



CITIZENS UNION OF THE CITY OF NEW YORK
Testimony to the City Charter Revision Commission

Brooklyn Botanical Garden
May 7, 2018

Good evening Chair Perales and distinguished members of the New York City Charter Revision Commission. My name is Rachel Bloom and I am the Director of Public Policy and Programs at Citizens Union. We thank you for holding this and other public hearings, and giving Citizens Union the opportunity to publicly share our recommendations with you.

Throughout its history, Citizens Union has supported periodic comprehensive review of the New York City Charter absent a political agenda via the appointment of an independent Charter Revision Commission to ensure that city government is operating effectively, efficiently and in the public's best interest. We recognize that by law you are required to review and assess the Charter in its entirety, but we focus our comments here tonight on democratic reform, which seem to align with the Mayor's stated agenda for this Charter Revision Commission. While we do have many recommendations beyond this scope to the city's charter, we have chosen to focus our comments here tonight. We have recommendations in a range of other areas and welcome the opportunity to discuss them with the Commission.

We believe that this Commission must not simply revise, but undertake some bold and broad electoral reforms. This process and the recommendations that come out of it must strengthen the integrity and transparency of government institutions so that public confidence is greater, and New Yorkers are able to better participate in governmental decision-making.

1. Institute Ranked Choice Voting

Citizens Union urges the Commission to consider instant runoff voting for New York City elections. Instant runoff voting, often known as "ranked choice voting," allows voters to rank their preferences for candidates, rather than only voting for one candidate. New York City election law provides that, unless a candidate running in a citywide primary receives 40% of the vote, a runoff election is required. Runoff elections are held at a great financial expense to New Yorkers; the 2013 runoff election for the office of Public Advocate is estimated to have cost New Yorkers \$13 million, more than the entire four-year budget of the office of Public Advocate. In addition, in a city marked by terrible voter turnout in even high profile elections, runoff elections have abysmal voter participation, leading to a tiny percentage of voters selecting citywide candidates. The voters who turnout in runoff elections tend to be older, richer

and whiter and not representative of New York City as a whole. In other cities where instant runoff voting has been implemented, it has led to both increased voter turnout and participation (In Oakland, CA, a 2010 election using IRV increased voter participation by 42%). Finally instant runoff voting has led to more diverse candidates- by gender and race – in cities where it has been implemented. The diversity of the New York City Council has improved over years, but with a mere 11 female Councilmembers out of 51, it is not at all reflective of the city it serves. New York needs instant runoff voting and we strongly urge you to develop a ballot proposal to bring it to the voters this fall.

2. Institute a Top-Two Election System

Citizens Union urges the Commission to consider establishing a top two election system, making the first primary election open to all eligible voters, regardless of party status, so that every registered voter can participate in the primary which is often the most determinative in who is elected to office. A top-two election system would permit all party registrants and unaffiliated voters to vote in the first round for candidates of any party or none at all. The top two candidates would advance to the general election in November to determine the victor. This would allow for a greater number of New Yorkers to vote in the most determinative election and create greater competition and choice for voters. It would provide that the voice of the 1.38 million voters, who are now effectively shut out from choosing many of the city's elected officials because they are not affiliated with the Democratic Party, is heard. By simply increasing the number of voters eligible to vote, we would increase the number of participating voters, a matter of high importance considering New York City's deplorable voter turnout rate. This new system would not prohibit political parties from endorsing candidates of their own choosing; it would just change the manner of their selection. In advancing a top-two election system, we are not taking politics out of elections or government, we are simply ending partisan control. New York cannot have effective representative government if there is not participation from all eligible voters.

3. Increase Ballot Access by Reducing Petitioning Signature Requirements

In the spirit of increasing opportunities to participate in elections, Citizens Union is interested in ways to make it easier for people to become candidates and ease the process of appearing on the ballot. Being a candidate in New York is notoriously difficult because of the draconian ballot access laws currently in place. We recommend you put forth a ballot measure to decrease the number of signatures candidates need to collect. Lowering the signature requirement would likely enable more candidates to get on the ballot because they could better withstand aggressive challenges from other candidates, and it would limit the confusion for those collecting petitions. Lowering signature requirements would not change the requirements for who can sign a petition, and would eliminate the need to memorize complex sets of rules while reducing the legal gamesmanship that often attempts to block legitimate candidates from the ballot based on technicalities. Additionally, Citizens Union will continue to push for greater reforms to ballot access at the state level to ensure there is an even playing field and consistency among local and state elections.

4. Improve Laws Regulating Elected Officials Nonprofits

In 2016, Local Law 181 brought nonprofits that are affiliated with elected officials under certain campaign finance regulations, closely reflecting a proposal by Citizens Union. We believe that the New York City Council missed some key opportunities to ensure that organizations under the influence of an elected official are appropriately regulated to prevent the circumvention of campaign finance rules, or the appearance, thereof. Under current law, an organization affiliated with an elected official is defined

as an entity for which the official or their agent is the principal officer with control over the organization, or which was created by the official or their agent in recent years. This definition is too narrow. To properly determine whether an official “controls” an organization or whether it is independent, we recommend that additional factors be considered, including: whether the official’s political operation and the organization share office space, other resources, or consultants; whether the organization sponsors programs prominently featuring the official; and whether the organization has directors or managers with close ties to the official. The law does, however, leave open the possibility for the Conflict of Interest Board to develop criteria to define “control” in such a way. The referendum should also include prohibitions on elected officials soliciting funds for affiliated organizations. Lastly, we note with some concern the use of nonprofits by city agencies and think that issue be explored as part of this conversation.

5. Enact True Independent Council Redistricting

Citizens Union urges the Commission to address City Council redistricting this year. While the City appears to have an independent redistricting commission, it is independent in name only. Because all its members are directly chosen by elected officials, there is too close a connection between those who draw the lines and those who appoint them. We propose that 1/3, or 5 members, including the Chair and the Executive Director of the Redistricting Commission be appointed by the Campaign Finance Board. This will create a necessary buffer between the Council and Mayor and Redistricting Commission members who draw the lines. Consequently, the Redistricting Commission will have greater independence and draw lines that more accurately reflect coherent city communities. Furthering that aim, we propose changes to the criteria for drawing lines: currently Chapter 2-A, Section 52-f prohibits the drawing of districts to favor or oppose any political party; this provision should be expanded to prohibit the drawing of district lines that favor or oppose an incumbent legislator, or any presumed candidate for office. Lastly, the plan will have to be approved by 11 of 15 Redistricting Commission members instead of the current 9.

6. Transfer Lobbying Reporting and Enforcement to the Campaign Finance Board

Citizens Union has long had concerns over the City Clerk having the responsibility for lobbying oversight and enforcement when that position is held by someone who is appointed by the City Council, the very entity in which lobbying of elected officials occurs. We believe this is a conflict of interest that must be removed. The Campaign Finance Board is already familiar with obtaining information related to lobbyists given that the City’s matching funds system, which provides for public financing of campaigns, has special rules concerning contributions from lobbyists. Likewise, the Campaign Finance Board is familiar with navigating the Doing Business Database, which contains a listing of those who do business with the City, including lobbyists, relevant to their current work in determining thresholds for the size of permissible financial contributions to candidates. Given this we recommend that lobbying and reporting responsibilities are transferred from the City Clerk’s office to the Campaign Finance Board to create a more independent and effective system of lobbying law enforcement, and that the Campaign Finance Board is required to publish an annual report of lobbying activity.

7. Protect the Strengths of the Campaign Finance Board

New York City’s Campaign Finance Board was established in 1988 as a result of a Charter Revision Commission and ballot referendum by the people of New York. Since its inception, the Campaign Finance Board has revolutionized the way elections are run in New York City, helped to bring about a

much more diverse range of candidates and has served as a model for campaign finance for cities nationwide. We urge the Commission to consider the myriad strengths of the Campaign Finance Board when recommending reforms.

We thank the Commission for its work and consideration in addressing these important democratic reform issues facing New York City. We look forward to the continued work of the Commission and assisting in its assessment of what changes are needed to the form and function of our city government.