

CHARTER REVISION COMMISSION

OPEN MEETING

BROOKLYN COLLEGE, GERSHWIN THEATRE

2900 Campus Road

Brooklyn, New York

July 19, 2010

6:08 P.M.

CHAIR: DR. MATTHEW GOLDSTEIN

COMMISSION MEMBERS:

JOHN H. BANKS, VICE CHAIR

ANTHONY PEREZ CASSINO

BETTY Y. CHEN

DAVID CHEN

HOPE COHEN

ANTHONY W. CROWELL

STEPHEN FIALA

ANGELA MARIANA FREYRE, SECRETARY

ERNEST HART

REV. JOSEPH M. McSHANE, S.J.

KENNETH M. MOLTNER

KATHERYN PATTERSON

CARLO A. SCISSURA

BISHOP MITCHELL G. TAYLOR

1 CHAIRMAN GOLDSTEIN: Good evening, ladies and
2 gentlemen. I'm Matthew Goldstein, the Chairman of
3 the Charter Revision Commission. I'm pleased to
4 welcome all of you this evening to Brooklyn
5 College and want to thank our very distinguished
6 President, Karen Gould, who came here directly
7 from Europe just to greet you.

8 Karen, I know you're a little jet lagged but
9 thank you for providing this space. This
10 building is going to be demolished soon and a
11 brand new Performing Arts Center, I understand,
12 is going to be built on this site. So, Karen,
13 thank you.

14 Would you like to say a few words?

15 PRESIDENT GOULD: Yes, thank you, Chancellor.
16 I want to say on behalf of Brooklyn College
17 welcome to the Commissioners and welcome to all
18 members of the audience. We are delighted to be
19 hosting this very important hearing this evening
20 as one of the senior campuses in the CUNY system,
21 and I can tell you that when I heard that the
22 Chancellor had been invited to give leadership to
23 the Commission activities I was not at all
24 surprised since he has given outstanding
25 leadership to the City University of New York.

1 We're all very happy that you are here. I
2 hope that you have a very productive evening this
3 evening of dialogue, conversation and important
4 questions. So I wish you all good luck, and again
5 welcome to Brooklyn College. Thank you.

6 CHAIRMAN GOLDSTEIN: Thank you, President
7 Gould.

8 I'd like to have the Commissioners who are
9 with us tonight to introduce themselves. Start
10 all the way on my left, Ernie.

11 COMMISSIONER HART: Ernie Hart.

12 COMMISSIONER PATTERSON: Katheryn Patterson.

13 COMMISSIONER CASSINO: Hi, Tony Perez
14 Cassino.

15 COMMISSIONER MOLTNER: Good evening. I'm Ken
16 Moltner.

17 COMMISSIONER SCISSURA: Carlo Scissura.

18 COMMISSIONER FREYRE: I'm Angela Mariana
19 Freyre.

20 COMMISSIONER FIALA: Good evening, Steve
21 Fiala.

22 COMMISSIONER COHEN: Hi, I'm Hope Cohen.

23 CHAIRMAN GOLDSTEIN: Tonight the Commission
24 will conduct the second of six open meetings.
25 Our first order of business tonight will be to

1 hear from the Citizens Union of the City of New
2 York. And I'd like to welcome Dick Dadey, who is
3 the Executive Director of the Citizens Union.

4 I know that, Dick, you and your staff have
5 worked over many months to construct a very
6 comprehensive report, well over 200 pages,
7 digging deep down into the issues that this
8 Commission is deliberating on, and we thank you,
9 your staff, for all of that very fine work, and
10 I'd like to turn it over to you now. I know that
11 we're going to be joined by John Avalon, who is
12 not able to be here tonight, but it is being
13 piped in by audio. So, Dick, let me start with
14 you and we'll move up.

15 MR. DADEY: Thank you very much. I'd
16 actually like to introduce the Chair of Citizens
17 Union, Peter Sherwin, who will give the
18 introductory remarks.

19 CHAIRMAN GOLDSTEIN: Thank you.

20 MR. SHERWIN: Hi, good evening, Chair
21 Goldstein, and distinguished members of the New
22 York City Charter Revision Commission. My name is
23 Peter Sherwin, and I am Chair of Citizens Union.
24 And as you already know, I'm joined here tonight
25 with members of our staff: Dick Dadey, who is

1 our Executive Director, Alex Camarda, who is our
2 Director of Public Policy and Advocacy, and
3 Rachael Fauss, who is our Policy and Research
4 Manager. And also by telephone we've got John
5 Avalon, who is on the Board of Directors of
6 Citizens Union.

7 Now, we thank you for inviting us here
8 tonight to speak you with about our views on City
9 Charter Revision and to share publicly with you
10 our findings, positions and the 50
11 recommendations contained in our Report, which we
12 issued on June 30, which is entitled "Increasing
13 Avenues For Participation in Governing and
14 Elections in New York City."

15 Now, our appearance tonight is but one part
16 of our deliberative involvement in the
17 comprehensive review of the City Charter. We
18 began our effort three years ago, when we first
19 approached Mayor Bloomberg on the eve of the 20-
20 year anniversary of the historic 1988/1989
21 changes to the form and function of our City
22 government. And we asked him to form a City
23 Charter Commission to take a top to bottom review
24 of how well City government has functioned and
25 performed during the last two decades.

1 When Mayor Bloomberg announced the
2 appointment of this Charter Commission on March
3 23 of this year, Citizens Union created its own
4 Charter Revision Task Force, and it consists of
5 members of our Board as well as other experts in
6 City government. And that newly formed Task Force
7 joined with our existing Municipal Affairs
8 Committee to make the recommendations on Charter
9 Revision that we're going to discuss a little bit
10 today. And just a word on the Municipal Affairs
11 Committee, that's a standing committee of
12 Citizens Union, it's been around with us for a
13 long time, and it looks at many different issues
14 focusing on public policy, and made up of about
15 30 active CU members who discuss and recommend
16 policy positions on issues impacting New York
17 City.

18 Now, the Municipal Affairs Committee and the
19 Charter Task Force met by 16 times over the past
20 six months reviewing, evaluating and reaching
21 decisions on what to recommend to our Board. Then
22 Citizens Union Board met twice in the month of
23 June to consider various recommendations that the
24 MAC and our Task Force proposed.

25 The 50 recommendations that are contained in

1 our report received the strong support of
2 Citizens Union's 53 Board members, which I'd like
3 to add is a very politically diverse Board. It's
4 comprised of Republicans, Democrats, other
5 parties, and those who are unaffiliated, and
6 contains progressives, moderates and conservative
7 New Yorkers. To reach a consensus position on all
8 of these issues I believe speaks to the strength
9 of the thinking and rationale behind our report.

10 All of this work, of course, was
11 facilitated, coordinated and made possible by our
12 great staff.

13 Now, in evaluating the current structures
14 and processes of City government for the purpose
15 of making Charter Revision recommendations, the
16 different policy bodies and staff of Citizens
17 Union engaged in discussions with elected
18 officials, agency, advocacy groups, and former
19 Charter Commission Chairs and staff.

20 In addition, Citizens Union staff also
21 attended every public meeting and hearing and all
22 but one issue forum conducted by your Commission.
23 And then in turn reported to the Municipal
24 Affairs Committee and our Task Force about that
25 testimony, which further shaped the formation of

1 CU's thinking and recommendations for Charter
2 Revision.

3 Through this deliberative and comprehensive
4 approach, Citizens Union came to the conclusion
5 that a strong mayoral form of government brought
6 about by the 1989 Charter Revision has been good
7 for the City of New York. The '89 Charter has
8 largely worked with a stronger Mayor's office
9 resulting in a city managed more responsibly,
10 problems addressed more thoughtfully, and City
11 services delivered more reliably, as each Mayor
12 has better utilized the powers of the Office by
13 building upon the experience and work of his
14 predecessor. A strong mayoralty has contributed
15 to the revival of New York City as a vibrant
16 urban center for its residents, neighborhoods and
17 communities, commerce and business, and trade and
18 tourism.

19 Yet major changes, no matter how successful,
20 bring unintended consequences, and there's always
21 room for improvement. Now, with the benefit of
22 twenty years of experience, it is time to update
23 our City Charter and recalibrate the structure to
24 create an even better form of local government
25 that has the support of an engaged electorate.

1 Thus, we propose that the City Charter Revision
2 Commission should retain the basic fundamental
3 structure of a strong mayoralty that has led to
4 the City's resurgence in the last two decades.
5 However, it must also seek to enable the City's
6 increasingly diverse population to have a greater
7 level of impact into how decisions that affect
8 all New Yorkers are made without undermining the
9 effective and efficient management of the City
10 and the delivery of its services.

11 Far-reaching reforms in our elections are
12 urgently needed to end the closed partisan
13 management of our elections and open up the
14 process of voting to a greater number of eligible
15 New Yorkers.

16 Improving the form and function of city
17 government to enhance different voices without
18 diminishing the power of the strong mayoral form
19 of city government is no small challenge, but is
20 one which Citizens Union believes is critical for
21 the continued progress of our City.

22 In achieving this delicate equilibrium,
23 Citizens union has identified five major
24 objectives to improve the performance of City
25 government: (1) insure checks and balances; (2)

1 open elections; (3) strengthen accountability;
2 (4) protect integrity; and (5) increased
3 transparency.

4 These objectives are realized through a
5 total of 50 Citizens Union recommendations in our
6 full report impacting a vast array of City
7 structures and functions.

8 I'm now going to turn over our testimony to
9 Dick Dadey, our Executive Director, who will take
10 us through our key recommendations joined by John
11 Avalon and Alex Camarda.

12 MR. DADEY: Thank you, Peter.

13 These 50 recommendations that we present to
14 you tonight are knitted together in a coherent,
15 philosophical framework based upon our belief
16 that participation in elections and government
17 decision making needs to be improved and in fact
18 opened up; hence the title for our report.

19 One of the reasons the term limit reversal
20 engineered by Mayor Bloomberg and the City
21 Council in 2008 continues to resonate with New
22 Yorkers is because it crystalized the disconnect
23 they feel from City government when it fails to
24 meaningfully engage them before making its
25 decisions.

1 It is with this mind-set the Citizens Union
2 approached its recommendations for City Charter
3 Revision. We believe this Commission must not
4 simply revise but undertake some bold and broad
5 reforms.

6 This process and the ultimate
7 recommendations that come out of it must
8 strengthen the integrity and transparency of
9 government institutions so that public confidence
10 is greater and New Yorkers believe that
11 participating in government decision making and
12 elections is an endeavor worthy of their time and
13 effort.

14 We made 50 recommendations, and in the
15 written testimony before you tonight we highlight
16 16 of them. In the interest of time and allowing
17 for more discussion, I'm not going to go through
18 each of those 16, but urge you to take a look at
19 those 16 and question us on each of those 16 if
20 you have any questions.

21 Turning and jumping to page 5. Citizens
22 Union appreciates the inclusion of some of our
23 recommendations in the Preliminary Staff Report
24 and Recommendations to the Chair of the 2010
25 Charter Revision Commission.

1 We strongly support the reduction in the
2 number of signatures needed for designating an
3 independent ballot petition, consolidation of the
4 Voters Assistance Commission within the Campaign
5 Finance Board, and disclosure of independent
6 expenditures.

7 Citizens Union also recognizes and
8 appreciates the careful deliberation that the
9 Commission had brought to this process. As a
10 good government organization focused on the means
11 for which policy is developed, we know that the
12 best policies are often the product of mindful
13 and conscientious planning and processes.

14 Citizens Union does believe, however, that
15 the Commission can and should take on more than
16 it is currently considering. While we support
17 the idea for certain items on the ballot this
18 year and remaining other issues to be considered
19 in 2012 by reconvening this Commission or forming
20 another, Citizens Union feels that the current
21 Staff Report is weighted too heavily toward
22 deferral and too lightly on action. Quite simply,
23 we urge you to reach further and aim higher.

24 This Commission was charged with a wholesale
25 review of City government to assess the impact of

1 the fundamental changes made by the 1989
2 Commission. While the compressed schedule,
3 despite the Commission's hard work and deliberate
4 and good efforts in reaching out and engaging the
5 public may prevent a comprehensive review of the
6 kind engaged by the 1989 Commission, Citizens
7 Union believes there is room to improve more
8 goals to improve our City government and ensure
9 there are more avenues for participation and
10 inclusion for its citizens in an increasingly
11 diverse and large city.

12 We are pleased that the Commission remains
13 open to tackling more issues with additions to
14 its Staff Report, which it has described as a
15 "living document."

16 It is not as yet public consideration of
17 these issues began with the convening of this
18 Charter Commission, as many of them have received
19 widespread public attention, garnered thoughtful
20 discussion, and collected reasonable proposed
21 issues.

22 With that concept in mind, we would like to
23 take this opportunity to recommend additions that
24 we think are important to include for
25 consideration in 2010.

1 Chief among them is the institution of a Top
2 Two election system, which I'm going to first
3 turn over to John Avalon, who is available by
4 beam.

5 MR. AVALON: Thank you, Dick. Thank you,
6 Chancellor Goldstein, and members of the
7 Commission. I'm sorry I couldn't be with you in
8 person. But as Dick said, I'd like to just
9 briefly lay out the thinking of the Charter
10 Revision Task Force in putting forward the
11 proposal of Top Two.

12 We felt that it was entirely consistent with
13 our approach to Charter Revision, not just
14 opening up avenues for participation, but taking
15 a wholesale look at the state of the City and
16 saying what has worked and where there are areas
17 where improvement is necessary, or desirable, if
18 possible.

19 The question is, is there a problem
20 (indiscernible) over elections? We sometimes
21 (indiscernible) to the idea that's the way things
22 are done. But taking a broader view, I think, we
23 think Citizens Union believes clearly the answer
24 is yes. Not just a question of increasing anemic
25 voter turnout, but something fundamentally

1 increasing the underrepresented in our Democracy.

2 We are in danger of having closed partisan
3 primaries replaced by general elections where all
4 New Yorkers have a voice in a vote for the vast
5 majority of elected offices in New York City.
6 Because below the Office of Mayor the vast
7 majority of elected offices in New York City are
8 being effectively decided in closed partisan
9 primary elections. That effectively
10 disenfranchises more than 1.5 million New
11 Yorkers.

12 Positions as powerful as Manhattan District
13 Attorney were decided by Democrats alone. There
14 was no general election. Likewise, Public
15 Advocate and Comptroller were effectively decided
16 by just 5 percent of the electorate in a run-off
17 election.

18 We believe the Top Two would preserve
19 partisan elections while opening the process to
20 all voters, and that's a win-win in our mind. And
21 we think that there is an obligation, considering
22 that the elections are run at taxpayer expense,
23 that they should be open to all the taxpayers of
24 the City, all eligible voters in New York City,
25 all eligible New Yorkers, and we think that this

1 is so clearly a win-win for the City. Opening
2 the process, engaging more voters that it would
3 have the effect of increasing voter participation
4 and enthusiasm for races at a local level, which
5 is the level of our Democracy that's most
6 connected to the community. Not just the vibrant
7 mayoral elections we have, which are also
8 suffering increasingly low turnout over the last
9 20 and 30 years.

10 I think one other perception we feel should
11 be addressed is the idea that this proposal is
12 somehow exotic or untested or untried. It's
13 important to remember that New York City is
14 actually outlier in this regard; that over 80
15 percent of American cities and towns have some
16 form of nonpartisan or open election, and that we
17 feel the top two, which the courts have looked
18 at, preserves the best of both systems allowing
19 partisan labels to guide voters but opening that
20 critical, pivotal first primary to all voters as
21 well.

22 We're proud of this proposal and proud of
23 this report. We believe it's an important
24 dialogue for the City to have and an option and
25 opportunity for voters. It's a return to Citizen

1 Union's historic position, and it's fundamentally
2 consistent with our overall approach to Charter
3 Revision, which is opening avenues of
4 participation for all New Yorkers. Thank you very
5 much.

6 MR. DADEY: Thanks, John.

7 Continuing with our discussion on Top Two
8 elections. So while democratic practice and
9 party affiliation have changed dramatically over
10 the past 60 years, elections in New York are
11 conducted much in the same way as they were in
12 1960.

13 Closed partisan political primaries need to
14 go the way of the old lever machine. They need
15 to be discarded and something new needs to take
16 their place. Voting in antiquated political party
17 primaries that excludes 1.5 million registered
18 New Yorkers from participating in elections that
19 effectively choose their representatives is akin
20 to communicating using a rotary dial telephone in
21 the age of the iPhone.

22 Citizens Union urges this Commission to
23 embrace our suggestion to recommend the voters
24 this fall a ballot question that creates a new
25 way of electing our elected officials. We

1 propose that New York adopt a Top Two election
2 system, like that recently approved by referendum
3 in California, which will permit all party
4 registrants and unaffiliated voters to vote in
5 the first round of candidates of any party or
6 none at all.

7 The Top Two candidates will advance to the
8 general election in November to determine the
9 victor. This will allow for a greater number of
10 New Yorkers to vote in the most determinative
11 election and create greater competition and
12 choice for the November general election. It will
13 provide the voice of 1.5 million voters who are
14 now effectively shut out from choosing many of
15 the City's elected officials because they are not
16 affiliated with the Democratic Party to be heard.

17 Citizens Union is not reversing its position
18 so much as returning to our historic place as a
19 nonpartisan civic group that has long fought for
20 opening up the political process for all to
21 participate.

22 Our 113-year-old good government group
23 started as a nonpartisan political party with the
24 goal of electing nonpartisan reform candidates.

25 Shortly after its founding in 1897, elected

1 the first reform mayor of New York, Seth Low, the
2 first Mayor of the newly consolidated City of New
3 York that included the then recently annexed
4 Boroughs of Brooklyn and Queens.

5 In the early part of the 20th Century,
6 Citizen Union led and won the campaign to protect
7 the integrity of the vote requiring the Board of
8 Elections institute signature identification of
9 voters at the polls to prevent fraud. And we
10 also successfully ended slate voting in 1915,
11 which allowed voters to support a split ticket of
12 candidates from different political parties,
13 ending the warped control by political parties of
14 how voters exercised their right to vote for
15 candidates of their choosing.

16 Citizens Union is taking a position
17 different from the one it had in 2003, because
18 the issues that were of concern then are no
19 longer valid, and the electorate is clamoring for
20 change, because they want their votes not just to
21 count but to matter.

22 When we took our position then we felt the
23 process was rushed and that the case had not been
24 convincingly made. The proposed Top Two
25 elections will allow candidates to self-identify

1 and affiliate with their political parties and
2 thus provide valuable information for voters who
3 want to know which team a particular candidate is
4 on. By simply increasing the number of voters
5 eligible to vote, we would increase the number of
6 participating voters, if not the percentage.

7 This new system would not prohibit political
8 parties from endorsing candidates of their own
9 choosing; it would just change the manner of
10 their selection.

11 The Campaign Finance Program is now stronger
12 than it was in 2003 in terms of providing public
13 funds to challengers who are not adept at
14 fundraising and face off self-financed
15 candidates.

16 Since 2003, we have also seen the City and
17 the Country elect more people of color to office,
18 including a Latino mayor in Los Angeles, who was
19 elected in a nonpartisan primary election system.
20 And the first black president in the United
21 States who on the way of winning the Democratic
22 nomination won contests in 16 states that had
23 open primaries, or caucuses, and arguably this
24 manner of victory contributed to his strength as
25 a general election candidate.

1 Finally, Citizens Union believes the
2 taxpayer dollars should not be used to hold a
3 political party election that essentially bars
4 1.5 million New Yorkers, who pay taxes, from
5 voting.

6 There are also some encouraging signs from
7 New York City's limited experience with
8 nonpartisan elections in special elections.
9 Voter participation data in City Council,
10 nonpartisan elections as opposed to state,
11 legislative partisan elections in New York City
12 since 2000 indicates -- since 2008 indicates a
13 significantly higher turnout for nonpartisan
14 special elections.

15 City Council nonpartisan special elections
16 average voter turnout at 12.3 percent since 2008.
17 Just over two times larger, two times larger than
18 the 5.76 percent turnout for partisan state
19 legislative special elections during the same
20 period.

21 Let me pause there for a minute. City
22 Council special elections that are run in a
23 nonpartisan way had doubled the turnout of voters
24 participating than the closed party closed
25 elections where the parties, political parties,

1 chose their own candidates. Nonpartisan special
2 elections in the 44th Council, 18.21 percent;
3 21st Council, 9.60 percent; 49th Council, 12
4 percent. Just in the last year -- this year
5 alone, in 2010, the special election 44th
6 Council, March 23, 2010 where David Greenfield
7 won, 18 percent of the registered voters turned
8 out for City Council nonpartisan special
9 election. What was it for the Jose Peralta race
10 in 2010 on March 16 held a week earlier? 4.9
11 percent. You will see the various other races
12 that we mentioned showing, we believe, that these
13 examples demonstrate that when voters are given a
14 broader choice of candidates in a nonpartisan
15 election for a City Council race they turn out in
16 higher numbers than in state legislative contests
17 where the party candidates are already
18 predetermined and others are kept off the ballot
19 if they don't have the backing of a political
20 party.

21 Unlike in Instant Run-off Voting, or IRV,
22 which Commissioners at a public meeting on July
23 12 found intriguing yet potentially too new for
24 consideration in New York to fully evaluate, the
25 issue of nonpartisan-like election system has

1 been vetted by previous administrations, placed
2 before the voters in 2003, and exists in many
3 more municipalities nationwide, including over 80
4 percent of the top cities.

5 Therefore, there is ample experience and
6 testimony regarding a new election system to
7 include among the options for the ballot, and
8 there is the opportunity to gather further input
9 on outstanding questions between now and
10 September.

11 Our concern with the proposals currently
12 being focused on in the Staff Report under
13 section regarding "Increasing Voter
14 Participation," all of which we support, none of
15 them address the inclusion and enfranchisement of
16 the over 750,000 unaffiliated voters -- 20
17 percent of them are African-American, 24 percent
18 are Latino, and 11 percent are Asian-Americans
19 according to figures assembled by the New York
20 State Legislative Task Force on Demographic
21 Research and reapportionment, otherwise known as
22 LATFOR, as of April 2010, and a total of 1.5
23 million voters not in the Democratic Party.

24 These groups of registered voters have
25 expressed an interest in engaging in the

1 political process through registering, yet are
2 prevented from voting in the pivotal first round,
3 or Democratic primary, where the eventual
4 officeholders are typically chosen with an
5 increasingly small proportion of the electorate.

6 Citizens Union is concerned by this downward
7 spiral and believes the Top Two is the best way
8 this Charter Commission can open up the process
9 and encourage more participation.

10 We support a number of other reforms that
11 have been discussed before this very Commission:
12 EDR, early voting, no-excuse absentee voting, but
13 have determined that those solutions are best
14 addressed at the State level, and we have focused
15 our efforts on that.

16 We cannot support the implementation of
17 these desired reforms at the City level but will
18 continue to push for their enactment at the State
19 level.

20 The opening up of the party primary system
21 has raised concern in 2003 of a perceived adverse
22 impact regarding increased party spending. It is
23 important to recognize the landscape of funding
24 of campaigns for partisan systems has changed
25 since 2003 when this initiative was last voted

1 on.

2 During the 2003 Commission, the Campaign
3 Finance Board noted that New York State Law
4 prohibited parties from spending in support of a
5 particular candidate during primary elections.
6 Since then, however, the rules regarding
7 prohibitions on soft money contributions and
8 uncoordinated expenditures have changed as
9 restrictions on party communications with voters
10 during the primary election cycle were deemed
11 unconstitutional in 2006. As a result, parties
12 can now spend in party primaries, and a shift in
13 two-round election system would not change the
14 ability of parties to spend in the first round of
15 the election as it would have done in 2003, when
16 nonpartisan elections was on the ballot.

17 Candidates also now receive a higher match
18 than they did in 2003 when competing against a
19 self-financed candidate while not participating
20 in the public campaign finance system. The
21 City's campaign finance system since 2003 has
22 increased matching funds for participating
23 candidates to a 6 to 1 ratio from 4 to 1 for
24 every eligible dollar raised, making challengers
25 more competitive against candidates who are free

1 to spend their own money.

2 While the dollar threshold eligible for
3 matches has been lowered from 250 to 175,
4 candidates bringing in smaller contributions
5 experience more larger matches for more of the
6 money they raise.

7 Today, participating candidates receive
8 \$8.50 for every dollar raised eligible for public
9 matching funds when a wealthy competitor not
10 participating in the program raises or spends
11 triple the spending limit.

12 In 2003 this additional match of
13 participating candidates was only just \$5 for
14 every \$1 raised.

15 Another concern of nonpartisan elections is
16 the impact on the ability of people of color how
17 to get elected. The evidence through the years
18 is not conclusive other than to look at what has
19 happened nationwide regarding mayoral elections.

20 A Citizens Union analysis determined that of
21 the 50 largest cities, 4 of the 9 nonpartisan
22 systems -- 44 percent -- currently have a
23 minority mayor while 17 of 41 nonpartisan
24 systems -- 31 percent -- do.

25 While the proportion of partisan systems

1 having a mayor of color is higher, a shift of
2 just one mayor of color in the offices of the
3 partisan system, given the small sample size,
4 would make these two systems comparable.

5 Analysis by earlier Charter Revision
6 Commissions showed the opposite, so there is a
7 clear trend in this regard.

8 Analysis of the 1998 Commission unveiled a
9 report finding that of the eleven cities using
10 partisan elections, only 2, or 18 percent, of
11 people of color are mayors. Of the 37 cities
12 using nonpartisan elections 15 of them, or 41
13 percent, have mayors of color.

14 The 2002 Commission had similar findings
15 when examining the impact of nonpartisan
16 elections on minority representation for the most
17 populated 100 cities. It found that 27 percent
18 with nonpartisan systems have African-American or
19 Hispanic mayors, or 22 percent of those with
20 partisan elections have minority mayors, none of
21 them in any of the 11 cities with white
22 majorities.

23 We believe that people of color are reaching
24 higher levels of the municipal office in both
25 systems and neither one appears to have a clear

1 advantage in that regard. It is also notable
2 that in 2009 two important milestones for
3 achievement in the City of New York. The number
4 of black, Hispanic and Asian residents made up a
5 majority of voters of the Citywide elections for
6 the very first time. 46 percent of the voters
7 identified themselves as white, 23 percent as
8 black, 21 percent as Hispanic, and 7 percent as
9 Asian, according to exit polls by Edison Media
10 Research. We also elected a City Council where a
11 majority of the seats are now being held by
12 Legislators of color.

13 These two developments convincingly indicate
14 that the broad diversity of the City will create
15 a different electoral dynamic in the future, one
16 in which people of color will likely be less
17 reliant on parties to enhance their ability to
18 get elected.

19 So, therefore, we believe that a Top-Two
20 election system should be placed on the ballot
21 this fall. It should not wait until 2012 for a
22 2012 citywide election. Giving the voters the
23 opportunity to decide now this fall will give the
24 City a sufficient amount of time, should it be
25 approved, to move to a new election system and

1 allow for the Department of Justice to review the
2 change to ensure that it complies with the Voting
3 Rights Act.

4 In interest of fairness and inclusion, the
5 City of New York should no longer support an
6 electoral system that excludes and
7 disenfranchises 1.5 million voters from
8 participating in elections that essentially
9 determine who represents them.

10 In all but the Mayor race last year and two
11 City Council seats, the winner of the Democratic
12 Party primary election went on to win the general
13 election.

14 In advancing the Top-Two election system, we
15 are not taking politics out of elections or
16 government. We are simply ending partisan
17 control. New York cannot have effective
18 representative government if there is not
19 participation from all eligible voters in what is
20 the most decisive and determinative election.

21 I'm turning it over now to my colleague,
22 Alex Camarda, who is going to talk about
23 independent budgeting and community boards.

24 MR. CAMARDA: During the public hearings and
25 issue forums we heard from experts and members of

1 the public on the need to strengthen the ability
2 of communities to have their voices represented
3 and have there input considered in decision
4 making, if not be part of it directly.

5 Independent budgeting is essential for the
6 Public Advocate, Borough Presidents, to ensure
7 these offices more strongly advocate for the
8 constituencies they represent and take positions
9 based on the merits of the issues without fear of
10 repercussions to their budgets.

11 While this idea is new to these offices, it
12 is not new to the City given the Independent
13 Budget Office's fixed budget as a percentage of
14 the Office of Management and Budget.

15 There has also been much public discourse on
16 this issue in relation to the Public Advocate's
17 office. The combination of an existing model and
18 years of discussion and news articles on this
19 topic justifies its inclusion as a topic for
20 consideration for the 2010 ballot, and not only
21 for the Public Advocate and Borough Presidents'
22 offices but for the Community Boards and
23 Conflicts of Interest Board as well.

24 Citizens Union considered independent
25 budgeting for other agencies but decided that

1 only the Conflicts of Interest Board merited it.
2 The Conflicts of Interest Board is unique in that
3 it oversees ethics across all agencies and
4 elected officials' offices. Given this
5 oversight, it should not have its budget
6 determined by the very people who are subject to
7 its scrutiny and judgment. This distinct mission
8 coupled with its independent Board separates the
9 Conflicts of Interest Board from other agencies
10 seeking similar budget independence, and
11 justifies the request as being fundamental to its
12 overarching function in the City Charter.

13 Only when the Public Advocate, Borough
14 Presidents and Community Boards truly have
15 independence from those who set their budgets
16 will they be able to most forcefully advocate for
17 their constituents' views. Only when the
18 Conflicts of Interest Board has the
19 independence -- perceived or actual -- to
20 discipline those who currently set its budget
21 will people have more faith in the system as a
22 whole.

23 This is the reason to establish independent
24 budgets for these entities. Not as a back of the
25 doorway to increase budgets during tough fiscal

1 times, but to ensure that particularly because
2 times are difficult people have a strong
3 representative within government to robustly
4 voice their concerns that will result in
5 meaningful dialogue and a greater faith in the
6 City's ethical framework.

7 Independent budgeting will require the
8 Council and Mayor no longer directly control just
9 over \$40 million of the total budget -- excuse
10 me, which is the total budget of all Borough
11 Presidents, and Community Boards, Public Advocate
12 and Conflicts of Interest Board. This is less
13 than the cost of the Council Members'
14 discretionary funding or member items. It
15 represents about \$1 of every \$1,575 spent by the
16 City. It is a very small amount of authority to
17 cede for the very real and important feeling that
18 people are part of their elected government,
19 invaluable at any time and essential during
20 difficult economic times.

21 Someone suggested that this proposal will
22 put New York on a path to California's fiscal
23 woes. California is in a fiscal straightjacket
24 because of a referendum system that has resulted
25 in mandates, codifying high spending and low

1 taxes. It has little to do with independent
2 budgets for offices or boards that are
3 6/10,000ths of 1 percent of the City's budget,
4 and can go up or down based on the entities to
5 which they are linked.

6 Moving on to Community Boards. We believe
7 another ripe area for action this year in
8 alignment of Citizens Union's overall view that a
9 strong mayoralty should be checked by robust
10 channels for community input are proposals
11 related to Community Boards and land use, which
12 are intertwined.

13 The discussion related to communities and
14 Community Boards and the extent to their input on
15 land-use dates back decades to the work of many
16 previous Charter Commissions. Lack of resources,
17 and, therefore, expertise related to the primary
18 functions of Community Boards -- land-use input
19 and budget advice -- has long been an issue in
20 the public discourse.

21 Creating pools of urban planners for
22 Community Boards while giving the Boards fixed
23 budgets to financially access them is something
24 that builds off the work of previous Commissions
25 who have allowed Community Boards to voluntarily

1 utilize urban planners. Both independent budgets
2 and ensuring expertise on the boards is worthy of
3 consideration in 2010.

4 Other issues related to land use are
5 admittedly complex, and for that reason Citizens
6 Union deferred on them for work in subsequent
7 years. However, there are matters that should be
8 addressed this year, including ensuring the
9 spirit of the Fair Share provisions in the '89
10 Charter are finally realized through
11 strengthening of the language in the City
12 Charter. We should not perpetuate the inequality
13 in pursuing the perfect solution that covers
14 every angle.

15 All communities should receive social
16 service providers that may not be perceived as
17 desirable yet are necessary. Likewise, essential
18 City resources that can have adverse
19 environmental effect should be shouldered by all
20 communities and not just those who lack the
21 political clout and know how to block their
22 placement.

23 Similarly, communities deserve to know
24 through an official response of the City Planning
25 Commission why when 197(a) plans they have worked

1 diligently to produce are undone by alternative
2 plans. Let us encourage the participation that
3 197(a) plans foster rather than continue a
4 process that on too many occasions has ignored
5 these plans and bred cynicism.

6 MR. SHERWIN: The fourth topic for decision
7 is reforming City Council discretionary funding,
8 lulus and salaries.

9 The last few years have brought tremendous
10 focus to the scandals and improprieties related
11 to discretionary funding, or member items, at
12 both the City and State level.

13 The City Council, to its credit, has made
14 significant strides in addressing the
15 shortcomings of the discretionary funding system.
16 Including these reforms in Charter language is
17 important to do this year as the public memory
18 can fade quickly and Council rules are easily
19 reversed.

20 2. Citizens Union recommends going beyond
21 Council City actions to create equity in the
22 distribution of discretionary funding across
23 districts and end lulus but all for the
24 leadership positions.

25 These are important reforms for 2010 not

1 only because they've been part of the public
2 discourse and news cycle for sometime now, but
3 also because they are fundamental for
4 establishing more independent Council Members who
5 can better advocate for their communities and
6 evaluate issues based on substance rather than
7 weighing potential repercussions from leadership.

8 This represents another opportunity to
9 strengthen the resonance of differing voices and
10 alternative points of view that the City needs to
11 ensure that Democracy thrives.

12 5. Let's enact true independent Council
13 redistricting. Citizens Union also urges the
14 Commission to address redistricting this year
15 given that lines for Council districts will be
16 redrawn before the next election.

17 Although the City appears to have an
18 independent redistricting commission, it is
19 independent in name only. That is because all of
20 its members are directly chosen by elected
21 officials. Thus there is too close a connection
22 between those who draw the lines and those who
23 appoint them. So, we propose that one-third, or 5
24 members, including the Chair as the Executive
25 Director of the Redistricting Commission be

1 appointed by the Campaign Finance Board. This
2 will create a necessary buffer between the
3 Council and the Mayor and the Redistricting
4 Commission members who draw the lines.

5 Consequently, the Redistricting Commission
6 will have greater independence and draw lines
7 that more accurately reflect coherent city
8 communities.

9 2. Furthering that aim are proposed changes
10 to the criteria for drawing lines that will
11 specifically require the lines not be drawn to
12 favor or oppose any party, any incumbent, or any
13 challenger. And third, the plan will also have to
14 be approved, or should be approved, by 11 of the
15 15 Redistricting Commission members instead of
16 the 9 under the current law.

17 Now, these five topics represent what
18 Citizens Union believes are fundamental issues
19 that the Commission should consider adding as
20 options for 2010. We believe that they would
21 complement the important issues that the
22 Commission has already identified as areas of
23 focus in its Staff Report.

24 Now, Citizens Union also has suggestions and
25 recommendations related to the proposals the

1 Staff Report identified as items to address in
2 2010, and we will weigh in on those more fully in
3 an upcoming public forum for that purpose.

4 But to close, we'd like to take this
5 opportunity, however, to address and discuss at
6 this time two modifications to items in the Staff
7 Report that are of great importance.

8 MR. DADEY: Regarding term limits, we
9 believe that we should refine term limits. We
10 agree with the Commission's assessment that this
11 issue should be addressed on the ballot in 2010.
12 We recognize the support and need to respect the
13 results of the voters' will expressed in previous
14 referenda, and for that reason we're opposed to
15 any changes to terms limits without the voters'
16 consent since 2005.

17 We have historically opposed term limits and
18 opposed the voter referendum in 1993 and '96, but
19 we most recently opposed changes in term limits
20 without first returning to the voters.

21 We've changed our position because we have
22 seen the benefits that term limits have brought
23 to our government that has resulted in a more
24 robust and capable Council that is increasingly
25 more diverse and representative of the City's

1 populace.

2 We do not suggest returning to a system of
3 two terms for City Council when the first term is
4 spent by newly elected members figuring out how
5 to be effective members and spending the second
6 term positioning themselves to run for other
7 offices. Such an arrangement dis-empowers the
8 Council.

9 The mayoralty, as strong as it is, which we
10 support, is so important to give the Council
11 tools necessary for it to be a strong legislative
12 body. It is why we support a longer term limit
13 in office for City Council than for the City or
14 Borough-wide offices.

15 This question about the balance of the power
16 between branches of government is very different
17 from the one voters decided in earlier votes on
18 term limits, namely that all elected officials be
19 limited in the time they serve in office to two
20 terms.

21 Therefore, we urge the Commission to come to
22 a view as to what it thinks is the best term
23 limit approach for City government and put just
24 one question to the voters. Keeping it simple
25 will cause less confusion than providing many

1 more options that may in the end may not
2 necessarily reflect the sentiment of the voters.

3 We support the idea of having two four-year
4 terms for City and Borough offices and three
5 four-year terms for the City Council.

6 Finally, we're pleased to see that the Staff
7 Report created the newly structured Campaign
8 Finance Board under the name the Voters
9 Assistance Commission. We would urge you to go
10 further and empower the Campaign Finance Board
11 take on the responsibility of law making,
12 oversight and enforcement.

13 When this law was changed in 2007,
14 empowering the City Clerk to do this kind of
15 oversight and enforcement was a stop gap measure.
16 Citizens Union signed on to that reform in the
17 hope that we would get the Charter changed that
18 we would empower a nonpartisan independent body
19 to take on that responsibility, and we believe
20 that the Campaign Finance Board is that body.

21 We want to thank the Commission very much
22 for its work and which you all carefully
23 deliberated, which you have all addressed, but as
24 we suggested earlier, we encourage you to reach
25 further and aim higher when you decide upon a

1 final set of recommendations to place before the
2 voters.

3 We look forward to the continued hard work
4 of the Commission in assisting you in its
5 assessment of what changes are needed to the form
6 and function of our City government. Thank you.

7 CHAIRMAN GOLDSTEIN: Thank you, Mr. Sherwin.
8 Thank you, Mr. Dadey, and Mr. Avalon, and the
9 others on the Panel.

10 I'd like now to ask our Commissioners, who
11 I'm sure have a number of questions that they
12 would like to pose to many of you.

13 Let me start with Commissioner Cassino.

14 COMMISSIONER CASSINO: Thank you,
15 Mr. Chairman, and I want to thank Citizens Union
16 for a report that I find, I think, it captured --
17 I don't agree with everything in it, but I really
18 think it does capture a lot of the sentiment that
19 we see in the City regarding government reform
20 and things that could be perceived as good
21 government, fair and more open.

22 And I think that I want to focus in on one
23 specific area, because I agree with you that we
24 need to aim high, but we do have a limited time,
25 and we struggled with that from the beginning.

1 How far do you go? What do you need to defer?

2 So I want to focus in on an area I'm very
3 focused in on is City Council, and I want to
4 focus in on some of the items you mentioned in
5 your City Council reforms. And actually I can
6 imagine it's difficult to come to a consensus on
7 some of these issues with such a big Board. But
8 there's another area that you have that I took
9 the liberty of taking off your Web site that you
10 have that's very, very enlightening, and that is
11 the surveys of Council Members, and I'm going to
12 pass out, and I'll pass out to you, a chart I
13 developed related to those surveys.

14 You have the last, for many years, have
15 served Council Members in '09 and '05. A lot of
16 those questions relate to the issues we're
17 grappling with here. So I looked at those two
18 classes, because they would be the most impacted
19 by many of these changes. I wanted to know what
20 they would say, and really it's at their moment I
21 think tremendous honesty and candidness and also
22 they're not conflicted in any way.

23 Many of them not in the Council, not all,
24 there are 19 on here from the Class of 2009 and
25 then in the Class of 2005. There's another group

1 in their total of 32 members that comprise the
2 2005 and 2009 classes. And they were asked, not
3 all of them but many of them, 24 of them
4 responded in one way, shape or form, and they
5 requested many of the questions that we've been
6 grappling with here regarding City Council
7 reform. And it relates to things like reporting
8 outside income, making a job full-time, making
9 the City Council job full-time. Eliminating
10 lulus. Any future increases in compensation to be
11 subject to -- would only be subject to a future
12 Council that they would change. Position on term
13 limits. And an interesting one, Charter modified
14 to require changes to term limits only be
15 approved by the voters. Something again that
16 we've talked about extensively.

17 And then you asked them the position on
18 recent extension of term limits. And the numbers
19 are striking, obviously, for the 2009 class,
20 which appears to have run on this issue. So I
21 separated out between those that supported these
22 issues and those that didn't. And it's
23 overwhelming the number of Council members who
24 are asking us in their surveys to basically
25 reform the system.

1 All of these received a large majority of
2 support from existing and/or incoming Council
3 people, and, you know, some of the numbers are
4 striking: 18 to 7 eliminating lulus. Make the
5 job full-time: 18 to 1. Increase future
6 compensation for Council Members only in future
7 Councils: 16 to 2. Position on term limits: 15
8 to 6 in favor, and Charter modified, to modify
9 the Charter as part of the term limits only be
10 approved by the voters, that's 18 to 4. And 20,
11 20 of them indicated that they opposed the way
12 the term limits was changed, and only 3 supported
13 it.

14 So just a quick -- and by the way, John Liu,
15 the Comptroller, and Public Advocate Bill de
16 Blasio both said they support that modification
17 to the City Charter that only voters can overturn
18 term limits in the future. I think it's very
19 enlightening to hear what the actual
20 representative body, and we talk a lot about the
21 representative Democracy, and I agree with that,
22 but in this case, in many of these instances, our
23 representative Democracy is telling us they don't
24 even want to be a representative Democracy on
25 those issues. They're asking us to do this,

1 they're asking us to look at these reforms, so I
2 take their words very seriously. And I agree
3 with them.

4 I think, you know, we need to aim high, and
5 for me the area of Council reform is something
6 that's been around forever. These issues are well
7 vetted and I think the unintended consequences
8 are minimal.

9 The extra one that I want to put on here, we
10 should have asked the question, which you guys
11 did not, about the leveling of Council member
12 items. I find it offensive quite frankly that
13 some districts get \$300,000 and other districts
14 get \$1.5 million, as if the people in one
15 district are somehow lesser or less in need of
16 those resources than another district. And we
17 know it's solely based on the Speaker handing out
18 that money. Not on need, because I think if you
19 look at the list those communities have nothing
20 to do with whether they're the most needy
21 communities.

22 So I'd ask you to comment generally on these
23 results and also comment specifically on two
24 items. One is on the member item issue and the
25 leveling of it. And the second one is on term

1 limits and whether those changes -- let's suppose
2 there were changes put on the ballot, should they
3 apply immediately? Not prospectively.

4 MR. DADEY: Commission Cassino, thank you for
5 very much for doing an important public policy
6 research. If you're looking for a position maybe
7 we should talk later. I really appreciate the
8 effort you went to and the information you
9 compiled.

10 I think what this shows very convincingly is
11 that before elected officials become elected
12 officials and candidates they embrace reform
13 quite openly and strongly, as they are trying to
14 seek the favor of the electorate that they are
15 before.

16 But a funny thing happens when they become
17 elected officials. They need to develop
18 relationships with the powers that be within the
19 Council. And their embrace for reform is not
20 nearly as robust as elected officials as it is
21 when they are candidates.

22 But you can see that we have a public record
23 of strong support among existing City Council
24 members who believe in these issues, but when
25 given the opportunity to act don't necessarily

1 act in those positions as elected officials,
2 though I will challenge this Commission to in
3 fact do what the City Council is not prepared to
4 do, even though enough of a majority of its
5 members are supportive of it.

6 The issue of equitable member item
7 distribution is a recent one, and is one that
8 Citizens Union strongly supports, and we
9 encourage that as well. No one community should
10 be deprived of city taxpayer dollars simply
11 because of that, you know, their Council Member's
12 relationship -- good or bad -- with the City
13 Council Speaker and other leaders of the City
14 Council.

15 COMMISSIONER CASSINO: And in terms of making
16 term limits immediately apply in the event that
17 there is a term limited question on the ballot,
18 should apply (indiscernible).

19 MR. DADEY: We have not taken up that issue
20 specifically. But I would say that if you were to
21 follow our suggestion as three four-year terms
22 for City Council there would not need be any
23 change. But if you go for two four-year terms I
24 think that you would have to have that apply in
25 fairness to those in incumbency.

1 CHAIRMAN GOLDSTEIN: Commissioner Hart and
2 then Commissioner Moltner.

3 COMMISSIONER HART: How are you?

4 MR. DADEY: Hello, Commissioner, nice to see
5 you.

6 COMMISSIONER HART: I want to focus a little
7 bit on the nonpartisan elections. And I think
8 I've asked this question before in another forum,
9 but in the past when this issue has been
10 discussed -- not only here but in other places --
11 one of the issues, of course, that came up was
12 increased, the possibility of increased
13 representation of people of color in various
14 elected positions. And in New York City that has
15 been cited by many as a reason for the high
16 number, the increasing number of City Council
17 members, particularly who have been elected in
18 recent years.

19 The last time this was considered by the
20 voters it was defeated pretty resoundingly. What
21 has changed in terms of increased number of
22 independents or a change in the political
23 landscape? What has changed that would convince
24 voters who voted last time against it? What has
25 changed that they would give it a new look?

1 Again, you have the unions who are not for
2 this for obvious reasons. But I'm saying as a
3 practical matter, what do you do, and I take
4 everything that you said as true for the purposes
5 of this question, but what can we do or what can
6 be done to educate the public and actually get a
7 concession?

8 MR. DADEY: Before I answer that directly
9 maybe I'll turn that over first to John Avalon.

10 John, are you still on the phone?

11 MR. AVALON: Yes, I am. Thank you, Dick.

12 I appreciate the question and it's an
13 important one. The first thing I think we're
14 seeing, yes, there is an uptick of independent
15 voters in New York City, and in New York State,
16 and indeed across the nation. But in examining
17 2003, I think the right way to analyze that
18 election, the important way to analyze that
19 election, was to consider the election cycle in
20 which it was put forward, because that low
21 turnout election cycle where only City Council
22 races -- and a handful of City Council races, if
23 that, were on the ballot -- was dominated because
24 it was a low turnout by the kind of actors who
25 have a real investment in a closed partisan

1 process.

2 You yourself said in framing the question
3 that unions would oppose this reform for obvious
4 reasons. Well, the obvious reasons I believe you
5 were alluding to is that interest groups who are
6 overwhelmingly affiliated with the Democratic
7 Party, for better or worse, have an interest in
8 low turnout closed elections, because their
9 impact would be greater. They have a less
10 interest in an open process. And in 2003 we saw a
11 low turnout election with very few races on the
12 ballot to compel high general election turnout.
13 And that I would argue, and have argued, was No.
14 1 factor responsible for the election's defeat.

15 If you look historically in New York City,
16 over 70 percent of ballot referenda items passed,
17 therefore, likely to pass in high turnout
18 elections that more accurately reflect the
19 general electorate. Low turnout elections don't
20 accurately reflect the general electorate.

21 So in addition to the dysfunction we have
22 seen in Albany in recent years, which I think
23 made an impression, an increasing impression, on
24 many -- if not most -- New Yorkers, frustration
25 with a high partisanship we're seeing in national

1 politics, all these things I think have increased
2 the appetite for a Top Two election system in an
3 open process.

4 But the biggest factor by far, in my
5 judgment, if you want to ask why now rather than
6 in 2003, look at the cycle. In a low turnout
7 election a nonrepresentative sample of voters
8 turned out in a representative, a more
9 representative high turnout general election such
10 as one where governors and senators won the
11 ballot, or presidential election, I think you
12 would find a very different result.

13 MR. DADEY: In 2003 that was the first City
14 Council election held after 2001, and term limits
15 brought in a whole new class of elected
16 officials.

17 I don't think voters were prepared in 2003,
18 nor were candidates, to run against the 36 newly
19 elected Council members in 2001.

20 COMMISSIONER HART: As a statistical matter,
21 what you said in your testimony you indicated
22 that in the few times when nonpartisan elections,
23 if you will, the City Council (indiscernible)
24 increases, the percentage of voters increases.
25 Is there a significant statistical difference

1 between nonpartisan elections and partisan
2 elections across the country? Or is it the same
3 voter apathy not only in partisan elections or
4 nonpartisan?

5 MR. DADEY: I think voter apathy is on the
6 rise throughout the country, there's no question
7 about it. I think the data is mixed on whether
8 it's different between nonpartisan and partisan.

9 Sometimes in some cities you see a higher
10 rate of voter participation in nonpartisan
11 elections and in other cities you don't see much
12 change. But I don't think we can afford to
13 ignore this issue and simply say we should -- we
14 have a problem in New York City. Voter
15 participation in our important Citywide elections
16 and City Council elections is on the decline. If
17 not a Top Two system then what? What is your
18 solution?

19 People criticize the Top Two is not
20 addressing the problem. But I don't think any
21 other alternatives are being brought forward
22 that's going to increase turnout in a way that
23 the City has told, yes, IVR increases turnout,
24 early voting increase turnout, but these are
25 state election law issues.

1 The only thing the City itself can address
2 to possibly increase voter turnout is a Top Two
3 election system. And we see what happens when
4 voters are given a greater choice in the City of
5 New York in special elections for City Council
6 elections. Turnout is double, double that for
7 the state legislative elections where there is
8 really no contest, and the Democratic Party wins,
9 and people don't turn out because they know their
10 vote doesn't matter; the choices are limited.

11 CHAIRMAN GOLDSTEIN: Let me move on to
12 Commissioner Moltner.

13 COMMISSIONER MOLTNER: Thank you,
14 Mr. Chairman, and I'd like to thank Citizens
15 Union for of all your work in this.

16 Let me turn to term limits and in particular
17 the two reasons that CU proffers.

18 Dealing with the second one first. The
19 second one being that the second term is spent
20 positioning themselves between the Council
21 members to run for other offices. And I think I
22 may be borrowing from something Commission
23 Cassino said in a previous comment on this issue,
24 but what would you say to the comment that sounds
25 like because the City Council is not focusing on

1 its job but rather looking for another position,
2 a part-time job at that, that we ought to be
3 giving them more time? Some people would argue
4 that's counterintuitive, because they're focusing
5 on their next position, they're not focused on
6 this one, and, therefore, not doing the job would
7 be the argument. I would appreciate your
8 response to that.

9 The second question that I have focuses on
10 the first comments made and that is about the
11 newly elected members figuring out how to be
12 effective members. And insofar as that's
13 concerned, my question is why is that different
14 from the Mayor? There are some mayors that we had
15 who had not been in government prior to being
16 elected. Why would that be different for the
17 mayor, and is there in your view empirical
18 evidence that supports this first point?

19 MR. DADEY: On the first point I think that
20 we saw in the period of 2006 to 2009 for the
21 second term for many of the City Council members
22 the jockeying that went on, and the jockeying at
23 all is actually performing their duties as
24 members of the City Council. They were all
25 trying to outperform one another. It wasn't so

1 much that they were running, specifically running
2 for a specific office, as trying to outmaneuver
3 one another in the passage of legislation, or
4 getting credit for something that happened within
5 the City. So they were working rather hard at
6 their jobs. They were just trying to show how
7 much harder they were working at their jobs to
8 capture the attention of the electorate so as to
9 make the case for them to be able to move on to
10 another position.

11 I don't think it wasn't they weren't doing
12 their job. It was just they were doing their
13 jobs with an eye toward running for a future
14 office.

15 COMMISSIONER MOLTNER: I'm
16 sorry (indiscernible).

17 MR. DADEY: It just created a level of, you
18 know, competition and showmanship that I think
19 would not have been in evidence if they had an
20 extra term.

21 That the second, you know, if they know
22 they're going to be there for as long as 12
23 years -- and in some cases 14 because of that
24 every-two-decade lag -- I think that they would
25 be more focused on, you know, drilling down more

1 substantively on some of these issues as opposed
2 to simply getting media attention for a bill that
3 they cosponsored or introduced, or member item or
4 park they helped built.

5 So I think that knowing that they have more
6 time would result in, I think, more, you know,
7 serious and deliberative action by these
8 individuals. Does that answer your question?

9 COMMISSIONER MOLTNER: Yes. As to the first,
10 as to your first point about the first
11 (indiscernible) by newly elected members figuring
12 out basically what to do, or how to become
13 effective, how is that different from the Mayor,
14 and in particular, a mayor who has no government
15 experience and empirical evidence to that point?

16 MR. DADEY: My colleague will answer.

17 MR. CAMARDA: I think the major difference
18 between the Mayor and the Council and the reason
19 you would have a mayor have two terms instead of
20 three and be equal to the Council is because of
21 the powers that come with the Executive,
22 particularly the City. I mean, that's why on the
23 national level we've chosen to have two terms for
24 the President and no term limits for the
25 Legislature. And so in part of the Council

1 having more terms than the Executive is really
2 part of our overarching belief that we need to
3 counterbalance the power that the Mayor has in
4 this system and provide greater strength to the
5 Council.

6 CHAIRMAN GOLDSTEIN: We've allocated an hour
7 for engagement with the Citizens Union, but I do
8 want to take at least two more questions.
9 Commissioner Scissura, then Commissioner
10 Patterson, and then we'll finish with Commission
11 Fiala.

12 COMMISSIONER SCISSURA: Great. Thank you.
13 I will try to be very brief.

14 First of all, thank you for being here
15 tonight. I'm actually looking forward to reading
16 the full report. But it's fascinating.

17 And I distributed to the Commissioners a
18 chart that I put together this week, and I guess,
19 Tony, you and I, were doing charts all weekend.

20 And it's interesting, Dick, that your report
21 actually reflects what we've heard from the
22 people of the City of New York when they've come
23 and testify. 33 percent of the people who spoke
24 about strengthening Community Boards, 22 percent
25 spoke about strengthening the Borough Presidency,

1 and 14 percent supported nonpartisan elections.
2 So I just find it exciting to note that what
3 Citizens Union is thinking about is really what
4 the people of New York are thinking about.

5 I want to comment on Section 3, which is
6 about the role of the Borough President, Section
7 14, the Community Board, and Section 2, the
8 Public Advocate.

9 And I totally agree with everything you've
10 said on those two things, particularly with the
11 independent budgets. And one of the things that
12 has happened in the last two weeks -- actually
13 the last three weeks -- is that the Borough
14 Presidents and the Public Advocate once again
15 suffered at the whim of a City agency when the
16 Council restored the Borough Presidents' budget
17 and restored it to what it was in FY 10, and
18 voted on it and approved it, and, of course, all
19 the Borough Presidents thanked the Council and
20 the Mayor for doing that.

21 You know, in the middle of the night, Office
22 of Management and Budget went and slashed only
23 five budgets -- six budgets, and those were the
24 five Borough Presidents and the Public Advocate.

25 And I think what continues to happen is that

1 there are only certain agencies or certain
2 entities of government that are suffering and are
3 taking not the 3 percent or the 4 percent cuts
4 that all agencies take, and if one agency takes 4
5 percent everyone should. But what's happening is
6 you have an office like Public Advocate and
7 Borough President which wind up taking 30 percent
8 cuts, because again they are not secure, and this
9 goes for Conflicts of Interest Board and the
10 Comptroller as well. So I totally agree with
11 what you said.

12 And I really, I really want to thank you,
13 because I think it gives me hope that you guys
14 are able to hear what the City of New York and
15 what people are saying. And you're able to see
16 that people want communities more involved,
17 Community Boards engaged, and I'm happy that you
18 put these at the top of your list of
19 recommendations as opposed to a paragraph or two
20 in a report that was distributed. So I thank you
21 for that.

22 I want to talk quickly about nonpartisan
23 elections. It's something that obviously that was
24 put on the ballot --

25 MR. DADEY: Top Two.

1 COMMISSIONER SCISSURA: Top Two. I apologize.

2 Explain just really quickly, and as simple
3 terms as you can, what to you is the difference
4 between what we call nonpartisan and what you
5 call Top Two? And in a Top Two scenario explain
6 how a party, whether it's a Democrat, or a
7 Republican, or whoever, can still be a strong
8 part of the process. Because I as a lifelong
9 Democrat want to know who I'm voting for, and I'm
10 sure a Republican wants to know who they're
11 voting for.

12 MR. DADEY: Two major differences. In a
13 nonpartisan election you do not know which party
14 a candidate is affiliated with. For example, in
15 the City Council special elections you cannot run
16 as a Democrat. You have to select a different
17 party name and run on that party.

18 In our system of Top Two, all Democrats --
19 let's say there are eight people running for
20 mayor and four of them are Democrats, all four
21 would be able to -- use the Democratic Party
22 affiliation on the ballot. So that's one major
23 difference.

24 Second is that the Democratic Party, or the
25 Republican Party, would still be allowed to

1 endorse a candidate and lets its members know
2 which of those candidates on the ballot is in
3 fact endorsed by their political party.

4 And since 2003, when it was proposed that
5 nonpartisan elections were first proposed in a
6 political party, spending was not allowed.
7 That's changed now. Political parties would be
8 able to spend during these party -- during these
9 primary elections and in Top Two primary
10 elections, so those are the two major
11 differences. It would not prohibit political
12 party organizing in support of a candidate.

13 And for that matter, what's wonderful about
14 New York is as diverse a populace as we are, we
15 have a lot of civic groups out there, unions,
16 organizations like Citizens Union, single-issue
17 organizations that endorse candidates, and they
18 speak to their members, and they publicize which
19 candidates they support.

20 So it's not like, you know, people would go
21 to the voting booth and not know what these
22 candidates stand for, or which parties they're
23 affiliated with.

24 COMMISSIONER SCISSURA: Great thanks.

25 CHAIRMAN GOLDSTEIN: Commissioner Patterson.

1 COMMISSIONER PATTERSON: Thanks again. You
2 very eloquently explained one of the questions
3 that I had for you, which is -- and I think you
4 were quite right that calling your proposal a
5 proposal regarding nonpartisan elections is
6 really a misnomer.

7 MR. DADEY: Totally.

8 COMMISSIONER PATTERSON: Because the
9 elections will be just as partisan as they ever
10 were, because parties can do what parties do.
11 Special interest groups can do what special
12 interests do. They make independent
13 expenditures, they can send endorsements to their
14 member groups. The effect is simply a very clever
15 solution to creating an open primary system that
16 in theory could still easily be a party primary
17 given disparity in most parts of the City between
18 the number of registered Democrats and
19 independents and the number of registered
20 Republicans.

21 The reality, I think, and correct me if you
22 disagree, but I think the reality is that most of
23 the candidates who would run would still be
24 members of the Democratic party. Right.

25 I wanted to visit, revisit a little bit more

1 the issue of term limits.

2 In my time on the Campaign Finance Board
3 I've seen a lot of candidates, and I've seen a
4 lot of staffers of candidates, and I've seen a
5 good number of City Council members, and
6 certainly seen how they comport themselves in the
7 course of an election and afterwards. And I think
8 it's fair to say that they're very professional.

9 The suggestion that it takes four years to
10 find a bathroom in City Hall just isn't quite
11 right. These people are not citizen legislators
12 of the sort that term limits -- at least in
13 theory -- were designed to put into the system.
14 They tended to be people who know the system very
15 well. They've been elected -- they've been
16 elected to other positions. They've served their
17 communities in other positions. They have been
18 staffers of elected officials. They're pros. And
19 I say that with great respect for them. I'm not
20 saying that's a bad thing. But given that fact,
21 and given that we have yet to hear from you, or
22 anybody else, any kind of empirical data that
23 suggests that bifurcating the terms of what I
24 would call the executive candidates, the
25 executive elected offices and the legislative

1 elected offices, there seems to be no empirical
2 data that suggests that two terms for one type of
3 elected official and three terms for another is
4 important. I really have a hard time
5 understanding why you're suggesting the
6 bifurcation.

7 MR. DADEY: We're suggesting the bifurcation
8 for a couple different reasons. One is that the
9 Office of Mayor has certainly far greater power
10 than the City Council. He or she enters that
11 office with a vast bureaucracy behind it and it
12 is able to mobilize the resources of the City to
13 enact an agenda outside of any legislative
14 activity but to run the City and to do it in a
15 way that allows them essentially to singularly
16 run the City of New York. Whereas the City
17 Council, in order to get things passed through
18 legislation, yes, they may know where the
19 bathroom is, they may be experienced staffers who
20 then ran and successfully won office, but you
21 know there's a dynamic in a legislative body that
22 needs to develop, which is why you do need a
23 strong speaker to create the kind of
24 relationships that result in the kind of serious
25 public policy initiatives that are put forward,

1 are considered and eventually passed.

2 But it's a challenging system to manage,
3 because there are 51 members of the City Council,
4 and their power is significantly less than the
5 Comptroller, significantly less than the Mayor.
6 And so the only issue that the Commission has put
7 out there as a way in which to increase the power
8 of the City Council is the possibility of term
9 limits.

10 In our report, which we really didn't touch
11 on, contained a number of recommendations,
12 particularly in the budget process, to improve
13 the power of the City Council.

14 There's nothing on the table at the moment
15 that this Commission seems to be considering that
16 improves and strengthens the City Council but for
17 term limits.

18 We believe that the City Council -- that the
19 legislative body, given the unique dynamic of
20 creating legislation, and that the disadvantage
21 that in fact as compared to the powers of the
22 Mayor entitles it in some way to at least have
23 one more term in office than either any of the
24 Citywide elected officials.

25 COMMISSIONER PATTERSON: So what you're

1 saying, you're creating a philosophical
2 preference.

3 MR. DADEY: Philosophical preference.

4 COMMISSIONER PATTERSON: It's not based on
5 empirical data. It's simply based upon your --

6 MR. DADEY: It based on a philosophical
7 underpinning of what we believe to be good and
8 effective government for the City of New York.

9 CHAIRMAN GOLDSTEIN: We'll move on and
10 conclude the questioning with Commission Fiala.

11 COMMISSIONER FIALA: Thank you, Mr. Chairman.
12 Let me thank the five panelists and thank you,
13 for submitting the report. I did read it from
14 cover to cover, some wonderful ideas in which I
15 certainly will support this year, a number I
16 probably will never support, and a great many
17 more that I would strongly recommend be part of a
18 future Charter Commission.

19 James Madison said that direct democracy is
20 the tyranny of the majority. I do not know what
21 he or the other founding fathers would think of
22 the system of elections that we have now. It's
23 just confounding.

24 I'm confining my questions to the subject
25 matter that's in your report, with respect to the

1 evolution of your position on Top Two.

2 If the most essential element of Democracy
3 is choice, the question is are the citizens of
4 New York no longer able to make a choice in this
5 City?

6 Now, election's -- a Democracy isn't about
7 the right to vote, it's really about the right to
8 choose. There are a lot of countries where the
9 people have the right to vote. They get to
10 choose for whom they're told will win.

11 I've argued for years that this City
12 operates with a split personality. We have one
13 foot in the door for this notion of partisan
14 elections and this notion of nonpartisan
15 elections.

16 Here's the concern I have. I'm on record,
17 this is not new for me, I support Top Two. I
18 think that we've got a serious challenge we're
19 confronting as a Republic. But I'm also very
20 cognizant of the fact that not too many years ago
21 I was again, as I am often on referendum, on the
22 losing side. 70 percent of New Yorkers voted
23 against this. It was not that long ago I was a
24 part of that majority.

25 There is nothing as powerful or exciting as

1 an idea whose time has come. But there's a great
2 danger, this is what I'm told, there are a lot of
3 ideas I would love to advance. But in this
4 business you say there's the issue of ripe. Is it
5 ready?

6 We have had a discussion here where you can
7 see it and other Commissioners have alluded to
8 the fact that there are enormous forces in this
9 City -- unions, the special interests, the
10 parties themselves -- that are opposed to this.

11 Is there a risk that we would take by
12 placing something on the ballot so close to 2003
13 when we haven't had the level of in-depth
14 discussion in the public arena? We've had it
15 here. But has the public sufficiently gotten
16 accustomed to this notion of Two Tier? Is the
17 public sufficiently -- do they have a baseline
18 understanding of this in your view? Or will the
19 probability be that the special interests, the
20 unions, the parties themselves, those in public
21 office, will prevail again? And then we will have
22 lost for certain any opportunity now -- and by
23 "now" I mean next year, the year after -- to
24 really push this issue as an issue to try and
25 educate people, to give them a baseline

1 understanding of what this means, how this is
2 about choice?

3 Timing is critical in this business. So the
4 question I have relates to your confidence level
5 as to whether or not a sufficient baseline
6 understanding of the issue exists, and equally
7 important, is the necessary motivation there to
8 galvanize the type of numbers that would be
9 needed to give this city this idea that I happen
10 to believe the time has come? But if it goes
11 down I trust it will go the way of term limits.

12 I'd like nothing better to revisit the issue
13 of term limits as a foundational question, but
14 twice I lost. And I continue to be a minority. I
15 could see this happening with something as new
16 and novel as Top Two, and certainly the
17 stigmatism associated with nonpartisan. That's my
18 fear, and I just want to get a sense of whether
19 or not you share that concern, because timing is
20 critical.

21 MR. DADEY: I'm going to ask John Avalon to
22 comment on that before I do.

23 MR. AVALON: Sure. Thank you, Commissioner
24 Fiala. That was a powerful statement.

25 I believe that the environment has changed

1 significantly since 2003. And I think it's
2 something that we saw within Citizens Union as
3 well, increased support for this idea as an idea
4 whose time has come. And I do think it's
5 important again to remember that this is not a
6 new and untested idea in the national perspective
7 of American cities. And yet there will be
8 powerful interests opposed to it, because they
9 have an interest, frankly, in perpetuating the
10 current closed partisan primary system.

11 I don't feel that, you know, if this idea
12 were to be put forward to the voters this year, I
13 think Citizens Union believes it be would riding
14 a wave of frustration with the status quo with
15 politics in our state, and, therefore, also omit
16 high turnout gubernatorial and Senate races on
17 the ballot have a much better chance of passing
18 right now. And then there would be adequate time,
19 ample time, for New Yorkers and candidates for
20 the next mayoral race in particular to adjust
21 their expectations and make provisions for what I
22 think would be an opening, as someone had said
23 earlier, rather than a fundamental change in the
24 ballot, would be an opening of the process.

25 I think that there are many different ways

1 the Commission could choose to deal with this
2 issue. Whether or not you'll be putting forward
3 items that are bundled for the voters, or
4 separate items, I don't think this would turn the
5 tide for or against the overall proposals. But I
6 think this is an idea whose time has come.

7 I think New Yorkers have heard debate on
8 this issue over and over. And I think that the
9 time is right and the cycle is right to make it a
10 success.

11 MR. DADEY: If I may, Chancellor, just add
12 one word to what John Avalon said in response to
13 the Commissioner Fiala's questions.

14 Citizens Union in 2003 overwhelmingly
15 supported -- or opposed nonpartisan elections.

16 In our Board meeting last month, we
17 overwhelmingly changed our position. There were
18 very few votes against this change. We had
19 hard-core Democrats who supported it -- who
20 opposed it in 2003 who now believe it's an idea
21 whose time has come. They share the frustration
22 of so many New Yorkers of the political
23 stranglehold that the Democratic party has over
24 the way in which issues are addressed in this
25 City, and they feel excluded. Many of them

1 joined the Democratic Party because they want to
2 have a say in the elections that matter to them.
3 Not because they are necessarily identifying with
4 the party, but because they want a choice.

5 I think the electorate mood has changed.
6 Let's keep in mind that when this was voted on in
7 2003 Mayor Bloomberg, it was seen as a referendum
8 on him as well.

9 Much has changed, and I could go on here,
10 but out of respect for time.

11 CHAIRMAN GOLDSTEIN: I want to thank --

12 COMMISSIONER PATTERSON: May I have one word?

13 CHAIRMAN GOLDSTEIN: Yes.

14 COMMISSIONER PATTERSON: I was on the 2003
15 Commission, and I at that time voted in favor of
16 putting the initiative on the ballot. There were
17 two other referenda that were on the ballot at
18 the same time that were not bundled. They were
19 completely noncontroversial, and these were Mom
20 and apple pie issues. One of them in fact
21 passed, what, two years later? And they went down
22 to the resounding defeat, resounding defeat, at
23 exactly the same proportions as the referendum on
24 what was that called, nonpartisan elections, and
25 because people -- because there was so much

1 intense lobbying by people who opposed the
2 concept of nonpartisan elections, the concern
3 that I have certainly expressed to some people on
4 this Commission, and to staffers on this
5 Commission, is that regardless of where some of
6 us may or may not in a new environment seven
7 years later come out on the Top Two concept, the
8 perfect might be the enemy of the good.

9 If we have other proposals on the ballot
10 that are good proposals that could in fact garner
11 a fair amount of electoral support, will those
12 proposals be jeopardized by putting something as
13 controversial on the ballot?

14 MR. DADEY: This is why Citizens Union's
15 Report, why Citizens Union presented its 50
16 recommendations, philosophical construct of
17 increasing avenues of participation in governing
18 and elections.

19 Nonpartisan -- the Top Two of nonpartisan
20 elections cannot (indiscernible). It needs to be
21 part of an overarching philosophical change to
22 the way in which city government functions.
23 That's why we cannot support (indiscernible)
24 other ideas.

25 If you look at this as a coherent,

1 philosophical view of why these changes are
2 necessary. Citizens are one part of the puzzle.

3 CHAIRMAN GOLDSTEIN: I thank Citizens Union
4 for a wonderful presentation, and I thank my
5 fellow Commissioners for being as attentive and
6 asking some good questions.

7 I would like to just include this section
8 before we get to the next section of the meeting.

9 One of the things that has made this
10 Commission, I think, different is that we have
11 been attentive to very basic principles that have
12 caused us to move in the direction that we have
13 moved in.

14 Not only have we expanded the en catchment
15 area significantly by utilizing new technology
16 tools to enable so many people to hear these
17 deliberations but also to participate, but we
18 have brought in people like yourselves who devote
19 much of their professional -- and even personal
20 lives -- to looking deeply at the issues that
21 we're discussing. So I want to thank you for
22 being part of that.

23 But the three basic principles, and I think
24 all of us cannot lose sight of is that do we have
25 enough time to -- and I've used this term over

1 and over again -- to drill deep into the bedrock
2 of issues so that when we ultimately are heard,
3 we, this Commission, believe that we have had
4 sufficient due diligence, have absorbed as much
5 as humanly possible to converge on a view that we
6 have a sense of confidence in? That has been a
7 guiding principle that has managed this
8 particular group since its inception in early
9 March.

10 The second principle that I think that we
11 really hold dear is that do we have enough time
12 to educate the people who are going to react to
13 what it is that we are going to bring forward to
14 them? And that to me is a very powerful area.

15 This Commission has to be persuasive. I
16 mean, we're not conducting a poll, "What do you
17 think?" We have ultimately some strong views
18 that we're going to put out to the voters and
19 want the voters to embrace what it is that we are
20 saying. So we have an obligation not only to
21 have sufficient time to come to our own views,
22 but we need to have sufficient time to educate
23 the people who will be reacting to our
24 recommendations.

25 And the third thing that I think is very

1 powerful as well is that all of this stuff is
2 about probabilities and about likelihoods. Do
3 the actions that we bring to the voters have a
4 probability of success? A high probability of
5 success? Because if they're going to have low
6 likelihood, what's the point in we coming out
7 with these very strong recommendations?

8 Now, I am not superimposing these three very
9 basic guiding principles on anything that you
10 shared with us tonight. I think your report is a
11 very powerful report. It is a very thorough
12 report. It is based on the best research I would
13 imagine that is available, and certainly you've
14 done a lot of -- you've created a lot of effort
15 on behalf of all of yourselves to come forward.
16 So I really want to thank you. But I didn't want
17 you to leave without you really knowing the
18 principles that are really guiding our thinking
19 and what we're going to conclude over the next
20 several weeks when we conclude our work.

21 So I thank you for being here this evening.
22 Thank you, John Avalon. I'm sorry you weren't
23 here in person, and you're dismissed now.

24 MR. DADEY: Thank you, Chancellor. We
25 appreciate the opportunity to talk to you

1 tonight.

2 CHAIRMAN GOLDSTEIN: I want to be responsive
3 to so many of the people who have showed up
4 tonight. We have a large number of individuals
5 who want to be heard. We have a couple of elected
6 officials that I think I'd like to give an
7 opportunity to.

8 There is a third or fourth guiding principle
9 that we follow here because we want to give
10 everybody an opportunity to be heard. So we are
11 going to be assiduously attentive to the clock.
12 I'm really going to have little sympathy for
13 people who go on and on and on. We're going to
14 have each of you restricted to three minutes so
15 that we can make sure that we get the large
16 number of people who are here with us this
17 evening to be heard.

18 But before I call on the members in the
19 audience to express their views, I just wanted to
20 address a couple of points with the members of
21 the Commission.

22 At our last meeting on July 12, I asked a
23 number of our Commissioners to contact me
24 directly with respect to ideas and issues for
25 which they have great passion, and for which of

1 those ideas did not find themselves in the Staff
2 Report. And I want to thank a number of the
3 Commissioners who took that time to reflect on
4 what was of most concern to them, and I have
5 those issues with me. And we will throughout the
6 evening discuss some of what was deliberated.

7 Tony, your comments about the City Council.
8 The issues about disclosure of discretionary
9 funds, the elimination of lulus, the
10 establishment of full-time Counsel, the equalized
11 discretionary funding, all of those are important
12 and thoughtful ideas. We over the next several
13 weeks will meet to discuss them and reach a
14 consensus. And perhaps some of them will be
15 embraced and others won't. That is the democratic
16 process that we insist on here.

17 One of the items that was brought to my
18 attention and was discussed here this evening as
19 well is the transfer of enforcement of the Lobby
20 Law to the Campaign Finance Board.

21 I do note that Commissioner Crowell has been
22 very intimately involved in that issue with the
23 Mayor. And I wonder, Anthony, if you could just
24 bring us up to date, because I know you've been
25 working on that and where we are in that process.

1 COMMISSIONER CROWELL: A number of people are
2 interested in the status of that. A few years
3 back the Council had done a number of reforms to
4 the Lobbying Law in partnership with the Mayor.
5 And there was set to the statute two-year review
6 by a Commission that would be established.

7 During the period of that two years there
8 were additional amendments made concerning "pay
9 to play" activity, and the Lobby Law that also
10 impacted how the Campaign Finance Board would
11 implement those laws. And so the Commission's
12 extension -- I'm sorry, the Commission's
13 appointment was extended for another year to
14 allow for one full election cycle to see how the
15 "pay to play" reforms took place, and so that
16 Commission would look at fully all those reforms
17 and as a single shot.

18 CHAIRMAN GOLDSTEIN: So that process is
19 moving ahead?

20 COMMISSIONER CROWELL: Right. And that will
21 be established shortly.

22 CHAIRMAN GOLDSTEIN: That's great.

23 Commissioner Freyre, representing her
24 interest in an independent budget for the
25 Conflicts of Interest Board, asserting that of

1 all of the issues around independent budgets,
2 this one had a special privilege because the
3 Conflicts of Interest Board has oversight
4 responsibility. And I think that is an area that
5 we really need to discuss among ourselves over
6 the next several weeks, certainly the issue of
7 terms limits, and we have all agreed that that is
8 going to be something that we are going to place
9 on the ballot.

10 We have yet to discuss or reach a consensus
11 whether we will revert back to the two-two or the
12 three-three, which is presently in place, and we
13 have certainly also reached a consensus about the
14 prospectivity in terms, and I think there's been
15 a consensus reached among the Commissioners, but
16 certainly we haven't voted on any of this as yet.
17 But I'm just trying to come to, you know, not
18 necessarily a conclusion but just to get back to
19 you on some of the things that you have written
20 to me about and where we are.

21 On the issue of term limits, we still are in
22 need to come to a conclusion of whether we should
23 have term limits at all. That was brought by Hope
24 Cohen in a E-mail to me. And, Hope, I agree with
25 you that's something that we still have to

1 resolve among ourselves.

2 And there were -- certainly Commissioner
3 Scissura, Carlo, you have talked with such
4 passion and conviction about elevating the
5 discussion about Borough Presidents and Community
6 Boards, local control, more smaller pieces of
7 geography in terms of other things and the
8 relative relationships in terms of authority the
9 Borough Presidents would have over to where they
10 are now, where they could go, and that's
11 something that we're still going to have to
12 discuss among ourselves as well.

13 So that is a very quick sketch of what I
14 heard, and again I want to ask all of the
15 Commissioners to continue to send me ideas that
16 you think will evolve over time.

17 Betty, your issue about the AIA I thought
18 was interesting, and that certainly is not going
19 to be lost. It's going to be part of the process.
20 And so as I continue to say, we're going to
21 continue to iterate until we converge on a
22 consensus among ourselves about what we will
23 bring forward. But again, do we have enough time
24 to analyze the issues? I'm picking up on what
25 Commissioner Patterson has said. Do we have

1 enough time to educate the voters who will be
2 responding to us? And do we have the kind of
3 comfort that which we will bring forward has high
4 probability of success? If it has low probability
5 of success it doesn't seem to me that we are
6 going to be doing the right thing. So those
7 three principles I think really need to guide us.

8 COMMISSIONER SCISSURA: Commissioner?

9 CHAIRMAN GOLDSTEIN: Yes.

10 COMMISSIONER SCISSURA: I want to say one
11 quick thing. I really think you hit the nail on
12 the head with everything you said.

13 I want to repeat how lucky we are to have
14 you here. You kept us in one direction. I think
15 the report that the Citizens Union report has
16 come out with is really an interesting guide. I
17 would ask the staff look at, particularly in term
18 limits in some of the issues you brought up
19 whether it's term limits, or the local control,
20 or the two-tier nonpartisan, whatever it's
21 called. But I think it be would interesting for
22 them to study some of those and maybe report back
23 to us and see what the differences are between
24 what the staff came up with, what you've been
25 talking about, what we've been talking about, and

1 what Citizens Union did based on their research.

2 CHAIRMAN GOLDSTEIN: Carlo, I think you're
3 absolutely right. And I'll instruct the staff to
4 do that.

5 Remember that we have yet another very large
6 task, and it's not just what we proposed to the
7 voters in November of 2010, but to create a road
8 for future Commissions to educate them to set
9 baselines on the things that we have learned that
10 we don't have sufficient time to bring forward
11 because it violates one of the three principles
12 that are really guiding us. So you're absolutely
13 right.

14 I think what I am deeply interested in is
15 creating the road map for future Commissions,
16 whether it is this Commission or some other
17 Commission, that will follow us when we leave to
18 really take what we have learned and built on
19 that, because we're all standing on the shoulders
20 of giants that came before us, and I'd like to
21 believe that we have very big shoulders here;
22 that when we complete our work people will be
23 able to stand on our shoulders and do a better
24 job.

25 With that, let me, I see Borough President

1 Scott Stringer in the back. I see Public Advocate
2 Bill de Blasio.

3 I think I'm going to start with Bill de
4 Blasio because he got here earlier. And well, I
5 don't know, I think so.

6 PUBLIC ADVOCATE de BLASIO: I'll be quick.

7 CHAIRMAN GOLDSTEIN: Bill, and you will be
8 brief.

9 PUBLIC ADVOCATE de BLASIO: Thank you,
10 Mr. Chairman. I want to thank the Commission for
11 this opportunity to testify this evening and for
12 your continuing work in taking on this daunting
13 yet vitally important effort.

14 I am encouraged by some of the Commission's
15 recommendations. But I still believe that with
16 the exception of term limits, there must be more
17 public discourse and engagement before any
18 additional substantive issues are placed on this
19 year's ballot.

20 I've worked closely with Citizens Union in
21 the past. I greatly value their role in history
22 as reformers, and I share their concern over our
23 City's abysmally low turnout rates.

24 However, I respectfully disagree with their
25 recommendations regarding nonpartisan elections,

1 especially in light of recent actions by federal
2 courts we have fundamentally changed the role of
3 money in our Democracy. Across the nation there
4 has emerged a disturbing trend. Campaign finance
5 reforms are being weakened, and the influence of
6 wealthy special interests in our elections is
7 growing.

8 Earlier this year in the Citizens United
9 case the Supreme Court amplified the power of
10 corporations by giving them free range to spend
11 without limit or restraint in our elections. But
12 more representatively we have also seen the
13 Courts eliminate matching funds programs that are
14 meant to counteract the overwhelming advantage
15 that wealthy self-funded candidates already have
16 in the electoral process.

17 Just last month the Supreme Court went out
18 of its way to intervene in the Arizona
19 gubernatorial race, cutting off trigger funds
20 which allow extra public funds for candidates
21 running against independently wealthy opponents.
22 And as recently as last week the Court of Appeals
23 from the Second Circuit in Connecticut struck
24 down the trigger provision of backstage campaign
25 finance system cutting off funds to candidates

1 who were expecting them.

2 The proposed change to nonpartisan elections
3 would add fuel to this already raging fire as has
4 been well established the lack of basic
5 information provided to voters in the nonpartisan
6 system would largely benefit wealthy candidates
7 who would be able to build name recognition by
8 vastly outspending the competition.

9 The issue of nonpartisan elections places
10 the work of this Commission in the context of a
11 larger debate taking place across our country.

12 I urge this Commission to help stop this
13 growing pattern of expanding influence of money
14 in our Democracy, to protect grassroots political
15 participation, and to reject any attempt to put
16 nonpartisan elections on the ballot this year.
17 Thank you very much.

18 (An audience chorus of "Nonpartisan Never.
19 Democracy Now.")

20 CHAIRMAN GOLDSTEIN: Please, please, let's
21 recognize Borough President Scott Stringer.

22 BOROUGH PRESIDENT STRINGER: Thank you,
23 Commissioner Goldstein, and members of the City
24 Charter Revision Commission for yet another
25 opportunity to speak. I will keep my remarks

1 brief, because I know there's many people who
2 wish to have voice tonight.

3 I want to center on a couple of issues.
4 First, I want to urge the Commission to take
5 action and respond to the unconscionable abuse of
6 power that took place last week when the Mayor's
7 Office, with no warning and/or justification,
8 staged a midnight raid on budgets on the five
9 Borough Presidents' offices, filling their cash
10 bags with one million and walking out the door.
11 They did it because they could. Because nothing
12 in the law or City Charter forbids the Mayor and
13 the Council from treating our budgets like a
14 bargaining chip.

15 We've seen these tactics before when Public
16 Advocate Gottbaum watched in horror as her budget
17 was decimated by 40 percent last year. If this
18 is not the definition of a balance of power
19 conflict I do not know what is.

20 I urge this Commission to consider the
21 recommendations of our offices to establish an
22 independent budget for Borough President, Public
23 Advocate. You've got to do it now, please.

24 Next I want to draw attention to your
25 ongoing discussion of term limits. Both the

1 Staff Report and the Citizens Union's
2 recommendation of endorsement of the
3 consideration of a term limits adjustments that
4 would shackle some offices to a two-year limit
5 and leave others with three terms in which to
6 govern.

7 Each branch of our government must be
8 engaged in a power in order to create change. The
9 City Council thinking about next year's elections
10 cannot succeed with the Mayor or Borough
11 Presidents or any (indiscernible) into that last
12 term when no one wants to answer your phone call.
13 It is essential the Commission reject this system
14 of nonconcurrent terms and preserve the ability
15 of our branch of government to work together on
16 the long-term solutions that shape the future of
17 our City.

18 I was also pleased to see that both Citizens
19 Union and the Commission Staff Report endorse
20 consideration of my office's community
21 appointment process. That measure, coupled with
22 the recommendation require a designated urban
23 planner for each Board will make a real
24 difference in our neighborhoods across the five
25 Boroughs. I know that opponents of this proposal

1 of each Borough arguing that their Boroughs do
2 not need planning expertise the way, say,
3 Manhattan might. But I do believe that planning
4 expertise will help all the Boroughs in the City,
5 and I ask you to dig a little deeper on this
6 issue.

7 Finally, I urge the Commission to reject
8 recommendations in favor of the Top Two election
9 system. It's a reckless proposal that threatens
10 minority representation and leaves party-backed
11 candidates vulnerable (indiscernible) capable of
12 steamrolling elections.

13 Of our voter turnout we could address this
14 issue with plenty of proposals that do not
15 threaten to destroy our longstanding party
16 system, including same-day voter registration,
17 weekend voting, and longer poll hours.

18 (Indiscernible) the 2009 elections money
19 doesn't drive turnout, partisanship and conflict,
20 that just give and take, does, and that's what
21 partisan elections are all about. I urge the
22 Commission to examine (indiscernible) the
23 potentially damaging proposal.

24 I want to thank all of you for paying
25 attention to our proposals, and I thank you for

1 giving us all this opportunity again. And,
2 Chairman Goldstein, thank you in particular for
3 your leadership. Thank you.

4 (An audience chorus of "Democracy Now.
5 Nonpartisan Never.")

6 CHAIRMAN GOLDSTEIN: Mark Dunlea.

7 (An audience chorus of "Democracy Now.
8 Nonpartisan Never.")

9 CHAIRMAN GOLDSTEIN: Is Mark Dunlea here,
10 please?

11 MR. DUNLEA: I'm here tonight to speak on
12 behalf of the Green Party, where I serve as
13 Senior Advisor to Gloria Mattera and Howie
14 Hawkins who is running for Governor.

15 I will say I am concerned about some of the
16 things I heard tonight, I'm concerned there's too
17 little focus on increasing the power of the
18 Mayor.

19 There is a constitutional right to associate
20 in a political party. I think it was disgraceful
21 that the City Council overturned the term limits,
22 and I think it has to be written into the
23 Commission they cannot do that in the future.

24 I want to talk primarily about nonpartisan
25 voting. I will note, however, that the United

1 States has one of the least democratic forms of
2 Democracy in the world at this point, and that is
3 because we have a "winner take all" polarity form
4 of elections. All the other world democracies,
5 with the exception of the old British Royal
6 Empire, have moved to proportional
7 representation, which is a much fairer system.

8 The type of proposals advanced by the
9 Citizens Union did not deal with the fundamental
10 flaw within our Democratic system.

11 Other countries that use proportional
12 representation where the percentage of votes that
13 each party gets a determined percentage of votes
14 they get a percentage of votes, a percentage of
15 the seats, the City Legislature results in a much
16 higher voter turnout than we see in the United
17 States, because in the rest of the world, the
18 rest of the democracies, each vote counts.

19 Very few votes count here in the United
20 States. That is the problem with low voter
21 turnout. And Top Two does not solve that
22 particular problem.

23 Proportional representation also tends to
24 increase the diversity of the election. You get a
25 lot more people of color being elected.

1 Instant Run-Off Voting, I'm glad to see that
2 was something the Commission looked at in the
3 report. Basically, you rank the candidates on
4 the order of preference, and if no one candidate
5 in our system would get 50 percent of the vote
6 then you would discard the vote to the lowest
7 vote candidates until you get at least a
8 majority.

9 The problem with your proposal is you
10 continue to suggest that a 40 percent threshold
11 is sufficient to win a primary. So you result in
12 people being elected that do not necessarily have
13 the majority basis of support. So I think instant
14 run-off votes are better. It would save the 10
15 to 15 million dollars we've seen in the recent
16 special elections. It does not ensure that the
17 person getting elected has the biggest base for
18 support.

19 You should do proportional representation
20 for your City Council bodies but -- or individual
21 cities, like mayor. Instant run-off voting does
22 make a lot of sense. And to be honest, I have
23 always felt that in 2001 if in fact there had not
24 been a Democratic primary for mayor, run-off
25 election instead of instant run-off voting,

1 probably we have would have Green rather than the
2 other guy as Mayor.

3 Bloomberg's billion dollars is the greatest
4 threat to Democracy in New York City at this
5 point.

6 CHAIRMAN GOLDSTEIN: I'd like to recognize
7 Burchell Marcus. Is Mr. Marcus here?

8 MR. MARCUS: Yes. Good evening. And I just
9 want to thank you for allowing me to come up here
10 and speak on behalf of the community that I
11 serve, which is the community of Brooklyn. And
12 also Community For Change.

13 First of all, we definitely want to say no
14 to nonpartisan elections. Okay? I just want to
15 get that out of the way. It's definitely --
16 nonpartisan will definitely disenfranchise the
17 taxpaying citizens of New York, so let's get that
18 out of the way.

19 My main concern is that the Community Boards
20 that we have in the City of New York are
21 definitely not serving the people of New York,
22 New York City, because they're being controlled
23 by the Mayor's office and by the Borough
24 President's office. And also elected officials.
25 The people that are being placed on the Community

1 Boards are representing the people that put them
2 there. They're not representing the community,
3 and they're definitely disenfranchising our
4 communities, because many times when votes come
5 down to put something in our communities, they
6 are not -- the people themselves in the community
7 are not being able -- are not being heard,
8 they're definitely not being heard, because many
9 times it's just the members on the Community
10 Board that get together and vote on what goes in
11 our community and what doesn't. And I think
12 that's wrong.

13 I think that the people should be able to
14 have a voice. And they are not being heard. So I
15 think our referendum should be on the ballot to
16 either discontinue the Community Board or change
17 the way it's operating right now.

18 Also, I want to say that we've been calling
19 for transparency for a very long time. And in
20 this Administration right now that the Mayor
21 controls there's no transparency. And the
22 citizens community need to do a little bit more
23 and take away the power that the Mayor have right
24 now, because with the Mayor it's not a Democracy
25 with him. He feels that his money rules, and he

1 can do whatever he want. Thank you.

2 CHAIRMAN GOLDSTEIN: Joyce Stewart.

3 MS. STEWART: Good evening, ladies and
4 gentlemen, my name is Joyce Stewart and I am the
5 president and founder of 320 Sterling Street
6 Tenants Association since the early '80s.

7 I have been involved in Crown Heights where
8 that neighborhood, where they always have the
9 riots.

10 I am very disappointed with Mayor Bloomberg,
11 because I put in for presidents, to mayors, to
12 you name it, and all these politicians, they all
13 get in here. They cause me to get here for
14 years, and my people are getting older every day.
15 And we have what you call block voters for all
16 five Boroughs. And what we have seen with Mayor
17 Bloomberg who knows nothing about what goes on,
18 we call "it in the hood," he comes in and he
19 feels that he wants to change things his way by
20 taking people like myself, who will do his
21 bidding and do a bunch of nonsense.

22 I'm just saying this to say when my people
23 get inside here I would like them, I take all my
24 elderlies, particularly my elderlies, I drive
25 them, I walk them, I take them to the voting

1 booth, and they vote. And all these politicians
2 that I know by name and number, and they all know
3 me, but when they get inside there, then they
4 decide this community activist, she has done her
5 part, we have used her, and this is it.

6 Enough is enough. It's not only Bloomberg.
7 I'm talking to all of you people who have been
8 the president and the past president, and all the
9 president, past politician, examine your
10 conscience. There is a God. And you're bringing
11 down America, because I came here donkey years
12 ago, and when we talk about being a citizen of
13 the United States of America we mean putting our
14 input and bringing across the country to make it
15 a different country than we came from, because
16 this America is a Democratic country, and please
17 don't change this to some -- and your system is
18 being changed.

19 Examine yourself. And as the young man just
20 said, these Community Boards, they're being
21 controlled by the mayors, by the politicians.

22 You said that we must have community input.
23 Please go back to community input. I may not be
24 around. But what you're doing, you're bringing
25 America down, and she's not going up. Examine

1 yourself.

2 CHAIRMAN GOLDSTEIN: Wednesday this week,
3 that's July 21, our next hearing will take place
4 at Bronx Community College. The following
5 Monday, a week from this evening, July 26, we
6 will have an open hearing at the Adam Clayton
7 Powell, Jr. State Office Building, that's in
8 upper Manhattan. Following that, that week on
9 Wednesday, July 28, we will have an open hearing
10 at the Queens Borough Hall. And then we will
11 conclude the original scheduled meetings on
12 Monday August 2 at P.S. 58, that's the Space
13 Shuttle Columbia School in Staten Island.

14 There will be opportunities after August 2nd
15 with either meetings with the Commission or
16 public hearings as well.

17 Let me move to Harry Kresky. Is Mr. Kresky
18 here?

19 MR. KRESKY: Hi. I'm here as Counsel to the
20 New York City Independence Party.

21 Going into tonight's event, the Commission's
22 stated purpose was to appraise whether a
23 political reform rejected by voters in 2003
24 should be put before them for reconsideration in
25 2010.

1 The fact is there's been much mind changing
2 on the issue since 2003. We heard from Citizens
3 Union this evening, its report, and John Avalon
4 and Dick Dadey's testimony make a cogent case for
5 bringing nonpartisan elections, or Top Two, and
6 I'm using them interchangeably, to New York City.

7 As significant as the content of their
8 arguments, the fact that they changed their mind
9 after carefully studying the issue. This is
10 important because there's been much talk about
11 the need for study. Citizens Union studied the
12 issue and they reversed their position and came
13 out in favor of Top Two.

14 Others have changed their mind as well.
15 Reverend Al Sharpton, who opposed the measure in
16 2003, is on record as stating that the question
17 deserves reconsideration.

18 In addition, the Commission's Staff Report
19 states that the Campaign Finance Board has
20 withdrawn its opposition, has changed it from
21 opposing it in 2003 to not opposing it in 2010.
22 And on June 30 the Commission received an open
23 letter signed by Reverend Floyd Flake, Reverend
24 David Dyson, Howard Dodson of the Schomberg
25 Center, State Senator Martin Golden and others

1 saying that they believe the measure should go on
2 the ballot.

3 In the current issue of the Amsterdam News,
4 New York City's leading African-American
5 newspaper, a pro-and-con dialogue on Top Two
6 fills its pages with columnists Richard Carter
7 commenting favorably on the importance of this
8 reform.

9 Not everyone in the political class has
10 changed their mind, as we saw a few moments ago,
11 and the Commission has heard from them during
12 this process. A principle argument advanced by
13 them against placing Top Two elections on the
14 ballot has been a loss by a 70/30 margin in 2003.

15 That would be a valid argument if people,
16 including those who vote, don't ever change their
17 minds. But they have and that is a sign that
18 times are changing, and that the Commission has
19 conducted a quality process.

20 What better evidence is there the Commission
21 is sensitive to these dynamics than the fact that
22 you set up tonight's hearing as you did, namely
23 to understand what led to the Citizens Union
24 change its position. I can only ask that you
25 continue to approach your study of this important

1 reform with an open mind.

2 You've heard the arguments and must now
3 weigh whether or not to recommend that it go on
4 the ballot. Putting it on the ballot does not
5 mean endorsing it. We already know there are
6 members of the Commission who are against term
7 limits reform even though they likely will vote
8 to put it on the ballot.

9 Ten seconds.

10 That does not mean -- it does mean that no
11 disqualifying argument has been presented against
12 Top Two. It also means that in a Democracy at an
13 important juncture such as this, the will of the
14 voters matter most.

15 I encourage the Commission to uphold that
16 principle. Put the measure to a vote in November
17 and let's see how many New Yorkers have changed
18 their minds.

19 CHAIRMAN GOLDSTEIN: The next three speakers
20 will be Jeffrey Kraus, followed by Robert
21 McFeeley and then Jane -- I'm sorry?

22 UNIDENTIFIED VOICE: Kalmus.

23 CHAIRMAN GOLDSTEIN: I'm sorry? Kalmus?

24 MR. KRAUS: Chancellor Goldstein, members of
25 the Charter Commission, my name is Jeffrey

1 Krauss, Chair of the Voters Assistance
2 Commission, and I will be followed by
3 Commissioner McFeeley and Commissioner Kalmus.
4 And I want to take this opportunity to speak
5 regarding the Staff recommendations concerning
6 VAC.

7 The Commission staff has recommended
8 returning VAC to the Campaign Finance Board,
9 where it was originally housed, and restructuring
10 the Commission.

11 The appointees on the Commission have
12 discussed this matter, and while we generally
13 support it we do have some concerns that I wish
14 to raise with you this evening.

15 Four points that I hope you consider as you
16 move forward. First, the plan proposed to reduce
17 it from 9 to 5, the number of appointed
18 Commissioners, at the same time the plan proposes
19 adding youth advocacy organizations to the list
20 from whom appointees should be recruited. As it
21 appears, restructuring VAC would be less
22 representative than it is now in that there will
23 be 5 in instead of 9 Commissioners.

24 Second, we urge the Charter Revision
25 Commission to designate the President of the

1 Board of Elections instead of the Executive
2 Director as the ex officio member of the agency.

3 As you know, the Board has been without an
4 Executive Director since early this year. The
5 Board has taken the position that as there is a
6 vacancy in that position, they are not required
7 to send a representative to our meetings as there
8 is always a board president designating that
9 person as the ex officio member would ensure
10 continuity of representation from that agency to
11 do VAC.

12 Third, the staff recommended shifting our
13 mandated public hearing from its present time,
14 sometime between Election Day and December 21,
15 until sometime after April 30.

16 In recent years, our hearings have often
17 provided feedback from good government groups and
18 voters about their experience on Election Day.
19 Delaying the hearings until the earliest, May,
20 would change the nature of these hearings.
21 Instead of gathering information about Election
22 Day, VAC would be focused on a report by the
23 coordinator.

24 Rather than shifting the date of the
25 hearing, I would suggest shifting the date of the

1 Annual Report by the coordinator. As the cutoff
2 for voter registration is 25 days before the
3 general election, a presentation by the
4 coordinator of their Annual Report could be made
5 at a December hearing, allowing the Commission
6 not only to consider the coordinator's report,
7 but to obtain feedback from voters on their
8 Election Day experience.

9 Finally, the Charter Revision Commission
10 needs to clarify the relationship between VAC and
11 the coordinator. Presently, the coordinator is
12 nominated by the Mayor and appointed by the
13 Commission. The staff proposes continuing the
14 nomination by the Mayor, but having the
15 appointment made by the Executive Director of the
16 Campaign Finance Board. That means over the
17 question what to decipher from the report will
18 the relationship between VAC and its Executive
19 Director be? Thank you.

20 CHAIRMAN GOLDSTEIN: Thank you.

21 Mr. McFeeley.

22 MR. McFEELEY: Just two comments along what
23 Dr. Krauss said. I wanted to also say that the
24 Commission, the relationship between the
25 coordinator and the Voters Assistance Commission

1 seems to be stripped of its power. The
2 Commissioner cannot serve -- the Executive
3 Director cannot serve two masters between the
4 Campaign Finance Board and the Voters Assistance
5 Commission.

6 I would suggest to keep that relationship
7 between the Voters Assistance Commission and the
8 Executive Director together. Otherwise, VAC will
9 just be heard and not listened to.

10 The second part also with regards to the
11 public hearing in December, it is very -- being
12 on the Commission for over 16 years now, it is
13 important to have the voters come before us right
14 after the election so we can hear the complaints
15 and hold the Board of Elections accountable.

16 If it's done in April people -- time will
17 pass and they will not come to hearings six
18 months later. That is pretty much my two
19 comments.

20 CHAIRMAN GOLDSTEIN: Thank you very much.

21 Miss Kalmus.

22 MS. KALMUS: Thank you. Good evening,
23 Chairman Goldstein, and members of the Charter
24 Revision Commission. I'm Jane Kalmus, and I'm
25 Vice Chair of the Voter Assistance Commission, a

1 position I was appointed to in 1989 by Speaker
2 Peter Vallone. I've held this position for 21
3 years through thick and thin. Believe me,
4 there's been a lot of thin.

5 During these years we've relied on the
6 presence of good government groups, advocates,
7 all willing to assist VAC on how to best serve
8 the voters of the City of New York. Among them
9 are NYPIRG, Gene Russianoff and Neal Rosenstein,
10 and Citizens Union's Dick Dadey as well as David
11 Jones of the Community Service Society who along
12 with Council Member Charles Barron introduced the
13 resolution that asked the Mayor to fully fund and
14 adequately staff the Voter Assistance Commission.

15 Now, Citizens Union and NYPIRG as well as
16 your Charter Revision Commission recommend the
17 merger of VAC with the Campaign Finance Board.
18 The idea that VAC will formally, finally have a
19 Commission realized to expand and increase voter
20 participation is right on. But a separate and
21 critical issue looms: How to address VAC's
22 mandated role to oversee the City Board of
23 Elections. And we would welcome discussing this
24 with Miss Goodman and her staff.

25 Awaiting your word, and I wish you a good

1 evening.

2 CHAIRMAN GOLDSTEIN: Thank you very much,
3 Miss Kalmus.

4 Our next three speakers are Gene Russianoff,
5 Mark Davies, followed by Wayne Hawley.

6 MR. RUSSIANOFF: Good evening, Chairman
7 Goldstein and members of the Charter Revision and
8 staff. I'm Gene Russianoff with the New York
9 Public Interest Research Group. NYPIRG supports
10 the approach of the staff of the Charter Revision
11 Commission to recommend a limited number of
12 proposals to be on the ballot.

13 The approach makes sense, given the
14 Commission's short time frame, the final
15 proposals due in Charter language in the next
16 seven weeks. To do otherwise would be to give the
17 interested public insufficient time to adequately
18 consider the merits of many proposals during a
19 broiling, and I mean a broiling, New York summer.
20 This includes matters such as the complex and
21 fractious issue of nonpartisan elections.

22 On this issue, NYPIRG strongly disagrees
23 with Citizens Union, as does most of the rest of
24 good government community, including Common
25 Cause, Women's Center and Women's City Club of

1 New York. They're all in agreement with us is
2 not a good idea to put this on the ballot this
3 year.

4 I would like to focus on two specific issues
5 that are in the Preliminary Staff Report that you
6 have. The first is the Conflict of Interests
7 Board.

8 NYPIRG agrees with the staff recommendation
9 to increase penalties for violating conflicts
10 code and for mandating ethics training for all
11 City employees. In addition, we urge you to
12 provide a guaranteed minimum budget with the
13 Conflicts of Interest Board much like the New
14 York City Independent Budget Office. And again we
15 are joined by virtually all of our colleagues in
16 the good government community. In the June 16
17 letter to the Commission we recommended
18 "strengthening the Board's independence by
19 setting its budget as a fixed percentage." Such
20 as a percentage of the budget of the Law
21 Department, we agree with the Conflicts of
22 Interest Board Chairman, Steven Rosenfeld, wrote
23 to you in a June 25 letter, "the Board regulates,
24 and has the power to sanction the very people who
25 set its budget... and this is an unseemly

1 situation."

2 Secondly, I wanted to address the Voter
3 Assistance Commission that you just heard about.
4 NYPIRG supports including VAC in the Campaign
5 Finance Board, and this one we agree with
6 Citizens Union. We believe VAC's mission would
7 prosper from this new structure, and we do not
8 object to decreasing the VAC membership from 16
9 to 9.

10 I helped write the provision in 1988 for
11 VAC. I've learned over the years never to create
12 16-member Commissions, 15-member Commissions
13 you're under the wire. However, as VAC proposed
14 a majority of its 9 members, 5 out of 9
15 appointments by the Mayor with several serving in
16 an ex-officio capacity.

17 Under the original Charter, the majority of
18 VAC appointments, 9 out of 16 came from multiple
19 sources other than the Mayor. NYPIRG urges that
20 balance be restored. And I would just add my
21 voice to the folks that spoke from the Voter
22 Assistance Commission about having your staff
23 meet with them working out some of the more
24 thorny details would be a very good idea.

25 And lastly, we reiterate the other

1 suggestions be made on voter participation, such
2 as using City databases, agencies and franchisees
3 to more assertively register voters.

4 CHAIRMAN GOLDSTEIN: Thank you,
5 Mr. Russianoff.

6 Mark Davies.

7 MR. DAVIES: Mr. Chair, Members of the
8 Commission, my name is Mark Davies. I'm the
9 Executive Director of the New York City Conflicts
10 of Interest Board. Both our Chair and I have
11 previously testified before the Commission, and I
12 will not reiterate that testimony. Instead, I am
13 here tonight to state that the Board has adopted
14 the proposal of Citizens Union for an independent
15 budget for the Conflicts of Interest Board linked
16 to the budget of the Law Department.

17 We have forwarded to your counsel our
18 proposed independent budget language along with
19 notes reflecting this proposal, and in addition,
20 we have given copies to all the members of the
21 Commission and Lisa Grumet. Again, this issue
22 arises not over a concern not over the amount of
23 the Board's budget but rather over the process by
24 which the Board's budget is determined. That is,
25 over the independence of the Board, because the

1 Board, unlike the Borough President's Office,
2 unlike the Comptroller's Office, unlike the
3 Public Advocate's Office, and unlike ever other
4 agencies in the City, has power to penalize and
5 permit the private interests and the private
6 conduct of individual public servants. And in
7 some cases even the interests and the conduct of
8 their family members.

9 To require the Board to seek funding from
10 the very persons over whom it has this power
11 significantly undermines the appearance of the
12 independence of the Board. We, therefore,
13 respectfully request that the Board's proposed
14 independent budget amendment be placed on the
15 ballot this November. Thank you.

16 And Mr. Hawley has informed me that he has
17 no additional testimony. Thank you.

18 CHAIRMAN GOLDSTEIN: Thank you very much. Is
19 Jumaane Williams, Council Member Jumaane Williams
20 with us?

21 MR. GORTON: He's on his way back.

22 CHAIRMAN GOLDSTEIN: He's on his way back.
23 Okay.

24 Is Daniel Wiley here representing Nydia
25 Velazquez's office.

1 MR. WILEY: Thank you. My name is Dan
2 Wiley, Mr. Chairman. I represent Congresswoman
3 Nydia Velazquez. I didn't want to go into a lot
4 of detail. She will be submitting testimony, but
5 she did want me to come here to highlight two
6 issues that I know based on what you said are the
7 guiding principles that you don't necessarily
8 want to deal with right now, but I did want to
9 highlight them, and they're basically taking a
10 look at and doing something about the Fair Share
11 rules in the City and also the 197(a) process.

12 Community Board 7, for instance, and some
13 other Community Boards have passed resolutions.
14 Community Board 7 in Brooklyn, Sunset Park,
15 calling on your Commission to reform the Fair
16 Share, the way that works, and the 197(a)
17 provisions to comply and basically -- basically
18 with the original intent of the voters from 1989.

19 I just wanted to highlight that
20 Congresswoman, you know, I've worked with the
21 Congresswoman for 10 years, and we have groups
22 like UNITE, an important organization in Sunset
23 Park, which is a part of a coalition of groups in
24 the New York City Environmental Justice Alliance.

25 And I have to say that I have worked for 10

1 years and seen power plants and all kinds of
2 noxious facilities proposed in the
3 Congresswoman's district to the tune of half of
4 the new power plants proposed in the last decade
5 that I've worked for her have been located in her
6 district. And as a minority district of color,
7 and I think that the Fair Share rules need to be
8 addressed. And it doesn't have to do with the --
9 it doesn't have anything to do with doing
10 something new, but just fulfilling what the
11 original intent was in the first place.

12 And the last thing is the importance of
13 which Community Board 7 passed a resolution on
14 that there should be separate questions on the
15 ballot for each proposed change.

16 So we will be submitting testimony later. I
17 appreciate your work on this. Thank you very
18 much.

19 CHAIRMAN GOLDSTEIN: Thank you.

20 Our next three speakers will be Alyssa Katz.
21 Miss Katz here? Followed by Julia Yvez -- did I
22 pronounce that right?

23 UNIDENTIFIED VOICE: No.

24 CHAIRMAN GOLDSTEIN: And then Bertha Lewis.

25 MS. KATZ: Good evening, Chancellor, and

1 Members of the Commission. I'm Alyssa Katz with
2 the Pratt Center for Community Development, which
3 helps communities across New York City engage in
4 urban planning and promoting environmental
5 sustainability.

6 Through 197(a) Plans and the advisory vote
7 of Community Boards in land use reviews, the City
8 Charter aims to give groups in Brooklyn a say in
9 land use decisions. In practice, however, the
10 Charter's land use provisions fall short of
11 supporting meaningful public input.

12 We therefore want to express disappointment
13 at the Charter Commission's staff recommendation
14 that land use issues be left for future
15 consideration.

16 We agree with the staff that proposals
17 advanced by Pratt Center and other groups,
18 indeed, call for "substantial changes to the
19 balance in the system of land use established in
20 the 1975 Charter." And we want to stress that
21 those changes are both urgent and necessary. The
22 Commission must give them serious consideration.

23 New York City simply deserves what London,
24 Los Angeles, Chicago, Washington, D.C. and many
25 other major cities take for granted a

1 comprehensive framework that guides land use,
2 infrastructure and development decisions, and
3 whose creation involves a broad range of
4 stakeholders. Done right, this kind of planning
5 hardly inhibits development. It in fact promotes
6 growth by creating greater clarity and confidence
7 about long-term infrastructure and planning
8 priorities.

9 By the Staff Report's reasoning, no Charter
10 Commission would ever take on land use issues,
11 because these will always be extremely complex
12 and require more than a six-month cycle for
13 consideration. Sooner or later -- and we would
14 urge sooner -- a Charter Commission will have to
15 upgrade New York City's 1970's land use review
16 process to reflect what is now standard practice
17 across the country and the world.

18 The land use expert hearing a few weeks ago
19 we heard ULURP is effectively balanced between
20 developers, mayoral and Community interests, and
21 that Community Boards' advisory votes have
22 significant impact on the shape of projects. In
23 case after case, this is simply not the
24 real-world experience.

25 Land use reform should cultivate an

1 environment for growth that works. A
2 comprehensive framework puts land use reviews in
3 a coherent and accountable planning context. That
4 balance is essential for the success of global
5 cities like New York.

6 This summer, London is taking public input
7 on a second iteration of its Greater London Plan
8 involving a wide range of stakeholders. In Tokyo,
9 long-term esoteric planning takes place at the
10 borough level.

11 New York City suffers for lack of a big
12 picture, long-term view. Planning priorities
13 that should get worked out ahead of time instead
14 become burdened on individual land use proposals.
15 Community developers and the City try the same
16 issues over and over again in neighborhood after
17 neighborhood. This built-in conflict becomes a
18 drain on everyone's resources and an unnecessary
19 burden on development at a huge opportunity cost
20 to New York. The City Charter needs to catch up
21 now with the rest of the world and give long-term
22 planning force, accountability and a strong
23 foundation that includes neighborhoods instead of
24 fighting them. Thank you.

25 CHAIRMAN GOLDSTEIN: Thank you, Miss Katz.

1 I'd like to acknowledge Commissioner Hope
2 Cohen.

3 COMMISSIONER COHEN: Thank you, Mr. Chairman.
4 I just wanted to make an observation before you
5 move forward, something that's striking me
6 thematically this evening, and that is a wide
7 range of people in groups from the start have
8 urged this Commission to take its time and fully
9 consider issues before it brings those issues to
10 the voters, and that we shouldn't rush things
11 that are not ready to this election cycle in
12 November 2010, and that's been the theme from our
13 first meeting. And yet I'm tending tonight,
14 recently culminating a very wide range of issues
15 from a wide range of parties that those groups
16 and individuals are saying, "Well, no, no. My
17 issue I want you to take care of right now."

18 UNIDENTIFIED VOICE: That's right.

19 COMMISSIONER COHEN: Because I think it's
20 well understood by me, and maybe it is, I
21 actually think we have to just remind ourselves
22 and the public in this room and beyond that there
23 is also a distinction of roles, and that is that
24 any number of us individually, personally, might
25 agree with any number of the particular issues

1 that have been raised this evening as being
2 urgent and correct and gee, it would really be
3 great if the Charter reflected those different
4 situations.

5 But we're not here as individuals with our
6 own personal opinions. We have a different role
7 from the Citizens Union, a good government group.
8 They have, frankly, the luxury of putting out
9 ideas, of saying, "This is a good idea, you
10 should do it." And we don't have that luxury.

11 I think I'm just trying to kind of
12 reinforcing what you were saying before,
13 Mr. Chairman, about how we individually and with
14 a fine staff to support us, my understanding
15 there are some particular issues that are being
16 discussed, but frankly the public may not, and
17 everybody is at fault. You know, we've been
18 silent on this issue. But I want to raise right
19 now that the press does not adequately cover us.

20 UNIDENTIFIED VOICE: That's right.

21 COMMISSIONER COHEN: That the people of the
22 City of New York have been disserved by the
23 media --

24 UNIDENTIFIED VOICE: That's right.

25 COMMISSIONER COHEN -- by intelligent,

1 thorough coverage of these issues before the
2 Commission. And so it is, it's great that these
3 issues are coming forward, and I hope that we
4 will -- you know, we are documenting them for
5 future consideration and study by Commissions
6 that might follow us. But it's right for you to
7 ask us to bring your particular issues forward to
8 this year, and it's also right for us to say,
9 "No, it's not time." Because --

10 UNIDENTIFIED VOICE: Boo. Shame on you.
11 Shame on you.

12 (An audience chorus of voices.)

13 COMMISSIONER COHEN: -- I understand them.
14 If there was some issue --

15 UNIDENTIFIED VOICE: Condescending.

16 COMMISSIONER COHEN -- (indiscernible) issue
17 from another group earlier this evening urged us
18 to rush to ballot this evening, you would be
19 telling us, "No, take your time." I'm not
20 talking about people who are shouting out at me
21 right now. I'm talking about people on different
22 sides of highly complex and contentious issues
23 who say, "Rush my thing, but don't rush that
24 other thing." And we have to come to a
25 consensus among ourselves and the way, reflective

1 way we hear the people of the City of New York,
2 and that is a long process that comes -- that
3 requires consideration and coverage and back and
4 forth.

5 CHAIRMAN GOLDSTEIN: Thank you, Commissioner
6 Cohen.

7 Let's move on. Julia -- I'm not sure if I
8 have the last name because I can't read the
9 handwriting. Is it Yepez?

10 MS. YEPEZ: You can't read my handwriting?

11 CHAIRMAN GOLDSTEIN: What is the first and
12 name?

13 MS. YEPEZ: It's Y.

14 CHAIRMAN GOLDSTEIN: It's Y. So it's Yepez?
15 Welcome.

16 MS. YEPEZ: Yes.

17 CHAIRMAN GOLDSTEIN: All right, Ms. Yepez,
18 welcome.

19 MS. YEPEZ: Thank you. My name is Julia
20 Yepez, and I have been a citizen of Flatbush for
21 the past, I guess, 29 years.

22 I am a member of New York City Communities
23 For Change.

24 I wanted to say that elections must take
25 into consideration the people it represents. A

1 voice for people of color in their communities.
2 The poor who have increased in numbers since the
3 middle class trickles down, not up the poverty
4 ladder. And our very immigrants whose many
5 nations have a similar voting system.

6 This voice was one of great nation have
7 fought for and citizens have died for. The lack
8 of voters is not because of partisanship but
9 because of lack of trust voters have of the
10 system. They're lies. They're lies. The lack of
11 results on promised ideals.

12 Partisanship is a launching pad to many who
13 want to vote for officials who have a common
14 belief, morality, and a sense of political views
15 much like their own. Thank you.

16 CHAIRMAN GOLDSTEIN: Thank you, Ms. Yepez.

17 Bertha Lewis is our next speaker.

18 MS. LEWIS: Good evening, and thank you,
19 ladies and gentlemen, for giving me this
20 opportunity to speak on the subject of
21 nonpartisan elections that is before this
22 Commission. I am CEO of ACORN. I am president
23 of the Black Institute, and I'm a registered
24 Working Families Party voter.

25 Well, here we are again talking about a

1 subject that has been roundly rejected by the
2 voters in 2003. I was there. I was one of those
3 voters. Once again the specter of nonpartisan
4 election rears its ugly head, and I say "ugly"
5 because nonpartisan candidates wear masks. The
6 mask of nonpartisan elections hides the true
7 nature of its candidates. What they stand for.
8 Who they are associated with. As well as who
9 really benefits from nonpartisan elections.

10 UNIDENTIFIED VOICE: That's right.

11 MS. LEWIS: Partisanship in the pursuit of
12 the Democracy is no bias, ladies and gentlemen. I
13 want to know what principles guides candidates.
14 I want to know what party they carry their banner
15 for. I want to know what party to hold
16 accountable as well as what individual to hold
17 accountable.

18 Parties may not be perfect, but they allow
19 the voting public to know some very essential
20 information and to freely associate with someone
21 in that party.

22 Yes, I'm a special interest. I'm a black
23 woman who works and votes in this state. And
24 just as we get in more black and brown candidates
25 and diverse candidates get in, all of a sudden

1 now we have to have a change of rules.

2 Do we think that if you just keep putting
3 this up and having hearing after hearing that
4 somehow or another we're going to get tired and
5 we're going to go away? Well, I don't think so.

6 UNIDENTIFIED VOICE: No.

7 MS. LEWIS: Philosophical, a Democratic
8 stranglehold, is that what really is about?
9 Breaking the backs of the Democrats?

10 I live in the People's Republic of Brooklyn,
11 and nonpartisan elections may not even be legal
12 here, or in Manhattan and the Bronx. We are
13 protected by Section 5 of the 1965 Voting Rights
14 Act. And the City has to prove we have a robust
15 system here. We have third-party fusion voting
16 here. We have people being able to have that
17 little piece of real estate on the ballot that
18 actually show who and what they stand for.

19 Now, you can dress it up, Top Two, Final
20 Four, Late Eight. I don't care. You put lipstick
21 on that nonpartisan pig and it still is a pig.

22 (A audience chorus of yea's.)

23 MS. LEWIS: We have many more problems with
24 elections. But partisan is not one of them.
25 Democracy now and nonpartisan never.

1 (A audience chorus of "Democracy now.
2 Nonpartisan never.")

3 CHAIRMAN GOLDSTEIN: Our next three speakers
4 will be Linnette Ebanks, Julice Boyd and Kyle
5 Bragg.

6 MS. EBANKS: Hello, good evening.

7 CHAIRMAN GOLDSTEIN: Welcome.

8 MS. EBANKS: Thank you for letting me come
9 up and speak. My name is Linnette Ebanks. I'm
10 also on the Board of New York Community For
11 Change and very much enjoyed the last lady who
12 just spoke and (indiscernible) had things to say.

13 What I want to say is about the ballots, I
14 mean the ballots to be clear and precise. I'm a
15 regular person. I'm one of the regular people
16 out there in the street that you must see or
17 seen. I want to vote, and whenever I vote I want
18 to better understand what's written on the
19 ballot. I want to know actually who's who and
20 what's what. I don't want to be the same thing on
21 a credit card information that you sign up, you
22 sign your name, you sign your life away, and
23 there it isn't in plain sight, you cannot see and
24 understand the fine print and there it slaps you
25 in the face. I do not want that.

1 I want to know when I vote on the ballot I
2 want to see, understand and know exactly who my
3 candidates are, who is in my corner, who is there
4 to help me, to assist me in the world.

5 UNIDENTIFIED VOICE: That's right.

6 MS. EBANKS: This is America. It's supposed
7 to be the greatest country in the world. I love
8 it to death, but I hate what it stands for right
9 now. You've got to do better. Change and make
10 sure we have good change. Thank you.

11 (A chorus of yea's.)

12 CHAIRMAN GOLDSTEIN: Miss Boyd?

13 Kyle Bragg.

14 MR. BRAGG: Good evening, Chairman
15 Goldstein, and members of the Charter Revision
16 Commission, my name is Kyle Bragg, and I'm the
17 Vice President of SEIU 32BJ, a union representing
18 our 65 janitors custodians (indiscernible) and
19 securities officers who work and vote here in New
20 York City. Thank you for the opportunity here
21 for our union to present their recommendations to
22 the Commission and to offer our own remarks.

23 We are in support of Citizens Union's
24 recommendations preserving and expanding the role
25 of independent budgets for the Office of Public

1 Advocate, the Borough President's Office and the
2 Community Boards. We do not, however, share
3 their position on nonpartisan elections. And I'm
4 here today to testify against inclusion of
5 nonpartisan elections on the ballot.

6 The Commission has rased a (indiscernible)
7 concern over the (indiscernible) of
8 participation. We see more that harm than good
9 in the nonpartisan election system.

10 (Indiscernible) that the nonpartisan module will
11 open the field for newer candidates and
12 invigorate (indiscernible) by two-party system.
13 However, we search for cities that have
14 implemented the nonpartisan elections
15 (indiscernible) demonstrate mixed results at
16 best. The staff has a study that shows in
17 practice nonpartisan elections (indiscernible)
18 likely favor incumbents and candidates who
19 already have widespread name recognition.

20 Research has also indicated that shifting to a
21 nonpartisan system of elections would elevate the
22 importance as been mentioned earlier of money for
23 successful campaign, heightened (indiscernible)
24 candidates (indiscernible) the campaign finance
25 system and increase the importance of independent

1 expenditures. We are also concerned that the
2 declines of participation have been observed in
3 cities with nonpartisan election systems is
4 likely concentrated in less affluent and
5 under-educated communities, which are
6 significantly more likely to be home of voters of
7 color. The result of the 2009 Council primary
8 shows that, if anything, elections in our city
9 are becoming more competitive, providing more
10 opportunity for new candidates resulting in a
11 governance that reflects the diversity of our
12 city. (Indiscernible) competitive primary races
13 and moral victory will (indiscernible) previous
14 years. 32BJ believes New York City's current
15 campaign finance system does a laudable job in
16 (indiscernible) and new candidates and strongly
17 urges the Charter Commission not to take any
18 actions that diminishes its positive impact.
19 While our current elections system is not
20 perfect, it does result in representation that
21 more or less reflects the great diversity of our
22 city. While also facilitating the hope of an
23 inclusive election process, the progressive
24 campaign finance. 32BJ strongly believes that
25 including nonpartisan elections (indiscernible)

1 ballot issue would unfortunately be a step a way
2 from the stated goals of this Commission. Thank
3 you.

4 CHAIRMAN GOLDSTEIN: Thank you very much.

5 Our next speaker will be Professor John
6 Mollenkopf. Welcome.

7 PROFESSOR MOLLENKOPF: Let me express my
8 thanks to my esteemed Chancellor and the other
9 distinguished Members of the Commission for
10 allowing me to share a few minutes of your time
11 this evening and to acknowledge the excellent
12 work done by Director Lorna Goodman and my
13 colleagues, Research Director Joe Viteritti
14 Counsel Rick Schaffer, and, of course, Jay
15 Hershenson.

16 My comments today are limited to one small
17 but important facet of the Citizens Union Report,
18 namely nonpartisan elections.

19 In my few minutes let me make two basic
20 points. First, that Citizens Union's Report
21 argues that a nonpartisan approach will increase
22 turnout rates is not supported by fact or logic.
23 If the problem is low and declining turnout,
24 nonpartisan elections are not the cure. In fact,
25 adopting the Top Two system will result in

1 further reductions in turnout, not in increase.

2 The reason is quite simple. Those declining
3 to state a party preference have much lower
4 turnout levels than do those registered as
5 Democrats or Republicans. While opening the
6 primary to all voters will certainly add votes to
7 the numerator, it will add many more to the
8 denominator.

9 For example, in the November 2009 general
10 election, using data from the Board of Elections
11 on registration and voting history, the turnout
12 rate among Democrats was 28.9 percent, among
13 Republicans 31.4 percent, but only 17.9 percent
14 among the 681,000 people declining to state a
15 party preference.

16 As the CU Report notes, this share of the
17 registration, the registered electorate, has been
18 growing. In other words, party affiliation is
19 associated with higher turnout and parties are
20 good for mobilization, not bad.

21 There is no evidence in any of the somewhat
22 dated literature on urban politics that
23 nonpartisan systems have higher turnout rates.
24 The most recent and comprehensive studies done by
25 Zoltan Hajnal and Neal Caren make this point

1 clear. Caren studied 332 elections between 1979
2 and 2003, and in 38 large cities for an NYU Ph.D.
3 thesis to study the individual and city level
4 determinants of turnout. He found that weak
5 mayor, city management systems that are almost
6 entirely nonpartisan have low turnout.
7 Nonpartisan elections per se controlling many
8 other factors have no impact one way or the
9 other.

10 The best way to increase turnout, according
11 to Caren, would be to hold municipal elections at
12 the same time as federal and state elections on
13 even years.

14 This point is made another way, unwittingly,
15 in the CU report itself. In comparing turnout in
16 mayoral general elections in New York on Table 4,
17 and Los Angeles, also Table 4, but a different
18 one, in 2000 the comparison was 40.9 percent in
19 New York to 37 in L.A. And the comparison was
20 32.7 -- sorry about that.

21 CHAIRMAN GOLDSTEIN: Finish up.

22 PROFESSOR MOLLENKOPF: In New York, compared
23 to a slightly better 33.6 percent in L.A.

24 Finally, the 2009 figure was 27.1 percent in
25 New York, not the 25.9 percent erroneously

1 reported in this CU Report. But it was only 17.9
2 percent in the primary election that resulted in
3 Mayor Villaraigos' victory in L.A., and 17.1
4 percent in the general election that L.A. held
5 for City Comptroller. So Los Angeles is partly a
6 model for New York City in this respect.

7 Well, my time is up. I wanted to make one
8 other point, and that is that partisan elections
9 in New York City strengthen minority voter
10 influence in general elections. And that offsets
11 advantages that accrue to white non-Hispanic
12 voters who tend to be older, better educated,
13 more likely to own property, own homes and more
14 likely to be citizens. And it is this mechanism,
15 I think, that helps to balance power within the
16 City and to give minority voters strength at the
17 polls that would be removed by shifting away from
18 nonpartisan elections. And to me, this would
19 constitute a serious retrogression of minority
20 electoral influence in this City, and I think a
21 pretty much open and shut problem with respect to
22 Section 5 and the other aspects of the Voters
23 Rights Act of 1965. Thanks very much.

24 CHAIRMAN GOLDSTEIN: Question from
25 Commissioner Cassino.

1 COMMISSIONER CASSINO: Thank you for your
2 comments. I wanted to ask you, the Citizens Union
3 Report actually details what to me is different
4 from what you're talking about, and that is that
5 the Top Two does have in it party affiliations.
6 Parties can endorse, they can do everything they
7 could do now. So can you address that
8 difference? That is I think a major difference
9 than nonpartisan elections where nobody's party
10 affiliation is there, I think to me as a voter,
11 would give me enough information to know what
12 party this person is coming from, and, of course,
13 all the parties can review everything -- how is
14 that different?

15 PROFESSOR MOLLENKOPF: Well, actually, the
16 parties couldn't do everything that they do now,
17 because now, parties hold a primary to decide
18 which candidate the party as a whole would like
19 to support, and that's an open and democratic
20 process.

21 If the -- in the Top Two environment, where
22 anybody could run, and anybody could put whatever
23 party affiliation they did or didn't want to
24 attach to their name, there's no mechanism for
25 the party to decide who it wants to support. Or

1 if there were a mechanism it would only be
2 perhaps the county party chairman deciding,
3 "Well, I want to support A and not B." And so
4 the democratic nature of the party, each party,
5 deciding who to support, would be removed.

6 COMMISSIONER CASSINO: I'm still not clear
7 about that, because three candidates run, let's
8 suppose they're all Democrats, they get on the
9 ballot, they circulate petitions, there are three
10 candidates on there. The party itself endorsed
11 one of them in the primary --

12 PROFESSOR MOLLENKOPF: Yes, but how would
13 the party decide who to endorse? The way the
14 party now decides who is the candidate is through
15 a primary, through an open democratic mechanism.
16 This measure, this proposed measure, would erase
17 that essentially.

18 CHAIRMAN GOLDSTEIN: Commissioner Cassino,
19 any follow-up?

20 Thank you very much for your testimony,
21 Professor Mollenkopf.

22 Let's move on to George Finley. Is
23 Mr. Finley here?

24 MR. FINLEY: Good evening. I'm a member of
25 New York City Community For Change Now. And I've

1 been hearing a lot of you talk about 1965, you
2 know, Voter Rights Act. Well, I have some
3 information here that will -- that is new to the
4 whole public, and to show you how the public has
5 been left out of the equation, you know, as far
6 as the media is concerned.

7 In 2006 we had an annual Democratic
8 convention in Columbus, Ohio. And in Columbus,
9 Ohio, at the University of Columbia, then we had
10 a meeting of 38 representatives from 38 states in
11 the United States starting with Florida, Alabama,
12 Mississippi and Louisiana, all the way up to New
13 York, Ohio and Chicago and St. Louis, Missouri,
14 from all around the United States.

15 So we had a meeting where we had a workshop,
16 and everybody in the workshop decided on a one-
17 line paragraph that they would like to suggest to
18 put it in the new, you know, Voters Rights Act,
19 because the old Voters Rights Act was over in
20 2005. Right after Katrina.

21 And so in 2006 we submitted to the Congress
22 a new Voters Rights Act where the people -- now,
23 a secret ballot would be protected, you know,
24 from politicians that might come into office for
25 the first time, or the second time, and they were

1 involved in criminal activity.

2 So the first amendment, first line, read,
3 like, if they're going that we have a screening
4 party for all candidates running for public
5 office. If you have been involved in any kind of
6 criminal activity yourself, not somebody in your
7 family, then you wouldn't be able to run for
8 public office a second time.

9 Now, because when we put this new Voters
10 Rights Act in Congress, in Washington, in 2007,
11 they voted up to eight of the ten suggestions
12 that was given by the Democratic Party of the
13 United States of America, 38 states, and I don't
14 know how many cities, like, was included.

15 Now, like in Congress, I sent a message
16 there by one of the Congressmen up from New York
17 City to find out what happened to the voting of
18 the new Voters Rights Act. He said, "We just got
19 it on the table. We're doing nothing."

20 So now the question is why is all these
21 right wing politicians trying to get away with
22 murder and trying to change the Voters Rights Act
23 and the Constitution? And that is, like, what you
24 call obstruction of justice.

25 So, like, the thing that Bloomberg did,

1 having a third term, that's unconstitutional and
2 nobody has challenged, you know, the Mayor on the
3 fact that he's -- now he's a third-year-term
4 mayor, he has done nothing but decline all the
5 progress of the Democratic Party that we have
6 faced in the last 10 years. Thank you.

7 CHAIRMAN GOLDSTEIN: Thank you.

8 Howard Yowlow?

9 MR. YOWLOW: Thank you, Mr. Chairman. It's
10 nice to be back in front of the Commission, and
11 I'm Howard Yowlow. I'm District Council Board
12 and Chair of the Friends of the Hall of Fame For
13 Great Americans at Bronx Community College, and I
14 supposedly heard the Commission will actually be
15 meeting up at the Heights on Wednesday night. Our
16 Board will also be at the Heights for our summer
17 meeting, so perhaps we can get together for a
18 moment or two.

19 But two quick observations, one of the term
20 limits question. I think it's -- this is my own
21 say, personal say, I think it's urgent to give
22 the people a chance to right the wrong that was
23 committed in recent procedure by which the Mayor
24 and the Council had overturned the will of the
25 people. I think that's crucial, a crucial issue

1 that has to be presented to the people for
2 fixing.

3 But I think we might bear in mind also that
4 history teaches us that it is clearly the
5 executive power that needs the most watchful eye
6 of all, and that bifurcation of term limits is a
7 warranted idea with the tighter limits on the
8 executive.

9 It's clear from a study of history at any
10 level, local and empirical, that it's the
11 executive power that the people and the other
12 checks and balances in the system needs to watch.
13 So a two-term limit on executive power as perhaps
14 a three, two or three for the legislative power
15 of the City Council would be in order.

16 But as I take a step back, and especially
17 listening to the Chairman's remarks earlier in
18 the evening supported by some of the other
19 Commissioners, it seems like if the -- now it's
20 becoming clearer as the weeks go by that if the
21 Commission is to present a package, some kind of
22 rational idea of the City government as a whole,
23 one, two, that has real chance of passage in
24 referendum, it's beginning to feel like the
25 Commission needs to take more time rather than

1 less, and that a rush to present a rational
2 package this November might not in fact work.

3 "Work" meaning that perhaps the Commission does
4 not have the time to map out such a package, and
5 that such a package would not have -- would not
6 be passed by the people on referendum.

7 It's beginning to feel like, sound like, the
8 wiser course is to step back, take the time that
9 you need so that a more rational overview, if
10 we're looking at the City government from top to
11 bottom, might be presented to the people with a
12 chance for passage at some later stage. Thank
13 you.

14 CHAIRMAN GOLDSTEIN: Thank you, Mr. Yowlow.

15 The next three speakers will be Leidy
16 Henriquez, Nathalie Alegre and Murad Awawdeh.

17 MS. HENRIQUEZ: Good evening. My name is
18 Leidy Henriquez. As a Dominican woman I grew up
19 in Washington Heights --

20 COMMISSIONER FREYRE: Would you speak into
21 the microphone, please. Thank you.

22 MS. HENRIQUEZ: As I said before, my name is
23 Leidy Henriquez. I'm a Dominican born woman. I
24 grew up in Washington Heights, and I know
25 firsthand, I have personal knowledge of the lack

1 of voter engagement in neighborhoods like mine.

2 The women and men in my community are busy,
3 hard-working people whose main concern is earning
4 a decent living in an expensive city. They lack
5 the time to get involved in electoral politics.
6 To make matters worse, traditional media often
7 bypass communities like mine during election
8 season and as a result, many of my neighbors
9 aren't afforded pertinent information on all of
10 the candidates. So when Election Day rolls around
11 and my neighbors head to the polls, most of them
12 will see the party identification and know that
13 candidates share their core values.

14 Nonpartisan elections will take away that
15 key piece of information and leave many voters
16 stranded, forcing them to make a decision that
17 will likely be influenced by a wealthier
18 candidate's ability to flood the airways and
19 plaster every bus shelter in town.

20 And to make matters worse, nonpartisan
21 elections would weaken the influence of the party
22 organizations that have traditionally mobilized
23 voters in my neighborhoods, making turnout lower.

24 Switching to nonpartisan elections just
25 doesn't make sense for a city with so many

1 minority and poor citizens who are already at a
2 disadvantage when it comes to electoral politics.
3 It will only serve to send fewer voters to the
4 polls with less information. Instead of pursuing
5 a policy that's harmful to its minority citizens,
6 the City should put more effort into seeking out
7 ways to increase voter registration education and
8 engagement. Thank you.

9 CHAIRMAN GOLDSTEIN: Thank you, Miss
10 Henriquez.

11 Nathalie Alegre.

12 MS. ALEGRE: Natalie.

13 CHAIRMAN GOLDSTEIN: Natalie.

14 (The following speaker's testimony appears
15 in abridged format due to inaudibility.)

16 MS. ALEGRE: My name is Natalie Alegre, and I
17 speak on behalf of New York Jobs for Justice and
18 Urban Agenda.

19 New York Jobs for Justice is a permanent
20 coalition of worker and communities groups. Over
21 the last six years, from 2004 to 2008, New York
22 vote referendum also gives community residents in
23 their neighborhoods, educating voters about
24 progressive issues and... one election cycle
25 members of New York vote not... over the Charter

1 regarding this issue... means instituting a
2 nonpartisan type system of elections in New York
3 City will be more than harmful.

4 In nonpartisan elections candidates are more
5 on campaign and their pocket... an area of
6 candidates with dedicated resources. This type of
7 elections distortion benefits well-financed
8 candidates who can outspend... candidates of
9 non-substantial means, in many cases, people of
10 color. Historically having a party system given a
11 strong voice to minority issues to engage in a
12 political process and allow them to support, for
13 example, the system of the party system, the New
14 York City elected its first black mayor in the
15 Democratic Party and successfully consolidated
16 the minority opinion. Voters' role in... at all
17 Commissions to stand by the role the voters
18 and...

19 We also wish to endorse the Fair Share
20 reform, the reform of section 197(a) plans.

21 CHAIRMAN GOLDSTEIN: Thank you, Miss Alegre.

22 We are joined by Councilman Jumaane
23 Williams?

24 (The following speaker is Murad Awawdeh.)

25 MR. AWAWDEH: Founded in 1964, UPROSE is

1 Brooklyn's oldest Latino community-based
2 organization. UPROSE, U-P-R-O-S-E, is a member of
3 the New York City Environmental Justice Alliance.
4 In 1996 our mission shifted to organizing,
5 advocacy and intergenerational, multiracial
6 indigenous leadership through activism. We aim to
7 ensure and heighten community awareness and
8 involvement, develop participatory community
9 planning practices, and promote sustainable
10 development with justice and governmental
11 accountability. Our efforts encompass a variety
12 of environmental and health issues from the
13 development of our waterfront and local
14 brownfields, to addressing transportation, air
15 quality and open space needs. Thank you for the
16 opportunity to submit our comments.

17 My name is Murad Awadeh. I'm the
18 Environmental Justice Organizer of UPROSE. I
19 have come here today to urge you to fix Fair
20 Share and 197(a) now. The Charter Commission
21 staff says that "fixing Fair Share and 197(a)
22 would make substantial changes to the balance and
23 system of land use established in the 1975
24 Charter" and New York City should wait for a
25 future commission to fix them.

1 Fair Share and 197(a) were amended from the
2 1989 Charter, so they are not new, and they are
3 not substantial changes. But what's substantial
4 has been enormous siting of noxious facilities
5 throughout low-income communities of color. For
6 instance, neighborhoods we represent, Sunset
7 Park, Brooklyn, houses three power plants,
8 enormous amount of brownfields, a highway that
9 rips throughout our neighborhood with hundreds of
10 thousands of vehicles passing through it each day
11 with about 50 to 75,000 trucks. All emissions
12 coming out into our neighborhood and our young
13 people breathing it in.

14 Environmental Justice communities cannot
15 wait another 21 years for a Charter to be
16 revised. We have been waiting for way too long.

17 While we have been waiting, asthma rates
18 have increased, we have received more garbage
19 transit stations, power plants and brownfields.
20 It is unacceptable to wait for another generation
21 to get sick to fix Fair Share and 197(a).

22 UNIDENTIFIED VOICE: That's right.

23 MR. AWAWDEH: How to fix Fair Share, 197(a)?
24 Mandate all City facilities siting's extensions,
25 expansion and reductions be properly

1 identified in the Annual Statement of Needs,
2 include all polluting infrastructure facilities
3 in the Atlas of Properties, not just City-Owned.
4 Include true indicators of burdens and Fair Share
5 review. Prevent City Planning from trumping
6 current 197(a) Plans when looking at the zoning
7 changes or amendments under ULURP.

8 I want to recognize all the young people who
9 are here from UPROSE to witness what we ask in
10 the interest of our communities, which are the
11 most vulnerable communities in New York City.
12 Thank you.

13 CHAIRMAN GOLDSTEIN: Thank you, Mr. Awawdeh.

14 After Jumaane Williams the next two speakers
15 will be Eddie Bautista and Theo Moore.

16 COUNCIL MEMBER WILLIAMS: I want to say
17 thank you to the Chair and the Commission. Again
18 I give my shout out to Carlos. Thanks for coming
19 to my borough, my district, and my Alma mater.

20 Couple of bullet points that I wanted to go
21 through. I think I'll be rather brief. I just
22 want to say I support further study into
23 nonpartisan elections. I do not think it should
24 be on the November ballot. I think we still need
25 to have more discussion and some more public

1 education.

2 In terms of term limits, it's a little bit
3 self-serving. Of course, I think City Council
4 should serve three terms (1) particularly because
5 it is the way it is now, and I think three terms
6 is really a little more effective than two. And
7 through I've always supported three terms, I was
8 just against the way they were brought back. So
9 I would have been for two terms, but I believe
10 it's unfortunate how the Mayor got what he wanted
11 after it doesn't really make a difference what
12 everybody else gets.

13 But I would support the Mayor and other
14 executives getting two terms, although I don't
15 really think it gets to the heart of what I think
16 you're trying to get at, and that is the
17 tremendous amount of centralized power that's in
18 the Mayor, and I have some other ideas of how to
19 actually get to that.

20 I support restricting the Council from
21 enacting an amendment or repeal of any term limit
22 provision that would extend the eligibility for
23 office of any incumbent official, and only a
24 prospective amendment should be permitted.

25 I think there needs to be more input on the

1 use of instant run-off voting in primaries for
2 nominating party candidates for Citywide offices.

3 I don't think this issue should also be on
4 November, but some more public education. I
5 myself am a little confused about it when I was
6 reading about it.

7 I do not support decreasing the amount of
8 petition signatures needed to be put on the
9 ballot. I think it needs to be looked at. I do
10 think if you want to be put on the ballot there
11 should be people saying you should be on the
12 ballot. It's actually a little low but it can be
13 revisited.

14 I support combining Voter Assistance
15 Commission and the Campaign Finance Board so the
16 VAC has more resources.

17 I definitely support allowing Saturday and
18 Sunday voting. I think that's one of the things
19 that will bring out more people more than any
20 other thing. And perhaps we can work together to
21 figure out how to get that law changed.

22 I want to strengthen the Community Boards by
23 giving them a vote in the Uniform Land Use
24 Procedure, kind of strengthen the way
25 (indiscernible) in the land use process.

1 I want CBC to be more involved in community
2 planning. It would be great if they have an
3 urban planner as a part of their permanent staff.
4 This should be on the vote in November.

5 I'm disappointed there wasn't much
6 discussion about the NYPD and how we can
7 decentralize the power of the Commission and
8 increase the power of the CCRB. But I want to
9 congratulate you for the things that you have
10 done so far, and I really hope you are taking the
11 communities' input.

12 CHAIRMAN GOLDSTEIN: Thank you, Mr. Williams.
13 Eddie Bautista.

14 MR. BAUTISTA: Good evening. I'm Eddie
15 Bautista from the New York City Environmental
16 Justice Alliance.

17 I am increasingly concerned about what
18 appears to be the lack of the Commission's paying
19 attention to certain issues like Fair Share and
20 197(a). Despite Congressman Serrano and
21 Congresswoman Velazquez, and despite three
22 Community Boards passing resolutions, despite my
23 own personal testimony at four of your hearings,
24 I keep hearing your own staff recommendations you
25 mention that Fair Share would be a substantial

1 change to the 1975 Charter. Well, yeah, it would
2 also be a substantial change to the 1898 and the
3 1938 Charter. What does that have to do with
4 what we've been asking about?

5 Fair Share and 197(a) were added and amended
6 in the '89 Charter. All we're asking for is to
7 fix what was done incorrectly 21 years ago.
8 What's happened in the last 21 years? A whole
9 generation of young people have grown up under
10 the shadow of power plants, transit stations,
11 brownfields.

12 The question for you guys is how long do we
13 have to wait? How long before environmental
14 justice can be realized in this City? And it's
15 not just you. The Charter Revision Commission of
16 '89 put this on the Charter.

17 Mayor Bloomberg, through the Solid Waste
18 Management Plan, PlaNYC 2130, has embraced Fair
19 Share. It is not a radical concept, it's not a
20 crazy concept, it is a fairness concept. It's a
21 concept about justice.

22 And I guess the question for you guys is at
23 what point will you be listening and reading the
24 testimony? Because what we're talking about is
25 low hanging fruit to correct an injustice.

1 The voters already spoke about this in 1989.
2 What they didn't speak about was the rule change
3 that happened after Charter Revision. That the
4 voters didn't get a chance to weigh in on. All
5 we're asking you guys to do is fix low hanging
6 fruit to correct an injustice. There's nothing
7 new, there's no substantial changes. All it is,
8 is a reaffirmation of New York voters what they
9 asked for in 1989.

10 So please, we've submitted testimony.
11 We've test -- you know, we haven't been invited
12 to meet with the staff. I'd be curious to find
13 out why this comes out on page 69 of your Report
14 and it completely ignores the '89 Charter. It
15 says this is a change to the '75 Charter.
16 There's something a little off about this, folks,
17 and we really need the Commission -- if you want
18 to do something about getting rid of voter apathy
19 and cynicism, the first thing you could do, don't
20 take the lazy way out and just do term limits. Do
21 something that's meaningful for the rights of
22 people who have to breathe.

23 The one thing that's happened in addition to
24 the power plants and the transit stations, asthma
25 rates have skyrocketed in our communities in the

1 last 21 years. That can be fixed. It can be fixed
2 by putting it before the voters, and you can say
3 to the voters, "Why don't we vote again on what
4 you guys already affirmed 21 years ago?"

5 We submitted language to you guys. We
6 welcome the opportunity to meet with staff. We
7 understand there's some disagreement in the
8 Commission with the staff. Let us come in and
9 talk to you guys, because these hearings are the
10 best way to do it.

11 CHAIRMAN GOLDSTEIN: Mr. Bautista, let me say
12 how compelling your testimony has been today, and
13 as it has been in previous times.

14 We will make a commitment for you to sit
15 down with staff and go over some of this and see
16 what we can do.

17
18 Theo Moore? Mr. Moore? Is Theo Moore here?
19 Jesse Hamilton? Mr. Hamilton here?
20 Walter Mosely? Mr. Mosely, is Walter Mosely
21 here?

22 Reverend Cheryl Anthony?

23 CHAIRMAN GOLDSTEIN: Reverend Mosley --
24 Reverend Anthony? Welcome.

25 REVEREND ANTHONY: Hi, good evening,

1 Chairman Goldstein, and to the Commission, I am
2 Reverend Dr. Cheryl Anthony, I am Senior Pastor
3 of Judah International Christian Center, and I'm
4 also the member of the Advisory Board for Fordham
5 University, the Bertram M. Beck Institute on
6 Religion and Poverty. And I'm here this evening,
7 and I'm grateful to be able to have my voice
8 heard on this most pressing issue. I want to
9 address the issue of nonpartisan in the Charter
10 reform.

11 Removing parties of the information they
12 supply will threaten diversity of our city
13 government and the fairness of our Democracy.
14 Nonpartisan elections makes it easier for
15 incumbent and the wealthy to dominate our
16 elections, while disproportionately weakening the
17 voice of the poor and people of color. We need a
18 system that allows candidates from all
19 communities to run for public office and have a
20 fair opportunity.

21 Nonpartisan elections proposals implemented
22 in other jurisdictions protected by Section 5 of
23 the 1965 Voting Rights Act have been struck down
24 by the Department of Justice due to their
25 negative impact on the voters' participation

1 rates of communities of color.

2 Despite arguments to the contrary, primaries
3 and party affiliations play an important role in
4 mobilizing and informing underprivileged and
5 minority voters. And we cannot forget to mention
6 that New York voters overwhelmingly opposed
7 nonpartisan elections in a referendum held in
8 2003. Nonpartisan elections were wrong then and
9 they're wrong today.

10 Thank you.

11 CHAIRMAN GOLDSTEIN: Thank you very much.

12 Joan Byron.

13 MS. BYRON: Thank you. It's Joan Byron from
14 the Pratt Center for Community Development.
15 Mr. Chair, members of the Commission, thank you
16 for the opportunity to testify.

17 I'm here to reaffirm the Pratt Center's
18 conviction that this Commission can and must
19 include in its consideration measures to fulfill
20 the 1989 Charter's promise to fairly distribute
21 the environmental burdens that were imposed by
22 the entire City's growth.

23 I can't speak to this point as eloquently as
24 staff and young members of UPROSE have and as
25 Eddie Bautista did just now. I just want to say

1 the Pratt Center fully supports the positions
2 developed by NYJA, the language provided to you
3 by NYJA and its members specifically on mandating
4 the inclusion of facility siting's and expansions
5 in the Annual Statement of Needs, closing the
6 loopholes that in fact -- the current fact is has
7 the perverse effect of encouraging City agencies
8 to defer including their proposals in the
9 Statement of Needs because they can more easily
10 do an end run around public review process by
11 simply sending notification to the Community
12 Board rather than going through a full public
13 participation process.

14 We also strongly urge the Charter language
15 be amended to require, as Eddie Bautista and
16 UPROSE mentioned, that all polluting facilities
17 and infrastructure be included in the Atlas.

18 A child's lungs have no idea whether the
19 facility, the truck, the infrastructure that is
20 destroying their lungs is owned by the City, the
21 State, or the Federal government, or a private
22 entity. And as you've heard, too many young
23 people have grown up under the influence of
24 misguided, unregulated siting of these facilities
25 through loopholes that you can so easily fix.

1 As Eddie said, this is not a new issue, this
2 is not a hard issue, this is a really easy issue
3 for voters to understand. They've embraced it in
4 the past and they will embrace it again.

5 Further, technology now makes it completely
6 feasible and simple to develop and regularly
7 update the kind of comprehensive database of
8 environmental health indicators that the City of
9 San Francisco already collects and provides to
10 developers, to its agencies, to guide their
11 actions. Okay. We can emulate what the City of
12 San Francisco has done and do it better, okay. At
13 minimum, the indicators that collection through
14 highways, truck routes, street level air quality,
15 air emission permits, toxic waste inventory data,
16 as well as health indicators, asthma, diabetes,
17 obesity, heart disease and other environmental
18 related conditions.

19 We should gather that data and publish it in
20 as fine grain a geographic level as the City of
21 San Francisco does and make that information
22 available so that siting decisions can be more
23 transparent so the public can more easily weigh
24 in.

25 Fair Share is easy to understand. It is

1 right, it is just. Justice delayed is justice
2 denied. Voterfixfairshare.org, if there's any
3 part of this that you do not understand.

4 CHAIRMAN GOLDSTEIN: Thank you very much.
5 Frank Morano.

6 MR. MORANO: Good evening. I know you've
7 had a long night and a long several months, so I
8 promise not to go over the allotted three minutes
9 that I have previously. You've certainly heard
10 enough from me.

11 I have submitted a number of proposals on a
12 number of different ideas. But for this round of
13 hearings I'm going to limit my remarks only on
14 the things that came out of the Staff Report, and
15 I want to acknowledge the incredibly hard work
16 that the staff put into this report. I think
17 it's a tribute not only to them but the
18 independence of this Commission, and I don't hear
19 any of the people that we're talking about how
20 this was a task force with a mayor, how this
21 Commission wasn't really independent, coming out
22 now saying, "Oh by the way, we were wrong about
23 that."

24 Obviously, there are a number of proposals I
25 agree with, some that I disagree with, and I

1 definitely want to speak through this round of
2 hearings about nonpartisan elections, instant
3 run-off voting, term limits, and several other
4 areas. But tonight I want to talk about, and I'm
5 going to be submitting more detailed remarks in
6 writing at Wednesday's hearing, I want to talk
7 about the petition threshold, particularly to get
8 on the ballot in City Council races, but also in
9 races for Borough President and the Citywide
10 races.

11 In the Staff Report the staff recommends
12 lowering the petition requirement from 900 to
13 450. Currently, the law says either 5 percent of
14 a party's registration or 900. What that does
15 currently is that means for a Democrat running
16 for office, or a Republican in some districts,
17 that really means about 1 percent of the
18 registration in any given council district.

19 For my party, Independent, Conservative,
20 Working Families Party, that 5 percent always
21 means 5 percent. So, in essence, you have a
22 system where even though it's harder to collect
23 minor party signatures, because it's not like you
24 can stand on a street corner and go to every
25 house, you have to work off a list, even though

1 it's hard to collect minor party signatures, they
2 still have a higher threshold, because they
3 always have to go with that 5 percent. They never
4 get the option of going with 1 percent. So in
5 addition to what the staff suggested of having
6 the 900 requirement, I would encourage you to
7 look at lowering -- if you believe you have the
8 power to change this, and I know the 2003
9 Commission looked at this and felt that because
10 this was spelled out in the State law it wasn't
11 something they would be able to do. But in
12 addition to having the 900 requirement I would
13 urge you to look at having the percentage
14 requirement from 5 percent to 2 1/2 percent.

15 But if you can change how many municipal
16 candidates get on the ballot for the City Council
17 and for the citywide offices, I would strongly
18 encourage you to look again at Jerry Goldfeder's
19 proposal to do away with petitioning entirely and
20 make it so that any candidate who is eligible to
21 participate in the campaign finance matching
22 funds program is eligible to appear on the
23 ballot. Petitioning achieves nothing other than
24 to waste the City's resources and waste
25 candidates' time. Thank you very much.

1 CHAIRMAN GOLDSTEIN: Thank you very much.
2 Michael O'Neil.

3 MR. O'NEIL: Good evening. I'm with the
4 Green Party of Brooklyn, and I also happen to be
5 the Petitioner Coordinator for the Green Party
6 for New York State, so I would like to support
7 Mr. Morano's comments about preserving a two-tier
8 petition system of the major party's and
9 independents candidates have such a higher
10 threshold is erroneous and undemocratic and needs
11 to be addressed.

12 However, I want to support the comments that
13 my Green colleague, Mark Dunlea, earlier this
14 evening in his call for random choice voting and
15 proportional representation in New York City. I
16 was (indiscernible) and offensive for someone to
17 sit up there in high definition television and
18 say a Top Two election system is the only way to
19 increase voter participation. Top Two elections
20 continually treat votes like points on a
21 scoreboard rather than the opportunity for the
22 citizens to articulate what they want their
23 government to look like.

24 Instant run-off voting, the ability for
25 voters to rank candidates in the order of choice,

1 on the other hand, gives the voter greater power
2 to articulate their will. And isn't that what a
3 Democracy should seek? Likewise, proportional
4 representation, or the percentage of seats in the
5 legislative body, are based on the portion of
6 votes cast also seeks to enfranchise those voters
7 in a minority block, which are currently
8 completely disregarded in a "winner take all" or
9 plurality win system.

10 In summary, we need to stop trying to
11 rearrange how and when the parties get to list
12 their candidates and instead focus on how you can
13 grant greater tools of articulation and power to
14 the citizen when they are in the voting booth.
15 And that's what instant run-off voting and
16 proportional representation could do in New York
17 City. So we believe that the goal of seeking
18 nonpartisan elections and Top Two are a massive
19 distraction from these two solutions, which could
20 make a real difference. Thank you.

21 CHAIRMAN GOLDSTEIN: Thank, Mr. O'Neal.

22 Our last speaker is? Adenola Oyefesca? Did
23 I pronounce that incorrectly?

24 Did you -- I'm sorry, your name?

25 MR. VOGEL: Jim Vogel. I'm representing

1 Senator Velmanette Montgomery.

2 CHAIRMAN GOLDSTEIN: Oh, I'm sorry,
3 Mr. Vogel. I do have you here, thank you.
4 You're on.

5 MR. VOGEL: Thank you. Ladies and
6 gentlemen, New York City is all about change, so
7 it's entirely appropriate we occasionally
8 consider changes to the City Charter. But the
9 Charter is a very important document. It tells us
10 how we agree to govern this amazing city, and any
11 changes must be carefully considered. It is not
12 a casual undertaking, and you certainly don't
13 treat it that way, thank you very much. But it
14 must not be designed to further anyone's
15 political agenda, particularly if the changes
16 impinge on the political rights of others.

17 Political party's organize shared beliefs
18 and values. This helps voters to understand in a
19 shorthand way what a candidate's values are.
20 They do not disenfranchise anyone. Just the
21 opposite. They allow the poor and those born
22 without filial access to power and influence to
23 be heard and to take action. Parties come and go.
24 There don't seem to be too many Wigs and Tories
25 around these days, and I wouldn't exactly call

1 the Republican Party of today the party of
2 Lincoln. But you don't need to go ahead and
3 attack the Democratic Party for having too much
4 power. It just doesn't make sense. Nonpartisan
5 voting weakens the political system and opens it
6 to manipulation by the wealthy and connected.
7 While this is not being considered in other
8 places have taken nonpartisanship even to the
9 primary level and that's open primaries.
10 Nonpartisan voting is not too far off with the
11 Top Two version on that. It allows manipulation
12 by other parties of the inner workings of a
13 political party. This is fact.

14 Political parties and primaries encourage
15 participation in the electoral process by
16 minorities. Lack of primary vote dilutes the
17 expression of their interests, and it is a
18 violation of the Voting Rights Act. Nonpartisan
19 elections allow undue influence by wealthy and
20 connected organizations and individuals. Who has
21 the best media connections? What promises have
22 been made for that media access? Who has the most
23 money?

24 New York City has totally suffered under
25 this system for this entire Administration. This

1 totally undermines the Democratic ideals for our
2 country and denies an honest expression of one
3 man, one vote. Not one rich man, everybody's
4 vote.

5 You are considering doing away with
6 political primaries. All similar attempts across
7 the country to abrogate the rights of people to
8 participate in the political process by
9 organizing into a political party protected by
10 the constitutional right to free association have
11 been or are currently being challenged in the
12 courts and yes, this includes the fabled
13 California nonpartisan elections.

14 As Citizens Union has said, New York City
15 now has its highest proportion of elected
16 officials who happen to be people of color. This
17 was due to the effort of participation of
18 political parties. We hope you will call for
19 equal access to finance and media influence
20 currently enjoyed by those controlling New York
21 City. If a political party can be too powerful so
22 can individuals, especially billionaires, weaken
23 them. Fair access is fair access. But you have
24 more weighty ideas to think about. Fair Share.
25 Funding for Borough Presidents. Public Advocate

1 and Community Boards. Unfortunately, your
2 efforts are usually saddled by bundling. You can
3 have the election, you can have these things
4 considered one at a time. But if you bundle them
5 they will all be defeated on this one issue.
6 Thank you for your time.

7 CHAIRMAN GOLDSTEIN: Thank you, Mr. Vogel.

8 I thank the staff of this Commission for
9 their very able work. Thank you, CUNY TV.

10 Hope, we have to conclude because we're
11 going to lose our satellite, so if you could --

12 COMMISSIONER COHEN: I'll be very brief.

13 CHAIRMAN GOLDSTEIN: Very brief, please.

14 COMMISSIONER COHEN: I just want to point out
15 and correct, it's something that everybody seems
16 to be falling into, our own in the Staff Report
17 and Citizens Union as well, and that is talking
18 about the tremendous advantage of the Democratic
19 Party, and that has to be corrected perhaps
20 through a Top Two system. That's inaccurate.

21 The real issue is the tremendous power of
22 any particular party in a particular district.

23 So in our Staff's Report we have an
24 unfortunate parenthetical statement about the
25 Democratic Party's power in Staten Island. It's

1 the Republican Party, most of Staten Island
2 (indiscernible).

3 I mean, the essential issue is about a
4 single party of whatever label having
5 overwhelming power in their district.

6 CHAIRMAN GOLDSTEIN: Thank you, Hope.

7 Let me again say how privileged it is I am
8 to work with this extraordinary group of people.
9 The citizens of this city are privileged to have
10 such dedicated women and men working as
11 tirelessly as all of you have. It's a pleasure.

12 I think we have concluded our work tonight.
13 I'll call for a motion to adjourn. It's been
14 moved, it's been seconded. All in favor?

15

16 (Continued on next page.)

17

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25

1 (A chorus of ayes.)

2 CHAIRMAN GOLDSTEIN: Thank you, ladies and
3 gentlemen. We'll see you Wednesday in the Bronx.

4 (Whereupon, at 9:29 P.M., the above matter
5 concluded.)

6

7

8 I, NORAH COLTON, CM, a Notary Public for and
9 within the State of New York, do hereby certify
10 that the above is a correct transcription of my
11 stenographic notes.

12

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NORAH COLTON, CM

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