



**CITIZENS UNION OF THE CITY OF NEW YORK**  
**Testimony to the 2025 Charter Commission for Local Democracy**  
**Government Accountability Hearing**  
**June 16, 2025**

Dear Members of the Commission for Local Democracy,

My name is Ben Weinberg, and I am the Director of Public Policy at Citizens Union. Thank you for the opportunity to testify today. We appreciate the Commission's dedication to improving systems of accountability and oversight in City Government, and the work and thought reflected in your preliminary recommendations.

Today, our testimony offers comments and recommendations on several issues we view as top priorities. We may also submit further input on additional proposals included in your report that we are still in the process of reviewing.

Citizens Union's positions detailed in this testimony are as follows:

- Establishing a process to remove a mayor for misconduct – **Support, with comments**
- COIB independent budget – **Support, but recommend a higher level than proposed**
- COIB quorum changes – **Support**
- DOI Commissioner removal only for cause – **Support**
- DOI Commissioner five-year term – **Support**
- DOI independent budget – **Support**
- DOI independence codified in City Charter – **Support**
- CCRB adjusted minimum budget based on NYPD personnel costs – **Support**
- CCRB addition of two new board members – **Support**
- CCRB quorum changes – **Support**
- Special elections for local law referendums – **Oppose**
- Advice and consent expansion – **Oppose**

Importantly, the Commission should prioritize a limited number of ballot questions, each narrowly focused, and avoid combining unrelated proposals into a single question. Experience has shown that omnibus ballot questions are difficult to explain to voters and risk forcing them to reject an entire proposal due to disagreement with only part of it—or accept provisions they oppose in order to support those they favor.

## **ESTABLISHING A PROCESS TO REMOVE A MAYOR FOR MISCONDUCT**

**Citizens Union strongly supports** the proposal to develop a balanced and practical mechanism to remove a mayor in exceptional circumstances of misconduct. We thank the Commission for including our earlier recommendation on this topic and for considering the hybrid model we presented in April.<sup>1</sup>

We believe that an honest government requires strong, effective mechanisms to hold elected officials accountable for misconduct, corruption, and abuse of power. History shows that cities and states plagued by corruption reform their laws to prevent future abuse, and now is the time for New York City to do the same.

The details of our proposal are simple – it begins with the City Council and ends with voters. First, a substantial supermajority of the City Council would need to vote to recommend charges for removal on grounds related to misconduct. The Council would then hold a 30-day hearing, where the mayor would have the right to counsel and would be able to present evidence and witnesses. Next, the charges would need to be approved by a larger supermajority of the Council, and the question would then be sent to voters for final approval in a Special Removal Election. If voters approve the removal, regular succession and special election procedures outlined in the charter would take effect.

Key elements of our proposed process include:

- **Grounds for removal:** The removal of the mayor must be based solely on misconduct, not political differences. Therefore, the legal grounds should be well-tailored to preclude abuse; the mayor could only be removed for either malfeasance, neglect of duty, violation of the oath of office, or a conviction of a felony regarding conduct in office.
- **Voting thresholds:** A mayoral removal process should be deliberately difficult to achieve and be used extremely rarely. And in New York City, with its overwhelmingly Democratic lean, multiple majority thresholds should be required for removal. Under our proposed process, removal would require 70% of the City Council to issue charges, 80% of the Council to recommend removal, and a simple majority of New York City voters to confirm the removal.
- **Due process, transparency, and timeline:** Proceedings would be made public, and the mayor would have robust legal rights, including a right to counsel and the ability to present evidence and call witnesses. The overall removal process would be conducted within a reasonable timeframe to avoid disruption to government, with the entire process, from charges of removal to Special Removal Election, taking no more than 67 days.

This proposal is grounded in research on removal systems across dozens of cities and states and tailored to fit New York City's unique political and governmental structure. Our report explains in greater detail why we believe other common approaches—such as impeachment and recall—are not well-suited to New York. Our hybrid model is intentionally structured to avoid the pitfalls of other removal systems, like petition-driven processes, often exploited by well-funded special interests.

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<sup>1</sup> How to Remove the New York City Mayor Over Misconduct - Citizens Union Policy Report. April 2025.  
<https://citizensunion.org/wp-content/uploads/2025/04/CU-Report-How-to-Remove-the-New-York-City-Mayor-Over-Misconduct-April-2025-2.pdf>

## **STRENGTHENING INDEPENDENT OVERSIGHT AGENCIES**

### **Conflicts of Interest Board (COIB) - Independent Budget**

**Citizens Union strongly supports** the Commission's recommendation to establish a minimum budget for COIB. As we noted in prior testimony, COIB's budget is determined by the very individuals subject to its scrutiny, and in recent years, the agency has faced budget and staffing cuts, undermining its ability to enforce the City's ethics laws. To ensure COIB's independence, its budget must be protected.

**However, we believe the proposed threshold of three-thousandths of one percent of the City's expense budget is too low.** Based on the FY 2026 Executive Budget, this would provide about \$3.45 million. While this is an increase from current levels, it merely restores COIB's inflation-adjusted funding to pre-cut levels.<sup>2</sup> It does not allow for future growth or new responsibilities.

Experience with establishing an independent budget for the Civilian Complaint Review Board shows that such thresholds must be forward-looking, accounting for expanded duties and improvements. Otherwise, future administrations and councils may freeze funding at the legally required minimum and not the agency's actual needs. COIB has received new responsibilities over legal defense trusts and affiliated not-for-profits, and new officials were added to post-employment restrictions overseen by the Board. The Council is considering other changes to Charter Chapter 68, like creating cooling-off periods for incoming public servants. Outside watchdogs, including Citizens Union, have proposed empowering COIB to regulate lobbying and interpret ethics provisions beyond Chapter 68.<sup>3</sup>

We therefore recommend setting higher budget level than that proposed to ensure COIB is properly funded in the long run.

### **Other Proposals to Strengthen Independent Oversight Agencies**

**Citizens Union also supports the following proposals** included in the Commission's report, and makes no further comments:

- Conflicts of Interest Board (COIB)
  - Set quorum requirements for the Board at a majority of members who are sitting on any particular matter.
- Department of Investigation (DOI)
  - Protect the Commissioner of Investigation from removal except for cause
  - Establish a five-year term for the Commissioner of Investigation
  - Set a minimum budget for the Department of Investigation
  - Codify DOI's independence and authority in the City Charter
- Civilian Complaint Review Board (CCRB)

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<sup>2</sup> See 10-Year Analysis of Budget of NYC Conflicts of Interest Board at Reinvent Albany's March 5 Testimony to NYC Charter Commission on Strengthening Local Democracy

<sup>3</sup> Charter Reforms for Better New York City Government, Citizens Union Policy Report. February 2025  
<https://citizensunion.org/wp-content/uploads/2025/02/Charter-Reforms-for-Better-New-York-City-Government-Citizens-Union-Report-Feb-2025.pdf>

- Shift minimum budget from headcount-based model to model based on the personnel costs of the Police Department
- Add two additional members - one designated by the Police Department and appointed by the Mayor, and one appointed by the Public Advocate
- Set quorum requirements for the Board at a majority of members.

## **SPECIAL ELECTIONS FOR LOCAL LAW REFERENDUMS**

**Citizens Union opposes the proposal** to allow local ballot questions submitted by the Council to be voted on at special elections rather than solely at general elections. While we believe the City Council and voters should have the same authority to propose ballot measures as the mayor and have long advocated for removing the mayor's power to block ballot questions, we believe this specific proposal would weaken, not strengthen, democratic engagement in the charter revision process.

Special elections typically see extremely low voter turnouts. A Campaign Finance Board analysis found that turnout in 16 special elections between 2020 and 2024 ranged from 2% to 8%.<sup>4</sup> The most recent citywide special election – a February 2019 race for Public Advocate – saw just 9.5% turnout. A special referendum election would likely draw even fewer voters, given the absence of candidate campaigns conducting get-out-the-vote or field efforts.

Moreover, allowing the Council to choose the timing of the special election when it passes the relevant local law invites political gamesmanship. That is why we have called for fixed, minimum timeframes for charter revision processes - whether through a charter commission or the Council - in our February report, *Charter Reforms for Better New York City Government*.<sup>5</sup>

Creating a new stand-alone election also runs counter to the broader trend of consolidating elections to increase participation, an approach New York State has been advancing for years. From school board elections in Buffalo to village elections in Onondaga County and runoff elections in New York City; from the NY Voting Rights Act, which authorizes courts to combine elections to prevent disenfranchisement, to the 2023 law that moved nearly all county and town elections to even years; and ongoing efforts locally and at the state level to move New York City's election to even years<sup>6</sup> – New York is gradually moving away from off-cycle, stand-alone elections that depress voter participation. We urge commissioners not to advance a proposal that would lead to low voter participation.

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<sup>4</sup> New York City Campaign Finance Board, 2024 Voter Analysis Report  
[https://www.nyccfb.info/pdf/2024\\_VoterAnalysisReport.pdf](https://www.nyccfb.info/pdf/2024_VoterAnalysisReport.pdf)

<sup>5</sup> Charter Reforms for Better New York City Government, Citizens Union Policy Report. February 2025  
<https://citizensunion.org/wp-content/uploads/2025/02/Charter-Reforms-for-Better-New-York-City-Government-Citizens-Union-Report-Feb-2025.pdf>

<sup>6</sup> See for example: Chapter 561 of 2019 moved Buffalo school board elections from May to November; Local Law 215 of 2019, a Charter revision adopted by the voters, abolished run-off elections to avoid the drop in turnout and replaced them with Ranked Choice Voting; Ch. 226/2022, the John R. Lewis Voting Rights Act of New York; Ch. 741 2023, the Even Year Election Law; City Council Resolution 189-2024, calling to move New York City elections to even-numbered years; Brigid Bergin, Gothamist. Dec 5, 2024, We're number 49! NYC ranks second-to-last in voter turnout for big cities <https://gothamist.com/news/new-york-city-voter-turnout-president-mayor>

## **ADVICE AND CONSENT**

**Citizens Union opposes** the proposed wholesale expansion of Council advice and consent to all charter-established Commissioners, the Director of the Office of Management and Budget, and members of the Procurement Policy Board.

While we support strengthening the Council's oversight role, this proposal would represent a significant shift in the structure and balance of power in City Government and alter the core design of the strong mayoral form of government that has served New York City well for decades.

We acknowledge the rationale behind this proposal, particularly given the current administration's strained relationship with the Council and the dissatisfaction surrounding some of its appointments. These dynamics have clearly informed calls for stronger Council involvement in appointments. Citizens Union shares the broader goal of improving checks and balances in City Government and has supported reforms in this area, including expanding the Council's investigative tools, enhancing the vetting and transparency of certain appointments, and establishing guardrails on executive power, such as the mayoral removal process described earlier in this testimony.

However, Citizens Union has long held—and continues to believe—that a strong mayoral system of government is essential for the effective and accountable delivery of services in New York City. Under the Charter, the mayor is the chief executive officer of the City and is ultimately responsible for managing agencies, implementing policy, and ensuring service delivery. Voters elect a mayor based on how they believe she or he would lead and oversee these functions, so it should be the mayor's discretion to appoint the officials responsible for executing their policies and programs.

If a mayor appoints people to lead city agencies who fail in their jobs, voters have the chance to hold that mayor accountable in the following election. This form of responsibility and accountability should be maintained. The current election cycle is one example of how political consequences for executive leadership decisions can play out.

Moreover, New York City commissioners have different responsibilities than their counterparts in state and the federal government, and even than some other cities. City agency heads oversee services that directly and immediately impact residents' lives, like sanitation, policing, housing, emergency response, and more. They hold powers that are sometimes exercised by counties in other major metropolitan areas. The scope and immediacy of their roles make it even more important that they be appointed and managed by the mayor, who is accountable to all voters for the performance of City Government.

Advice and consent by legislative bodies can serve as a useful tool to bring talented leaders to top positions in a transparent process that provides consensus and accountability. However, it can also be utilized for political purposes, used to delay or obstruct executive functions, or to gain leverage over unrelated matters.

Past expansions of advice and consent in New York City have considered that tension by choosing a narrow application of the authority that is tied to the unique nature of specific roles. Some boards and commissions were subjected to advice and consent in the 1970s because their members had fixed terms that sometimes extended beyond that of the mayor. In 1989, the Commissioner of Investigation was

made subject to Council approval to ensure it is sufficiently independent to conduct oversight of City Government by order of the mayor or the Council. The Corporation Counsel was added to the list in 2019 because the office represents both the executive and Council in legal matters. These changes were grounded in the specific institutional needs and designed to maintain a careful balance of power and have generally resulted in city councils and mayoral administrations working well together to ensure qualified candidates are confirmed on time.

There may well be additional agency heads for whom advice and consent would be appropriate, but any further expansion should follow that same deliberative, case-by-case approach. For example, after lengthy deliberations and years of researching police accountability in New York City, Citizens Union has adopted the position that the Police Commissioner should be subject to advice and consent, given the extraordinary legal powers the Police Department holds and its sweeping impact on the rights and daily lives of New Yorkers.

But a wholesale application of advice and consent to more than 30 commissioners and agency heads of widely varying size, scope, and function would depart from the gradual, targeted and deliberate process for expanding advice and consent as it has developed in the past half a century.

In addition, conducting a proper confirmation process for dozens of commissioners during the first days of a new administration would be an enormous undertaking that could either delay crucial appointments or keep the Council tied up for months. The first weeks of a new administration already involve an intense transition period, as both a new mayor and City Council, including a new Speaker and committee chairs, are seated. Because the Council has a 30-day deadline to act on mayoral appointments, the Council would need to consider numerous commissioners simultaneously.

For all these reasons, Citizens Union urges the Commission not to advance the proposal to extend advice and consent authority across all Charter-established commissioners and other high-ranking officials. We believe a case-by-case consideration of specific appointments that is rooted in the structure, function, and level of independence of each role would be the preferable path forward.