



CITIZENS UNION OF THE CITY OF NEW YORK
Testimony before the 2024 City Charter Revision Commission
Government and Election Reform Forum & Hearing – Bronx
NYC Health + Hospitals/Lincoln – June 17, 2024

Dear members of the 2024 Charter Revision Commission. My name is Ben Weinberg, and I am the Director of Public Policy at Citizens Union. Thank you for providing us with the opportunity to speak before you today. Citizens Union is a nonpartisan good government group committed to reforming New York City and State government by fostering accountability, honesty, and the highest ethical standards, and advocating for political reform and fair and open elections.

Throughout its 125 year history, Citizens Union has supported periodic comprehensive reviews 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 have advised every Charter Revision Commission over the years, and many of our recommendations have been adopted into the City Charter, from creating community boards through abolishing the Board of Estimate and expanding the City Council to implementing Ranked Choice Voting and the public campaign finance program. This experience informs our main recommendation before you today.

Recommendation 1: The Commission's proposals should not be put on the 2024 ballot

The advantage of a blue-ribbon Charter Revision Commission is its ability to conduct a comprehensive review of the City Charter through a thorough, open, iterative, and extensive public process that engages the public meaningfully. As Frederick A.O. Schwarz Jr, chair of the 1989 Commission, previously noted, how recommendations are formulated is equally important as the substance of recommendations.¹

Citizens Union believes the timeframe under which the 2024 Charter Revision Commission operates is insufficient to complete that task. All Charter Commissions in the past 20 years have operated between 4 to 12 months. This Commission, however, has just two months to recruit professional staff, thoroughly review the Charter, seek meaningful public input, and draft well-crafted amendments to the Charter. Plus, these months fall during the summer and a primary election season, making it harder to get the public's attention.

¹ Frederick A.O. Schwarz, JR., Twenty-Five Years Later: Reflections on New York City's 1989 Charter Revision Commission and on Charter Commissions in General, 58 N.Y.L. SCH. L. REV. (2012-2013). https://digitalcommons.nyls.edu/cgi/viewcontent.cgi?article=1042&context=nyls_law_review

Therefore, we urge commissioners to continue working for several more months, not under the pressure of a November 2024 ballot question deadline. Instead, the Commission can submit proposals to the November 2025 ballot. The most recent Charter Revision Commission, also known as the 2021 Racial Justice Commission, did just that—it voted on proposals in December 2021, so questions were put on the November 2022 ballot. Postponing the filing deadline to 2025 will allow commissioners, who volunteer their time and labor for this important task, greater capacity to consider proposals and properly impact the Commission’s final report.

Recommendation 2: If moving forward with a 2024 ballot, proposals should be narrow in scope

The only Charter Revision Commission that had a shorter timeframe than this current one was Mayor Bloomberg’s 2002 Commission: it began working on July 25, 2002 and finished on September 3, 2002. That Commission initially considered proposing a major change to the Charter—implementing nonpartisan primaries. However, in the face of criticism about its short summer timeline, the 2002 Commission decided to put a much narrower proposal on the November 2002 ballot, which dealt solely with mayoral succession.²

If the 2024 Commission decides to continue with its current deadline, Citizens Union urges it to follow the example of the 2002 Commission and avoid proposing major Charter changes in the 2024 November ballot. State law empowers the Commission to decide what scope of changes are proposed.

Recommendation 3: Propose a change to the Charter that establishes minimum timeframes for future Charter Revision Commissions and local laws sent to a referendum

Citizens Union is aware of the political context in which this Commission is operating and the parallel effort by the New York City Council to bring a major Charter amendment before voters in 2024. Similarly to our comments here, we have testified on the rushed process of the Council’s proposed expansion of advice and consent and urged the body to allow for more time, committee meetings, and public hearings to consider the implications of this proposal fully.³

The competing efforts to amend the Charter are reminiscent of political battles over ballot questions between then-mayor Rudy Giuliani and then-Speaker Peter Vallone,⁴ and similar incidents during the Bloomberg administration.⁵ As Citizens Union stated in those instances, revising the City Charter should be conducted deliberately and judiciously by engaging a broad spectrum of experts and ordinary New Yorkers. It would be in the City’s interest if both co-equal branches of City Government avoid misusing the City’s constitution to score tactical political wins.

² The City in Transition: Interim Succession and the Mayoralty - Report of The New York City Charter Revision Commission September 3, 2002. Pages 12- 13 https://www.nyc.gov/assets/charter/downloads/pdf/2002_final_report.pdf

³ Citizens Union of the City of New York. Testimony before the City Council Committee on Governmental Operations, State & Federal Legislation, Introduction 908-2024. May 29, 2024. <https://citizensunion.org/wp-content/uploads/2024/05/CU-Testimony-Intro-0908-2024-Expanding-Council-Advice-and-Consent-.pdf>

⁴ Andy Newman, The New York Times, Sept. 3, 1998, Giuliani and Vallone Battle Over Charter Lawsuit <https://www.nytimes.com/1998/09/03/nyregion/giuliani-and-vallone-battle-over-charter-lawsuit.html>

⁵ Michael Cooper, The New York Times, Oct. 21 2003, Appeals Court Blocks Vote On Lowering City Class Sizes <https://www.nytimes.com/2003/10/21/nyregion/appeals-court-blocks-vote-on-lowering-city-class-sizes.html>

To prevent this sort of gamesmanship, processes that result in major charter revisions through a referendum should have minimum timeframes set in law. We, therefore, recommend that the 2024 Commission places the following changes on the ballot:

- Requiring at least 180 days between a charter revision commission's first meeting and the filing of ballot proposals with the City Clerk.
- Requiring at least 30 days between a charter revision commission's final report and the date of filing ballot proposals with the City Clerk.
- Adding a requirement that any local law amending the Charter in a manner that requires a referendum pursuant to Charter Section 38 would be required to be voted on twice by the City Council, with 30 days between each vote, and a public hearing held in committee before every vote. This would reflect the logic of the New York State Constitution, which requires amendments to receive two passages in the legislature before going to a referendum. This timeline is shorter than we propose for charter revision commissions because a local law is much narrower in scope, and cases of local laws sent by the City Council to a referendum are extremely rare.

These proposed timeframes could be further reviewed, but the critical point is injecting the necessary time to conduct a serious charter revision process, including ample time for the public, media, and various stakeholders to participate in the process.

Adopting such timeframes would strengthen the City Charter, improve collaboration between the two branches, and strengthen the public's trust in City Government.

Although the charter revision commission process is set by state law and regulated under Section 36 of the Municipal Home Rule Law, we believe New York City can set its own charter revision rules as long as those rules do not contradict state law.

Below is a chart of the duration of previous charter revision commissions, and, as noted above, they are generally in line with the timeframes proposed above. The exceptions are the commissions in the late 1990s and early 2000s, which, as mentioned, often involved the same political gamesmanship this proposal is trying to prevent.

DURATION OF PREVIOUS CHARTER REVISION COMMISSIONS, IN MONTHS

Charter Revision Commissions	January	February	March	April	May	June	July	August	September	October	November	December	Months from first to last meeting
1988 (Koch)	■	■	■	■	■	■	■	■	■	■	■	■	17
1989 (Koch)		■	■	■	■	■	■	■					6
1998 (Giuliani)							■	■					2
1999 (Giuliani)							■	■					2
2001 (Giuliani)							■	■					2
2002 (Bloomberg)								■					1
2003 (Bloomberg)				■	■	■	■	■					4.5
2005 (Bloomberg)	■	■	■	■	■	■	■	■	■	■	■	■	11
2010 (Bloomberg)				■	■	■	■	■					5
2018 (de Blasio)					■	■	■	■					4
2019 (City Coucil)	■	■	■	■	■	■	■	■	■	■	■	■	12
2021 (de Blasio)				■	■	■	■	■	■	■	■	■	9

Recommendation 4: Improve turnout in the City’s municipal elections by recommending, in the Commission’s final report, that the constitution be changed to allow New York City’s elections to occur in even number years

A key reason why turnout is so low in New York City’s municipal elections is that they are held in odd-numbered, “off-cycle” election years, separate from high-profile federal or statewide races. Considerable research shows that aligning municipal elections with presidential or gubernatorial elections significantly increases voter turnout for local offices, up and down the ballot, reduces racial and age-based gaps in participation, and produces significant cost savings.⁶ New York’s odd-year election cycle severely depresses voter turnout, with disproportionate effects on voters of color and young voters.⁷ Across the country, cities that hold their elections in even-years see higher voter participation rates, and in the past decade, over a hundred cities have moved their elections to even-numbered years to increase turnout, including Los Angeles, Baltimore, Phoenix, El Paso, San Francisco, and Austin.

Moving local elections to even-numbered years has strong public support. A statewide Siena College poll found voters across party lines support moving local elections to even years, by wide margins, and a

⁶ Citizens Union Policy Report, Moving Municipal Elections to Even-Numbered Year, December 2022 https://citizensunion.org/wp-content/uploads/2023/01/Moving-Municipal-Elections-to-Even-Numbered-Years-Citizens-Union-report_FINAL.pdf

⁷ Lette of support for the election alignment bill (A4282B/S3505B) from Civil and Voting Rights Organizations <https://www.naacpldf.org/wp-content/uploads/2023.12.11-Letter-to-Gov.-Hochul-in-Support-of-A.4282B-S.3505B-Civil-and-Voting-Rights-Organizations.pdf>

recent survey of New York City voters found even stronger support for moving NYC's elections, with nearly three-to-one approval rates regardless of age, race and ethnicity, education, or party affiliation.⁸

Moving New York City's elections to even years *cannot* be done through a charter amendment because the New York State Constitution requires elections for city officers to be held on odd-numbered years. However, we urge the Commission to include support for this reform in the final report to encourage state lawmakers start the constitutional process needed to move New York City's elections to even-years.

Recommendation 5: Maintain Ranked Choice Voting and the Public Campaign Finance System

Citizens Union reaffirms its support for the use of Ranked Choice Voting in the municipal primaries. This system was adopted by voters in 2019 after a thorough review by the 2019 Charter Revision Commission. Ranked Choice Voting has proven useful in promoting a more competitive, open, and fair election landscape. It has encouraged more people from more diverse backgrounds to run for office and has contributed to the most diverse city government in our history. Ranked Choice Voting has been properly implemented in a major citywide election in 2021, a small-scale City Council election in 2023, and several special elections. Citizens Union urges the Commission to maintain the system as is.

Citizens Union also reaffirms its support for the city's public campaign finance program and the independence of the Campaign Finance Board. Since its inception, the matching funds program has revolutionized the way elections are run in New York City, allowing people from diverse backgrounds to easily run for office, ensuring candidates are accountable to their voters, not wealthy donors, and protecting our democracy from pay-to-play practices. The city's campaign system is constantly improving through periodical reviews and serves as a model for cities nationwide. Citizens Union urges the Commission to maintain the system as is.

Recommendation 6: For future Charter Revision Commissions, consider a top-two election system – but not in the rushed timeline of this 2024 Commission

Citizens Union has in the past supported opening the city's primary by adopting 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.

We have proposed this reform before the 2010 and 2018 commissions. However, we reiterate our position that this commission should not take up substantial changes to city government, and that open primaries only be considered in a process with sufficient time for a proper review of such question.

We thank the commissioners for their work and consideration in addressing these important democratic reform issues facing New York City. For more information, please contact bweinberg@citizensunion.org.

⁸ See more info and sources in a memo in support of bill S9126/A10466 <https://citizensunion.org/wp-content/uploads/2024/06/Group-Memo-of-Support-S9126-Skoufis-A10466-Walker-Even-Year-Elections-5.30.24.pdf>

APPENDIX: TIMELINES OF CHARTER REVISION COMMISSIONS

Charter Revision Commission	Announcement	First Public Meeting	Final Meeting	Final Report	Duration days (Account-Final)	Duration days (First-Final)	Ballot Sent to Voters
1988	December 1, 1986	April 27, 1987	September 20, 1988	1988	649	503	November 8, 1988
1989	November 1, 1988	January 20, 1989	August 2, 1989	August 1989	271	192	November 7, 1989
1998	June 5, 1998	July 1, 1998	August 20, 1998	August 20, 1998	75	49	November 1, 1999
1999	June 15, 1999	July 1, 1999	September 1, 1999	September 1, 1999	76	60	November 1, 1999
2001	June 15, 2001	June 30, 2001	August 24, 2001	September 5, 2001	69	54	November 6, 2001
2002	July 1, 2002	July 25, 2002	September 3, 2002	September 3, 2002	62	38	November 5, 2002
2003	March 26, 2003	April 14, 2003	August 25, 2003	September 4, 2003	149	131	November 4, 2003
2005	August 19, 2004	August 26, 2004	August 2, 2005	August 2, 2005	343	336	November 8, 2005
2010	March 3, 2010	March 18, 2010	August 23, 2010	August 23, 2010	170	155	November 1, 2010
2018	February 13, 2018	April 19, 2018	September 4, 2018	September 6, 2018	201	135	November 1, 2018
2019	April 11, 2018	July 16, 2018	July 24, 2019	August 2, 2019	463	368	November 5, 2019
2021	March 23, 2021	April 15, 2021	December 27, 2021	December 28, 2021	274	252	November 8, 2022