chime in with
17 one additional important fact is that we--we designed
18 the program to give a lot of latitude to the
19 commission that administers the program so that the--
20 the commission that supervises Wayne has authority
21 between election cycles to adjust many of the
22 variables of the program in order to keep
23 participation up. So, if it turns out that lots of
24 candidates begin to opt out, the Commission, for
25 example can increase the dollar value of vouchers

2 that each person gets. Can increase the number of
3 signatures that are required to qualify, can increase
4 the spending limit that candidates agree to, and some
5 other things as well. So, because we think that
6 campaign finance is constantly changing, campaigns
7 adjust and adapt, and we want to give as many tools
8 as possible for the program so that it can maintain
9 its relevance throughout its life.

10 WAYNE BARNETT: And if I could just point
11 out that 5 of the 6 general election candidates
12 eligible to participate in the program in 2017, did
13 participate, and thus far in 2019, I think we have
14 about 40 candidates who registered. So far, it's
15 been to run for office and 30 of those have opted in
16 with the program. So roughly 75% of candidates to
17 date have chosen to participate in the program.

18 CHAIRPERSON BENJAMIN: And what
19 percentage did the Democracy Voucher money represent
20 of the total funds that the candidates collected and
21 spent?

22 WAYNE BARNETT: It was quite high. I
23 don't have the exact number off the top of my head,
24 but two City Council that, you know, being at large
25 rates, and the two candidates raised and spent

2 \$300,000. They both maxed out, and I don't think
3 they raised much more than that.

4 ALAN DURNING: I believe it was—I believe
5 was between 70% and 80% for the two candidates in the
6 contested race. 75% to 80% of their funds came from
7 the Democracy Voucher Program. A somewhat smaller
8 percentage for the uncontested races, but those were
9 very low—those—those other races there wasn't a lot
10 of money spent so, just by collecting the cash
11 contributions from people's friends and neighbors,
12 they—you know, they raised fair bit of their total
13 budget.

14 CHAIRPERSON BENJAMIN: Did you say 70% of
15 the \$300,000 that they raised from Democracy
16 Vouchers?

17 ALAN DURNING: That's correct. We'll—
18 we'll have to get you the exact number but my—my
19 recollection is that it was around—it was between 70
20 and 80%. [background comments/pause] And can I
21 just ask how many voters were in these—in these
22 districts?

23 WAYNE BARNETT: I believe there were
24 about 70,000 voters—

25 ALAN DURNING: [interposing] Statewide.

2 WAYNE BARNETT: Oh, statewide. I'm sorry.

3 ALAN DURNING: So I said citywide. This
4 was received in citywide races. So, it would be
5 every voter.

6 CHAIRPERSON BENJAMIN: Yes.

7 WAYNE BARNETT: I—I thought you were
8 talking about—our districts are 70,000 voters, but
9 our—the three races in 2017 were all at large races.

10 CHAIRPERSON BENJAMIN: Okay.

11 WAYNE BARNETT: So they each comprised--
12 everyone in the city was eligible to vote in those
13 races.

14 CHAIRPERSON BENJAMIN: Okay, thank you.

15 Are there-?

16 COMMISSIONER ALBANESE: I have one
17 question.

18 CHAIRPERSON BENJAMIN: Sal.

19 COMMISSIONER ALBANESE: I want to ask Mr.
20 Durning, I'd love to ask your opinion of the Voucher
21 Democracy system versus the matching system. Do you
22 have any viewpoints on that? [background comments]

23 ALAN DURNING: There are very few
24 questions on which I did not have a viewpoint.

25 [laughter] Well, the first thing I would say is that

2 we studied the New York system closely, and we thought
3 it was one of the best ones around. When the—when
4 the Citizens Coalition that was assembling the—the
5 proposal that ultimately went to the voters in 2015
6 at one point we were considering two options. One
7 was to replicate what New York had done with what we
8 call a super match, a 6 to 1 super match, or to do
9 this Democracy Voucher thing. For a while it was
10 touch and go. The argument for—for—for replicating
11 the New York system was it was proven. We can just
12 copy what you guys did, maybe hire away your election
13 administration or your, yeah your Campaign—your
14 Campaign Finance Board. We could just hire them to
15 come and work here, but ultimately the arguments that
16 swayed the—swayed the coalition, were the arguments
17 that—that—that many of you have been making today. I
18 mean Democracy Vouchers are the most democratizing
19 and egalitarian method of public funding for a
20 campaign that has been invented yet. I makes every
21 eligible participant in the city worth the same
22 amount to a candidate whether they're a bartender or
23 a bank president, whether it's someone who is
24 suffering homelessness, or the head of a major union,
25 they're both—they're worth the same amount to the—to

2 the candidate, a hundred bucks. And—and it gives a
3 path to office that—to which you spend your time
4 entirely engaging in voter contact. You spend all of
5 your time talking to people or, you know, going to
6 house parties or it's all—it's a way to combine
7 people power with funding your campaign and it proved
8 more successful in its first iteration than I had
9 allowed myself to hope. We had—the campaign was in—
10 sorry, the—the program was, in fact, over-subscribed.
11 More citizens participated than we had modeled for.
12 [bell] So, I'm—I'm a proponent of Democracy Voucher
13 Program, but I think you guys have a pretty darn good
14 one to begin with.

15 CHAIRPERSON BENJAMIN: [off mic] Carl

16 COMMISSIONER WEISBROD: Could I just ask
17 how much the program costs? So, and the maximum cost
18 I guess would be \$50 million, but what was the
19 participation rate? So, how many—how much did it
20 actually cost?

21 COMMISSIONER ALBANESE: Yeah. Well, let
22 me explain the theory and then Wayne can tell you the
23 actual—actual what—what it costs. The very common
24 misunderstanding is that the total potential budget
25 would be the face value of all the vouchers in

2 circulation. That's not the total potential that
3 could be spent. The total is the sum of the spending
4 limits of all the candidates who qualify, which is a
5 much, much smaller number. So, the--the program is
6 funded with a \$3 million a year special property tax
7 levy that the voters approved in 2015, and Wayne, why
8 don't you tell him what it actually costs to run?

9 WAYNE BARNETT: It costs us \$1.1--\$1.14
10 million is what we distributed to candidates in 2017.
11 It cost us to administer the program just about a
12 million dollars in 2017. I don't think that that
13 ratio will hold. I don't' think it will always be 1
14 to 1. I think as we see more candidates
15 participating in the program, I think our
16 administrative costs will largely hold steady.

17 COMMISSIONER ALBANESE: Thank you.

18 WAYNE BARNETT: You're welcome.

19 CHAIRPERSON BENJAMIN: [off mic] are
20 there any further questions? Well, I think all of
21 the panelists who were here and hope you will be
22 available if--if and when we have additional
23 questions, or if we want to follow up with any
24 particular points with the--[background comments]
25 Oh.

2 MALE FEMALE: Your mic.

3 CHAIRPERSON BENJAMIN: Oh. [on mic] I
4 thought you were saying somebody Mike and I didn't
5 know who Mike was. I didn't [laughter] but I-I'd
6 like to thank all of you for participating with us
7 and for sharing your knowledge and your views with
8 us, and I would hope that if we have additional
9 questions or concerns of we invite you back or we
10 call you to ask you to follow up on any of the things
11 you've said, that you would be available.

12 [background comments/pause] With that being said,
13 the business of today's meeting is concluded. Our
14 next forum will be on Thursday, March 7th at 6:00
15 p.m. and that will be on police accountability focus
16 area. [squawking mic] While you're more than welcome
17 to take away the written materials, if you could
18 leave your little blue folders behind that would be
19 helpful for us so we can use them again. May I have
20 a [background comment] a motion to adjourn and I have
21 a motion right here. Is there a second?

22 COMMISSIONER: Second.

23 CHAIRPERSON BENJAMIN: [laughter] All in
24 favor.

25 COMMISSIONERS: [in unison] Aye.

2 CHAIRPERSON BENJAMIN: Opposed. [gavel]

3 We're adjourned until March 7th. [background
4 comments/pause]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date March 5, 2019