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CHARTER REVISION COMMISSION
PUBLIC ISSUES FORUM - VOTER PARTICIPATION
LEHMAN COLLEGE
250 Bedford Park Boulevard West
Bronx, New York
6:18 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
3 of the New York City Charter Commission. I am
4 pleased to welcome you to the Bronx and to Lehman
5 College of the City of New York.

6 I'd like to take a moment to acknowledge our
7 very distinguished President, Ricardo Fernandez,
8 who has done an extraordinary job at this great
9 institution, and thank you, Ricardo, for your
10 graciousness.

11 Tonight is the second of a series of five
12 issues forums, this one dealing with voter
13 participation, and I'm delighted to see a
14 spirited and large crowd here this evening.

15 Low and declining voter turnout, as many of
16 you are aware, is a national problem that
17 seriously weakens our Democracy.

18 Since 2007, the City turnout in municipal
19 elections has ranged from 37 percent down to 26
20 percent. Low rates of turnout have been
21 attributed to apathy, cynicism, disillusionment
22 about government and its parties, as well as to
23 the nature of the electoral system. Impediments
24 to registration and issues concerning ballot
25 access, ballot form, language barriers,

1 inadequate use of technologies and access to
2 polling places.

3 Our expert panelists tonight will discuss
4 the causes of and possible remedies for low voter
5 turnout, including some remedies that would
6 require changes in State law and City agency
7 practices.

8 In addition to any Charter proposals that
9 the Commission may make, it may refer certain
10 reforms to the State Legislature or appropriate
11 authorities.

12 As I said, this is the second of our list of
13 forums dealing with substantial issues. Last
14 week in Brooklyn we looked at the topic of term
15 limits.

16 Over the next month these forums will take
17 the Commission into all five Boroughs as we seek
18 a greater understanding of issues the public has
19 brought to the Commission's attention as
20 warranting further study.

21 The rest of the schedule is as follows. On
22 June 10, at Staten Island Technical High School,
23 our topic will be on government structure. On
24 Wednesday, June 16, at the City College of New
25 York in Harlem, the topic will be public

1 integrity. And lastly, on Thursday, June 24, at
2 the Flushing Library in Queens, we will discuss
3 land use.

4 Tonight the Commission will hear from five
5 experts on voter participation. Each one will
6 make a presentation and then the Commissioners
7 will have an opportunity to ask questions. And
8 I'm going to ask the expert panelists to try to
9 keep your comments to about eight minutes as
10 opening statements and then, obviously, there a
11 will be a spirited discussion with the
12 Commissioners after all of you are done.

13 After that aspect of the engagement tonight,
14 we will allow the public to comment on tonight's
15 subject, which can be done through the
16 microphones that are scattered about this hall.

17 Let me stress, then, in order to accommodate
18 all of the speakers I ask that you keep your
19 remarks germane to the forum's topic, and that is
20 voter participation. There will be other
21 opportunities, including additional public
22 hearings, to discuss other issues you would like
23 the Commission to examine. And we want to hear
24 from everyone. And in order to do so, please keep
25 your remarks, those of you in the audience, to no

1 more than three minutes, and I'm going to be
2 pretty stern about that, because I want everybody
3 to have an opportunity. And it's the courteous
4 way to perform under any circumstance.

5 If you have more extensive comments for the
6 Commission, you can submit them via the Web site,
7 which all of you I'm sure have, NYC.gov/Charter.
8 The Commission's E-mail address is
9 Commission@charter. NYC.gov, or by the mail.

10 The Commission's ongoing goal is to enhance
11 outreach and public access. Allow me to recap
12 some of the outreach efforts already made and
13 currently being pursued.

14 The Commission held public hearings in all
15 five Boroughs in April to solicit suggestions and
16 opinions from New Yorkers. We deeply appreciated
17 the participation of the public throughout the
18 hearings, and we remain committed to an open and
19 welcoming process of public engagement.

20 Staff has been busy reviewing all
21 submissions, and will continue to do so
22 throughout the evening.

23 As I've said at other hearings, the schedule
24 is preceded by E-mail blasts to over 44,000
25 citizens who subscribe to the listserv, as well

1 as an additional 1,800 individuals comprising
2 representatives from Community Boards, civic and
3 community groups and not-for-profits, as well as
4 elected officials and City Council members and
5 staff.

6 We also reached out to over 1,800 press
7 contacts from every major media outlet to help
8 encourage both attendance and coverage. In
9 addition, the public service announcements that
10 we had previewed at our last meeting have been
11 distributed widely to television and cable
12 stations and other media outlets.

13 As a reminder, the Commission's Web site
14 contains meetings and public hearing schedules,
15 transcripts and videos of previous hearings and
16 meetings, along with a downloadable copy of
17 current City Charter and directions to meeting
18 sites. Translations are offered in several
19 languages.

20 The Commission's work is also available on
21 Facebook, at "NYC Charter Revision Commission,"
22 and at Twitter at "City Charter NYC," part of an
23 extensive and growing use of technology to reach
24 all New Yorkers.

25 Additionally, tonight's staff will be

1 monitoring the Commission's Facebook page during
2 this forum, and we encourage those joining us via
3 our Web cast to make their positions and opinions
4 known, and I will throughout the evening elicit
5 commentary and report on that to all of you.

6 Before we get started, let me again thank
7 our very distinguished staff, some of whom are
8 here with us tonight, starting with our Executive
9 Director Lorna Goodman, who is seated in the
10 first row; our Research Director, Joseph
11 Viteritti, our General Counsel, Rick Shaffer, and
12 other members of the staff, and I want to thank
13 you all for the very hard work -- not only hard
14 work but distinguished work -- that you've
15 demonstrated over these last several weeks.

16 Now for the guest panelists that I will
17 introduce in just a minute. I'd like to ask all
18 of the Commissioners who are here with us this
19 evening to introduce themselves, and I'll start
20 all the way on my left with Ken Moltner.

21 COMMISSIONER MOLTNER: Good evening, I'm Ken
22 Moltner.

23 COMMISSIONER HART: Ernie Hart.

24 COMMISSIONER FIALA: Good evening, Steve
25 Fiala.

1 COMMISSIONER TAYLOR: Good evening, Bishop
2 Mitchell Taylor.

3 COMMISSIONER FREYRE: Good evening, Angela
4 Mariana Freyre.

5 COMMISSIONER BANKS: Hi, I'm John Banks.

6 COMMISSIONER CROWELL: Anthony Crowell.

7 COMMISSIONER CASSINO: Tony Perez Cassino
8 from the Bronx.

9 COMMISSIONER BETTY CHEN: Betty Chen.

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

11 COMMISSIONER SCISSURA: Carlo Scissura. As a
12 Yankee fan, I'm happy to be up in the Bronx even
13 though I'm from Brooklyn.

14 CHAIRMAN GOLDSTEIN: Now I want to say for
15 the record I did miss one.

16 COMMISSIONER PATTERSON: Also a Yankees fan.

17 COMMISSIONER SCISSURA: All right.

18 COMMISSIONER PATTERSON: I'm Katheryn
19 Patterson from New York City.

20 CHAIRMAN GOLDSTEIN: And I'd like to say for
21 the record that I am privileged to be in the
22 company of such a distinguished group of women
23 and men who are working together to do what we
24 believe is the right thing.

25 And this is a tough job for all of us who

1 are engaged in other aspects of our professional
2 lives, and I want to thank all of you for being
3 as attentive and as strong in your views and
4 working to make this Commission as successful as
5 I know it will be.

6 So let me start by introducing our very
7 distinguished panelists. We'll start with Jerry
8 H. Goldfeder who is all the way on my right and
9 all the way to your left.

10 Mr. Goldfeder is Special Counsel at Stroock
11 & Stroock & Lavan, is an election lawyer with
12 over 25 years of trial and appellate experience,
13 representing elected officials, candidates for
14 public office, unions, partnerships and
15 corporations in the areas of campaign finance,
16 voting rights and public integrity defense. He
17 served as a Special Counsel to the to New York
18 State Attorney General Andrew Cuomo and Special
19 Counsel to the New York State Senate Democratic
20 Conference under then-Senator David A.
21 Patterson.

22 He is the author of "Goldfeder's Modern
23 Election Law," now in its second edition. He
24 teaches election law and is a lecturer in law at
25 the University of Pennsylvania Law School and as

1 an Adjunct Professor at Fordham Law School.

2 He also chairs the Election Law Committee of
3 the Association of the Bar of the City of New
4 York.

5 Next, an urban planner and political
6 scientist, Phil Thompson. Welcome, Mr. Thompson.
7 Thank you for being here.

8 Dr. Thompson, I'm sorry, is currently
9 Associate Professor of urban affairs at the
10 Massachusetts Institute of Technology. He holds
11 a Master's degree in urban planning From Hunter
12 College and a Ph.D. in political science from the
13 CUNY Graduate Center.

14 Dr. Thompson worked as deputy General
15 Manager of the New York Housing Authority and is
16 Director of the Mayor's Office of Housing
17 Coordination.

18 He is a frequent advisor to trade unions in
19 their efforts to work with immigrant and
20 community groups across the United States and has
21 published several works exploring urban political
22 issues.

23 After Hurricane Katrina struck New Orleans
24 in 2005, Dr. Thompson worked with the AFL-CIO
25 Investment Trust Corporation and with local

1 community groups to create affordable housing and
2 work force development initiatives to rebuild
3 New Orleans.

4 Currently he is working with community
5 groups, labor unions, local government officials
6 to encourage large-scale energy efficiency
7 initiatives in urban areas through a new
8 collaborative called Emerald Cities.

9 David Jones. David, it's good to see you.
10 As president and CEO of the Community Service
11 Society of New York, during his career he has
12 served in a variety of capacities in the
13 not-for-profit public and private sectors. He
14 writes a biweekly newspaper column in the New
15 York Amsterdam news and El Diaro/La Prensa on
16 issues of importance to minority and poor
17 communities.

18 Mr. Jones served on Mayor Michael
19 Bloomberg's Transition Committee, is Vice Chair
20 of the Independent Budget Office's Advisory
21 Committee; serves on the Department of Health and
22 Mental Hygiene's Advisory Council and either sits
23 or served on countless other Boards.

24 Mr. Jones previously served as Chairman of
25 the Board of Carver Federal Savings Bank, the

1 largest African-American managed bank in the
2 nation.

3 He's also Executive Director of the New York
4 City Youth Bureau, and Special Advisor to Mayor
5 Edward I. Koch, handling race relations, urban
6 development, immigration reform and education.

7 Lorraine Minnite has taught American and
8 urban politics at Barnard College since 2000.
9 Welcome, Miss Minnite.

10 Prior to that, she was the Associate
11 Director of the Center For Urban Research and
12 Policy at Columbia School of International and
13 Public Affairs. She has consulted with various
14 labor advocacy and government organizations which
15 have relied on her expertise in voting, public
16 policy and demographic patterns in New York City.
17 And again it's Dr. Minnite, I apologize, is
18 widely published on various aspects of political
19 participation, immigration voting behavior and
20 urban politics.

21 And lastly, Harry Kresky. Mr. Kresky is a
22 lawyer in private practice in New York City. He
23 is one of the country's leading election
24 attorneys and has represented independent voters,
25 candidates and parties for the past 30 years,

1 including insurgents seeking ballot access in
2 major party primaries.

3 He serves as Counsel to the New York City
4 organizations of the Independence Party. He has
5 been appointed to chair the Election Law
6 Committee of the New York County Lawyers
7 Association, and is currently Chair of the Ballot
8 Access Subcommittee of the Election Law Committee
9 of the Association of the Bar of the City of New
10 York.

11 Welcome, all of you, and thank you for
12 taking time out of a busy and grueling schedule.

13 Again, I ask you to keep your remarks under
14 eight minutes, because we want to really get a
15 dialogue between the panel and the members of the
16 Commission and to have ample time for audience
17 participation.

18 So why don't I start with Mr. Goldfeder.

19 MR. GOLDFEDER: Thank you very much. Thank
20 you very much. It's a pleasure to be here. I
21 appreciate the invitation. And I thank you for
22 your public service. You have a historic
23 opportunity to remake the City Charter and to
24 increase voter participation here in the City of
25 New York. I hope you will take that opportunity.

1 I know you consider your jobs very seriously. And
2 we in the public appreciate that very much.

3 You've mentioned my various affiliations. I
4 just want to say, of course, I speak tonight for
5 myself. My views do not reflect my law firm or
6 the law schools I teach at, or the Bar
7 Association except when I note that, or any of my
8 clients.

9 During the last 25 years, I've had the
10 occasion to represent numerous groups that have
11 sought to amend the City Charter through the
12 petition process, so I have some familiarity with
13 City Charter issues.

14 I've testified before Charter Commissions
15 and I've written about Charter reform. I've also
16 studied the issue of the power of municipalities
17 to adopt and amend charters. This power, I
18 believe, includes virtually all aspects of
19 elections in voting as it pertains to city
20 officials.

21 Although the New York State Election Law
22 presents a detailed explication of ballot access,
23 campaign finance, registration enrollment and
24 other Election Law-related issues, the
25 Constitution of the State of New York provides

1 that municipalities can make its own laws as long
2 as they are not directly in conflict with the
3 State Constitution or with state laws.

4 The Municipal Home Rule Law presents to
5 enable legislation as well consistent with the
6 New York State Constitution that permits
7 municipalities such as the City of New York to
8 write its own laws with regard to elections. And
9 the Election Law itself provides that specific
10 municipalities can write its own laws with regard
11 to the way elections are conducted. This
12 interpretation is supported by case law.

13 In my written testimony that I've handed up
14 I go through an analysis of the state
15 Constitution of the Municipal Home Rule Law, the
16 Election Law, and various cases that come to the
17 simple conclusion that you have the power, the
18 City of New York has the power, and, therefore,
19 the Charter Revision Commission has the power to
20 amend the Charter to enact election laws that are
21 of particular, particular to the City of New York
22 that could expand voting participation in the
23 City.

24 So I then ask you to take certain proposals
25 that I have into consideration that I hope you

1 would agree would succeed at expanding voter
2 participation.

3 There are four particular areas that I
4 address. They relate to the timing of municipal
5 elections, making it easier to run for office,
6 reforming the petitioning process, and making it
7 easier to vote.

8 With regard to the timing of municipal
9 elections, the New York State Constitution
10 provides that municipal officers are to be
11 elected on the first Tuesday succeeding the first
12 Monday in November in odd number years. And by
13 the way, the reason we have our elections in odd
14 number years has to do with the politics of
15 New York State from some 30 years ago, because we
16 didn't want -- the political parties didn't want
17 municipal elections to occur at the same time as
18 statewide elections. So as one, the electorate in
19 New York City couldn't determine who was going to
20 be elected United States Senator. But in any
21 event, the Constitution does require that.

22 However, the City Charter Commission,
23 although you cannot change the way we have
24 municipal elections, you can change, you can
25 revise the political calendar so that primary

1 elections for our City officials are held in the
2 spring, and I think you should.

3 The purpose would be twofold: To increase
4 voter participation in the all-important primary
5 elections, and to provide sufficient time between
6 the primary and general elections for the
7 electorate to become better informed as to their
8 choices on Election Day.

9 Until the 1970's, New York often had June
10 primaries. This permitted candidates to campaign
11 during the spring and more easily attract voters'
12 attention. In September, as we all know, voters
13 are either returning from vacation, focused upon
14 the beginning of the school year, or preparing
15 for religious holidays. And no matter what the
16 economic status of the voter, very few voters
17 seem to pay attention to the candidates until
18 after Labor Day. A September primary, therefore,
19 ensures a relatively low turnout for a primary
20 election that is often tantamount to awaiting
21 election in November.

22 A June primary, on the other hand, affords
23 the opportunity for a more focussed electorate
24 and a higher turnout. It would enable New York
25 City to hold primary elections in a manner that's

1 consistent with Federal law that permits overseas
2 military personnel to have 45 days to receive and
3 submit their ballots for general elections. Not
4 only would a June primary be intrinsically a
5 valuable reform in terms of voter participation,
6 but a new law was enacted under the leadership of
7 Senator Schumer very recently that requires
8 military overseas voters to have 45 days to
9 receive and submit their ballots.

10 Obviously, if you do the math, a September
11 primary doesn't work. So we might get a waiver on
12 that this year, or perhaps even next year, but
13 ultimately the New York Legislature is going to
14 have to make a change to our primary elections
15 and schedule them for probably mid-August.

16 Well, I don't think anybody who is going to
17 want to have primary elections in mid-August,
18 because the turnout participation would be even
19 worse than it sometimes is. And so I think that
20 even the State Legislature will decide to revert
21 to the way we used to hold elections and schedule
22 them in June.

23 However, irrespective of if and how the
24 State Legislature responds to the Military Voting
25 Law, the City of New York, the Charter Revision

1 Commission, can be responsive to this issue by
2 moving the primary on both scores, then. In the
3 interest of increased voter turnout as well as
4 for the sake of overseas military voters, the
5 Commission ought to consider moving the municipal
6 election primaries to June, making it easier to
7 run for office.

8 The ballot access laws have been
9 periodically liberalized over the years. It used
10 to be that a greater number of signatures were
11 required to run for office, that each signer had
12 to put in their Assembly District, their election
13 District, next to their address. Every
14 correction and any mistake on a petition sheet
15 had to be initialed by the subscribing witness
16 and on and on and on. Abbreviations weren't
17 permitted and so on.

18 The Election Law has been liberalized over
19 the years, and, nevertheless, we still have,
20 because of election lawyers primarily, some of
21 whom are on this panel, including myself, we have
22 over 50 percent of the election law litigation in
23 the country.

24 Many candidates become mired in Court
25 challenges rather than campaigning, and they're

1 forced to spend tens of thousands of precious
2 campaign dollars on election lawyers rather than
3 on voter contact. This is wasteful and
4 counterproductive to the goal of open and
5 Democratic elections.

6 The importance of liberalized ballot access
7 rules is, of course, to make it easier to run for
8 office. And when it's easier to run for office
9 voters have a greater choice as to whom to elect.
10 And when there is greater choice more voters tend
11 to become involved in campaigns and engaged in
12 elections.

13 Petitioning is meant to show the significant
14 support for a candidate, that he or she is not a
15 frivolous candidate. Whatever "frivolous" means
16 is not clear. One need only reflect upon the race
17 that outsider Barack Obama ran against Senator
18 Clinton to appreciate that "frivolous candidates"
19 is a subjective term and that doesn't necessarily
20 result in the end that people expect.

21 Assuming, therefore, for the moment that
22 there should be some showing of legitimacy for a
23 punitive candidate to run for office, the Charter
24 Commission has the authority to dramatically
25 reform ballot access requirements so that

1 petitioning is not the sole avenue on getting on
2 the ballot. After all, there's nothing magical
3 about petitioning.

4 As we sit here tonight, the five political
5 parties in the State of New York are placing
6 statewide candidates on the ballot without the
7 need for petitioning. There's no reason why the
8 City of New York cannot have a similar
9 fundamental reform in the way we elect our
10 municipal officials.

11 I have two proposals. The first one is any
12 candidate who is qualified to receive public
13 matching dollars in New York City's Finance
14 Program ought to be automatically placed on the
15 ballot. Rather than be required to petition a
16 candidate who has raised X amount of dollars from
17 Y number of contributors from within the
18 political district she is running to represent
19 has already proven that they are a legitimate
20 candidate. Meeting those criteria entitles the
21 candidate to public matching dollars. There's no
22 reason this cannot also be used as a barometer of
23 sufficient support to run.

24 Contributions are easily understood as more
25 indicative of support than a signature from a

1 stranger who may or may not eventually vote for
2 the candidate.

3 There are many jurisdictions in this country
4 where a candidate can get on the ballot by filing
5 a fee. This is better, because we have a system
6 where people have to raise a certain number of
7 dollars for a certain number of people to show
8 that they are legitimate so they can get public
9 dollars. We should allow this as an alternative
10 avenue to getting on the ballot.

11 There's another approach that the Election
12 Law Committee took 25 years ago and that is for
13 candidates to file a Notice of Intent to run, and
14 if nobody else files one then they are the only
15 candidate, they can get on the ballot. It's a
16 simple mechanism.

17 The first one is a much more fundamental
18 reform. The second one allows for candidates who
19 are not opposed to bypass the petitioning process
20 altogether. Either reform, whether the more
21 fundamental step on relying upon campaign finance
22 programs, a measure of support for automatic
23 placement on the ballot, or the minor change of
24 permitting an unopposed candidate to merely file
25 the notice would be a vast improvement over the

1 requirement that each and every candidate,
2 whether a first-time insurgent or two-term
3 incumbent, goes through the largely ceremonial --
4 and be able to avoid the largely ceremonial and
5 hugely wasteful process of petitioning.

6 With that in mind, I want to stress that
7 petitioning still should be required, because
8 constitutional juris prudence requires it as an
9 alternative avenue. And there's a variety of
10 reforms to the petitioning process that should be
11 adopted and can be adopted by the Commission. I
12 mentioned a number of them in my written
13 testimony. I won't go through them right now for
14 the sake of time except to ask you to direct your
15 attention to the very nitpick-y kinds of
16 requirements that the petition process requires,
17 and there's no reason why we can't reform them.

18 If somebody chooses to go through the
19 petition process, if they don't raise enough
20 money to get to the public matching dollar
21 threshold, if they do have competitors and they
22 must petition, or they choose to petition, it
23 should be easier. We should have a lower number
24 of signatures. We should make it easier for
25 people to circulate petitions. We should make it

1 easier for people to sign petitions.

2 The last topic makes it easier to vote.
3 Reforming, when political primaries are scheduled
4 establishing alternative means for candidates to
5 get on the ballot and further liberalizing the
6 basic petition process, all would open the
7 electorate process. More people would be able to
8 engage in campaigns, and more voters would have
9 an opportunity to focus upon the issues between
10 and among the candidates.

11 There are certain structural changes that I
12 urge you to look at as well.

13 Early voting. We have seen throughout the
14 country a move toward early voting whereby voters
15 can choose to cast a ballot a week or two prior
16 to a primary or general election.

17 As a result of a consent decree entered into
18 by the parties in a voting rights lawsuit brought
19 against the Village of Port Chester, New York, up
20 in Westchester County, that village will be
21 employing early voting this month for the first
22 time in New York history.

23 On June 15th Port Chester will be voting for
24 new village trustees, and early voting will occur
25 a week earlier.

1 The Election Law Committee of the
2 Association of the Bar of the City of New York,
3 among other members of the Bar Association, will
4 be sending neutral observers to Port Chester
5 during their election and during their early
6 voting procedures. I urge members of this
7 Commission to do the same, to go up to
8 Port Chester and to observe how the early voting
9 procedure works for the first time in New York
10 and see if it's appropriate to import that reform
11 here in the City of New York.

12 Instant run-off. Because of State law, we
13 have run-offs when citywide officials don't
14 receive 40 percent of the vote in a primary
15 election. If the winning candidate's plurality is
16 less than 40 percent we have a run-off two weeks
17 later.

18 This procedure is an administrative
19 nightmare for the Board of Elections, for the
20 candidates, and for the public. The votes must be
21 canvassed accurately, all absentee affidavits and
22 military ballots must be counted, candidates in
23 close races have a right to challenge results in
24 Court, and all the voting machines need to be
25 reset after the Court cases and redelivered to

1 their polling places.

2 Two weeks for this process is an exceedingly
3 short period of time for all these important
4 tasks to be implemented accurately.

5 The better procedure would be to employ
6 instant run-off whereby a voter can indicate her
7 first and second choice at the primary election.
8 This would avoid a run-off. It would save the
9 City money and can be enacted in a manner to
10 avoid the express provisions of the Election Law.

11 Instant run-offs are used in other
12 jurisdictions around the country. We ought to
13 look at that. They're even used by the Academy
14 Awards. No-excuse absentee voting. The current
15 law permits voters to vote by the absentee ballot
16 only under certain circumscribed conditions.

17 In New York City, the person must be out of
18 the city or unable to vote at her polling place
19 due to disability or illness. The Election Law
20 Committee of the Bar Association has issued a
21 report just last month advocating a change in the
22 law to permit absentee voting for any reason.
23 There's some dispute among advocates whether or
24 not a New York State Constitutional Amendment is
25 required. But I have to tell you that the State

1 Legislature has found a way to get around it. And
2 there is a way for the Charter Commission to
3 overcome that as well.

4 The Legislature has created special ballots.
5 They don't call them absentee ballots, because
6 the Constitution prohibits that, but the
7 Legislature has permitted special ballots for
8 certain voters even if they're within the county
9 or they're not disabled or ill.

10 The Charter Commission can do the same. We
11 can have special municipal election ballots which
12 allow people to vote by absentee ballots with
13 another name, whatever the reason is, because
14 it's more convenient. It's obvious that that will
15 increase voter participation, and it's used in
16 many states around the country.

17 The final point I want to make relates to
18 same-day registration. Just as there's a
19 constitutional provision relating to absentee
20 voting that has been circumscribed through the
21 use of special ballots, the New York State
22 Constitution's prescription that registration
23 must be effected on or before 10 days prior to an
24 election can also be overcome. The Charter can
25 provide for municipal election registration, a

1 different kind of registration just for municipal
2 elections, just for officers running, public
3 officers here in the City of New York. For new
4 registrants. I'm not talking about people who
5 want to change their registration. I'm talking
6 about new registrants.

7 There are many would-be voters who
8 unfortunately wake up to the fact that there is
9 an election being held and that they wish to
10 vote. I don't know why people sometimes pay
11 attention only at the last minute, but it's a
12 fact of our lives. And if we allow for same-day
13 registration we would increase the voter rolls
14 exponentially, I believe. That's why there are
15 various states in our country that are allowing
16 it. In fact, one state, North Dakota, doesn't
17 even require registration.

18 Although I know of no examples of fraudulent
19 voting in New York by those who are not
20 registered, or who are pretending to be someone
21 else, we can put certain ID controls into place
22 to disincentivize a misuse of same-day
23 registration. Same-day registrants who vote by
24 affidavit ballot and their applications and ID
25 material would be scrutinized by a bipartisan

1 team of Election Inspectors prior to the vote in
2 canvass. The benefits are great; the risks are
3 minimal.

4 The Charter Commission should review the
5 legal and logistical issues on this, on same-day
6 registration, and on all the proposals that I
7 have suggested. Same-day registration as well as
8 the other proposals that I have suggested for
9 reform could increase voter participation
10 significantly. I urge you to consider it very
11 seriously, and I thank you for your time.

12 CHAIRMAN GOLDSTEIN: Thank you Mr. Goldfeder.
13 Dr. Minnite.

14 DR. MINNITE: Good evening and thank you to
15 the Commission for this opportunity to address
16 you. I think I will limit my comments to a
17 suggestion for a way that you may think about
18 voter participation and the problem of voter
19 participation.

20 I think we probably all have our favorite
21 reforms, and Mr. Goldfeder just hit a number of
22 ones that I was going to touch on as well. But
23 rather than reiterate that, I think that what I'd
24 like to do is help you think about a way of
25 defining the problem of voter participation in

1 New York City.

2 And I have prepared for you a chart that
3 shows -- it's votes cast in New York City
4 elections since 1960. You can see the trend lines
5 in the votes cast in presidential elections, in
6 gubernatorial elections, and municipal elections
7 and compare it to the voting age population.

8 So shall I --

9 COMMISSIONER FREYRE: Yes.

10 DR. MINNITE: I think it's hopeful to think
11 about the turnout problem this way, and
12 Chancellor Goldstein also said it very
13 eloquently. In New York City, the turnout problem
14 is that turnout is low, it's declining, and it is
15 distorted by class bias.

16 Briefly, turnout is low, as you see in this
17 chart, and as Chancellor Goldstein mentioned, the
18 turnout rate in recent municipal elections, and
19 it has been declining in the last 10 years.

20 It's very interesting to look at this graph.
21 You'll see a spike in voting in number of votes
22 cast in 1989. That was the election of David
23 Dinkins and again in 1993. Those two elections
24 stand as something of an outlier in terms of
25 total votes cast. They reflected a mobilization,

1 almost a kind of social movement at the time, to
2 elect the City's first black Mayor, but in
3 general the trend has been down.

4 Another way to think about it, if you look
5 at the other side of the this document, you see
6 here the mayoral vote taken as a percentage of
7 the vote cast in the year before in the
8 presidential election. It's just another way of
9 thinking about municipal turnout. And you see
10 that again the trend line, even if you look at it
11 in relation to what's happening with the
12 presidential vote, sort of keeping that in mind,
13 the percentage of the mayoral vote of the
14 preceding presidential vote has been declining as
15 well. It was 45 percent in 2009, 67 percent in
16 2001, so that's another way of thinking about it.

17 Turnout, as the second problem, is that
18 turnout in New York City is distorted by class
19 bias, and what I mean by that is that the
20 electorate as a whole is better educated and a
21 little wealthier than the general population and
22 certainly the voting age population.

23 For example, just under a third of all
24 adults in New York City have a college or
25 postgraduate degree. In 2005, according to exit

1 polls, 52 percent of the electorate had a college
2 degree. In 2009 it was 55 percent. So the
3 people who show up at the polls, their education
4 levels are higher and their income is higher as
5 well.

6 Just over half of all adults in New York
7 City have an annual family income of \$50,000 or
8 less. In 2009 that was 42 percent of the voters
9 who showed up on Election Day.

10 So this is another important dimension of
11 the problem of voter participation. It's not
12 just a problem of low turnout, that is a serious
13 problem, but another problem is the inequality in
14 the electorate. And the reason that that's a
15 problem is because it violates Democratic norms.

16 There are real policy consequences when
17 voters, low-income voters, who are increasingly
18 being thrown out of the electorate, don't have
19 their voices heard in the halls of government.
20 And this also is a problem in the rest of the
21 United States, not so much everywhere else, and
22 not all advanced industrial democracies look like
23 the United States with respect to the electorate.

24 So just briefly, how do academics think
25 about the problem of low voter turnout?

1 Basically, I think academics, there are lots and
2 lots of explanations for this. The way to think
3 about it, there are some explanations that focus
4 on the attributes of the voters, something about
5 the voters. They don't have resources, they
6 don't have education, they can't understand the
7 cues, they don't get the information in the
8 election, they don't care, they're apathetic.
9 There's a set of explanations that look at that
10 and emphasize that.

11 Others look at the question of mobilization
12 or organization, and as I say, at the election
13 here in our city in 1989 represents what some
14 theorists would say even when the rules are
15 against increased turnout you can overcome them
16 with a kind of social movement politics, and you
17 see a little bit of that in those elections.

18 There are other examples of this from around
19 the country as well. And still others
20 conceptualize the voting problem in terms of a
21 calculus of costs and benefits. Some people look
22 at the costs more; others emphasize the benefits.

23 It's the rational voter model, the idea that
24 a person looks at an election and says, "Is this
25 worth it to me? What do I have to do to cast a

1 ballot? What am I going to get?" And this is the
2 sort of set of explanations that I think is most
3 relevant for you, for your work, because you as a
4 Charter Revision Commission, you can't do
5 anything about the attributes of the voters. You
6 can't say much about or do much about the problem
7 of mobilization, but you can look at the rules.
8 And you can consider the rules. And so I wanted
9 to offer just two minutes of my thoughts on rules
10 changes that you could consider.

11 Now, I'm not a lawyer, I not an
12 administrator. I certainly appreciate the
13 difficulties and the challenge of running an
14 election in New York City and the complexities of
15 the law. But I thought it might be beneficial
16 for you to hear a few ideas and then let the
17 others say you can or you can't do that.

18 And Mr. Goldfeder touched on a couple of
19 them. One is -- two actually have to do with
20 registration and two with voting. And again, I
21 come at this from the question of what is the
22 problem? What's the analysis of the problem? And
23 the solution should at least in some way address
24 that, the problem, the way you conceptualize the
25 problem.

1 So two ideas about registration. One is the
2 Election Day registration idea, same-day
3 registration, where voters can register at the
4 polls. I would like to see them be able to also
5 change their address at the polls and not be
6 excluded for that.

7 The 2008 current population survey estimated
8 that over a hundred thousand New Yorkers couldn't
9 vote in 2008. This is based on what they told
10 survey researchers because they missed the
11 registration deadline, which in New York State is
12 25 days before the election. So if the concern is
13 voter participation, how to increase it, I think
14 there is a preponderance of evidence that
15 Election Day registration is one partial answer
16 to that.

17 The second idea with registration, which
18 Mr. Goldfeder didn't mention, it would be to
19 expand and enforce agency-based registration in
20 New York City. This is already in the New York
21 City Charter, it's Section 1057(a), that requires
22 various agencies that serve the public, that
23 provide services, to provide opportunities for
24 voters to register. It follows on the National
25 Voter Registration Act, which is the Federal

1 mandate to do that.

2 One thing I want to say about this very
3 quickly is that we don't know if this is working
4 or not. And the national experience with the
5 National Voter Registration Act is really -- it's
6 quite a bizarre story. A Federal law that was
7 conceived of as this sort of end of the Voting
8 Rights Act, and finalize the Voting Rights Act,
9 and it was just completely unenforced in terms of
10 the agency base dimension of it throughout the
11 country. And it's only been in the last several
12 years that advocates who have a right to sue
13 under the NVRA have tried to look at this and
14 tried to make it happen. It's just absolutely not
15 enforced, not happening in many, many places
16 across the country.

17 And one statistic from this where advocates
18 have sued in Missouri. Before their litigation,
19 Missouri, the average number of registration
20 applications that were being completed in public
21 agencies in Missouri per month was 1,892. After
22 the Court settlement, after the litigation, that
23 shot up to 10,815.

24 This is just an example of why this has to
25 be enforced. And the important point is it can't

1 be enforced if we don't know what's happening.

2 So the one thing I would recommend with
3 respect to this in the Charter would be to
4 mandate what is left to the discretion of the
5 agencies and to require reporting, to require
6 reporting. There are no statistics. We don't
7 know whether it's happening or not. You can't
8 enforce it if you don't know.

9 Last two points, and I will close in about a
10 minute and a half, because again Mr. Goldfeder
11 mentioned this, synchronizing municipal
12 elections.

13 Now, I would say the presidential elections,
14 I don't know if that can be done, but this is the
15 single one reform that would have the biggest
16 immediate impact, and you can see that simply on
17 the chart. Instead of the dark line at the bottom
18 it be would the dotted line at the top. That
19 would be what turnout would be in a municipal
20 election.

21 Short of that, moving Election Day to a
22 weekend, a Sunday, perhaps coupling it with early
23 voting would also address this. Again, from the
24 CPS, that survey estimated 63,000 New Yorkers
25 didn't vote because they said the hours were

1 inconvenient, or because they were working, or
2 because they were too busy, they couldn't get
3 there.

4 An interesting counterpoint here is to
5 consider the experience in Puerto Rico. In Puerto
6 Rico -- at least in research I've looked at -- in
7 the 1990's, where in Puerto Rico they vote on
8 Tuesday in national elections and in off-years
9 they vote on Sunday. They had in the 1990's
10 regular turnout rates of over 80 percent.

11 Why not let, you know, why not let people
12 who are involved in politics or are engaged by
13 whatever is happening in the country, in their
14 community, be mobilized by that by synchronizing
15 elections?

16 And the other thing that that does is it
17 addresses the problem that the political
18 scientists have pointed to, which they call voter
19 fatigue. Voter fatigue is that we vote too much.
20 We have too many elections, too many things we're
21 voting for all the time, and that we should try
22 to synchronize these elections a little bit more
23 so that they're important and meaningful.

24 And lastly, I also would speak to the issue
25 of instant run-off voting. That one is not so

1 much directly addresses the turnout problem, but
2 it addresses the voter fatigue problem. It saves
3 money. It makes sense, and I would also suggest
4 that -- I'm not making specific recommendations
5 on reforms -- I'm suggesting some ideas that I
6 think would be very worth your time to look into.
7 So thank you.

8 CHAIRMAN GOLDSTEIN: Thank you very much, Dr.
9 Minnite.

10 Turn to David Jones.

11 MR. JONES: Thank you Mr. Chairman. It's a
12 pleasure to be here. This is in some ways coming
13 full circle. I've been active in community
14 service society for 24 years, but in the early
15 days of my tenure we launched a series of
16 nonpartisan voter registration campaigns right up
17 to the passage of the Motor Voter Act which
18 registered under the leadership of Richard Perez
19 by a quarter of million voters. Moreover, our
20 counsel for lawsuits where Jack Weinstein in
21 Brooklyn overturned the purge law, which was
22 routinely throwing people off the roles for
23 failure to vote consistently. In other words, if
24 you missed an election you could be purged. Jack
25 Weinstein found, quite rightfully, that that

1 disproportionally impacted poor and minority
2 voters, and he overthrew it.

3 We hoped all that was going to be in the
4 past when Motor Voter came, but I think I'm here
5 today to say that we still have enormous problems
6 in terms of people accessing the ballot in the
7 City of New York.

8 We estimate the number of people in New York
9 that are eligible to vote or are unregistered is
10 somewhere in the vicinity of 800,000. That's 15
11 percent of the eligible population don't have
12 their voices heard on critical issues. These
13 unregistered voters are predominantly low income
14 and people of color. That's the bad news.

15 The news I want to bring to you and this
16 Commission is that we do have a lobby that was
17 supposed to handle this issue. The City Charter,
18 approved by the voters in 1989, created the Voter
19 Assistance Commission, VAC, which was to be the
20 independent nonpartisan agency with a mandate to
21 register voters. Early on, the VAC in fact
22 worked closely with the legal community on
23 community-based initiatives and multi-language
24 media outreach to increase voter registration. It
25 identified areas where eligible and unregistered

1 voters resided and were concentrated.
2 Unfortunately, VAC has been slowly diminished by
3 budget cuts by each successive administration
4 since 1989. And its nonpartisan character has
5 effectively been destroyed by running out of the
6 Mayor's office.

7 In my view, it is a bad idea to operate an
8 independent nonpartisan agency charged with voter
9 registration to work out of an at an incumbent's
10 office. Any incumbent. This is not a matter of
11 this incumbent, incumbents generally. And I talk
12 as somebody who grew up in a political household,
13 has trouble with the notion of massive surges of
14 new voters who they don't have any relationship
15 to. And I can tell you, talking to assemblymen
16 and congressmen and mayors, they have a real fear
17 of voters who they don't understand yet. So we
18 need something as a body that's going to reach
19 these kinds of voters and not leave it to an
20 incumbent to try to increase the numbers of new
21 voters coming into the process.

22 As an earlier speaker said, the National
23 Voter Registration Act, the NVRA, Motor Voter
24 Act, that Act requires the states to provide
25 voter registration opportunities to people when

1 they get or renew driver's license issued by the
2 motor vehicle authority. But the state also
3 requires that states to provide voter
4 registration assistance when people apply for
5 public assistance and food stamps and Medicaid as
6 well as applying for disability services.

7 There must also be additional offices,
8 called Discretionary Agencies, designated to
9 facilitate voter registration. These may include
10 state or local public offices, libraries, public
11 schools and unemployment compensation.

12 It took litigation and forceful advocacy to
13 achieve full compliance with these provisions in
14 the early part of the NVRA implementation. Much
15 of that work was spearheaded here in this State
16 and City by CSS.

17 The Charter was amended to include these
18 provisions and early assistance. VAC addressed
19 this mandate by registering those who came in
20 contact with various city agencies. A good way
21 to efficiently target lower income and minority
22 voters and urban motor voter, if you will.

23 This is especially important for a place
24 like New York City, where many people who are
25 poor, who are in urban areas, don't get motor

1 vehicle licenses. So this was a tilt that many of
2 us as advocates understood from the beginning
3 that disadvantaged urban populations.

4 But the Giuliani administration issued
5 guidelines that were totally ineffective in
6 getting City agencies to provide people with the
7 opportunity to register. Regrettably, Mayor
8 Bloomberg has reissued these passive guidelines.

9 As a result, the provisions for city
10 agencies to provide access to registration forms
11 and help with registering are written into the
12 Charter, Section 1057(a). There has been
13 essentially no action. And no compliance.

14 This Commission, in my view, should revisit
15 this issue. Merely that passage in 1989, of
16 passing Charter provisions that are totally
17 toothless and have no force of law, leaves them
18 vulnerable to what's happened to the Voter
19 Assistance Commission. I think it's a direct
20 result registration still remains as an obstacle
21 to full participation of the 800,000 otherwise
22 eligible voters in New York City, and the City
23 must again take a more aggressive approach in
24 this regard.

25 I also have to address as a possible

1 proposal being considered for the Charter that I
2 want to discuss, because I think it will
3 adversely affect voting in New York City.

4 Seven years ago, the Mayor attempted to
5 change the Charter by eliminating the role of
6 political parties in City elections. That
7 particular part of the ballot was rejected by the
8 voters by 70 percent.

9 A lack of party identification reduces voter
10 interest and makes it difficult to keep track of
11 candidates' positions on issues. A party label
12 conveys instant facts to many people, especially
13 low-income and newly registered voters, who are
14 often unable to get the kind of easily understood
15 information from other sources.

16 In New York City these voters are
17 overwhelmingly people of color.

18 In my view, nonpartisan elections could and
19 would discourage voter turnout in poor and
20 minority communities. It would also allow
21 candidates to merge stations on important issues.
22 Serving to further confuse and mislead voters.

23 The relationship between the City and Albany
24 and the City and Washington, where hyper
25 partisanship is the norm, also heightens the

1 importance attached to these labels.

2 In a state where third-party activities is
3 often revised, party labels do matter. In
4 addition, Supreme Court decisions have lifted
5 restrictions on both individuals and corporations
6 spending on elections. This has served to
7 further erode the level playing field, especially
8 in nonpartisan elections, where candidates can
9 finance their campaigns. The result is that
10 candidates of moderate financial means,
11 particularly people of color and immigrants, a
12 large portion of the City's electorate, would not
13 be able to effectively compete. Again suppressing
14 voter participation.

15 For all these reasons, discouraging voter
16 turnout, weakening the voice of low-income
17 voters, impeding the participation of voters of
18 color, and fostering a greater imbalance in
19 campaign spending, nonpartisan elections, in my
20 view, are a bad idea for the City of New York.

21 UNIDENTIFIED VOICE: Don't speak for us.

22 MR. JONES: There are several things that the
23 administration and this Commission might
24 recommend to expand the electorate. Some are
25 simply to comply with the law. Other are

1 government actions that would help reach New
2 Yorkers eligible to vote.

3 I would urge the Commission to revisit its
4 past provisions. To begin, the Mayor should be
5 directed to appoint a full-time independent
6 Director of the Voter Assistance Commission and
7 should insist that targeted City agencies comply
8 with the Charter provisions and cooperate with
9 the Commission in providing assistance with voter
10 registration. This means proactive registration
11 assistance, not a pile of papers shoved on a
12 desk.

13 Also in compliance with the Charter, the
14 Mayor and Council should appoint additional
15 Commission members from groups in the City that
16 are underrepresented among those registered to
17 vote.

18 The Charter should be amended so that the
19 VAC budget is fixed by law as a percentage of the
20 City's overall budget, similar to what is now
21 done from the Independent Budget Office.

22 There ought to be amendments written into
23 the Charter whereby compliance with provisions
24 concerning the Voter Assistance Commission and
25 agency-based voter registration has to be

1 independently assessed or reviewed by an
2 independent agency, perhaps the City's Office of
3 the Public Advocate or other.

4 I have some other suggestions I won't hold.
5 They're in my written measures and submission.

6 I would say I feel this is extraordinarily
7 urgent. New York City is the most diverse city
8 perhaps in the world. It's got ethnic diversion,
9 race, class, you name it. If we continue to
10 undermine voter participation in the way that
11 it's occurring now, this city is going to run
12 into some terrible problems.

13 Elections are not for fun. Elections have
14 to keep a city like New York intact. And I urge
15 you to try to do things that help in that
16 measure. Thank you.

17 CHAIRMAN GOLDSTEIN: Thank you, Mr. Jones.

18 We now turn to Mr. Kresky.

19 MR. KRESKY: Thank you, Mr. Chairman. Is this
20 working? I want to thank the Commission for
21 inviting me to appear today. And for holding this
22 discussion on voter participation.

23 You have conducted an open process that has
24 allowed New Yorkers from all walks of life to
25 weigh in on the kind of changes they would like

1 to see in our Charter. Then New Yorkers will have
2 an opportunity to vote on the specific changes
3 the Commission recommends. That's what Democracy
4 is about.

5 What do we mean by voter participation and
6 what measures can we take to increase it? There
7 are at least two ways to view this. One is to
8 measure participation by the currently eligible
9 electorate looking at the percentage of those now
10 eligible who come out to vote and considering
11 ways to increase that percentage. This is
12 generally referred to as turnout and was
13 addressed by some of the speakers here tonight.
14 But there's another aspect of voter
15 participation. One which has been central to the
16 evolution of our Democracy and the history of our
17 country. That is the question of who is eligible
18 to vote?

19 In the early days of the Republic, the
20 franchise was restricted to white male property
21 holders. Increasing voter participation within
22 that framework could be seen as getting more of
23 that, more property holders to turn out.

24 Increasing voter participation in the second
25 sense of reconsidering who should be permitted to

1 vote, however, occurred at three distinct
2 junctures in our country's history.

3 The first was the elimination of property
4 restrictions during the first half of the 19th
5 Century. The second was the adoption of the 15th
6 Amendment after the Civil War, which barred
7 denial of the right to vote on the basis of race,
8 color, or previous condition of servitude. The
9 third, of course, was the achievement of Women's
10 suffrage with the adoption of the 19th Amendment
11 in 1920.

12 I respectfully submit that this Charter
13 Commission has before it in the form of proposals
14 to adopt nonpartisan municipal elections a
15 question of voter participation of the second
16 variety.

17 What do I mean by that? Right now, primary
18 elections in the City exclude 751,442 nonaligned
19 independent voters. And if you take into account
20 that almost all of our local elections and the
21 elections for Comptroller and Public Advocate,
22 the winner of the Democratic Party primary
23 invariably wins the general election, then the
24 total of 1,398,513 voters are excluded by law
25 from the elections that count.

1 So if you want to increase voter
2 participation, as this Commission is concerned to
3 do, let's allow those 1.4 million voters to
4 participate in the crucial first round of voting.

5 How to do this? How do we do this? Our
6 options are somewhat limited. In the year 2000,
7 Supreme Court, the U.S. Supreme Court held that a
8 state could not compel the parties to allow
9 registrants of other parties and nonaligned
10 voters to vote in their primaries.

11 Subsequent to that decision, the State of
12 Washington adopted a form of primary know as "Top
13 Two." Under "Top Two" party primaries were
14 eliminated. Instead, all voters participate in
15 the first round open to all candidates with the
16 top two candidates going on to a general election
17 also open to all voters. Candidates are allowed
18 to list their party preference on the ballot. The
19 system was upheld by the U.S. Supreme Court in
20 2008.

21 Next week in California, voters will go to
22 the polls on whether to adopt this "Top Two"
23 system statewide. Such a system is in the
24 tradition of nonpartisan municipal elections,
25 which have been in effect in major cities across

1 the United States since the Progressive Era of
2 the early 20th Century. In fact, right now, of
3 the 50 largest cities in the country, all but
4 seven elect their public offices by some form of
5 nonpartisan election. Of the top ten cities by
6 population, only New York and Philadelphia still
7 have partisan municipal elections. And I submit
8 at a time when more than 40 percent of Americans
9 self-identify as independents, we are at a fourth
10 juncture relative to fully enfranchising all of
11 our citizens.

12 In some 30 states, independents are excluded
13 from voting in the critical first round unless
14 the parties invite them to. Parties, the parties
15 through whose candidates are chosen represent a
16 smaller and smaller segment of the American
17 people. Thus to increase participation in New
18 York City without expanding the electorate means
19 urging more Democrats to turn out to vote in
20 their primary. That is the job of the party
21 apparatus and the interest groups with which it
22 is allied. The job of the Commission, I submit,
23 is to address the exclusion of independents from
24 primary elections. We should not confuse the two.

25 If as the Commission has erred in previous

1 elections, nonpartisan municipal elections are
2 very much a youth issue. Each time a group of
3 potential voters turns 18, the percentage of
4 nonaligned voters grows. Of our City's 751,000
5 nonaligned independent voters, 24 percent are
6 under the age of 30. Compare this to the 19
7 percent of overall Democrats and 14 percent of
8 enrolled Republicans under the age of 30.

9 Do we want to continue a system in which the
10 disconnect between young voters and how the
11 political process is structured grows larger
12 every day and grows larger every year? The
13 answer must be no.

14 Proponents of nonpartisan municipal
15 elections claim that this system will
16 disadvantage minorities. This is not the case.
17 New York has District elections for City Council.
18 Harlem will continue to elect an African-American
19 representative, Bensonhurst will likely continue
20 to elect a white representative, and the South
21 Bronx will continue to elect a Latino
22 representative. Whether under a partisan or
23 non-partisan system.

24 As for Mayor, New Yorkers had only one
25 non-white Mayor in our history under a partisan

1 system.

2 Some say that the nonpartisan system will
3 favor the wealthy. But surely it is the case
4 that money is a major factor in our elections
5 under a partisan system. The candidate who has or
6 can raise the most money can reach many voters,
7 can reach more voters with their message. That
8 was true for Barack Obama as it was for Michael
9 Bloomberg. And that capacity to reach voters
10 directly -- without mediation by the party
11 machine -- is a vital part of the new politics
12 that the changing electorate is demanding.

13 Let me end by going back to the question of
14 voter turnout. In a 2008 study that's cited in my
15 written testimony, which you have, looked at all
16 U.S. elections for governor over a ten-year
17 period from 1989 to 1998, and concluded that
18 states with more open primaries tend to have
19 greater voter turnout in general elections. In
20 other words, not only to open primaries in which
21 all voters can vote, make more voters eligible to
22 vote in primary elections, but they increase the
23 percentage of eligible voters who vote in the
24 general election where all voters are eligible to
25 vote regardless of the primary system.

1 Enable more voters to be stakeholders in the
2 primary round, you will increase the likelihood
3 they will become stakeholders in the general
4 election.

5 This Commission has the opportunity to
6 extend the franchise to a growing class of
7 voters, independents, who want, deserve and have
8 a right to full participation in the Democratic
9 process.

10 CHAIRMAN GOLDSTEIN: We will now welcome Dr.
11 Thompson.

12 Please give Dr. Thompson an opportunity to
13 speak, please. Thank you.

14 DR. THOMPSON: Thank you, Mr. Chairman, and
15 thank you, members of the Commission for inviting
16 me to speak here this evening.

17 I agree with much of what has been said
18 already. Particularly the comments regarding
19 same-day voter registration and agency-based
20 voter registration.

21 I do want to mention an issue that has not
22 been raised thus far, and that is the fact that
23 at least 20 percent of the voting age population
24 in New York City is disenfranchised all the time.
25 And I am referring to noncitizen immigrants.

1 Noncitizens pay taxes, they can serve in the
2 military, but they cannot vote. I think this is
3 blatantly unfair and no doubt alienating to a
4 large segment of New York City's population. Yet
5 the worrisome consequence of this to me is that
6 noncitizens do not have access to Democratic
7 means of having their grievances aired and
8 considered by the general public.

9 As the great sociologist in New York Robert
10 Murden wrote over a half century ago, groups
11 denied access to legal means of representation
12 and redress are often tempted to find illegal
13 ways to have their needs met.

14 Having one-fifth of the adult population
15 excluded from local politics creates a playground
16 for crime and corruption. There is no logic to
17 this, in my opinion, other than politics and
18 nativism. And as David Jones mentioned earlier,
19 incumbents don't want new voters they are not
20 familiar with. And so I think it is important
21 for commissions such as this one to take this
22 issue seriously.

23 As Harry Kresky mentioned just now, another
24 15 percent or so of the voting age population
25 cannot vote in important local primaries because

1 they are registered as independents.

2 Across the country, younger
3 African-Americans and Latinos as well as newly
4 incorporated immigrants, are increasingly tending
5 to register as independents. Because in most
6 elections in New York City the Democratic
7 candidate wins the general election
8 overwhelmingly, independent voters are
9 effectively excluded from much of local politics.
10 And I won't repeat everything Harry just said.
11 But I cannot think of a good reason to exclude
12 them from local elections outside of partisan
13 politics.

14 The political science data research on this
15 issue is kind of old, and I also don't think
16 city-to-city comparisons are that useful for New
17 York in political science, because New York is so
18 different from many other cities. But the
19 studies tend to show little difference in
20 minority participation from partisan versus
21 nonpartisan elections.

22 Taking noncitizens and independents
23 together, at least one-third of the voting age
24 population in New York is regularly excluded from
25 most elections. So it is not surprising that many

1 of the them have little interest.

2 The primary system in New York now protects
3 incumbents and discourages the newcomers and
4 party outsiders. Turnout in some primaries has
5 been as low as 10 percent. And some officials
6 are elected with a minority of these low votes
7 only to be assured a victory in a general
8 election. This is an abysmal situation that
9 calls out for reform.

10 It is hard to predict what the effect of
11 nonpartisan voting would be in New York, because
12 as I said, New York differs from other large
13 cities in many crucial respects, particularly in
14 the strength of the Mayor's office and in the
15 power of its civic organizations, especially
16 large labor unions in New York that it is worth
17 noting are mainly minority led.

18 To give you one example, I did a study a
19 while ago of comparing New York, Atlanta and
20 Oakland and the Mayor in Oakland, California had
21 a grand total of 12 employees that reported to
22 him directly. New York City had a quarter million
23 direct reports. So when studies compare
24 California cities to New York, you're really
25 comparing apples to horses. They're very

1 different systems. The states are very different,
2 attached to different offices.

3 There, in California, mayors appoint a lot
4 of people to commissions. Commissions exercise a
5 lot of power over policymaking, and the politics
6 is around negotiating around groups that pay
7 attention to very specific issues, like parks or
8 sanitation, whatever it is. It's not like New
9 York. Therefore, it's really hard to say what
10 nonpartisan voting would do in New York.

11 I doubt, however, that nonpartisan voting
12 would have much impact on mayoral elections.
13 This is because mayoral races are already the
14 focus of intense interest in the media and among
15 institutions in the City.

16 For those who say that nonpartisan voters
17 will favor -- nonpartisan voting will favor
18 wealthy candidates in mayoral races, I think the
19 horse is already out of the barn on that.

20 Moreover, the absence in the last mayoral
21 election, the absence of a unified slate amongst
22 labor unions was just as influential, in my
23 opinion, in determining the outcome as money.
24 And Lorraine Minnite mentioned the Dinkins
25 election in '89, and that was the major

1 difference between the two elections, and you
2 can't really fix that on the Commission.

3 I think it is more likely that nonpartisan
4 elections will open up races at the City Council
5 level, because it will be easier for community
6 organizations to influence races and run their
7 own candidates. I believe it will force labor
8 unions and party bosses to do more outreach to
9 community groups before selecting candidates.
10 Younger voters and newly enfranchised immigrant
11 voters will not have to spend decades waiting
12 their turn in the party hierarchy, or learning
13 the intricacies of the petition process and
14 Election Law in order to have a hope of winning
15 an office.

16 Perhaps the closest example of what could
17 happen in New York was the election of Tony
18 Villaraigosa as Mayor of Los Angeles, which has a
19 nonpartisan voting system. He was elected by
20 labor unions in a coalition with newly
21 enfranchised immigrant voters who had
22 successfully elected several City Council Members
23 prior to the mayoral race, and all of this added
24 vibrancy and relevance to local politics in Los
25 Angeles, which I think is precisely what's

1 lacking in New York.

2 I live now in the Boston area, and in the
3 recent mayoral election there -- and Boston also
4 has a nonpartisan system -- there was an
5 Asian-American, a Korean-American, Sam Yu, who
6 used to run an Asian community development
7 corporation, that he decided to run as an
8 outsider, and he narrowly missed the runoff with
9 Mayor Menino who's been in office for 16 years.
10 But what he did do is change the focus of the
11 entire campaign from all the candidates to focus
12 on the issue of jobs. And so to me, it was the
13 exact opposite of what some people say about
14 opening up the process, having outsiders come in,
15 in a nonpartisan system blurs the issue. I think
16 he sharpened the issues considerably.

17 Again, I don't think nonpartisan voting is a
18 silver bullet. What I do think it can do is just
19 break down some barriers for organizations that
20 right now would not think about running a
21 candidate, or trying to influence an election
22 because they think it's pretty much rigged
23 already. By getting rid of that it offers the
24 opportunity for groups to actually organize and
25 participate. It doesn't mean they will, but I

1 think it's a step in the right direction. Thank
2 you.

3 CHAIRMAN GOLDSTEIN: Thank you, Dr. Thompson.

4 Let me, for those of you who entered the
5 room later after I had given my introductory
6 remarks, the purpose of this evening is to hear
7 from distinguished members, as we have so far
8 heard, panelists who have had careers in academic
9 work or practical work, or legal work, who live
10 around the issues that we are discussing tonight
11 about voter participation.

12 Our main focus, therefore, is to help inform
13 the Commission members around the issues that you
14 deeply know about, because you devoted a good
15 part of your professional life to investigating
16 it.

17 So what I'm going to do at this point is to
18 go to Phase Two, which is to now ask members of
19 the Commission who would like to engage in a
20 conversation with the panelists with questions or
21 other ways of interacting with you. And after
22 that takes place, we will take a short break so
23 the panelists, if you want to leave the room, you
24 have other things to do, don't want to wait
25 around for the third phase of this evening,

1 you're perfectly willing to do that. But if you
2 wish to stay it's our pleasure to have you stay.

3 So I open this now and I will call on Angela
4 Mariana Freyre to ask the first question or make
5 a comment to our panelists.

6 COMMISSIONER FREYRE: Thank you. I have
7 three very quick questions.

8 Dr. Minnite, you said that there had been
9 exit polls and surveys done in connection with
10 the 2008 election? Who did them and who funded
11 them?

12 DR. MINNITE: I was reporting results from
13 the current population survey, which is done by
14 the U.S. Census Bureau. Exit polls were in 2009.
15 I believe it was Edison Research, and it was
16 reported in The New York Times.

17 COMMISSIONER FREYRE: Very good.

18 My next question is for Dr. Goldfeder. You
19 proposed to primaries in June. Has there been
20 any cost analysis done in connection with that?

21 MR. GOLDFEDER: I'm not --

22 COMMISSIONER FREYRE: Moving primaries from
23 September to June?

24 MR. GOLDFEDER: I'm not aware of any cost
25 analysis. I know that the State of New York had

1 primaries in June up until 1974.

2 COMMISSIONER FREYRE: I'm thinking of
3 spending by candidates, I'm thinking --

4 MR. GOLDFEDER: I'm not aware.

5 COMMISSIONER FREYRE: No analysis had been
6 done in the cost of moving elections? No.

7 MR. GOLDFEDER: I'm not aware of any.

8 COMMISSIONER FREYRE: And Dr. Thompson, last
9 but not least. I'm very, very sensitive to your
10 point on noncitizen immigration vote. But tell
11 me, is there any precedent, either in the United
12 States or abroad, for enfranchising such voters?

13 DR. THOMPSON: Yes. Many European countries
14 allow noncitizen voting. And in fact, I believe
15 the European Union now allows citizens of another
16 country to vote in another European Union member
17 country. And some countries in Scandinavia have
18 allowed this for almost a century.

19 The United States allowed it in 30 states
20 from the 19th Century up until the 1920s. And
21 actually restricting immigrant voting was the
22 only national, nationally successful campaign the
23 Ku Klux Klan ever led in America. And so there's
24 a history of it. Even in the early history of
25 New York, noncitizen voting was allowed. And

1 Benjamin Franklin said that not to allow
2 noncitizen voting was to enslave noncitizens to
3 citizen voters and opposed it. So it's actually
4 a bigger part of American history than the
5 restrictions that we currently now have.

6 COMMISSIONER SCISSURA: Mr. Chairman?

7 CHAIRMAN GOLDSTEIN: You have follow-up,
8 Commissioner Scissura.

9 COMMISSIONER SCISSURA: I want to add also
10 that from 1969 through 1999 New York City allowed
11 noncitizens to vote in School Board elections.
12 And I can tell you as someone who ran in a School
13 Board election, it really was an amazing
14 experience to see parents of children who were
15 noncitizens living in New York who had the
16 opportunity to come out and vote. And I will tell
17 you that for everyone who said School Board
18 elections had no turnout, or low turnout, most
19 School Board races in New York City had more of a
20 turnout than most City Council Democratic
21 primaries in New York City.

22 CHAIRMAN GOLDSTEIN: Commissioner Banks.

23 COMMISSIONER BANKS: Good evening, everyone.
24 A quick question and anybody can answer or try to
25 answer it.

1 As I listened to the discussion, it seems to
2 me that one of the things that nonpartisan
3 elections might do is actually empower the
4 parties, because their importance grows, their
5 importance grows because the party would then
6 have to pick whoever they want to support and
7 help them get their message out.

8 Does anybody want to comment on whether or
9 not that's logical or off the charts as far
10 as...?

11 MR. GOLDFEDER: Actually, I would address
12 that for a minute. I didn't address nonpartisan
13 elections.

14 COMMISSIONER BANKS: My second question.

15 MR. GOLDFEDER: We had nonpartisan elections
16 in the City of New York in special elections for
17 City Council vacancies. And I think it is an
18 experiment that's failed.

19 Political parties have played a major role.
20 But what we've seen in those elections is that
21 the turnout is extremely low. In all of the
22 special elections where we've had nonpartisan
23 elections, the turnout has been poor.

24 And I just want to make one or two other
25 points on this issue. That it seems to me that

1 the premise of nonpartisan elections is that
2 people are excluded, unaffiliated people are
3 excluded, or they've chosen to non-exclude.
4 They've chosen not to affiliate, which is their
5 right.

6 New York State. As a matter of difference
7 between our state and other parts of the country,
8 we have not had a surge in unaffiliated voters.
9 When you look at the Board of Elections data, we
10 have more and more people who are joining the
11 political parties than are registering as
12 unaffiliated voters.

13 And the last point I want to make is I
14 happened to bring along since I anticipated this
15 would come up even though it wasn't part of my
16 prepared remarks, I brought along a graph of
17 voter turnout in various cities and I'd like to
18 hand it up.

19 What this graph shows is that the voter
20 turnout over the last number of elections in the
21 10 cities, 10 biggest cities that have
22 nonpartisan elections compared to New York City.
23 And what you'll see when you look at the data --
24 this is all taken from public sources -- what you
25 see is that New York's turnout is better than

1 some with nonpartisan elections and worse than
2 others.

3 So when my friend Phil Thompson says it may
4 not make a difference with regard to turnout if
5 nonpartisan elections are implemented, well, if
6 we look at this graph we see that it really does
7 not make all that much of a difference in terms
8 of turnout, voter participation. But when we
9 look at our own example in New York City of
10 special elections, which have nonpartisan
11 elections, the turnout is worse.

12 And so we do have an example here from which
13 to learn. And so based upon that, and again the
14 central point is people have chosen not to
15 affiliate, which is their right, it seems to me
16 that the proof is in the pudding, and I don't
17 know that participation turnout, which is what
18 we're talking about today, goes up at all.

19 COMMISSIONER CROWELL: I have a question.

20 CHAIRMAN GOLDSTEIN: Go ahead.

21 COMMISSIONER CROWELL: About the graph. So
22 I'm confused by whether you're measuring federal
23 elections. It doesn't seem to be clear. These
24 are all municipal elections?

25 MR. GOLDFEDER: These are nonpartisan

1 elections for municipal elections, yes.

2 COMMISSIONER CROWELL: So you're talking
3 about the 2 --

4 MR. GOLDFEDER: Well, various cities --

5 COMMISSIONER CROWELL: You have elections for
6 2008. There's 2008 municipal elections. What
7 elections are you talking about in New York City
8 for 2008?

9 Are you talking about special election
10 turnout, 40 percent turnout in special election?

11 MR. GOLDFEDER: No, I'm sorry, it's a problem
12 with the coloring.

13 COMMISSIONER CROWELL: You have a purple --

14 MR. GOLDFEDER: I'm sorry, it's a problem
15 with the coloring. For New York City it's 2001,
16 2005 and 2009, and I guess those two colors look
17 the same. But we're talking about municipal
18 elections in New York City and in the other
19 cities. I'm sorry about the coloring problem.
20 But that's what it's about. They're all
21 municipal elections.

22 CHAIRMAN GOLDSTEIN: It be would helpful if
23 these were labeled.

24 MR. GOLDFEDER: I did the best I could.

25 COMMISSIONER SCISSURA: Just one quick

1 follow-up --

2 CHAIRMAN GOLDSTEIN: Let me, let me have the
3 follow-up with Commissioner Scissura.

4 COMMISSIONER SCISSURA: Just one quick
5 follow-up with your special election data.

6 Don't you find that since most special
7 elections are in February, again, as somebody who
8 spent four weeks in February running, people
9 don't come out and vote in dead of winter on
10 short notice?

11 I'm just curious. Had you looked at special
12 elections not off-season as opposed to special
13 elections in season and what's the difference?

14 MR. GOLDFEDER: That could be a factor. I
15 respect the view that there are all sorts of
16 reasons why turnout is high or turnout is low.
17 Sometimes it has to do with the weather,
18 sometimes it has to do when the election is
19 scheduled. But that's our only way of -- that's
20 our only experience here in the City of New York
21 with nonpartisan elections during specials, and
22 that's when they happen to occur.

23 MR. KRESKY: If I could speak just a minute?

24 CHAIRMAN GOLDSTEIN: Yes, please.

25 MR. KRESKY: Another point raised by

1 Commissioner Banks I think is very, very
2 important. In reference to the role of parties.
3 The way I think about this as follows.

4 Parties have the right to organization,
5 parties have the right to associate, and parties
6 have the right to support whatever candidates
7 they choose to.

8 The issue here is whether parties can
9 control the electoral process itself. That's
10 what we're dealing with.

11 I welcome a nonpartisan system in which
12 parties can campaign openly and support the
13 candidates that they want to. What we're dealing
14 with here in New York now is a situation in which
15 parties determine who can vote and how the system
16 is organized, and that's what the voters of New
17 York have the power to change, and what we wish
18 the Commission would give us as voters the
19 opportunity to do so.

20 No one's talking about eliminating parties.
21 It's a question of the role of the parties in the
22 electoral process.

23 CHAIRMAN GOLDSTEIN: Commissioner Cohen.

24 COMMISSIONER COHEN: Thank you, Mr. Chairman.

25 Actually, I wanted to ask Mr. Goldfeder some

1 questions about his very interesting ideas. But
2 I was first going to ask the two academics on the
3 panel if there was any data about the nonpartisan
4 elections that we have already in the City of New
5 York, special elections, and our normal election
6 cycle.

7 I have to admit that I agree with my
8 colleague here that having something out of cycle
9 when it's the only election going on at a weird
10 time of year is probably the largest factor in a
11 lower turnout in a special election.

12 But I actually wondered whether the
13 academics had any information at all about
14 special elections here differing in any way
15 whether in terms of the composition of the
16 candidates or the electorate since we do have
17 both of these systems going on right now already?
18 It's not unheard of for us to have these
19 elections.

20 DR. MINNITE: I don't have information on
21 special elections. I haven't studied them
22 specifically in New York.

23 DR. THOMPSON: I don't know of any studies on
24 special elections in New York City. And I don't
25 think many academics would generalize from a

1 special election to our regular elections in
2 terms of saying what happened in a special
3 election is an indication of what is likely to
4 happen in a normally scheduled election for the
5 very reasons that you already mentioned.

6 The second thing is the better studies on
7 elections in cities don't just have two
8 variables. The rule, partisan, non-partisan and
9 turnout, and that's for the reason Laura Minnite
10 mentioned earlier. There are other things that
11 influence turnout in an election such as
12 mobilization, organization, civic institutions.
13 The candidates themselves, the attributes of the
14 voters, the issues.

15 So as an academic, I would urge you not to
16 just look at a graph with two variables and then
17 draw conclusions about what non-partisan voting
18 or this rule or that rule will do, because things
19 are a lot more complicated, as all of you who
20 have participated in politics know very well.

21 CHAIRMAN GOLDSTEIN: Dr. Minnite?

22 DR. MINNITE: I do want to stress that point
23 that this is a very complicated thing to analyze,
24 and if you want, you know, someone to look at the
25 system and tell you this feature contributes 2

1 percent of turnout, and this feature, you can't
2 really do that very well. It's very difficult to
3 analyze it.

4 But more importantly, I think for what you
5 have to do, is that you should look at the system
6 as a whole as kind of a holistic system and
7 consider all of the features together. It's
8 difficult to do. But if you try to break apart
9 one thing or the other, and you're going to get
10 into a lot of trouble in terms of having
11 expectations about what any one reform can do.

12 Now, we've all given you singular kinds of
13 reforms as a set of ideas to think about. I think
14 for you, you have to ask questions about Well,
15 if we had nonpartisan elections and term limits
16 does that work as well as nonpartisan elections
17 without term limits? Because if the idea is that
18 nonpartisan elections allow other kinds of
19 organizations, other kinds of social movements,
20 other kinds of interests to coalesce to mobilize
21 voters into the electorate, then what do you need
22 term limits for? The system is open, and you
23 don't have the kind of power of incumbency always
24 working. What do you need term limits for?

25 So I say that because I think you have to

1 look at these things together and ask questions
2 about how they might work together, and that
3 also, you know, reinforces the point about the
4 sort of dangerous terrain of looking at what's
5 happening in other places. We can learn from
6 what's happening in other places but we have to
7 have a qualified understanding of what that
8 information and that evidence tells us with
9 respect to New York City.

10 CHAIRMAN GOLDSTEIN: To my point, everybody
11 that wants to really be heard on this should take
12 some courses in regression analysis and
13 sensitivity analysis and I think you'll
14 understand what the underlying problems are.

15 Let me move to Commissioner Fiala. You want
16 to be recognized.

17 COMMISSIONER FIALA: Thank you, Mr. Chairman.

18 UNIDENTIFIED VOICE: Microphone.

19 COMMISSIONER FIALA: Thank you to the
20 gentleman in the back.

21 Two of you just used the word "complicated,"
22 it's "complicated." It is complicated. I've
23 been in this business for 20 years. This is an
24 issue that I have some strong feelings on. But
25 it's one tough nut to crack.

1 There are five expert panelists here. Each
2 of you have presented a series of ideas. I just
3 have some observations, and then I'd like you to
4 react to those observations.

5 It seems to me -- for full disclosure, I
6 mean, I was an officer of the City Council, I was
7 a minority whip, I'm a Republican, I am proud to
8 be a Republican. I think we would be better off
9 if there were more Republicans, so that's out of
10 the way.

11 Now let me say that I'm as frustrated as
12 most New Yorkers are when it comes to the way we
13 practice politics at the municipal level. The
14 results and the consequences of the system we
15 have in place don't necessarily yield the kind of
16 diversity of opinion, or with the kind of
17 responsiveness from elected leaders that we as
18 citizens would like them to.

19 Here's the problem I have. How will I get
20 around this notion that the party politics, the
21 party primary system, isn't exclusionary? By
22 definition isn't to exclude to prevent someone
23 from participating? Therefore -- please don't
24 clap, don't.

25 The party primary system excludes 751,442

1 people from participating, and I think as we all
2 agree, the first round of voting is the decisive
3 role in this city, whether intended or unintended
4 consequence of the majority of officeholders from
5 being from one party. So by definition isn't the
6 present system exclusionary?

7 The other thing is it seems to me we've been
8 practicing in this city, we have been now for
9 some time, a split personality. We do have
10 special elections that are nonpartisan. So we've
11 got one foot in one system and one foot in
12 another.

13 And finally, an observation with respect to
14 those, those suggestions, a number of them, I
15 would contend, that we could not take up because
16 we are prohibited from doing so because of State
17 law and the State Constitution, and you have to
18 get the State Legislature involved. That doesn't
19 mean we shouldn't recommend they be taken up.

20 I have watched us over my 20 years expand
21 access to information to voters; to place in city
22 agencies voter cards; to create a 311 system; a
23 newyorkcity.gov system; voter outreach efforts.

24 You know, Democracy requires a little bit of
25 staying in the game here. And don't we have to

1 accept the responsibility for the numbers being
2 the way they are in part because some people just
3 choose not to participate? You got to have some
4 skin in the game. You know, Democracy was never
5 designed to be a spectator sport, and we're
6 starting to make excuses for people, and I think
7 that's to the detriment to the health of our
8 Republic, because it does require -- here's a
9 coin, this coin, in order for it to have value
10 must be minted on both sides.

11 In order for our Republic, our
12 representative Democracy, to have any value two
13 things have to be employed: Engagement, which
14 we've seen spent an awful lot of time on, and
15 being an informed citizen. That's the simple
16 formula. I think we're spending an awful lot of
17 time trying to engage 800,000 people, and I think
18 we should try to outreach to them, but the
19 question I have is: What do we do to give a
20 meaningful -- and that's the operative word
21 here -- a meaningful and decisive voice to those
22 751,442 New York City residents who are engaged
23 but are shut out of the process? What do we do?
24 Short of nonpartisan elections, what do we do to
25 engage that segment of the voter marketplace? Not

1 the ones, not the 800,000 that just haven't
2 signed up yet. What do we do to engage into this
3 process people who did take the time and did make
4 a decision?

5 I made a decision as a young man to join the
6 Republican Party. I have friends who made the
7 decision to be a blank. They are by definition
8 excluded. What can we do to enfranchise their
9 voice and give them a meaningful say in their
10 Democracy?

11 With all due respect to the 800,000 that
12 aren't enrolled, I'm more concerned with the
13 people who do have skin in the game, took the
14 time to enroll, and I want to know what we can do
15 to help them have a meaningful and decisive voice
16 in their municipal government.

17 CHAIRMAN GOLDSTEIN: Any of you want to
18 respond to that?

19 Mr. Goldfeder.

20 MR. GOLDFEDER: I don't think that this
21 Commission has the authority to do it. As a
22 version of what you were talking about here in
23 New York, and in the State of Connecticut. In the
24 State of Connecticut the Republican Party has
25 invited unaffiliated blank voters to be able to

1 vote in their primaries.

2 When the Supreme Court of the United States
3 said it was fine as long as the Republican Party
4 was inviting them in.

5 Here in New York, the Independence Party has
6 invited in unaffiliated voters in their
7 primaries. The City of New York, this Charter
8 Commission, cannot force political parties to do
9 so. But political parties can be persuaded within
10 their ranks to invite unaffiliated voters into
11 their primaries. It's a way of opening up the
12 primary system so it's not as restricted as it
13 is, and it gives an outlet for the people who
14 choose to be unaffiliated but want to
15 participate.

16 MR. KRESKY: Why should we have to wait for a
17 party to invite us to participate when we're
18 citizens? Or in the case of Professor Thompson,
19 perhaps noncitizens who want to participate fully
20 but don't want to join a party, don't want to
21 vote in a party primary? Isn't that the issue?

22 And in some ways, our whole electoral system
23 for many, many years now has been turned upside
24 down where the parties call the shots.

25 Nonpartisan elections is a way of the voters

1 calling the shots, and the parties can
2 participate on the terms that the voters set, not
3 the voters participating on the terms that the
4 parties set.

5 CHAIRMAN GOLDSTEIN: Dr. Thompson, you can
6 begin to respond to the question that
7 Commissioner Fiala threw out to the group.

8 DR. THOMPSON: I'd like to say two things
9 briefly. One, I incorrectly cited my paragraph I
10 gave here before by saying that 15 percent of the
11 voting age population were registered
12 independents. I should have said nonaligned. Not
13 registered independents. However, I do agree with
14 my colleague, Harry, those voters are excluded
15 from most elections in New York City and that
16 itself is a huge problem.

17 The second thing I will say about "skin in
18 the game." I would emphasize that voting is a
19 social -- elections are social events. It's a
20 social activity.

21 In the last presidential election leading up
22 to the election, I was in North Carolina and I
23 saw churches set up picnic tables to register
24 voters, and on Election Day themselves, and they
25 had fried chicken, potato salad and lemonade, and

1 they stayed all day. And people came all day,
2 and brought their kids, and they came all day,
3 and it was a very social activity that was
4 culturally appropriate for those people in North
5 Carolina. So they felt welcome, they came, it
6 wasn't something scary or off-putting to them.
7 It's a social activity.

8 There are some districts in New York where
9 half of the residents cannot vote because they're
10 not aligned or their noncitizens. So there's
11 just not a lot going on. And there's very little
12 happening socially to draw them in or make them
13 feel this is a comfortable, this is something
14 that's welcoming for them and so on.

15 So while I would agree that people have to
16 have individual responsibility, you have to hold
17 people accountable, you'll find that where people
18 do register, where they do turn out, there are
19 cultural activities that are happening that are
20 appropriate.

21 I'm in the Boston area now. There's a
22 Southey tradition about they have these clubs
23 that bring people in, they serve beer, and
24 Kennedy always speaks at these things, there are
25 traditions that are associated with voting that

1 draw people in. And so a lot of that activity
2 has to happen, too. I don't think the Commission
3 can do all that. But perhaps you can make it
4 easier for groups that want to break in to be
5 able to organize those kinds of things and feel
6 they have a shot.

7 CHAIRMAN GOLDSTEIN: Let me turn to
8 Commissioner Cassino who wanted to be recognized.

9 COMMISSIONER CASSINO: Thank you. I'm going
10 to follow up a little bit on some of the comments
11 of Commissioner Fiala. We're struggling here
12 with what I think is one of the most fundamental
13 questions we face, which is voter turnout, and
14 it's abysmal. I don't think anybody would deny
15 that it's abysmal in New York City.

16 I ran for the City Council in 2009. We were
17 two well-financed candidates. We knocked on tens
18 of thousands of doors. We gave voters a real
19 choice, I think, and 11 percent of the voters
20 came out 11 percent. And New York City has, I
21 think, done a tremendous amount, as you cited, to
22 make it easier for candidates to get on the
23 ballot. To make it easier for people to come out
24 and register to vote. They've done away with all
25 the arcane petitioning -- not all of them, but

1 many of them. They've made it easier in many
2 respects. It's not a perfect system.

3 Campaign finance is tremendous. It's one of
4 the best in the country. They've done so many
5 things to make it possible for candidates to run,
6 for people to come out to vote. But what we were
7 told is people basically were not interested, the
8 City Council, they didn't think it was relevant
9 to their lives, they didn't think Borough
10 Presidents were relevant to their lives. If we
11 had a mayoral race we might have had that bigger
12 turnout.

13 So what I'm struggling with here, and I'm
14 sure all are in some respect, your comments about
15 some ways to change the current system, to make
16 it more voter friendly, to bring out things that,
17 you know, make good sense, all of your
18 suggestions made very good sense, to help the
19 system along, whether it's the Voter Assistance
20 Program, or the ways to make it easier for people
21 to vote the same day. All of those things make
22 tremendous sense.

23 But I'm struggling between that and the
24 comments about radically restructuring the
25 system, which is nonpartisan elections.

1 You know, you sit here and you hear all
2 these comments and you think, you know, "Can we
3 solve it? Can we change people's attitudes?" And
4 I don't know if we can. It goes back to your
5 comments. I don't know if we can change their
6 attitudes and their interests.

7 Is there anything that we'll do will make
8 people feel more like a City Council race is
9 important?

10 Everybody says, "I'll vote for the
11 president," or "I'll vote for the governor, and
12 maybe even the mayor," and after that it becomes
13 a crap shoot and the numbers show that, and so
14 I'm struggling between these two areas. Can we
15 do it without doing something radical? 11 percent
16 and is absolutely abysmal. And can anything do
17 that?

18 And I have one, related one for that, which
19 is the issue of whether or not you can tie
20 elections together. It goes to that comment of
21 people are going to come out for the
22 presidential, they'll come out for a governor's
23 race, maybe the mayor's race as well. But can we
24 tie municipal elections more closely to the
25 larger elections? That might be one way to do

1 it, but still it doesn't solve completely the
2 underlying problem of whether we need to
3 radically overhaul the system.

4 That's just sort of a comment and a thought
5 for either side of this camp. But I don't have
6 the answer for it, obviously, but I'm struggling
7 with these different approaches that we're
8 hearing.

9 MR. KRESKY: One thing, change to nonpartisan
10 elections asks a structural change. Whether to
11 radically change or not is interesting. I think
12 the opponents of it say, "Oh my God. It's very,
13 very radical but actually, Los Angeles, Atlanta,
14 Chicago, Boston, 43 of the top 50 cities
15 population-wise in the country have nonpartisan
16 elections.

17 So on the one hand it's a one change for New
18 York, and how does that continue to fight against
19 it very aggressively, but it's really getting New
20 York in sync with other cities and, more
21 importantly, getting New York in sync with more
22 dramatic changes that occurred in the makeup of
23 the electorate.

24 When I was growing up, 80 percent of
25 Americans self-identified, maybe 85, with one

1 party or the other. Now, 42 percent in the most
2 recent polls self-identify as independents. So
3 in a certain sense it's an historical change. I
4 don't even think it's going to have an immediate
5 radical effect. What it is, though, is distinct
6 by New York and by this Commission and
7 Commissioner Fiala wants to set up a system where
8 everybody can participate if they choose to. The
9 Democratic Party is alive and well in Chicago,
10 and they have nonpartisan elections.

11 I don't think we can continue to justify a
12 system that excludes people and in doing so is
13 going against the demographics, going against the
14 younger voters and putting our electoral system
15 at odds with our people.

16 CHAIRMAN GOLDSTEIN: Davy, did you want to
17 respond to that?

18 MR. JONES: I would urge caution in going
19 slowly here for two reasons. It may be true that
20 more and more Americans generally are
21 independent. But as we look at two of the major
22 people, groups of color, in the City of New York,
23 they are overwhelmingly Democratic.
24 African-Americans and Latinos are not in the same
25 numbers by any means. So you're tampering with

1 something that obviously is potentially
2 upsetting.

3 Moreover, I don't want to disqualify, and I
4 disagree somewhat, New York is a unique place for
5 a number of reasons. The division between those
6 who are very wealthy and those who are working
7 people is the largest of any city in America. The
8 fact that our media sources are the most
9 expensive and most restrictive in getting
10 information out is a well-known fact. Just think
11 of the major papers and news media in the City of
12 New York which are the major vehicle for citywide
13 races and we know what impact, obviously,
14 corporations other than the Supreme Court law or
15 individual in a city like this could mean.

16 I am getting old. But I know that the
17 Democratic Party was the only reason that we saw
18 a black Mayor in the City of New York. Given what
19 we had. I know that may not be the same
20 everywhere, and it may not be forever. If we are
21 going to turn this issue and come down that way,
22 we better make sure that we have sharp
23 restrictions on campaign financing that doesn't
24 allow its exceptions, which I believe this panel
25 can do. We have to have guaranteed access to a

1 very expensive media. And we also have to stop
2 playing games.

3 I disagree firmly that we've made
4 particularly vigorous efforts to get people
5 registered in the City of New York. I have not
6 seen it. I have seen papers thrown aside. I've
7 seen the Charter Commission regulations ignored.
8 I've seen a voter registration commission become
9 a laughing stock in the City. So I have real
10 concerns that unless we are going to balance this
11 equation out, we're going to end up going some
12 way, a major structural change, without ensuring
13 any access in equity, particularly to the black
14 and Latino majority.

15 CHAIRMAN GOLDSTEIN: Did you want to respond,
16 Dr. Minnite?

17 DR. MINNITE: Yes. I just wanted to reflect
18 on Commissioner Cassino's comments and the
19 struggle that you're having with this issue. And
20 this is not so much something so easily the
21 Commission can deal with.

22 The people are mobilized into elections by
23 politics. They're mobilized by politics,
24 sometimes by conflict, but the issues have to be
25 real and meaningful for them. And so how do you

1 break the cycle?

2 Once people are kind of out of the
3 electorate, politicians, I don't think there's
4 one I can think of, don't speak to those voters
5 anymore. Those voters are not part of the game.
6 They don't run their campaigns that way, they
7 look for prime voters, these are people who voted
8 five, six, seven times.

9 Nonvoters, once they're out, once the kind
10 of connection, if it was there, is broken are
11 just out there. They're not part of the public
12 policy debate. And they have to struggle to come
13 back into it.

14 So I think the difficult thing here is to
15 try to figure out -- I call it a kind of class
16 bias more so than I would say any kind of a stark
17 racial bias, although registration voting among
18 Asian-Americans, for example, is particularly
19 low. There are issues there. But in general,
20 the distinctions are around class. And the issues
21 that working class people have are not in the
22 media, they're not in the New York Times to the
23 extent that the other issues, lots of other
24 issues are. They're not being spoken to as much.

25 It's a kind of self-reinforcing cycle in

1 which people are thrown out, they're excluded, or
2 they can't get in, and the universe continues to
3 shrink. That's where we are. That's the
4 problem.

5 But changing the rules, there are lots of
6 good ideas. I would agree with David Jones with
7 respect to a lack of effort, I think, to get
8 everybody registered. Everybody's registered.
9 Politics don't have -- they don't look at the
10 lists anymore. If everybody can vote, they can't
11 go around and say, "Well, I'm not going to walk
12 that neighborhood because those people don't
13 vote. I'm not going to go over there because
14 they're not registered."

15 If everybody is a potential voter, which you
16 have when you have something like same-day
17 registration, because anybody can walk in with
18 the right identification, and so forth, and be
19 qualified to vote, the idea is the politics might
20 change. There's a potential for that. That is
21 what is going to in the end change turnout.

22 COMMISSIONER CASSINO: One follow-up. If you
23 take the registered voters you still only get 11
24 percent. And so they were engaged heavily in
25 this city in 2009 with some very aggressive

1 races, both citywide, borough-wide, you name it.
2 And it's still 11 percent. So even if you have
3 accepted that's a separate problem, the
4 nonregistered voter, the registered voters were
5 11 percent. You don't even get anywhere close to
6 where you should be getting on that score.

7 DR. MINNITE: Well, again, I think, you know,
8 it is difficult to generalize from single
9 elections. What you're talking about is a trend,
10 it's a pattern. But, you know, to focus on what
11 happens in any one election is a little bit
12 difficult. I mean, turnout is bad, that's what
13 we're all agreeing. We're all seeing the
14 numbers. Whether it's that low or whether it's
15 25 percent in the Mayor's election, or whether
16 it's 50 percent in a presidential election, it's
17 still kind of a problem.

18 I think I'm trying to again frame it
19 generally what the problem is. No rule is going
20 to turn this thing around overnight. Nonpartisan
21 elections included. And to understand the dynamic
22 between politics, mobilization and people hearing
23 their issues, unemployment, foreclosure, you
24 know, what's going on in this city, their kids
25 can't live in the neighborhoods anymore, they

1 want to hear these things and they want to see
2 some results. And when it doesn't happen they
3 can't be bothered. They don't see it.

4 We can sit here and say it's our civic duty.
5 I vote every time I can. I vote in School Board
6 elections. I vote, you know, whenever I can
7 vote. I just vote. I like to vote. It's
8 habituated in me. But for many people, it really
9 doesn't matter to them. We can say it does.
10 Yes, it does. You've got to come together. You
11 can change things. You can get representation.
12 You can change public policy.

13 Theoretically that's true. But for most
14 people in their daily lives it doesn't, it
15 doesn't matter. That's why they don't vote,
16 because it doesn't matter. Even though the rules,
17 as I said, I don't want to sound like I'm
18 contradicting myself, the rules are important.

19 What the rules should do is facilitate the
20 possibility of mobilization and engagement in
21 electoral politics, that's what the rules should
22 do.

23 CHAIRMAN GOLDSTEIN: I note that David Chen,
24 Commissioner Chen, wanted to be recognized and
25 then Ken Moltner.

1 COMMISSIONER DAVID CHEN: I really want to
2 thank all of you for bringing this wonderful
3 panel here. This is the best one we've had in
4 the past month. This is very engaging.

5 I think the issue is really the word
6 "enfranchise." Somehow our previous meeting, it
7 was an expert discussion, somehow I myself felt
8 disenfranchised. I can't catch up with all the
9 explanation.

10 Very simple, it's really very simple. How
11 do you enfranchise people who are
12 disenfranchised? What are the issues? I'm
13 speaking for myself. I don't know how the other
14 members feel. Not smart enough, don't have enough
15 time and very focused. How do we include
16 participation? That's why the topic of today's
17 meeting is very special. How to involve
18 participation? Is it by partisan voting, or is it
19 term limits or whatever? These are issues within
20 the larger issue. How to involve people before
21 you can get to the next issue.

22 I think in solving issues we have to look
23 outside the box. I really appreciate Dr.
24 Thompson, good to see you again after all these
25 years. You get wiser.

1 And the issue didn't change that much in the
2 sense how to engage people who are
3 disenfranchised into the system, reinventing the
4 wheel.

5 I thought since I was in college, voter
6 apathy had always been the case. Since I was
7 getting more involved, I heard more people
8 getting involved, that my frustration tells me I
9 really want to find a way to get involved.
10 Particularly we know demographics are changed.
11 We're talking a lot of issues. But we don't
12 touch on the issue we can say, "How can we not
13 participate?" It's blaming the victim for being
14 not involved. How do we find new ways outside
15 the box to involve them, to enfranchise them
16 rather than beating the same dead horse about why
17 they're disenfranchised. Glass is half empty or
18 half full.

19 It's wonderful, Democracy. I agree with
20 everything that was said today. I agree with
21 everything we heard in the previous month. But
22 yet, on the other hand, how do we focus? How do
23 we frame the discussion? We can involve most
24 people.

25 The Charter Revision Commission, we hear

1 people complain we are already predetermined and
2 everything else, right? Because undermining the
3 fact the whole process through our own process
4 without knowing the answer. We are not going to
5 solve the world's problems. This is a lot of
6 problem. But we're only trying to solve the
7 first step, bringing more people involved into
8 our process of this thing, is getting people,
9 more people involved.

10 Second round of hearings third round of
11 hearings may last more, I don't know how long.
12 But the open process allows people to participate
13 and is important for us in framing the
14 discussion. Do we not know enough already to
15 focus on what we know best?

16 Instead of reinventing the wheel can we
17 reinforce what we're talking about? We all know
18 registration is wonderful. Are we doing the best
19 in registration? I heard the statistic problem.
20 We don't know the numbers.

21 We have existing system, Voters Assistance
22 Unit. Are we putting not enough effort? Have we
23 worked hard enough on the issue? Are we not
24 looking at new immigrants, new demographics? I
25 remember I started in the political process the

1 Asian population, maybe two percent 4 percent. I
2 just heard this, by year 2050 it's going to be 20
3 percent. Now isn't that a demographic
4 revolution? How come we are still reinventing the
5 issue that we know already but not looking at the
6 new challenge we're dealing with? I think I
7 particularly welcome today that I hope that
8 framing this is really demanding us to shift our
9 paradigm in looking at involving voters.

10 CHAIRMAN GOLDSTEIN: Thank you, Commissioner
11 Chen.

12 Commissioner Moltner.

13 COMMISSIONER MOLTNER: Thank you. First I'd
14 like to echo what Commissioner Fiala said in that
15 Democracy requires participation, requires
16 engagement. It's not a spectator sport.

17 The question that I have for the panel, I
18 would like to address it is, Mr. Jones touched on
19 it in his remarks, the proposal for nonpartisan
20 elections has been on the ballot before, it's
21 been rejected by the voters of the City of New
22 York.

23 Would somebody like to comment on that as to
24 whether given that, should be on the ballot again
25 versus other ideas to try to foster

1 participation?

2 MR. KRESKY: I can speak to that.

3 CHAIRMAN GOLDSTEIN: Start here and then
4 we'll get to you.

5 MR. GOLDFEDER: I think if I could address
6 that. I happen to be opposed to nonpartisan
7 elections. But just because it was on the ballot
8 before doesn't mean it shouldn't be on the ballot
9 again. I've gone through all the Charter
10 Revision Commissions of the last 20 years, and
11 all the transcripts relating to that particular
12 issue, and the decisions made do not put it on
13 for a variety of reasons several times, and then
14 there was a decision to put it on. And for some
15 reason, and frankly I just don't understand why,
16 this issue creates a lot of heat as opposed to
17 same-day registration, or as opposed to instant
18 run-off, or early voting. All of these are --
19 none of these, none of these is a panacea. And I
20 kind of wish that we were not talking about
21 nonpartisan elections today, because it kind of
22 gets conflated with everything else.

23 You'll make your decision with regard to
24 that issue. There's pros there's cons, you've
25 heard them, you'll here them again, you'll think

1 about it, you'll do research. You'll come to a
2 conclusion. You'll either put it on the ballot
3 or you won't put it on the ballot.

4 But I guess I urge you to look at all the
5 other structural proposals that could have an
6 impact, could have an impact, not necessarily, we
7 don't know, but it could have an impact in voter
8 participation.

9 The Charter Revision Commission can't change
10 the political culture. It's candidates and
11 issues that bring people out that spark
12 engagement that make people want to vote and get
13 involved in campaigns. The best we can do, and
14 what we ought to do, is make it easier for people
15 to participate, make it easier for people to
16 register and vote and so on, that's really what
17 we're charged with. And I think that if you look
18 at it that way, as I'm sure you do, you could
19 really make a difference.

20 CHAIRMAN GOLDSTEIN: Mr. Kresky.

21 MR. KRESKY: Yes. Couple of points. The
22 political culture of this country has changed.
23 Even since 2003. We elected our first
24 African-American president. Barack Obama, would
25 not be in the White House were it not for the

1 fact 33 states in their presidential primaries
2 and caucuses allowed independents to participate.

3 If you ask most Americans what's wrong with
4 our political process and why they feel
5 disaffected from it, they'll say because it's too
6 partisan. That's a big change even in seven
7 years.

8 The issue of who the independents are. Of
9 the 751,000 independents, 24 percent of them are
10 under the age of 30; 20 percent are
11 African-American; 24 percent of them are Latino;
12 and 11 percent are Asian-American. That pretty
13 much reflects the population of the city as a
14 whole now. So it's just no longer the case that
15 to be African-American means you're a Democrat,
16 and it certainly isn't the case that it means if
17 you're under 30 you're a Democrat. That country
18 is changing. The world is changing. Why can't we
19 have a political system that can change?

20 CHAIRMAN GOLDSTEIN: I recognize
21 Commissioner Betty Chen.

22 COMMISSIONER BETTY CHEN: Thank you,
23 Chairman. New York City is moving away from the
24 mechanical lever voting machine to electronic
25 voting machines.

1 And I find that personally whenever I walk
2 into one of those machines and you draw the
3 curtain it's a very, very profound experience to
4 have that choice between you and your conscience
5 and your hopes and dreams for the future, and
6 it's extremely satisfying to pull the lever. But
7 that being said, you know, things move on,
8 there's technological progress, and it seems that
9 a logical evolution after the electronic voting
10 machine would be Internet voting.

11 So I'm wondering if there's anybody on the
12 panel that might have an opinion about that, and
13 whether that would facilitate voter participation
14 or, you know, sort of weigh things towards one
15 against the other, and do you see this as the
16 wave of the future?

17 DR. MINNITE: I can't speak to the waive of
18 the future. I understand what you mean by the
19 Internet revolution and voting, but there are so
20 many issues -- I'm not an expert on this, but
21 there are so many issues that are yet to be
22 worked out with respect to security and so forth,
23 that I don't know that would happen very soon.

24 I think what we are seeing, though, in a
25 number of places is states that are allowing

1 electronic signature to be used to register to
2 vote. This can facilitate new ways of doing
3 registration drives. But I don't know about the
4 voting. I wouldn't -- you know, I look at why
5 people vote. I look at how people vote. And
6 organization of some kind is always a part of it.
7 Individual, you know, people sitting in their
8 apartments and, you know, thinking about whether
9 they're going to vote or not, I don't know that
10 there's any model that I could point to say well,
11 yes, if we let people vote from home in their
12 pajamas turnout would go up.

13 I think Phil Thompson's comment about the
14 social process of voting is interesting and
15 relevant to that issue. But I can't really say
16 too much more about Internet voting. I think a
17 lot of people are very, very nervous. They're
18 very nervous about the machines. But then to
19 take it to the next level of Internet voting, I
20 think what I know about it is that it would be a
21 little off in the future.

22 MR. GOLDFEDER: I think it's being done by
23 the military. I think the military is
24 experimenting with it, and we'll see how it works
25 out in that area. Actually, I would love to go

1 into the voting booth. I hate to vote by absentee
2 ballot, although I think everybody should be able
3 to, and I think it's a profound experience. But
4 we are moving away from that, and we'll have to
5 see what the results are with regard to Internet
6 voting. I think it's being used I think in the
7 next Federal election this year, so we'll see how
8 it works out.

9 CHAIRMAN GOLDSTEIN: Dr. Thompson.

10 DR. THOMPSON: I'm really worried about
11 that, because Internet access is very biased by
12 class, by race, and until you can ensure that
13 people have relatively equal access, I think it
14 could increase some of the disparities that we
15 already see in the electoral system. I know
16 that's one concern. Security is another big, big
17 concern with Internet voting. That I've read
18 about.

19 The other thing I wanted to say earlier was
20 I really agree with what David Chen said about
21 framing and what Jerry said about the key thing
22 is to make things easier, make it easier for
23 people who are not in the process to get in the
24 process, make it easier for people who are not
25 voting to vote. That's the big thing. And

1 anyone -- there's no one silver bullet, so, you
2 know, a lot of things have to happen. And the
3 only thing I would reemphasize is what Jerry
4 said: 50 percent of Election Law cases are in
5 New York City for the whole United States? That's
6 a problem. There is a serious structural problem.
7 It's just -- not just the people here are
8 particularly lazy, particularly, you know,
9 uninterested in politics, there's something
10 structural, that's a big problem. And so doing
11 nothing will, you know with -- was it Einstein
12 who said if you keep, you know, doing the same
13 thing over and over again don't expect a
14 different result? That's the definition of
15 lunacy. Something different has to happen to make
16 it easier. I really think that's the thing we
17 all agree about.

18 MR. GOLDFEDER: Absolutely.

19 DR. THOMPSON: Like, a hundred percent.

20 CHAIRMAN GOLDSTEIN: Anybody else on the
21 panel?

22 Yes, Commissioner Cohen.

23 COMMISSIONER COHEN: Thanks, because I did
24 want to come back to some of the interesting
25 suggestions that Mr. Goldfeder had. And he jumped

1 over by saying we have been prepped for it
2 tonight, learning that there were many, many
3 things that were not within our jurisdiction that
4 the State law precludes. So hearing you say,
5 "well not necessarily so, you can do some of
6 those things anyway" I think could be very
7 liberating for us. And I do want to push a little
8 bit further about what you think, just how much
9 you think we can do despite the State. One thing
10 is about days of the week.

11 MR. GOLDFEDER: Sorry, what?

12 COMMISSIONER COHEN: Days of the week? You
13 talked about moving from September to June for
14 primaries. I wanted to ask you about days of the
15 week. That was something that Professor
16 Minute -- how do you pronounce?

17 DR. MINNITE: Mi-Neet.

18 COMMISSIONER COHEN: Mi-Neet had mentioned
19 weekend voting, we see it in other countries, and
20 it seems to get more people out there.

21 You talked about early voting, and I was
22 wondering if you kind of combined -- whether it
23 be within our power to kind of combine those two
24 concepts of weekend voting and early voting into
25 some kind of voting period. I also think it goes

1 to Commissioner Chen's question about the
2 Internet. Not as an exclusive way of voting but
3 as a way of increasing the number of methods. And
4 period of time. So those are the kind of things.

5 And then the other thing just out of
6 curiosity for myself, because this came up last
7 week on the term limits discussion. I had been
8 wondering about period of time for a term, and we
9 talked about the census and the relationship
10 between the census in 10 years, and the question
11 of five years; and what you brought out today
12 from the State Constitution would preclude
13 elections every five years, because half the time
14 it would fall on odd number years and half the
15 time they would fall on even number years. So I
16 wonder if you could talk about that range of
17 issues. Thank you, Mr. Chairman.

18 MR. GOLDFEDER: I will try to briefly. I
19 would ask you to look at my written analysis,
20 because there's a legal analysis here, and people
21 might differ with respect to whether or not the
22 City of New York or other cities are preempted
23 from being able to change the Election Law.

24 My analysis is based on the Constitution and
25 the law and on the basis that there are certain

1 things that a city can do. I believe that you can
2 change a primary date but you can't change a
3 General Election date. So we can't have a May
4 General Election for municipal elections. At this
5 time. But you can change the primary date. We can
6 change it to various days of the week. We can
7 have early voting.

8 COMMISSIONER COHEN: That's just for
9 primaries, you're saying, or is that for the
10 general election as well?

11 MR. GOLDFEDER: No, early voting we can do
12 for the General Election also because -- it gets
13 a little tricky here, but early voting is not
14 considered an election as Election Day is. So
15 one can have -- it's the same thing in the
16 Federal system? Election Day has to be the first
17 Tuesday after, you know, the Tuesday after Monday
18 in November. But there is early voting, because
19 it's not considered to be the actual Election
20 Day, because the election is consummated on the
21 actual Election Day prescribed by the
22 Constitution under the law. So similarly, even
23 though the general election here must be in
24 November, early voting wouldn't be considered the
25 election. It would just be the prelude, if you

1 will, to the election, which would be consummated
2 on Election Day as long as no ballots were
3 opened.

4 Similarly, you can have, you can extend
5 absentee voting on the same principle. So there
6 is an elasticity to the law with regard to
7 certain things that a city and therefore a
8 Charter Revision Commission can do. And there are
9 certain issues that can't be done. I suggest
10 registration, same-day registration, is a perfect
11 example, and absentee voting, absentee balloting
12 is another example. Even though the Constitution
13 of the State has strict requirements with regard
14 to that, the Legislature itself has gotten around
15 it in various ways by characterizing just using
16 absentee ballot, characterizing as absentee
17 ballots and special ballots, and, therefore,
18 there's no violation of the Constitution because
19 they're calling it something different. That's
20 why I say there's a special municipal election
21 ballot, which is, in other words, an absentee
22 ballot, because you can -- if you change the name
23 of it you can implement it. You have the
24 authority to do it.

25 So some of it is very clear-cut. Some of it

1 is creative, following what's been done on the
2 State level. And I think that there's a lot more
3 opportunity for you to change election laws here
4 in the City of New York than one might ordinarily
5 think because there's this big old Election Law
6 in the State of New York. That Election Law
7 emphasizes that municipalities can establish
8 particular laws. And, you know, I'm sure the
9 Corporation Council will have its view with
10 regard to what can be done, and I heard you, your
11 staff, in your researchers, and so on. If I
12 could be of any assistance, please call upon me
13 to fashion an argument that is as solid as you
14 can possibly have in order to effect that kind of
15 change.

16 CHAIRMAN GOLDSTEIN: Dr. Minnite.

17 DR. MINNITE: Just a brief coda on that
18 comment is one of the things I think the Charter
19 Revision Commission really can do, must do, is
20 engage in a public education. You know, where you
21 come up against things that you can't do because
22 of State law you can still say, "We want to do
23 it." And I think that's very important. That
24 should be. I'm sure you think that way, too.
25 That part of your charge and part of your

1 opportunity is to educate the public about what
2 we can't do, that we might like to do, because it
3 would improve our Democracy.

4 DR. THOMPSON: Commissioner Thompson I think
5 mentioned the question of immigrants. I don't
6 want to pass over that New York has a fairly
7 restrictive barrier to people who are
8 incarcerated. We have 63,000 incarcerated and
9 23,000 on parole at any one time. Both
10 categories are barred from voting. When we do
11 the research on this all goes back to just after
12 the Civil War, where there was a major effort to
13 try to disenfranchise African-Americans
14 frequently. Not every state in the Union. I
15 think Phil knows this better than I do. New
16 England states, Vermont and Maine allow people
17 who are incarcerated -- unless there's a direct
18 causal link between their exercise of the vote
19 and their crime -- they're not barred from
20 participating. We know that they're still
21 required to pay taxes if they have resources.
22 They're still under supervision. That clearly
23 has huge impacts because there's not equal
24 distribution around the State of New York.
25 Overwhelmingly these are young people who were

1 incarcerated for nonviolent crimes from some of
2 the poorest neighborhoods in the City of New
3 York. The fact that they're not permitted to
4 engage for the benefit of their family and
5 themselves is one of the things that I know this
6 Commission doesn't have the power to, but at
7 least we should talk of it.

8 CHAIRMAN GOLDSTEIN: Mr. Hart. Commissioner
9 heart.

10 COMMISSIONER HART: Mr. Kresky, I have an I'm
11 certainly stating an opinion here. I have a
12 practical question for you. Assuming that
13 theoretically that nonpartisan elections are
14 held, and considering that when it was last on
15 the ballot it was defeated rather resoundingly by
16 those who voted, how, if the Commission were to
17 put this on the ballot, how -- what would be the
18 education that would be needed to ensure that
19 people who are voting, or who are -- may not be
20 likely to vote, that it's in their best interest
21 to pass judgment on this issue?

22 We already heard in our prior hearings from
23 some of the labor unions who were not in favor of
24 nonpartisan elections. And so I'm just wondering
25 as a practical matter, rather than speaking

1 theoretically, what can be done to further that
2 issue?

3 MR. KRESKY: That's a very practical
4 question. I mean, I think that there was, and
5 continues to be, a lot of misinformation about
6 nonpartisan elections. I think we've heard some
7 of that tonight. So I think that, I think that a
8 great deal of effort would have to go into
9 addressing sort of those issues having to do with
10 race, having to do with class, having to do with
11 money.

12 I think the key, however, from a practical
13 point of view, is to a hundred and fifty thousand
14 people voted for the Mayor on the Independence
15 Party line. It's the largest vote on a minor
16 line in an across-the-board situation since 1949.
17 In my mind that's an indication that things have
18 changed and are changing. So I think the issue,
19 practical issue, is to mobilize those
20 independents and to mobilize the many people who
21 are registered Democrats and registered
22 Republicans who want to have a sense of fairness,
23 and (2) are registered as they are because they
24 see no other way to participate in the primary
25 elections that matter.

1 I don't know if in your mind whether those
2 are theoretical answers to that question or
3 practical answers. But what I do think that
4 there are more and more people in the City who
5 are frustrated with the political system who
6 would be willing to invest dollars in bringing
7 about a change and I think who are less likely,
8 having seen what's gone on in Albany over the
9 last two years, less likely to think that their
10 interests lie with partisans.

11 DR. THOMPSON: Can I say something?

12 CHAIRMAN GOLDSTEIN: You certainly can.

13 DR. THOMPSON: One is that I would hope that
14 you take the hearings tonight and the transcripts
15 and circulate it to the labor leaders, because it
16 would hurt them to actually listen and read a
17 little bit about, you know, what folks who study
18 these things and work with these things have to
19 say. And I think if you circulate this to their
20 members they might even be more willing to
21 listen. But I think more education in terms of
22 where voters decide. I think to the extent that
23 this issue is separated from certain powerful
24 elected officials who weigh in one way or
25 another, but there are other arguments and other

1 people talking, I think it's good, because I
2 think in New York too often these things are
3 associated with personalities as opposed to, you
4 know, as you were saying, what are the goals?
5 What are we trying to do? What's the problem?

6 The last thing I would say is if 50 percent
7 of the tuberculosis cases in the United States
8 were in New York City, or 50 percent of the
9 cancer cases in United States were in New York
10 City, I think there would be no question that
11 people would feel something urgent has to happen.
12 The fact that we take our Democracy for granted
13 is a dangerous thing.

14 David Jones was mentioning the number of
15 ex-felons, who were felons, who can't vote. I
16 was mentioning noncitizens. 20 percent of the
17 population can't vote; 700,000 nonaligned voters
18 can't vote in most elections. No one worries
19 about that until there's a crisis. Until --
20 because voting is not just a privilege, it's
21 actually a problem-solving mechanism.

22 I was happy when Barack Obama was elected in
23 part -- please -- I was happy in part because I
24 work in low-income communities, and frankly, I
25 was worried about explosion in those communities

1 due to frustration over unemployment, over their
2 feeling like no one was listening to them in
3 Washington, no one was addressing their problems.
4 And when Barack Obama was elected there was
5 almost like a reprieve and people said, "Well,
6 maybe now we'll just lay back. We'll wait to see
7 if something different's going to happen. We
8 feel better." And it was almost physical, it was
9 almost tangible, the relief, you know, in many of
10 these communities where I work.

11 Democracy is for that. Democracy is to
12 enable people to feel like somebody is listening.
13 It's dangerous, it's dangerous when people feel
14 nobody's listening, they're disenfranchised, they
15 can't get in, and let's not wait for the crisis.
16 I think that's part of your role, is to educate
17 the public as to what Democracy is for. Why this
18 is important. This is no less serious than if 50
19 percent of the TB cases were in New York City. It
20 is every bit that serious.

21 CHAIRMAN GOLDSTEIN: Let me see if I could do
22 the impossible task of taking all of the
23 extraordinary insight and wisdom and experience
24 and extract it down to three minimalist
25 principles, and I think we as a Commission will

1 need to reflect upon.

2 First, I would call it zeitgeist, that is
3 probably the hardest thing that any of us could
4 do to deal with human behavior, things like
5 disillusionment, disengagement, apathy, which all
6 of us here know are fundamental to voter
7 participation. I don't know how we do that, but
8 I think the more we talk about it the better.
9 That to me is a principle.

10 The second principle or second, minimally
11 sufficient conclusion that I have gleaned from
12 this wonderful conversation tonight is the area
13 of law. There are things that this Commission
14 could attack that would be to change the law that
15 exists now in the State of New York, and that is
16 an approach.

17 But there is a third approach that a number
18 of you have talked upon and I think needs to be
19 explored as well. And that is impediments that
20 exist. There are large impediments, I believe,
21 and I think all of us believe, that affect voter
22 behavior. And I think it's important for we, this
23 Commission, to look deeply into the impediments
24 that would not result in a change in law, and
25 would not be the Don Quixote attack on the

1 zeitgeist of society, which I think is a
2 wonderful thing to talk about and a wonderful
3 thing to acknowledge, but I think an attack that
4 would yield very little results.

5 So I would conclude by saying that I think
6 what all of you have said really fit into those
7 three buckets. And the question is which of the
8 buckets are we going to concentrate on and
9 ultimately be heard as a Commission?

10 With that, I'd like to thank Mr. Goldfeder.
11 Thank you for your remarks and for participating.
12 Mr. Jones, David Jones, thank you. Philip
13 Thompson, a Ph.D. from CUNY. We are at a CUNY
14 institution, I think that's important.
15 Mr. Kresky, thank you for participating. A Ph.D.
16 from CUNY as well.

17 I think we are going to give our panelists
18 an ability to escape if they wish to do so. If
19 they want to stay you are more than welcome.

20 I want to enforce this last point with the
21 audience. Our primary objective tonight was to
22 learn from the five distinguished people that
23 took time out of a very busy schedule to help
24 enlighten us, and I think so much of us learned
25 tonight, and to engage in a conversation.

1 We will take a break now and have limited
2 opportunity for audience participation. We will
3 be back in the Bronx in several weeks when we do
4 the last phase of the work of this Commission
5 before we determine what to bring to the voters
6 in November of 2010. And it is there, those
7 nights, those 5 nights, will be done exclusively
8 for people in the communities that we are in to
9 engage with us on the topics that we are to
10 engage tonight, and the topics that we discussed
11 last week, and the topics that will follow. So
12 if you don't get an opportunity, the point of our
13 open forums at the end of the process are exactly
14 that, it's for you, the people, to ask questions
15 and be heard by the Commission.

16 So let's take a break for a few minutes and
17 thank the panel for a very, very engaging
18 evening.

19 (Whereupon, a short recess was taken between
20 8:52 P.M. and 9:09 P.M.)

21 CHAIRMAN GOLDSTEIN: Okay. Welcome back. We
22 have a limited number of speakers, and I'd like
23 to start going from the list. First I'd like to
24 acknowledge Gene Russianoff. I know I saw him
25 earlier, if he's here. Gene. Let's try to

1 maintain the three minutes.

2 (Due to inaudibility, the testimony of some
3 of the speakers has been edited.)

4 MR. RUSSIANOFF: We'll do our best. Good
5 evening Commissioners, Mr. Chairman. I'm Gene
6 Russianoff with the New York Public Interest
7 Research Group and with me is Neal Rosenstein
8 also from NYPIRG. An East Side Assemblyman at a
9 polling site said one of his constituents came
10 out and said, "I wanted to vote for you but the
11 machine wouldn't let me. It wasn't working." He
12 said, "How do you know it's not working?" She
13 said, "Because --" she put her hand in her
14 pocket, "Because here's your lever."

15 I think we all agree with what the problem
16 is. Elections that have too many obstacles to
17 voters and not enough information that leads to
18 the low voter participation and turnout problems.

19 NYPIRG feels the City Charter can do a lot
20 to even the score and any ideas discussed with
21 the panel are good ones, and despite what the
22 Corporation Counsel might say, are seriously
23 worth a closer look by the Commission.

24 We urge the Charter Commission to consider
25 the ideas we have already submitted to your

1 staff, and you should have written copies of a
2 letter we sent to the Commission. These ideas
3 parallel Mr. Goldfeder said about Election Law,
4 but they also deal with the standards. Campaign
5 Finance Board now has to regulate the campaign
6 disclosure filings and contribution limits of
7 people, even those who don't participate in the
8 program. So it has again a really expansive view
9 of what the City can do with campaign finance.

10 Neal is going to go over some of the ideas
11 we feel are worth looking at.

12 MR. ROSENSTEIN: You've heard from the panel
13 of experts. We believe this Commission should
14 propose Election Day registration just when
15 voters are most interested in elections. That's
16 when a lot of them are shut out. Nationally,
17 states with the highest turnout, consistently
18 those EDR addresses, turn out in both primary and
19 general elections.

20 Another idea to explore is the City
21 Universal Registration Program Affirmative. The
22 universal registration system automatically
23 registers voters when they interact with a
24 government database, identify eligible voters,
25 see if they are registered in the Board of

1 Elections' database, and if not, place them on
2 the rolls of city elections.

3 We don't have the figures on voting now but
4 think it deserves a closer look. We also have
5 suggestions for a number of less ideas, but we
6 think are very relevant.

7 The Charter has the power over franchises,
8 like cable companies, to provide the voter
9 registration form, information materials for
10 first-time customers and folks who may move and
11 have a change of address. Cable companies know
12 oftentimes a lot more than government when
13 someone's moved. A perfect way for the Charter
14 to increase that participation.

15 In our view, City agencies should also be
16 required to do a more aggressive job in assisting
17 their clients to register to vote, like David
18 Jones said very eloquently, with verbal
19 assistance and also transmitting those forms to
20 the Board of Elections. There's no reason we
21 can't look into sample ballots sent to voters and
22 trying to get them more interested in the
23 elections.

24 The Voter Guide should be expanded to
25 non-municipal races as well. There's a host of

1 ideas. You have detailed testimony in a letter
2 before you that goes into more detail.

3 CHAIRMAN GOLDSTEIN: Thank you,
4 Mr. Rosenstein.

5 John Keefe.

6 MR. KEEFE: Thank you. I am testifying on
7 behalf of State Assemblyman James Brennan. I
8 have previously testified in opposition to
9 placing an issue on the ballot this year and
10 testified in opposition to nonpartisan elections.
11 I'm not going to repeat this previous testimony
12 on nonpartisan elections.

13 The legal analysis that's being distributed
14 largely focuses on Home Rule authority and the
15 New York State Election Law. And first the law
16 specifically under -- New York State Election Law
17 specifically covers the conduct of all elections
18 in which voters of the State of New York cast a
19 ballot for the purpose of nominating or electing
20 an individual for any State, Federal -- county
21 state, town or village office. The nomination for
22 candidates for public offices -- this is a
23 section on dealing largely in the middle
24 paragraph, that's the thrust of our argument,
25 that the Charter Commission preempted by state

1 Election Law the nonpartisan elections.

2 The statute defines primary election as
3 quote "the mandated election at which enrolled
4 members of a party may vote for the purpose of
5 nominating party candidates in electing party
6 officers." That's Article 1 section 104,
7 paragraph nine. And blanket primary, which is
8 what you are considering, the City of New York
9 would rewrite existing definition of a primary
10 election contained in that section. Our Article
11 of section only for New York City. Elections
12 occurring in New York City. Such a system would
13 fly directly in the face of a preemption
14 doctrine. I hope the members of the Charter
15 Commission agree to the read the analysis and
16 your counsel will do as well and thank you.

17 CHAIRMAN GOLDSTEIN: Thank you Mr. Keefe.

18 John Rozankowski.

19 MR. ROZANKOWSKI: Good evening. I'm John
20 Rozankowski, community resident.

21 In trying to augment voter participation,
22 it's necessary to address the fact that many
23 people have lost faith in the Democratic process
24 and have come to believe that their vote doesn't
25 make a difference.

1 The following reforms are essential:

2 1. Include term limits the City Charter.

3 Nothing has destroyed the sanctity of the vote
4 more than the disgrace of 2008 when the Mayor and
5 a selfish cabal of City Council people overturned
6 the will of the people. The people have voted for
7 term limits twice and the rule must be enshrined
8 in the City Charter.

9 2. The shame of 2008 has brought to light
10 two other problems. The first is that the notion
11 that the will of the people as expressed in
12 referendum can be overturned by a simple majority
13 of the City Council. The City Charter must state
14 emphatically that a measure enacted by a vote of
15 the people can only be nullified by a vote of the
16 people. Likewise, it's necessary to refine the
17 constitutional definition of an ex-post facto law
18 by stating that elected officials cannot vote for
19 a measure which clearly and selfishly benefits
20 them during their term of office.

21 3. In their never-ending attempts to remain
22 in office for life, elected officials have ducked
23 addressing critical needs creating a depressing
24 climate of debilitating stagnation. Other cities
25 and states have a registered initiative so must

1 New York. If our elected official s are too
2 cowardly to tackle difficult issues, give them to
3 the people to solve the problem, they will.

4 Finally, instead of hiding these meetings
5 from the public engagement in a greater out
6 rage -- outreach like a full-page add in the New
7 York Daily News. It's necessary for more people
8 to participate in this process. All these
9 reforms will go a long way to restore the faith
10 of the people in the Democratic process and make
11 New York City better for everybody. Thank you
12 everyone. Thank you very much.

13 CHAIRMAN GOLDSTEIN: Councilman Eric Ulrich
14 from Queens who was unable to be here tonight but
15 he left testimony for members of the Commission.

16 Let me acknowledge Jane Thompson. Jane
17 Thompson here? Yes, she is.

18 Welcome, Miss Thompson.

19 MS. THOMPSON: Great, thank you. I have
20 copies can I give that to someone?

21 CHAIRMAN GOLDSTEIN: Yes. Mr. Gorton will
22 take it.

23 MS. THOMPSON: Thank you. Thank you,
24 Chairman Goldstein, and all the members of the
25 Commission for the opportunity to provide

1 testimony tonight on this important topic. My
2 name is Jane Thompson. I am the Political
3 Director for the Retail, Wholesale and Department
4 Store Union. We represent 45,000 members who
5 work in grocery stores, retail shops and
6 drugstores in all five Boroughs. The RWDSU
7 strongly urges the Commission not to put the
8 issue of nonpartisan elections on this year's
9 ballot. In fact, we believe that no issue should
10 be presented to the voters in the 2010 election
11 cycle. Instead, we believe the Commission should
12 take additional time to properly debate and
13 publicly air any topic that may be addressed by
14 this Commission, and then those issues should be
15 placed on the 2011 ballot. There's too much at
16 stake for this Commission to hastily place
17 proposals on this year's ballot and have that be
18 the end of it. There are many topics that can
19 and should be addressed by this Commission and
20 then placed on the 2011 ballot.

21 One example that we're particularly
22 interested in would be the area of land use. But
23 I do know that's a topic for another evening, and
24 we'll talk about that then.

25 The issue before us tonight is that of voter

1 participation. And I thought your panel of
2 experts was wonderful. I thought they offered
3 some very thoughtful proposals for you guys to
4 think about in terms of different ways to
5 increase the voter activity, voter participation
6 in New York City. And I would hope that the
7 Commission would take the time to really dig
8 through some of the legal issues that they
9 presented and some of the proposals outside of
10 the nonpartisan elections which the voters have
11 addressed once already in this City and defeated
12 it in an overwhelming fashion.

13 We believe that party labels -- whether they
14 be Democrat, Republican, Conservative,
15 Independence Party, Worker Families Party, Right
16 to Life, Green, they really mean something to
17 people. On a national level, on a state level,
18 and on a city level which party and a candidate
19 belongs to gives voters real information in terms
20 of what sort of values they have and what kind of
21 policy they will support once in office.

22 New York has many ballot lines which promote
23 candidates and their values, and on any given
24 Election Day voters have a wide choice of
25 candidates from which to choose from. Take away

1 those party lines and some candidates who run on
2 those lines would have a tougher time
3 participating. Too often party label is the only
4 information a voter has on a particular race when
5 they go into the voting booth and, therefore,
6 that can help them make a more informed decision.

7 I know my members are busy with work,
8 sometimes two jobs, raising their families and
9 other concerns, but they always will have time to
10 closely follow given elections in their
11 district, and when they go into that voting booth
12 look for that party label to know, learn a little
13 bit more about the candidates.

14 In the absence of party labels, candidates
15 with the most money will most likely fill the
16 void. Nonpartisan elections will favor
17 incumbents and candidates with the biggest
18 campaign war chests. Those who can mail the most
19 mail, air the most TV commercials, hang the most
20 posters and hire the most staff.

21 It will not help the diversity of our
22 elected officials, and it will not help working
23 class residents be part of the process. And as I
24 said, the Commission, as the panel laid out, I
25 think, a wide range of other options to be

1 considered. Thank you.

2 CHAIRMAN GOLDSTEIN: Thank you very much.

3 Lenora Fulani.

4 MS. FULANI: Ladies and gentlemen, I don't
5 know what to say. Good evening, Chancellor
6 Goldstein, and members of the Commission. Thank
7 you for this opportunity to testify.

8 You framed tonight's forum as a public
9 dialogue on voter participation and that is a
10 righteous agenda. It's an issue that has been at
11 the heart of our nation's 250-year project to
12 create a more perfect Union. This is a project
13 that has taken us from an arrangement where only
14 white male property owners could vote through the
15 enfranchisement of all men regardless of color or
16 history of servitude, to Women's suffrage, to
17 lowering the voting age from 21 to 18.

18 To be American is to be concerned with the
19 constant redefinition and, thereby, expansion of
20 the electorate.

21 But there's being an American and there's
22 being a New Yorker. And in New York the most
23 combative, most difficult city in our country,
24 the ideals that make America a beacon for the
25 world sometimes get turned on their head. For

1 example, an expansion of Democracy through the
2 simple admission of nearly one million
3 independent voters to the first round of voting
4 is characterized by some New York City politicians
5 as undermining our Democracy.

6 Commissioners, I have a Ph.D. in psychology,
7 not in mathematics. I spend most of my time in
8 poor communities of our city, educating our young
9 people our police officers, our teachers, and our
10 parents about social development. I'm not an
11 elected official, former or current, and I'm not
12 an expert on the workings of our government. But
13 I know the disenfranchised people of this City.
14 And I know how to add and subtract. And it does
15 not take an advanced degree to do the math or do
16 the politics to get what's going on in this
17 debate.

18 If you're trying to limit the franchise, in
19 you're defining eligible voters in a narrow and
20 limited way, it is because you're looking for a
21 particular political outcome. If you are defining
22 eligible voters in the most limitless and
23 inclusionary way, you are looking for Democracy.
24 And if you have nearly one million people who
25 choose not to be in a political party, any

1 political party, not my political party, or your
2 political party, but who have registered to vote
3 and are thereby declaring that they want to
4 participate in the electoral process, then we
5 must as Americans and as New Yorkers say, "Yes,
6 absolutely, you can." Thank you.

7 CHAIRMAN GOLDSTEIN: Thank you, Ms. Fulani.
8 Martin Olivieri.

9 MR. OLIVIERI: Thank you very much. I just
10 have five voter certifications for our local area
11 that speak for themselves. In the primary of
12 September 9, 2008, in the 33rd Senatorial
13 District right here, 5,000 people decided not to
14 vote in the senate primary. For 350,000 of us
15 that Senator Espada would run. The general
16 election of the 4th of November in the 32nd
17 Senatorial District, which is our neighbor, 67 --
18 only 67,000 of us voted for -- to represent --
19 I'm sorry. To vote for Ruben Diaz who is
20 representing 350,000 people, who ran as a
21 Republican and a Democrat. Later -- actually it's
22 not later, sorry. Same day, 52,000 people voted
23 for Senator Espada to become our Senator for
24 350,000 people who are in the District. And a man
25 who has all sorts of financial irregularities,

1 and the State now comes to get him, so to speak,
2 only because they want to punish him politically,
3 ignoring years of offensives. So we're wondering
4 why people don't vote.

5 Ruben Diaz, Jr., in the primary on the 21st
6 of April, belying the benefit of having April as
7 an Election Day, 29,000 people decided in that
8 election that he would -- the primary, that he
9 would eventually represent 1.25 million people.
10 And when Mr. Diaz won that election he thanks the
11 Bronx community for their vote of confidence. I
12 ask: 29,000 people have voted confidence for a
13 man who is representing 1.25 million of us?

14 And finally, he became Bronx Borough
15 President with only 92,000 people voting for 1.25
16 million of us again. So we're asking: Why aren't
17 people voting? Well, we're seeing people are not
18 voting. Might have to do with the quality of our
19 candidates. These are statistics, but I think
20 the statistics that show that our Democracy in
21 our area of the Bronx is not in danger but has
22 collapsed.

23 CHAIRMAN GOLDSTEIN: Councilman Jumaane
24 Williams.

25 COUNCILMAN WILLIAMS: Thank you, Chancellor,

1 and all the distinguished panel. I have a shout
2 out to Carlo from my Borough President's office,
3 and very happy to be here from Brooklyn.

4 I do want to say that I think the way the
5 system may be set up now, the problem is the
6 people in power want to make it -- particularly
7 the voter turnout is so low, I'm not sure people
8 in power who actually want to increase it but
9 actually I think they definitely should.

10 Statistics show the United States had been
11 trailing behind most of the world in terms of
12 voter participation. We cannot accept the low
13 voter turnout and allow it to become routine. I
14 think there are few things that might to help.
15 First of all, automatic voter registration for
16 people applying for their driver's license, or
17 other types of interaction with the community.
18 This will reduce paperwork and make the voter
19 registration more efficient. Also eliminate the
20 filter to an already small voter population. I
21 would also propose, as many others have, voting
22 on the weekends and other extended times to vote
23 over several days. This is very likely to
24 increase voter turnout and additionally will help
25 to circumvent issues of employers sometimes

1 penalizing for taking time off to vote. Another
2 proposal I would like to propose from research in
3 Australia, they have a compulsory vote.

4 Somewhere 90 percent of the people who actually
5 turn out. Citizens must be engaged in government
6 and voting is the easiest that way we can do
7 that. By making voting compulsory more likely to
8 affect the entire population.

9 Lastly, forcing this new model will help
10 moderate political conversation. Those views
11 that form the extreme ends of the New York
12 spectrum are the most motivated to vote, while
13 those with more moderate views are not. However,
14 this is problematic because while they help to
15 energize the population, problem solving by
16 including such moderate voters by mandatory
17 voting laws, we can help depolarize the political
18 conversation and allow for more effective
19 government.

20 Also I believe we should allow legal
21 noncitizens to vote on municipal elections. My
22 parents were legal noncitizens for many, many
23 years and couldn't participate in the
24 municipality which they lived and participated.
25 I think it be would great if we could do it.

1 In terms of nonpartisan elections, I'm not
2 exactly sure where I fall in that. At least on
3 the side, the other side is going to
4 disenfranchise people, so I need to get more
5 information.

6 I am worried about putting it on the ballot
7 this year. Unlike term limits, I don't think
8 we've had enough discussion either way. And I
9 would like to see some more discussion -- at
10 least I would like some more information.

11 I'm also worried that perhaps tactically the
12 Mayor might put term limits on now to draw people
13 in. But the real prize is the nonpartisan
14 elections, so I just want you to be aware of
15 that. And I appreciate very much you allowing me
16 the time. Thank you.

17 CHAIRMAN GOLDSTEIN: Thomas Thomassian.
18 Thomas Thomassian. Did I pronounce that right?

19 MR. THOMASSIAN: Yes, you did. Thank you,
20 Chairman Goldstein, and all the members on the
21 dais. My name is Tom Thomassian. I'm running for
22 the U.S. Senate in New York State.

23 The first proposal I will make is all
24 children who graduate high school go to college
25 free. All college debt is eliminated. People ask

1 me how I can do that? No. 1, I will eliminate
2 NASA and the Peace Corps. It has drained
3 trillions of dollars in our Treasury. I believe
4 in children, not rocks.

5 Campaign financing to me is an American sin.
6 Republicans, and especially the liberal
7 Democratic Party, love campaign financing. They
8 do everything they can to say they don't want to
9 do it, they shouldn't do it, but they do. Usually
10 people come to me and ask me why I'm not taking
11 campaign financing. They don't ask me what I'm
12 going to do, what I meant, what I stand for.
13 They say, "Who's backing you?" It's come to the
14 point where the winner is the one that has the
15 most money. This is before the election.

16 I've been here for several hours in the 80-
17 minute conversations about what we should do for
18 voter registration. I'm really a little
19 surprised at the doctorates and the educational
20 system. I don't know where it's gone. Why don't
21 you just fine people one hundred dollars who are
22 registered voters if they don't vote? I assure
23 you, you'll get an overwhelming amount of people
24 voting.

25 The decline in the turnout, lower and lower

1 each year in New York City, New York State but
2 especially New York City, where the Democrats
3 dominate, win all the time. Why is it that the
4 decline in voter registration makes the Democrats
5 look stronger and stronger? How come? There are
6 only two parties in this country, with two
7 parties in this state, it's the Republicans and
8 the Democrats.

9 I heard someone on the panel say, "We have
10 helped people who want to be independent voters
11 and we also want to help people run for office as
12 independents." That's a bald faced lie. I'm an
13 independent voter and an independent person who
14 wants to run for office. The Democratic party in
15 New York City has made it extremely difficult in
16 every single way imaginable. So don't say that
17 you want a third party or an independent party.

18 I hear the cheers. The cheers are false,
19 they're not really true, because it's not going
20 to happen. The power of the Democratic Party and
21 the Republican Party and their money make it
22 impossible for a third party to survive except
23 Ross Perot, and we all know what happened there.
24 He had the money. And the Green Party, and you
25 crush other people who wanted to run for office.

1 I want to ask the Chairman a question if he
2 doesn't mind.

3 CHAIRMAN GOLDSTEIN: Mr. Thomassian, your
4 time is up, if you don't mind.

5 MR. THOMASSIAN: Just one question.

6 CHAIRMAN GOLDSTEIN: Why don't you ask it to
7 me after. I'll take your question.

8 MR. THOMASSIAN: Very well, sir.

9 CHAIRMAN GOLDSTEIN: Denora Getachew?

10 MS. GETACHEW: Good evening, Chairman
11 Goldstein. I am here on behalf of Public
12 Advocate Bill de Blasio. He was unable to be
13 here this evening. He wanted to thank you for
14 providing this opportunity to have a very
15 substantive debate about increasing voter
16 participation in our city.

17 I'm going to quickly skim through the
18 testimony because it's a little long and start by
19 saying given New York's alarming low voter
20 turnout, increasing civic engagement is an issue
21 that the Commission must work hard to address. I
22 think there's some important suggestions that I
23 will raise this evening that I hope the
24 Commission will take seriously, especially in
25 light of the fact in last year's mayoral election

1 participation plummeted to new lows in the City.
2 A mere 1,178,000 voters, or 26.4 percent of the
3 City's registered voters participated.

4 The Public Advocate feels strongly that
5 instituting nonpartisan elections will not
6 improve voter turnout. In addition to imposing
7 this measure, it be would a mistake to place a
8 question on whether New York City should
9 implement this measure before the voters in 2010.
10 He opposes this measure for several reasons.
11 First, nonpartisan elections not only encourage
12 wealthy, self-funded candidacies but has also has
13 been shown to depress voter turnout, especially
14 among low-income and minority communities who
15 already vote less often. Along the same lines,
16 nonpartisan elections could also make it more
17 difficult for candidates from diverse racial and
18 ethnic backgrounds to be elected. Further, New
19 York City's voters recently had the opportunity
20 to consider this issue and over 70 percent of the
21 voters rejected the concept.

22 If the Charter Commission decides to place a
23 question regarding this issue on the ballot the
24 Public Advocate strongly believes that it should
25 refrain from doing so in 2010, because there is

1 not enough time for robust public debate around
2 this issue before the election. Moving New York
3 City to a system of nonpartisan elections would
4 create a substantial change in the fabric of this
5 City's Democracy. It is already June and there
6 has not yet been substantial public discourse
7 regarding how nonpartisan elections would affect
8 New York City's electoral landscape. After this
9 month, it will become increasingly difficult to
10 engage substantial numbers of New Yorkers in a
11 debate about such a complicated issue.

12 The Public Advocate also hopes the
13 Commission will consider how the Charter can
14 enhance voter participation through reforms aimed
15 at facilitating voter registration and ensuring
16 that voters have all the information they need to
17 make an informed choice at the polls. While he
18 recognizes that numerous possible election
19 reforms aimed at eliminating barriers to voting
20 at the municipal level can raise legal and
21 jurisdictional concerns, he encourages the
22 Commission to explore how to implement some
23 things like same-day voter registration or
24 electronic or voter registration at the local
25 level.

1 In the 2008 presidential elections, which
2 boasted record turnout, including among youth,
3 only 12 percent of New Yorkers under 30 voted in
4 the primaries, and just 47 percent of such voters
5 participated in the general election. We should
6 be doing better, especially by considering ways
7 to harness existing technology to reach young
8 voters.

9 The Public Advocate has already recommended
10 the development of a permanent Youth Board to
11 advise municipal policymakers on issues affecting
12 young people. Part of that Youth Board's mandate
13 could be to work with the City's Voter Assistance
14 Commission to develop strategies to engage voters
15 of the City.

16 Finally, the Charter has empowered the Voter
17 Assistance Commission to play a role in voter
18 registration and education. However, this agency
19 has not been able to meet its full potential,
20 especially in light of its financial constraints.
21 Given this Commission's focus on increasing voter
22 participation, I would also recommend that you
23 consider how best to breathe new life into this
24 approach to voter participation either by
25 strengthening the current structure or adopting

1 the new process. Thank you again for your
2 consideration.

3 CHAIRMAN GOLDSTEIN: Thank you very much.

4 Robert Press.

5 MR. PRESS: Thank you, Commissioner. My first
6 question, though, is for a Mayor who wants to
7 have nonpartisan elections why did he eliminate
8 the one nonpartisan election we had? That means
9 School Board elections.

10 I'd like to now turn to the issue of term
11 limits. The talk is that you will suggest two
12 four-year terms for the executive branch and
13 three four-year terms for Council Members. I
14 agree on the terms for the executive officers,
15 but I believe that five two-year terms is the way
16 to go for City Council Members. This will ensure
17 proper turnover to the Council and allow for
18 stability, too. Under the current three four-year
19 term enacted, the Mayor and City Council, if a
20 vacancy occurs in the first year, first term of a
21 new Council Member, the person filling the
22 vacancy can be in office for more than 15 years.
23 By having five two-year terms as the limit and no
24 more than 11-plus years in office could occur.
25 Five two-year terms would also allow an election

1 every year and Council Members to be eligible for
2 a pension after serving ten years in office. I
3 might add that was the reasons that Bronx Council
4 Member Larry Seabrook explained to us why he
5 voted to overturning the two public referendums
6 on term limits. Seabrook wanted 10 to 12 years,
7 and may he soon get that.

8 In conclusion, if you want to see low voter
9 turnout wait till next year, 2011, where there
10 will be no City, State or Federal election. And
11 Commissioner Fong, I hope you were wrong about
12 what you said, that this might be all a show for
13 Mayor Bloomberg to run in a fourth term in 2013.
14 Thank you.

15 CHAIRMAN GOLDSTEIN: Roxanne Delgado.

16 MS. DELGADO: Hello, my name is Roxanne
17 Delgado. I'm here representing myself. I'm not
18 a member of any group or have any agenda. I came
19 here on my own accord because I'm very
20 disappointed with apathy in the City because of
21 all the corruption.

22 I don't support nonpartisan primaries
23 because I think it will benefit the rich, because
24 right now the rich can (inaudible) CFB board and
25 they can run based on money, and the people who

1 participate on the CFB Board will be
2 disadvantaged. And the reason why I think
3 (inaudible) supports the Republican Party has a
4 bad reputation, so rich people are now moving to
5 the Independent Party, because they think they
6 can be Republicans under the disguise -- I'm
7 sorry, running fast, and fool the people, promote
8 their agenda of deregulation, more pro business,
9 pro corruption, so this is why I'm against
10 nonpartisan.

11 And I think the reason why people don't vote
12 in New York City, and I'm a Bronx resident, is
13 because of all of the corruption, including
14 Christine Quinn overturning term limits, her
15 slush fund, giving herself a 25 percent raise,
16 giving herself a lifelong pension based on a
17 fourteen-year tenure, and also because increasing
18 her budget this year while we're cutting back on
19 teachers and firehouses. So, if anything, I think
20 that we should be more focused on eliminating
21 member items or slush funds, and I think put back
22 accountability in offices. I don't think
23 nonpartisan primaries will affect turnout; might,
24 I believe, in fact discourage people who usually
25 come out to vote on a party-based issue, not on a

1 candidate issue.

2 CHAIRMAN GOLDSTEIN: Thank you very much.

3 Ademola Oyefeso.

4 MR. OYEFESO: Good evening, Mr. Chairman,
5 members of the Commission. My name is Ademola
6 Oyefeso. I'm speaking on behalf of the Working
7 Families Party.

8 When this Commission was announced
9 newspapers reported that the Mayor had already
10 decided what issues the Commission would
11 recommend to New Yorkers and Chairman Goldstein,
12 rightfully, you responded with and I quote:

13 "I want to reinforce that no decisions or
14 conclusions have been made regarding
15 recommendations for amending the City Charter.
16 Our independence must be an inviolate principle
17 inextricably linked to our work. Going forward,
18 I know we share commitments in letting the
19 process take its course before we focus on
20 results. Many of you have spoken of the
21 importance of building public trust and
22 confidence in our work. An independent process
23 is critical to achieving that end."

24 New Yorkers hope that as part of building
25 trust you will listen to their voices on the

1 issue of nonpartisan elections. In 2003 New
2 Yorkers voted overwhelmingly against nonpartisan
3 elections and now you're being asked to recommend
4 ways to improve voter participation. Instead of
5 revisiting an issue New Yorkers had already
6 rejected, we believe the Commission should
7 explore the following ideas. I won't go into
8 detail. Ballot access, strengthening campaign
9 finance, and same-day voting registration. Still,
10 even if the Commission intends to rubber stamp
11 the Mayor's proposal, we want to say for the
12 record without party labels voters are going to
13 rely heavily on name recognition to guide their
14 vote. That may be good for incumbents and wealthy
15 candidates but it's not good for the challenger
16 who comes from modest means.

17 Incumbents are in the news all the time and
18 candidates with deep pockets can buy name
19 recognition over the airwaves and get their
20 message out to the public in a way that others
21 cannot. So the non-wealthy rely on parties and
22 party labels can help reduce the cost of
23 campaigning. It's hard enough already for good
24 candidates with less money to get their name and
25 message out to the public and win elections.

1 Getting rid of party affiliations and their
2 chances decline further. Nonpartisan elections
3 mean that money will talk even louder than it
4 already does. If the wealthy are the winners
5 under nonpartisan elections, who will the losers
6 be? The voters of New York City who rely on party
7 labels as a way to figure out what a candidate
8 stands for and to show their support for certain
9 values. When people vote for a candidate on the
10 Republican line, for example, they are sending a
11 message against rent control, for cutting social
12 service, and cutting taxes for millionaires. If
13 someone votes for a candidate on the WFP line,
14 they know they're voting for a candidate who
15 shares the Party's commitment to higher wages,
16 affordable housing and accessible healthcare. So
17 the nonpartisan elections will reduce the
18 information available to the people when they go
19 to the voting booth, and that's a bad thing.
20 Because I understand, and as the previous
21 speakers have said, nearly all political science
22 studies has shown that nonpartisan elections
23 decrease voter turnout. We should be fighting to
24 get more people involved in the political
25 process, not discourage them from doing so.

1 This Commission should reject the idea of
2 nonpartisan elections, like New Yorkers already
3 did in 2003. It's divisive, favors the wealthy.
4 It's bad for our vibrant city, and it's bad for
5 Democracy. Thank you.

6 CHAIRMAN GOLDSTEIN: Thank you very much.

7 Dr. Ron Haydule.

8 CHAIRMAN GOLDSTEIN: Nicholas Widzowski.

9 MR. WIDZOWSKI: Nicholas Widzowski.

10 CHAIRMAN GOLDSTEIN: Widzowski. Do I have
11 that right?

12 MR. WIDZOWSKI: Yes, you do. Thank you.
13 Thank you, Chancellor, and all the Commissioners.

14 May I first, before I go into my prepared
15 remarks, I would just like to, with all due
16 deference to all the speakers here, I would like
17 to reject the idea that nonpartisan elections
18 will lead to an explosion of the wealthy taking
19 control of the political system. I think if we
20 look around now we'll see there's no dearth of
21 rich people in office.

22 Now, with all due deference again, on to my
23 prepared remarks. Felix Frankfurter said in a
24 democracy the highest office is that of citizen.
25 Indeed, the life blood of any Democracy is the

1 engagement of the motivated and passionate
2 electorate. Conversely, the interests of the
3 people have become increasingly imperiled when,
4 for whatever reason, they become alienated from
5 their representatives. Such a circumstance
6 arguably the reality we face now, unfortunately.

7 The stagnancy of the modern two-party system
8 pervades every aspect of the political theater of
9 the United States, and in an age when more than a
10 third of the nation renounced both major parties,
11 it is troubling to think we would pass up the
12 chance to bridge the chasm between the people and
13 their chosen delegates to the halls of power.

14 Artificially refusing the ability of people
15 to fully choose their destiny through closed
16 primaries and by Byzantine election laws only
17 serves to muffle the rich spectrum of voices
18 created by the grand property of participatory
19 democracy. The legendary former Governor Al Smith
20 said, "The only cure for the ails of Democracy is
21 more Democracy." Perhaps that sentiment is a
22 little simplistic. Yet I believe that today this
23 represents the salvation of our politics as it
24 stands now. I urge the Commission to at least
25 consider a primary system. Thank you.

1 CHAIRMAN GOLDSTEIN: Laquan Word, W-O-R-D?

2 Alan Rodriguez.

3 MR. RODRIGUEZ: Good evening. My name is Al
4 Rodriguez. I'm the General Counsel for the Bronx
5 Borough President, who unfortunately cannot be
6 here tonight, but I'm here to present his
7 testimony. I'll try to be brief and I'll
8 summarize parts of the testimony.

9 CHAIRMAN GOLDSTEIN: As long as you stay
10 within three the minutes.

11 MR. RODRIGUEZ: Once again I want to welcome
12 the Charter Revision Commission to the Bronx and
13 thank you all for taking the time to listen to
14 the concerns of our constituents on these very
15 important matters.

16 Increasing voter participation is of the
17 utmost importance. As voters represent the first
18 step in active participation in the civic life of
19 our community and breaths life into our
20 Democracy. Yet for years we have suffered decline
21 in voting in the City, State and Federal
22 elections, which mirrors a nationwide decline in
23 voter turnout since 1960.

24 The threshold question is why voter
25 participation has been decreasing? Studies have

1 attributed the decline of voter turnout to
2 decline in voter mobilization efforts, political
3 and campaign involvement, increasing political
4 cynicism and distrust of government and the
5 distractions of modern day life. The growing
6 consensus is to effect a significant increase in
7 voter participation new approaches should be
8 tested and adopted, approaches which most likely
9 will require State law changes.

10 First, the State should adopt early voting
11 that includes weekend voting, adopt mail-in
12 voting for all registered voters, not just
13 absentee voters. The State should also think
14 about same-day registration, and something some
15 analysts believe would revolutionize the voting
16 process, that would be Internet voting.

17 An approach noticeably absent from the
18 consensus on how to increase voter participation
19 is nonpartisan elections. In fact, there's a
20 raging debate as to whether nonpartisan elections
21 increase or actually decrease voter turnout.
22 Based on this fact alone, I believe nonpartisan
23 elections should not be considered by this
24 Commission at this time. And there are other more
25 pressing reasons why this Commission should

1 reject the call to put nonpartisan elections on
2 the ballot.

3 First, the voters of the City defeated
4 nonpartisan elections by a two to one margin in
5 the 2003 referendum. Why are we going back to
6 this?

7 Second, partisan elections take away the
8 right of people organized as a political party to
9 choose their own candidates. I am a Democrat.
10 I want to be able to choose candidates at an
11 election that agree with the goals of my party
12 without the Republican Party, or the Republican
13 voters, or the independent voters, or Tea Party
14 voters covertly influencing the election.
15 Registered Democrats should not be punished
16 because the messages of our political parties
17 don't resonate with the voters.

18 Third, if approved at referendum, partisan
19 elections could violate the Voting Right Act and
20 be subject to protracted legal wrangling in the
21 courts, and I'm confident would be declared
22 unconstitutional for elections in the City.

23 Fourth, nonpartisan elections make it easier
24 for candidates with unlimited financial resources
25 to monopolize and kidnap the electoral process.

1 Fifth, there has been no groundswell of
2 public support presented before this Commission
3 or out in the public to put nonpartisan elections
4 up for referendum. Support for nonpartisan
5 elections presented to this Commission has come
6 almost exclusively from officials in supporters
7 of the Independence Party for reasons obvious to
8 many people and the press. I believe even the
9 most crude survey of public opinion will show
10 that the public does not want partisan elections
11 and that is why the measure has failed in the
12 past.

13 Finally, if the Commission approves
14 nonpartisan elections for referendum item this
15 November, it will increase the cynicism and
16 distrust of public officials, which is the main
17 reason for declines in voter participation. It
18 will immeasurably support the perception that the
19 Commission is following upon the predetermined
20 orders of the Mayor to hurry the questions of
21 term limits and nonpartisan elections to the
22 ballot. As I have stated, there are a number of
23 promising strategies to improve voter turnout.
24 Nonpartisan elections are not one of them, and I
25 hope this Commission will not waste any more time

1 on this topic.

2 CHAIRMAN GOLDSTEIN: Deanna Bidedti, please.

3 Deanna Bidedti.

4 Frank Morano.

5 MR. MORANO: Good evening. I want to first
6 commend you for an incredibly stellar panel
7 tonight. I thought the ideas they presented were
8 magnificent and wide-ranging public policy
9 solutions were breathtaking.

10 I want to strongly urge you to consider
11 putting the question of nonpartisan elections on
12 the ballot this year, and there are many, many
13 reasons why nonpartisan elections is a great
14 thing for New York City voters. Many. I think
15 you will produce a better quality of elected
16 official. I think it will produce a more
17 deliberative legislative body within the City
18 Council. I think it will make elections more
19 competitive.

20 But let me just speak to the issue of voter
21 participation out of consideration for what
22 tonight's theme is. And I don't think that voter
23 turnout is the be all and end all of what makes a
24 working government. But we now know certainly an
25 indication of an active and engaged citizenry,

1 and I think that to say that nonpartisan
2 elections in New York and elsewhere doesn't
3 increase turnout or isn't increasing turnout is
4 to simply ignore the facts as they are.

5 Mr. Goldfeder, who I thought had a lot of
6 great ideas, and I have a great deal of respect
7 for, was trying to compare non-partisan special
8 elections to fall general elections where there's
9 really comparing apples and oranges. The better
10 comparison would be nonpartisan special elections
11 for City Council with partisan special elections
12 for the state legislature.

13 Time and again we've seen these elections
14 take place in the same District. In the South
15 Shore of Staten Island, for instance, where I
16 reside. We had a special election for City
17 Council, which was non-partisan, followed one
18 month later by a special election for the state
19 assembly, which was partisan. The turnout in the
20 City Council special election was far higher. The
21 same thing happened in the North Shore of Staten
22 Island when the same situation arose. In 2002,
23 for instance, both Brooklyn and the Bronx had two
24 nonpartisan elections each. One -- excuse me two
25 special elections each. One was for City

1 Council, one was for the state legislature. In
2 both instances the case of the nonpartisan
3 special election produced a higher voter turnout.
4 And if you look at other cities which have gone
5 from a partisan model to a nonpartisan model, the
6 best example being Jacksonville, Florida, they
7 saw a dramatic increase in voter turnout after
8 going from a partisan system to a nonpartisan
9 system.

10 But the real fundamental issue is one of
11 fairness. We have a whole class of voters in
12 this City that are being treated as second class
13 citizens because they choose not to register in a
14 certain political party. We have another class
15 of voters that are being treated as third class
16 citizens because they choose not to register in
17 any political party. The Borough President and
18 others can talk about how Democrats should be
19 able to choose Democratic candidates. Well,
20 that's fine, but the problem is people who aren't
21 enrolled in any political party are paying taxes,
22 too. And those taxes go to pay for how the
23 Democrats choose their candidates. Primary
24 elections are paid for by the taxpayer. Think of
25 a system where these people are being forced to

1 pay for elections that they don't get to
2 participate in. It's wrong. And I would urge
3 you to make it a question on the ballot this
4 year. Unlike in 2003, I think, I hope it's a true
5 nonpartisan election question that doesn't
6 include party labels on the ballot, and I do hope
7 this includes voting provisions as well for all
8 the reasons that those who spoke in favor of it
9 mentioned. Thank you.

10 CHAIRMAN GOLDSTEIN: Thank you very much.

11 Joseph Garber.

12 RABBI GARBER: Good evening, Chairman
13 Goldstein, members of the Committee.

14 (Inaudible)

15 I will talk about this. I've been a voter
16 since I became 18. Since 1985, I served as a
17 Poll Worker Coordinator, and now once again a
18 Poll Worker Inspector.

19 (Inaudible).

20 On September '09 my coordinator at P.S. 16
21 at 157 Wooster Street going to the (inaudible).
22 She referred to me as "dear" and "baby." I told
23 her to cease and desist, and this caused friction
24 right on the day after I challenged two workers,
25 she was angry and eventually she wrote me up on

1 charges. I didn't know anything about it. I had
2 no due process hearing and was summarily
3 dismissed by District leaders (inaudible). I'll
4 be happy to discuss this with the press.

5 When I have the DMV valid parking device
6 permit. We are very technical, instruct the
7 Assistant Poll Worker to pass the practical exam,
8 and I said I will not partake in this if I don't
9 know I'm going to fail. So they put me down that
10 I didn't want to follow their orders. And that's
11 in the official record.

12 (Inaudible).

13 I stand alone also and for the voter
14 regulation. The Brooklyn Board of Elections at
15 345 Adams Street is the lady Ramona Vadero
16 (phonetic) the Brooklyn machine (inaudible) is
17 Rita Lopez goes after policy workers as myself
18 who step out of line who enforce regulations. I
19 despise Rita Lopez and will call (inaudible). I
20 don't want your honey. I don't want your
21 vinegar. The Voter Assistance Commission
22 (inaudible) knowledge of that. Conflicts of
23 Interest Board, Campaign Finance Board and even
24 the Board of Elections. One reason for low voter
25 turnout from registered voters is the voters feel

1 that the average elected official does not
2 concern anything about them. Okay.

3 I'm against the same-day voter registration
4 process, and I also feel that the next hearing
5 you should have a podium so those of us who bring
6 books can hold it. And those of who want, want
7 to read in the Charter, read Chapter 46, page
8 233, "Voters Assistance Commission," page 238 and
9 chapter 68, "Conflict of Interest". Thank you
10 for listening.

11 CHAIRMAN GOLDSTEIN: Richard Gorman.

12 FATHER GORMAN: I don't know how I can quite
13 follow that.

14 Good evening, Chancellor, and good evening
15 Commissioners. Tony, good to see you.

16 I'm the Chairman of Community Board 12 here
17 in the Bronx. And I enjoyed the conversation here
18 this evening. I'd ask you to think about this.
19 Maybe the reason why people don't vote is they
20 don't think it's worth the trouble of going to
21 vote for a government that increasingly shuts
22 them out. Maybe when people feel government
23 doesn't work for them and they can't work within
24 the government. Well, what's the reason go and
25 vote? One might as well save one's time and

1 energy.

2 Why do I say that? I say that because even
3 though we were talking about specifically voting
4 here tonight, in New York City, the genius of the
5 original founders of this City when they put this
6 City together from the various other parts of
7 what was around New York Harbor way back when,
8 was the idea of balancing central concerns
9 against local concerns. We don't have checks and
10 balances in terms of three departments of
11 government. But we always in New York City had
12 balance in terms of central administration and
13 local government. And you can see in the history
14 of our city there's always been concern about
15 maintaining the prerogatives of local government.

16 For example, when the City was first written
17 and the first Charter was written, you had
18 Borough Presidents. When it was found out that
19 Borough Presidents weren't effective they
20 increased the power of the Borough Presidents.

21 During the Wagner and Lindsey
22 administrations, when the City grew in size and
23 diversity, there was concern on both of those
24 Mayors that a city of this size and this city of
25 diversity would have the ability of different

1 folks to access the services of government and to
2 influence the various actions of their
3 government. During the '50s and '60s when we saw
4 city planners talking about the increasing
5 complexity of developing neighborhoods, we came
6 up with ideas such as ULURP and SEQRA and Fair
7 Share. Why? So that local folks would have some
8 say in their destiny.

9 Unfortunately, we have seen, and
10 particularly in the last two city
11 administrations, a change -- in the changing in
12 the clock going backwards. What we have seen is
13 a centralization of City government. We have
14 seen local initiatives cut off, and we've seen
15 the ability of people at the very bottom of
16 government to turn around and to influence the
17 life of this City.

18 Example: Loss of the Board of Estimate. A
19 lot of power went to the Mayor, creating a very
20 powerful central executive. That's a problem
21 when you have an executive who is very powerful
22 and an executive who is not willing, or should I
23 say who is not willing to accept any limitations
24 on that power and not willing to listen to others
25 in exercising that power.

1 We saw it when Giuliani came into office and
2 he ignored the recommendation of David Dinkins'
3 task force on service delivery, which was
4 mandated by one of the Charter changes back in
5 the '80s. Why was that an important situation?
6 I'll be quick, Chancellor. Why was that an
7 important document to take a look at? It
8 basically turned around and said those things
9 that were taken care of at the local level should
10 be taken care of at the local level. It mandated
11 local service chiefs working with Community
12 Boards. It mandated Borough Commissioners and
13 working with Borough Boards and Borough service
14 cabinets and Borough Presidents.

15 It turned around and basically said when
16 grants were given out in this city, rather than
17 removing it from the people with these special
18 groups of advisors or advisory boards, that they
19 should go through the committees of the Community
20 Board.

21 So what I'm here tonight to say is basically
22 we should redress the balance that has been
23 upset. We should give people in the local
24 communities more of the same of their life, and
25 we should turn around and restore some balance to

1 City government.

2 In addition to strengthening the roles of
3 Community Boards, and many of the Borough
4 President Stringer's ideas are good, I think we
5 should turn around and strengthen the role of the
6 Public Advocate by returning that office
7 basically to what it was when it was the City
8 Council President. To restore that office's
9 legislative initiatives, to turn around and to
10 give the Ombudsman's role some real teeth by
11 requiring the cooperation of City agencies and by
12 making sure the budget isn't played with by
13 making that or setting that budget along the same
14 lines as the IBO.

15 I think also an important thing this
16 Commission should look at is the control of
17 Comptroller. This was something when a
18 comptroller said something was wasteful, the
19 people listened. That was taken out in the '80s.
20 I think the obvious error of that is that \$3
21 million wastewater plants, which is only a
22 stone's throw from here, or some of the other
23 silly contracts that have cost this City tens of
24 millions of dollars. If you want people to be
25 able to participate in government make it

1 worthwhile for them to do so.

2 CHAIRMAN GOLDSTEIN: Thank you very much.

3 Ronald Adomako.

4 MR. ADOMAKO: Good evening, Chancellor, and
5 members of the Commission. My name is Ronald
6 Adomeko, and I'm here representing myself. When
7 we think about Democracy, by definition it means
8 will of the people. And in order to have a true
9 Democracy I think we need to allow nonpartisan
10 voters. And earlier, Chancellor, you mentioned
11 about buckets of concerns, and one of those
12 buckets that you mentioned were more a major
13 concern here because more is where we discuss the
14 people have the power to physically change what's
15 going on in our lives. And I'm not a politician,
16 I don't study politics. I'm just a junior at
17 Colgate University. And I came here on my own
18 will because I'm concerned. And in the last
19 presidential elections I was registered
20 independent. I was disappointed to know that I
21 couldn't vote because, you know, I wasn't a
22 registered Democrat or a Republican. Had I known
23 that would have been the case I may have
24 registered differently. So I urge you guys to
25 please reconsider, just to consider that issue.

1 And Chancellor, it will help me to know
2 what's your position on this issue.

3 CHAIRMAN GOLDSTEIN: Thank you very much.

4 MR. ADOMEKO: No, that's the question.

5 CHAIRMAN GOLDSTEIN: I'm not answering any
6 questions. We are running out of time, and I can
7 speak you to afterwards, okay?

8 MR. ADOMEKO: All right, thank you.

9 CHAIRMAN GOLDSTEIN: Gary Allsbrook.

10 MR. ALLSBROOK: Good evening, Chancellor,
11 and the rest of the Commission. My name's Gary
12 Allsbrook. And I was invited here by the
13 Independence Party, and I just wanted to say that
14 like my friend was saying, I wanted to vote for
15 Barack Obama in the elections last year. I
16 wouldn't have been able to do so registered as an
17 independent. Last time this issue came up was
18 seven years ago.

19 And one of the war cries of the Democratic
20 Party under Barack Obama was change. And times
21 have changed. So it seems like being a
22 contradiction saying that we need to keep things
23 the same as they are now. And also one of the key
24 party lines on election is like saying that you
25 don't want to bring education to the minority

1 community, which is already in certain ways
2 lacking education. So what I want to say is the
3 Democrats sitting here now to go back to the
4 people that you represent and tell them to keep
5 their game up, get out into the community, and
6 educate the people that you say you represent.
7 Thank you.

8 CHAIRMAN GOLDSTEIN: Thank you very much.
9 Myrna Labow.

10 MS. LABOW: Good evening, Chairman,
11 distinguished members of the Commission. I'm
12 requesting to have put on the ballot for a vote
13 that any person who wishes to run for the
14 position of a judge in the City and also the State, if
15 possible, I recommend that needs to be done also;
16 that any person have to campaign independently,
17 non-partisan, to win a nomination to run for
18 election as a judge, the public needs to know
19 about them, how they would be, neutral, fair,
20 compassionate. All the qualities required to be
21 a judge.

22 On Saturday there was a show by Richard
23 Hefner on the show called The Open Mind. He's a
24 professor -- I'm sure you all know -- from
25 Columbia University, and he had a very

1 distinguished attorney whose name I won't mention
2 because he might not like that. But of course it
3 was public, and he did speak about how judges,
4 some judges, are not fair and how some judges
5 play games with their friends. Or they'll play
6 favorites, or they'll rule in a certain way, the
7 way they want a case to come out, and he spoke of
8 that on the show.

9 Also, Alan Schneurman has a show called Law
10 Line, and he said there have been 600 complaints
11 about judges in New York. So I think we need to
12 change the way the judges become judges both in
13 the State and the City.

14 And also recently there was a man from
15 Albany -- I'm not sure of his position --
16 Mr. Sampson. I'm sure you know who he is. I
17 went to some of the hearings that he has held,
18 and there is so many stories and so many
19 complaints about judges. So if it's possible, it
20 be would great if you could get something on the
21 ballot for the people to vote and see how the
22 people from New York would like the judges to
23 become judges. So I thank you very much.

24 CHAIRMAN GOLDSTEIN: Thank you Miss Labow.

25 I would like to acknowledge in the audience

1 Council Member Gale Brewer who has been a
2 wonderful advocate of our work.

3 It's good to see you, Councilwoman.

4 That concludes our work this evening.

5 I'd like to ask for a motion to adjourn.

6 COMMISSIONER SCISSURA: So moved.

7 CHAIRMAN GOLDSTEIN: Yes.

8 COMMISSIONER CASSINO: One thing. I had the
9 opportunity to speak to George Spitz, who is a
10 stalwart at our meetings, and has recently fallen
11 and broken his hip. I had a chance to speak to
12 him and he sends his regards. He's doing really
13 well. He hopes to be out of the hospital the
14 next week or two.

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16 (Continued...)

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1 He says the two things he misses, the
2 computer so he can send us comments, and also the
3 World Cup. So he's doing really well and he
4 hopes to be out in two weeks.

5 CHAIRMAN GOLDSTEIN: When you speak to him
6 would you say we really miss him? Thank you.

7 That concludes our work for this evening.
8 See you next week in Staten Island.

9 (Whereupon, at 10:15 P.M., the above hearing
10 concluded.)

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13 I, NORAH COLTON, CM, a Notary Public for and
14 within the State of New York, do hereby certify
15 that the above is a correct transcription of my
16 stenographic notes.

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NORAH COLTON, CM

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