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Transcript of the Meeting of the

5

CHARTER REVISION COMMISSION

6

held on Tuesday, July 15, 2003

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New Dorp High School, 465 New Dorp Lane

8

Borough of Staten Island

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1 Meeting convened at 6:20 p.m.

2 P R E S E N T

3 FRANK MACCHIAROLA, Chairman

4 COMMISSIONERS:

5 PATRICIA GATLING

6 VERONICA TSANG

7 CECELIA NORAT

8 JERRY GARCIA

9 MOHAMMED KHALID

10 STEVEN NEWMAN

11 FATHER JOSEPH O'HARE

12

Also Present:

13

DR. ALAN GARTNER, Director

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1           COMMISSIONER KHALID: Good evening, ladies  
2 and gentlemen welcome to the second Charter Revision  
3 Commission meeting in Staten Island. First one was held  
4 at Curtis High School. My name is Dr. Mohammed Khalid.  
5 Before I introduce the members of the Commission, I want  
6 to thank the principal, Mrs. DeAngelis and the staff of  
7 the New Dorp High School for giving us this opportunity  
8 to hold this public hearing.

9           To introduce the members of the Charter  
10 Commission, seated on my extreme right is Alan Gartner,  
11 the executive director; Mr. Steve Newman, member;  
12 Dr. Frank Macchiarola on my right, Chairman of the  
13 commission. On my left is Patricia Gatling. On her  
14 left is Celia Norat and then we have Veronica Tsang and  
15 Jerry Garcia.

16           Let me give you the schedule of the public  
17 hearings and forums in the other boroughs, which if you  
18 wish to you could also attend and testify. On Thursday,  
19 July 17, public hearing will be at Queens Boro Hall  
20 which is at Kew Gardens at 102-55 Queens Boulevard,  
21 second floor conference room.

22           On Monday, July 21 at 3 p.m., 3 to 5 p.m.  
23 will be a forum on campaign finance and vote counting,  
24 at the Bronx District Attorney's office. The address is  
25 presidential hearing room, 198 East 161st Street, Bronx.

1 Second hearing will be at 6 p.m. hearing general  
2 session, second session, Bronx County Courthouse. It  
3 will be again the same place.

4 Tuesday, July 22nd, three to five p.m. will  
5 be two sessions. There will be two sessions, one three  
6 to five which will be a forum on the role of Board of  
7 Elections and Voter Assistance Commission that will be  
8 in the Brooklyn Public Library Main Branch, Grand Army  
9 Plaza at Eastern Parkway. Then again at 6 p.m. will be  
10 a general session at the same place.

11 Thursday July 24th at 4 to 6 p.m. will be  
12 forum municipal procurement and that will be at Columbia  
13 Presbyterian Medical Center, Manhattan, the address is  
14 177 Fort Washington Avenue at 168th Street. And then  
15 another last meeting will be Thursday, July 30th at 6  
16 p.m. and that will be a public meeting, Department of  
17 City Planning, Manhattan, Spector Hall, 22 Reade Street.  
18 We have something that's also on the website. I'm sure  
19 you all have the paper. We'd like to hear from you on  
20 these issues which the paper has been distributed to you  
21 regarding your comments on non-partisan elections and  
22 also on the procurement, we'd like to hear that.

23 The Commission entire report is available on  
24 the website which is [www.nyc.gov.charter](http://www.nyc.gov.charter).

25 I know some of you have signed in to testify

1 before us, along with written testimony. Those of you  
2 who have not signed in, please do so now. Please keep  
3 your oral testimony to three minutes limit. When you  
4 finish your oral testimony, please stay at the  
5 microphone, so if any of the Commissioners have any  
6 questions, they may be able to ask you. Once again,  
7 thank you for coming to the public hearing. We will  
8 start the public hearing now.

9 Councilman Michael McMahon.

10 COUNCILMAN McMAHON: Thank you very much  
11 Commissioner Khalid, and Chairman Macchiarola, thank you  
12 for allowing me to speak because I have another  
13 appointment at 7:00. For the public, excuse me for my  
14 back, but this is the way these hearings are, I have to  
15 address the Commission.

16 Good evening to you all. As you know, my  
17 name is Councilman Michael McMahon and I am very proud  
18 to say I am a Democrat. Our American system of  
19 government is based on the party system and it is the  
20 envy of every freedom loving person on this small planet  
21 called earth. To change that would be to hide from our  
22 past, denying our forefather's legacy.

23 I speak to you this evening, though, as the  
24 political outsider that I am. You see, less than 18  
25 months ago, I had to run a primary against my own

1 party's candidate. Would I have been a benefactor of  
2 the destruction of centuries of political organization?  
3 Yes, maybe I would have. Maybe it's like being raised  
4 in a large family, where one who has to learn to be  
5 assertive very quickly, but I did not shy from a fight  
6 then and a person seeking elective office who doesn't  
7 want to be known for his beliefs who would shy away from  
8 a frank discussion of their principles in a primary  
9 should not seek elective office.

10 I succeeded in mounting a challenge to the  
11 Democratic party structure through hard work and  
12 tenacity, not through a clever creation of a silly  
13 sounding made up party name with no past and no future.  
14 The party labels created by people seeking special  
15 election are comical at best and dangerously misleading  
16 at worst. Party labels and symbols have been used in  
17 this country for hundreds of years as markers of  
18 character and beliefs. A candidate's majority of  
19 stances on the issues are known to all by their party  
20 labels. To close the electoral system, to remove the  
21 descriptive label from a candidate's ballot, I believe  
22 would be more destructive to democracy than any of the  
23 wrongdoings of any party hierarchy.

24 A certain elected official known to us all  
25 as Mayor Bloomberg, would have you believe as reported

1 in the Daily News, that the, quote, "The fact of the  
2 matter is, those who have been able to manipulate the  
3 process don't want to get rid of it." In point of fact,  
4 one only has to look at the Mayor's history to see a  
5 classic case of political manipulation. He was a  
6 Democrat, but when he assessed his chances to win for  
7 poor, he made the cold calculation that switching  
8 parties would serve his ambitions. Now his chances of  
9 being renominated as a Republican looks grim, he seeks  
10 to change the system and complains about those who  
11 oppose him. Methinks he doth protest too much.

12           The people of our city want practical  
13 leadership, to be sure, but it must be rooted in firm  
14 beliefs; belief in democracy and fairness. Belief in  
15 the goodness of humanity and the rightness of equality  
16 and the belief in our city and its people.

17           Given a choice between the practical and the  
18 principle, the people will choose principle every time.  
19 This is a lesson I urge upon the Mayor's political  
20 advisers, not attempting to change the rules to meet  
21 one's end or needs.

22           With due respect to all here, especially  
23 Dr. Khalid, who I know personally, and of course  
24 Chairman Macchiarola, for the last time I saw him on  
25 Staten Island, I regret to say your St. Francis Terriers

1 didn't fare very well up at Wagner College, although  
2 that was a good thing for Staten Island.

3 I also want to say that the Charter  
4 Commission itself borders on a farce as you have been  
5 empowered to serve as a task force with a preordained  
6 outcome. These are trying times with danger and change.  
7 During such times people look to civic structures as  
8 foundations of communities and a calming force in a sea  
9 of upheaval. Change is inevitable and there's always  
10 room I feel for pragmatism. Yet these shouldn't  
11 displace idealism and principle, for those are the  
12 firmest pillars of democracy.

13 I urge this panel and the Administration to  
14 stop wasting time and money. Let's stop leading this  
15 City out of its darkest hours and into its brightest  
16 days.

17 Let me just say firmly believe and support  
18 the idea that we have a discussion about an issue as  
19 important as this. When I say this panel is a farce, I  
20 don't mean to personally attack anyone here, I know  
21 you're working very hard, but I don't know how a  
22 discussion can be had before a Commission when that  
23 Commission's determination is known to the public before  
24 that Commission even begins its process and that's why I  
25 had a problem with this very process and a problem with

1 the Charter Revision Commission process as it exists in  
2 our Charter today and that's what we have to look at.

3 I'll be glad to answer some questions, I  
4 know there were specific topics you wanted to address  
5 but I only saw that as I walked in this evening, but I'd  
6 be glad to do that as well.

7 CHAIRMAN MACCHIAROLA: Councilman, I can  
8 understand why you have attacked the Charter Commission,  
9 but I can't for the life of me figure out why you would  
10 attack the Terrier.

11 COUNCILMAN McMAHON: They're my second  
12 favorite team, second only to the Seahawks.

13 CHAIRMAN MACCHIAROLA: I want to say, to  
14 suggest that the Commission already has a predetermined  
15 result, I think those more, doesn't really speak to  
16 where this Commission is. For example, your criticism  
17 that this is done for the Mayor's benefit or maybe done  
18 for the Mayor's benefit, this Commission has to consider  
19 whether we in fact put this on the ballot for  
20 implementation in '05 or '09 is the questions we ask,  
21 and if people are fearful of the Mayor's personal gain,  
22 I'm sure this is something that the Commission and the  
23 Mayor would consider. This is not a closed case.

24 COUNCILMAN McMAHON: I think certainly that  
25 should be a strong consideration, just as if I as a

1 Councilman were to vote to overturn term limits, let's  
2 say, for an example, not that I would, but I use that as  
3 a perfect example. I think I would be morally obligated  
4 to only let it apply to those who come after me, not for  
5 those for my own gain, so I think that parallel could be  
6 drawn there and I would urge this Commission if you're  
7 at that point to certainly make it apply even, well  
8 there will be no two year elections for the Council, so  
9 it would be 2009.

10 I think if it's truly the right thing to do,  
11 which I disagree with, but if you reach that  
12 determination that it's clearly the right thing to do,  
13 then clearly if you make it for 2009, you remove that  
14 cloud as having it be read as someone's personal thing.  
15 And even not to disparage the Mayor personally, but it's  
16 just so obvious that if you don't, maybe it goes to my  
17 core belief and my core belief is that an elected  
18 official has to have core beliefs, and you have to stand  
19 for something and that means that you're part of a party  
20 process and you choose a party and that's what our  
21 country is founded on, and if you can flip-flop from  
22 party to party, you see everything as pragmatic and the  
23 practical, maybe that's something that's missing even  
24 from this administration.

25 I know that sounds like a political

1 statement, I don't mean to attack the Mayor, what I mean  
2 is you have to have some beliefs, core values and that  
3 identifies you as being part of a party. Again, I  
4 underscore the fact that I ran as an outsider against my  
5 own party, had to run a primary against my party's own  
6 candidate, so I would have been benefited for sure. If  
7 you knew the history of my district and my campaign if  
8 there were Republicans, Independents, Conservatives who  
9 could have voted for me in my primary I probably would  
10 have had an easier time. But I do not believe to make  
11 it easier for me is a reason to abrogate the system.

12 I'll give you another reason for me, for my  
13 own political future as a Democrat on Staten Island, I  
14 think I'm one of three, they all live in my house, my  
15 mother and father. I joke, but what I mean is we are  
16 not the party in the most powerful situation, so an  
17 individual not having a party label would benefit me if  
18 I choose to run for higher office. I still do not  
19 believe that's a reason to throw away 225 years of  
20 history in this country of having party politics and  
21 having the parties, believe it or not, as destabilizing  
22 as some people think they are, I also think they're  
23 extremely stabilizing especially in the legislative  
24 area.

25 CHAIRMAN MACCHIAROLA: Doesn't it trouble

1 you, having already espoused principles of party  
2 identification as significant that, people running for  
3 public office in this state seem to be able to collect  
4 party labels so that they can run on four or five  
5 labels? I mean, I have met Democrat-Conservative, I  
6 have met Democrat-Liberal, Republican-Liberal,  
7 Republican-Conservative, and I wondered what core values  
8 they presented to the public when they ran on more than  
9 one party label.

10 COUNCILMAN McMAHON: I think as someone who  
11 runs as a Democrat and have spoken to other parties, I  
12 think if you go to the other parties and you say what  
13 you stand for, what you believe in, for instance, on  
14 this topic there should be an open discussion, not a  
15 preordained decision and if that party chooses to  
16 endorse our current system then maybe that's fine, as  
17 long as you don't change what you stand for.

18 However, I'll also point out that New York  
19 State is one of the few states where that's possible.

20 CHAIRMAN MACCHIAROLA: I understand that,  
21 and that's troubling to members of the public who try to  
22 figure out what a candidate is all about.

23 COUNCILMAN McMAHON: I urge all those people  
24 who feel that way to march up to Albany and make the  
25 change in Albany law that allows that, but that's not a

1 New York City law. Here we're in New York City trying  
2 to find a remedy for a problem that's caused by Albany.  
3 As you know, we do that all day long in New York and we  
4 should maybe rather than focussing the discussion on a  
5 Charter change, we should talk about a Constitution  
6 change. I'm not sure of what the legislative  
7 authorization for that is, but whatever it is, maybe  
8 that should be changed, but that is a discussion that  
9 should be had at that level, not here at the City level.

10 CHAIRMAN MACCHIAROLA: If the Charter  
11 Commission could come up with a way of preserving party  
12 sanctity, party identification and at the same time not  
13 make the election process an instrument of the political  
14 party, rather an instrument of the general election, we  
15 ought to try to do that, don't you agree?

16 COUNCILMAN McMAHON: That exists. The party  
17 structure said no to my candidacy. I went out and  
18 collected petitions and I ran a primary and I Won. That  
19 option exists. It's not like a Supreme Court justice --

20 CHAIRMAN MACCHIAROLA: That's not the  
21 problem I identified. The problem I identified are  
22 political persons who run on more than one label,  
23 thereby denying to the voter in November the opportunity  
24 to figure out what that candidate stands for by party  
25 identification.

1           Party identification is either serious or  
2 not. If it's serious then you identify with a political  
3 party and you run with that political party. If it's  
4 not serious, then you do either of two things. You  
5 either have non-partisan elections or you allow  
6 political candidates to collect parties that will  
7 endorse them and confuse the voters.

8           COUNCILMAN McMAHON: No, because you agree  
9 with me that New York State is one of the few  
10 jurisdictions that allow people to run or to collect  
11 votes on more than one party and hand them up and allow  
12 that problem. That's a State jurisdiction.

13           CHAIRMAN MACCHIAROLA: New York State has  
14 some of the worst rules on getting on the ballot, as you  
15 know, you had to live with that. It has some of the  
16 worst rules for the role of political parties; they  
17 control the Board of Elections and therefore can't get  
18 anything done right. They control the judiciary and by  
19 doing that, put in third rate candidates to public  
20 office, and every place they have, and the process that  
21 we have in New York City of non-partisan elections, for  
22 succession, occurred because Councilmen were appointing  
23 other Council members to vacant seats in districts they  
24 didn't live in. You had that crazy situation in New  
25 York City before it was corrected by a Charter Revision

1 Commission.

2 COUNCILMAN McMAHON: You're putting into a  
3 basket one problem -- if I may finish, you're putting  
4 into a basket all the problems that exist in New York  
5 State and New York City electoral process over the last  
6 twenty-five years and by saying our cure, our pill that  
7 will solve this problem, we all know there's no one size  
8 fits all and you're saying here's our magic pill just in  
9 the City of New York, even though the State system is  
10 wrong, we're going to have non-partisan elections in the  
11 City of New York and that's going to change the system.  
12 I don't think that's the case at all.

13 CHAIRMAN MACCHIAROLA: All I'm saying is  
14 this: If the system in Albany is no good, just like a  
15 system that creates a public finance situation in the  
16 public schools that the Court had to declare  
17 unconstitutional, if that is what's going on there, then  
18 we ought to exercise, I believe, every bit of  
19 independence possible to define right doing, to define  
20 it in what we put on a ballot and to define it in what  
21 we say to the public and that's what I think the Charter  
22 Commission should be doing and I think I've been  
23 speaking too long about this, and I'm sorry.

24 COUNCILMAN McMAHON: No, that's quite all  
25 right I appreciate what you're saying. I certainly

1 think that we have a very fundamental -- I believe that  
2 when you seek to address a problem you should address  
3 that problem if there is such a problem and not find a  
4 side door cure that doesn't solve the problem and at the  
5 same time allows for greater manipulation of the system  
6 than exists now.

7           COMMISSIONER KHALID: Councilman, my  
8 question is there are fifty cities which include Los  
9 Angeles, Chicago, Houston, all these big cities have  
10 non-partisan elections. I don't find why it should not  
11 be New York City when it is the voters they're going to  
12 vote. The public, if they don't like it, they'll reject  
13 it, so I don't find any reason why the public should not  
14 be given the opportunity.

15           COUNCILMAN McMAHON: If the -- I believe  
16 that's certainly the case, if this Commission started  
17 out from an independent vantage point and said we're  
18 going to look at this and decide the issue and really  
19 listen to what people have to say.

20           Unfortunately, it's my understanding from  
21 things that were said when this process began, that the  
22 goal here was to have non-partisan elections and we're  
23 going to find the means to get there and that's an  
24 objection that I have, and I don't believe that the  
25 process is such, and there I have a problem with the

1 process, that this is not so much a Commission but a  
2 task force, finding a way to craft language that the  
3 voters will vote for to subvert the party process as we  
4 know it and as we have it and I do not believe that  
5 mistakes made in other jurisdictions should be repeated  
6 here just because they're made.

7 COMMISSIONER KHALID: I have the trouble  
8 that in the past meetings that we had in other boroughs  
9 and up till today, we see that 80 percent of the people  
10 were in favor of non-partisan elections. The only  
11 people who testified against it was the 20 percent who  
12 were all elected Democrat officials.

13 COUNCILMAN McMAHON: I think the fact that  
14 I'm an elected official does, I still have a right as an  
15 individual to have my opinion heard. I don't think it  
16 should be disparaged in any way because I am an elected  
17 official.

18 I also saw a news report today in no less  
19 venerable daily than The New York Times saying that in a  
20 poll 64 percent of the people supported keeping party  
21 identification. So if you want to do a poll as to who  
22 comes to the hearings, I don't think that that's scientific  
23 and I don't think that presenting a ballot question that  
24 gives the answer or, as we call in the courtroom a  
25 leading question, should be presented as well.

1           Certainly, the first question probably  
2           should be, "Should the City of New York have  
3           non-partisan elections or not?" That's it. Leave it  
4           at that and then you should come back and do the work  
5           and answer all the questions that you presented here.  
6           If you firmly believe in your heart that the people will  
7           vote for non-partisan elections, it should be one simple  
8           sentence on the ballot and let the people decide and all  
9           these details should not be worked out in advance.

10           COMMISSIONER NORAT: Councilman, let me  
11           assure you that the last time someone preordained how I  
12           was going to vote and make a decision, I was three and  
13           that was my mother, so I can assure you nobody gave us  
14           directions as to how we would vote.

15           COUNCILMAN McMAHON: Commissioner, or  
16           Committee Member Norat, I did not mean for a minute to  
17           impugn the integrity of any of the Commission members.  
18           However, the impression exists that maybe this  
19           Commission has spelled that the outcome is preordained.  
20           Let me say this, if you believe at the end of this  
21           process that the people want to vote on this, then it  
22           should be a very simple question, that's it, and all  
23           these details should be worked out at another go-round.

24           COMMISSIONER NORAT: Agreed, but the point  
25           is we don't know yet what the question should be.

1           COUNCILMAN McMAHON: I'm here to say to you  
2 I have no problem with the discussion and debate, I'll  
3 say that right now. Even though I oppose non-partisan  
4 elections, I'll say that right now, if you want to have  
5 the process and the debate, I have no problem with that.  
6 Maybe Dr. Khalid's comment is well taken, maybe some  
7 other jurisdictions have it, maybe they know something  
8 that we don't know, but when you get to that point the  
9 process should be should there be non-partisan elections  
10 and should the Commission go back to work and present  
11 another format, yes, and you should go back next year or  
12 the year after that and answer that.

13           But to answer all the specifics now, for  
14 instance, should be there a primary election or no  
15 primary elections, when people realize, you're still  
16 going to have two rounds of elections, what's the point  
17 of that? I think people will understand it better and  
18 then there will be some discussion. My impression is,  
19 it seems to be, again with no criticism to the  
20 individual members here, but when you stand before a  
21 panel of judges you have to disagree with them, too, and  
22 I do so very respectfully.

23           But the impression is in the media and the  
24 public as I ascertain it, that this is a foregone  
25 conclusion, the Commission has made up its mind they're

1 going to present detail that gives some cover to the  
2 advocates behind this and they're going to put it on the  
3 ballot.

4 If you firmly believe that the people should  
5 decide this, make it a very basic "yes" or "no" question  
6 about whether the Commission should continue its work to  
7 come up with a solution.

8 COMMISSIONER NORAT: In other words, in  
9 summary, if it's presented as a simple question for the  
10 voters of the City to decide, we're all in agreement?

11 COUNCILMAN McMAHON: I know how I'll vote,  
12 I'll vote no, but the process I think will have much  
13 more integrity that way. Yes.

14 COMMISSIONER KHALID: Steve?

15 COMMISSIONER NEWMAN: Just a follow up on my  
16 fellow Commissioners. One, obviously, we wouldn't be  
17 preordained by having any questions, it's a clear sign  
18 that we're not clear and there is a discussion, and I  
19 can tell you, the ten questions as they are now are not  
20 the way they were back a couple of weeks ago. So  
21 there's clearly differences of viewpoints in this.

22 Two, in the 85 percent of cities that  
23 actually do non-partisan elections, the overwhelming  
24 majority of cases are that the election ultimately winds  
25 down to two Democrats who end up running against each

1 other. And the public knows they're both Democrats  
2 because there's nothing that stops them and there's  
3 nothing that we could conceivably do that would stop  
4 people from self identifying themselves. The difference  
5 is that everybody could vote, not just the narrow  
6 constituency that might vote in a primary. Particularly  
7 in a one party city, which is what has driven most  
8 cities to non-partisan elections. It is healthy that a  
9 majority of the public chooses elected officials. So  
10 what do you see as a problem with that?

11 COUNCILMAN McMAHON: That's not the proposal  
12 as I understand it. There are states, I believe Oregon  
13 is one -- I should say I know there's a state or two, I  
14 don't mean to misquote anything, that has that, at least  
15 in the Presidential election where you can be a member  
16 of a different party and vote in a certain primary. If  
17 that's the suggestion then the discussion should be  
18 quite different. But I don't think, I don't know that  
19 you can do that under city law. I think you have to go  
20 to State law to enable that. Again, we're trying to fix  
21 problems that may exist because of Albany here because  
22 of a Charter Revision Commission, that certainly seems  
23 to be a roundabout way.

24 I would also say, Committee Member Newman,  
25 that the questions are here and the staff's

1 recommendations are here, and certainly if the staff has  
2 made these recommendations, then one has to think, well,  
3 maybe that's the way is Commission is leaning or not, I  
4 don't know. Again, without impugning --

5 COMMISSIONER NEWMAN: If you were at the  
6 last meeting, you would know different.

7 COUNCILMAN McMAHON: Thank you, I look  
8 forward to being at one some day.

9 COMMISSIONER NEWMAN: And, in fact, the  
10 wording of some of these from the staff is different  
11 because of those meetings.

12 COUNCILMAN McMAHON: What we're doing here  
13 is throwing the baby out with the bath water. To reach  
14 that goal where people can cross lines and vote in  
15 different primaries is quite different and much -- a  
16 good relief, probably, but much different than taking  
17 all party labels off, and I think taking the principle  
18 out of our elected officials and opting for solely  
19 pragmatism and I think that's how you get 28 percent  
20 poll ratings.

21 COMMISSIONER NEWMAN: As Chairman  
22 Macchiarola said, we can't control what goes on in  
23 Albany. We do have a say in what goes on in New York  
24 City.

25 CHAIRMAN MACCHIAROLA: And I promise you, I

1 as one member of this Commission, am prepared to deal  
2 with the issues that you've raised, because the work of  
3 this Commission has not been preordained. There are  
4 some people out there who suspect that that's the case,  
5 simply because their opposition is preordained. If you  
6 want to decide where preordained takes place, it's in  
7 people who have come out -- which you have not done,  
8 you've responded to us, you've not responded to larger  
9 than the issue here, so I'm not criticizing you on this,  
10 but a number of other people who have launched attacks  
11 on resolutions they haven't seen on beliefs they have,  
12 as best I can figure out, only surmised, and the only  
13 thing that I think is grounded in reality is their fear  
14 of what the people will do when given the opportunity to  
15 make choices about issues like this. That's what I  
16 think, but I'm telling you, what you said today will  
17 have an impact.

18 COUNCILMAN McMAHON: I have one last point.  
19 To underscore my own personal credentials, that if you  
20 know my political history and how I got started, the  
21 party was a hindrance and the election, because people  
22 couldn't cross over and vote in the primary I think was  
23 very close, I ran against two very fine candidates, I  
24 don't mean to say that, but even for me personally a  
25 political future would be brighter, perhaps in a

1 non-partisan world, but I don't believe in that.

2 I'll also say again I come in with a  
3 preordained notion how I would vote on this, but I don't  
4 come in and say the debate should not be had, but the  
5 debate then should be on a very simple question, I don't  
6 know what it is, very similar to what we had here,  
7 should we consider cession, and the people voted yes,  
8 then we went on, and the question, should there be,  
9 whatever clear wording is, a non-partisan election in  
10 the City of New York and should the Commission go  
11 further to present another proposal on that, bang and  
12 then the people vote "yes" or "no" on that, and then I  
13 think that's a fairer debate. Thank you.

14 COMMISSIONER KHALID: Thank you, Councilman.

15 I want to recognize another Commissioner  
16 that has just arrived, Joseph O'Hare.

17 COMMISSIONER KHALID: George Spitz.

18 MR. SPITZ: Honorable Commissioners, the  
19 New York City Charter Commission completed the first  
20 round of public hearings June 26, at which time the  
21 committee staff consisting largely of Mayoral appointees  
22 added preliminary recommendations. That staff, like  
23 most of this Mayor's appointees', was accessible and  
24 courteous to a degree unprecedented during my experience  
25 in City and State Government in over 50 years of civic

1 activism and twenty years of government employment,  
2 lastly as a State auditor of City programs.

3           The staff proposals, except for the highly  
4 publicized shift to non-partisan elections, are  
5 generally undermet. In fact, the procurement changes  
6 might actually prove a step backward if the New York  
7 City political culture regains total control of City  
8 Government in the foreseeable future.

9           One of the best reasons for voting for Meyer  
10 Michael Bloomberg over Mark Green in the last election  
11 was to prevent Green and his minions from gaining  
12 control of the contracts let by City Hall which had  
13 grown from 2.8 billion to over 6 billion in recent  
14 years. Green's recently exposed use of campaign monies,  
15 including public funds from the Campaign Finance Board  
16 to make payoffs of \$240,000 to Brooklyn Democratic boss  
17 Clarence Norman; 230,000 to a group called ACORN for  
18 printing of racist literature, may show that Bloomberg's  
19 victory saved New York City from having \$6 billion each  
20 year placed in unscrupulous hands.

21           But while it is doubtful that Green will  
22 serve as a serious possibility for public office in the  
23 foreseeable future, Speaker Gifford Miller has raised  
24 over \$1 million, much of which will be matched by the  
25 Campaign Finance Board in a four to one ratio for a

1 potential challenge to Bloomberg in 2005.

2           A significant portion of this funding came  
3 from bundlers -- this came from the New York Post --  
4 whose clients were subsequently rewarded with money from  
5 the City budget. The New York Post article, quote: "It  
6 is coming up dollars for free lobbyist who raise  
7 campaign funds for City Council Speaker Miller. Clients  
8 of this trio won large handouts when the Council  
9 distributed millions last month to nonprofit groups  
10 under the City's 33.7 million budget."

11           Honorable Commissioners, unhappily, what  
12 Gifford Miller is doing and perhaps some of what Mark  
13 Green did, including use of public funds to publish and  
14 distribute racist literature, may have been marginally  
15 legal under present New York Charter. There is nothing  
16 in the staff recommendations that will prevent  
17 outrageous conduct such as that from happening in the  
18 future.

19           The staff has commendably scheduled a forum  
20 on campaign finance May 21. I intend to make  
21 recommendations at the forum and I hope others will.  
22 The staff also did virtually nothing to facilitate  
23 ballot access in New York City that possessions election  
24 laws that are a national disgrace. The staff did  
25 consider substituting a filing fee for the arduous

1 petition process now in effect and concluded that such a  
2 system might, quote, "encourage nuisance candidates,"  
3 in quotes. Let me say as one who has frequently been  
4 labeled a, quote, "nuisance candidate," close quote,  
5 that this is not entirely my unbiased opinion this is  
6 undemocratic thinking and should be rejected. The City  
7 should either drastically reduce the signature  
8 requirements or substitute a filing fee.

9           Although Mayor Bloomberg has come out in  
10 principle for proportional representation, the staff  
11 claims that quote, "The current City's lever-based  
12 voting equipment would likely not accommodate a switch  
13 to alternative voting systems." In fact, the current  
14 voting machines would easily accommodate a system of  
15 proportional representation used in Finland, far  
16 superior in my opinion from that employed by the City  
17 during 1937 through '45 or in the School Board elections  
18 because the Finnish system closely resembles the method  
19 currently in use to select delegates to the Democratic  
20 National Convention which are easily handled by the  
21 present machines.

22           Finally, in its recommendations for  
23 procurement, the staff appeared to completely ignore the  
24 obvious fact that New York City's conflict of interest  
25 rules are inadequate, as recognized by Dean Feerick's

1 Commission. The Feerick Commission recommended, quote,  
2 "a ban on the solicitation of campaign contributions  
3 from those who have business dealings with the City and  
4 a ban on the making of contributions by those who have  
5 business dealings with the City." Instituting of the  
6 Feerick Commission proposals would put a crimp in the  
7 fundraising operation of the Mark Greens and Gifford  
8 Millers. Fortunately, the staff has scheduled a  
9 Commission forum on procurement July 24th, where the  
10 Feerick rules can be heard in detail.

11 I might remind the honorable Commissioners  
12 and the excellent Commission staff that matters like  
13 Civil Service and sealed bidding were introduced into  
14 American public life because patronage and no-bid  
15 contracting were strangling U.S. Government in the  
16 period following the Civil War and in New York City by  
17 Tammany Hall in the years just prior to LaGuardia's  
18 administration.

19 The staff recommendations deplore, quote,  
20 "overly rigid procurement rules," close quote, and  
21 propose to revise the Charter to, quote, "give greater  
22 flexibility to the procurement community." I shudder,  
23 and so should you, honorable Commissioners, over  
24 what greater flexibility in the procurement process  
25 would have done in a Mark Green administration or what

1 greater flexibility would permit in a Gifford Miller  
2 administration. To protect New York City's treasuries  
3 from the degradation of the political culture,  
4 Commissioners, the Charter requires more, not less,  
5 rigidity in the procurement process.

6 COMMISSIONER KHALID: Thank you, George.

7 DR. GARTNER: Steve Isler.

8 MR. ISLER: Good morning. My name is Steven  
9 Isler, I'm chairman of the Staten Island Independence  
10 Party. I'd like to speak about non-partisan elections,  
11 which I'm very much in favor of, as is the Independence  
12 Party itself.

13 I would like to start out, I disagree with  
14 Councilman McMahon, but contrary to his testimony this  
15 country was not founded on a partisan system. As I'm  
16 sure most of you know, the early founders of this  
17 country were very wary about factions taking control of  
18 the Government apparatus, you know, people from  
19 Washington to James Madison thought this would be  
20 something that would be detrimental to our democracy,  
21 and I think time that has proven that to be the case.  
22 From Tammany Hall to what you see in Brooklyn with the  
23 judicial system right now, I think parties have done  
24 more harm than good in general. There are some good  
25 things that they've done, certainly, you could make that

1 argument, but it's no reason why a municipality in fact  
2 could have the partisanship that you see on a national  
3 level or even on the State level. I see that primarily  
4 a question of fairness, ballot access, of leveling the  
5 playing field.

6 As it is, Councilman McMahon said he was an  
7 insurgent Democrat, that's true. The reason he was able  
8 to run is because he was a Democrat. If he was an  
9 Independent he would go to the Democratic leaders and  
10 they would more than likely say no, you can't run in the  
11 primary, you're not allowed. As an Independent you  
12 would need three times as many signatures and you would  
13 have no chance of getting on the ballot. It's a  
14 fundamentally unfair system and I think it should be  
15 changed.

16 Also something else Councilman McMahon said  
17 kind of disturbs me and I've been seeing this in the  
18 last several weeks. I see this debate as getting  
19 personalized. I see it from Congressman Rangel and  
20 others who say this whole proposal is so Mayor Bloomberg  
21 would be able to win the election. Okay, maybe you  
22 could make that argument, maybe it's a good argument or  
23 a bad argument. The point is this is a very fundamental  
24 question of the future of our city and it should not be  
25 personalized. I think it's unfortunate that it is being

1 so, but it's a fact, there's no way around it, which  
2 leads me to one of the questions that somebody mentioned  
3 earlier, should this proposal be enacted in 2005 or  
4 2009.

5 I think one thing you might want to consider  
6 as bifurcated time line on this. There might be a  
7 reason why you would want to have the City Council and  
8 Borough Presidents elected in a non-partisan way in 2005  
9 but hold off on the Mayor, because Mayor Bloomberg might  
10 want to run for reelection. I would take the pressure  
11 off, they would have to focus on the issue, not the  
12 personality. Again it's something to consider.

13 Not to take too much time, but I've been  
14 looking at the questions that you had and I just have a  
15 few very brief comments. How should the candidate get  
16 on the ballot? One thing I did notice, you mention 900  
17 signatures to get on the ballot. I'm sure your staff  
18 has seen this already but maybe not, State law requires  
19 2700 for a petition, I think the State law would have to  
20 be changed if you want 900 and I think you should  
21 examine that contingency, if for some reason the State  
22 Legislature does not go along with that change.

23 You ask when should the election be held, I  
24 think it makes sense to have a September primary and a  
25 general election in November. If there are only two

1 candidates, there's no real reason to have a primary,  
2 just have the two candidates run with no label on the  
3 voting machine in November.

4           Whether or not a candidate automatically  
5 gets on after the primary 50 percent, there are  
6 arguments for and against that. I think as long as  
7 you're having a primary anyway and you're going to have  
8 a general election anyway, it kind of makes sense to  
9 have the candidates get on automatically. I know in  
10 Louisiana they have another system where if you get 50  
11 percent, you're automatically elected in September.  
12 That's something to consider, I think.

13           You do mention briefly the role of political  
14 parties. As Councilman McMahon said, some people want  
15 that identification with the parties and there's no  
16 reasons, the parties will still exist. There's no  
17 reason a candidate could not identify him or herself  
18 with the campaign literature and so on with whatever  
19 party they want if they think that will be beneficial to  
20 the voters. I think, again, this is a question of  
21 fundamental fairness. It's a more fair system if you  
22 don't have these party labels people will not have an  
23 automatic advantage on the ballot and the voters will  
24 have to make a decision based on the best possible  
25 candidate, not take the easy way out and just see a

1 label, I'm going to vote for that label.

2 Thank you very much and I'll be happy to  
3 answer any questions, if you have any.

4 DR. GARTNER: On the point of the 900 or 27  
5 okay, the State Constitution provides two different  
6 numbers; one for an independent position of 2700 and one  
7 for a partisan petition for 900. The staff  
8 recommendation for the Commission is to opt for a  
9 maximum of the lower number. We do believe that that  
10 would pass muster under the State election law. The  
11 principle that the staff is concerned with is to keep  
12 that number at a lower ceiling in order to encourage  
13 greater opportunity for people with petitions.

14 MR. ISLER: I agree. I think the number for  
15 every office should be as low as possible. Again, my  
16 concern is for the election law itself. I believe that  
17 2700, okay, I have a concern there might be litigation  
18 involved in that point. When the final proposal gets  
19 written, I think you should just use the term the lowest  
20 number allowed by law, or 900 or the lowest that the  
21 State Legislature will allow.

22 DR. GARTNER: Can you assure us that that  
23 language will not have litigation?

24 MR. ISLER: I can't do that, I'm sure there  
25 will be litigation, that's why I think you should do it

1 this year instead of next year, so there's enough time.

2 I think if you have it on the ballot this year you'll

3 have enough time so it could be in place in 2005.

4 COMMISSIONER NEWMAN: A problem with your  
5 suggestion about segmenting implementation is the voting  
6 machines. There's a question in the first place about  
7 the voting machines and whether they could handle  
8 non-partisan elections, and obviously it becomes  
9 appreciably more difficult if you're running two  
10 different kinds of elections on the same machines.

11 MR. ISLER: I understand that. I personally  
12 don't see a problem if you have separate lines for  
13 non-partisan and partisan. I assume the election is  
14 held on the same dates as partisan elections, so you're  
15 going to have to have both partisan and non-partisan on  
16 the same ballot anyway. Mechanically, I don't really  
17 see a problem. I mean, you do have non-partisan  
18 elections for City Council special elections now, which  
19 I realize are separate from partisan elections.

20 COMMISSIONER NEWMAN: The issue is running  
21 both kinds at the same time.

22 MR. ISLER: I understand they become, but I  
23 think mechanically it can be done. Certainly if you get  
24 new voting machines within the next few years that, of  
25 course, will make things easier.

1           COMMISSIONER KHALID: Thank you, sir. Thank  
2 you very much.

3           DR. GARTNER: John Johnson.

4           MR. JOHNSON: Good night, Mr. Chairman and  
5 Charter Commission and all the members in the audience.  
6 I'm pro non-partisan elections and I would like them to  
7 be -- I'm also a candidate for the 49th CD on the  
8 Independence line. I would like to see these  
9 non-partisan elections come into existence immediately,  
10 like this September. I would like to see that.

11           I'm a 30 year resident of Staten Island and  
12 I'm from New York City. I believe that the best thing  
13 to happen to New York State was the Independence Party  
14 because I've been a Democrat for 35, 40 years, and what  
15 has it done for me lately? You know. And I believe  
16 that taxation without proper representation is the order  
17 of the day, especially here on Staten Island. I think  
18 the Independence Party line and non-partisan elections  
19 would facilitate an avenue and a venue for a person like  
20 myself to actually be elected.

21           There has never been a nonwhite elected  
22 official in the history of Richmond County, and I have  
23 to speak from a true social reality and speak from my  
24 own experience from Ground Zero, where I'm at, and I  
25 believe that this Charter Revision and the members are

1 in power to have true representation of the taxpaying  
2 public.

3           So I believe that in your capacity as a  
4 Charter Revision Committee, ad hoc or otherwise, what  
5 can be done that people are able to see where the  
6 taxpayer monies are going, especially with immigrants  
7 who are green card holders, this country was built on  
8 immigration; Italian, Irish, et cetera, and now, in the  
9 49th CD we have 50,000 Liberians, and they're closing  
10 down hospitals in the 49th CD when they are building  
11 hospitals in Iraq and Iran, Afghanistan, everywhere but  
12 where the tax paying U.S. citizen in our democracy,  
13 which non-partisan elections could facilitate an  
14 immediate change in what's taking place in our so-called  
15 democracy. It's not a democracy, it's a hypocrisy.  
16 It's a capitalist, imperialist monopoly.

17           You have to be rich and white to run in  
18 Richmond County. Yes, we have 51 new Council members in  
19 the City of New York, we just elected our first Chinese,  
20 but Staten Island has never had a nonwhite elected  
21 official. This is a true social reality.

22           There are a lot of progressive white people  
23 on Staten Island and I'm looking for a sympathy vote.

24           My son graduated from this school. The last  
25 time I was here was his commencement exercise. And I'm

1 happy to be back with the Charter revision with the  
2 specific non-partisan election agenda on board, and you  
3 people are to be commended for taking this on.

4 I was here with cession, with the  
5 revision, with term limits, and now again. I believe  
6 that Dr. Martin Luther King, Fanny Newhamer, they stood  
7 for something in our country.

8 I'm calling for this Charter Commission to  
9 also look for Federal monitors and poll watchers and  
10 recounts, because I worked on Reverend Sharpton's Senate  
11 and Mayoral election, David Dinkins' election and what  
12 took place here in Richmond County, the only thing that  
13 can remedy that is non-partisan elections.

14 STAFF: Sir, your time is up.

15 MR. JOHNSON: Thank you very much.

16 COMMISSIONER O'HARE: Thank you, sir.

17 DR. GARTNER: Dee Vandenburg.

18 MS. VANDENBURG: Good evening. I'm going to  
19 make this short and sweet, because I'm supposed to be  
20 someplace ten minutes ago. My organization is very  
21 angry with the City of New York and the Mayor is going  
22 to be hearing about it because there's a public hearing  
23 with the Economic Development Corporation going on as we  
24 speak. We're going to get big T-shirts to say  
25 "Communication is the Key" here, because we can't split

1 our organization in three ways. There are three  
2 meetings going on tonight. And I apologize for being  
3 angry, but we are all over town, this is the middle of  
4 summer, and the fact of the matter is this room is so  
5 empty is again a disgrace, and I told this to every  
6 other agency, so please don't feel slighted.

7 I am going to read my statement.

8 We have joined the Taxpayers for an  
9 Affordable New York, which is something our organization  
10 never usually does is joining another organization. I  
11 have no comment on non-partisan elections, because we're  
12 not out to back anything that has anything to do with  
13 politics.

14 Our organization wishes to state the  
15 following for the record: We are in full support of the  
16 reform of the Chapter 13 of the RFP. Much further,  
17 public input is needed on this issue, and I'm going to  
18 stress "public input" and "much further" on these RFP's.  
19 There have been too many indications of corruption with  
20 regard to the granting of RFPs, in particular the RFPs  
21 granted by New York City Department of Parks and  
22 Recreation needs to be looked into and ladies and  
23 gentlemen, we're talking real strong, here.

24 On Staten Island it seems that the same  
25 applicant gets granted the different projects. We

1 applaud all involved in helping to stop this atrocity.

2           On a separate issue not on our agenda, we  
3 ask that the City Charter be revised with reference to  
4 property tax increases. Public hearings are needed  
5 before these increases are approved. On Staten Island,  
6 the assessments go up and up and we pay more and more,  
7 and we do not have services or infrastructure as the  
8 rest of the city does. In fact, I think people are  
9 wondering how they're going to get out of here because  
10 we just don't have it here, period and it's all of this  
11 island.

12           The taxpaying citizen is what supports all  
13 avenues of this great City, yet we tend to have little  
14 say in anything. We need this Commission to work for  
15 us. In future hearings we ask that this Commission  
16 check the schedule of other City agencies for their  
17 public hearings. Tonight there's a public hearing at  
18 the New York City Economic Development Corporation  
19 because they're about to give away city owned land at a  
20 real fraction of the cost and we're very angry about  
21 that also. As we have not learned how to cut ourselves  
22 in half, we are finding the conflict of dates absolutely  
23 impossible.

24           Thank you for your time.

25           These petitions have been circulated from

1 Staten Island and every borough of the City of New York.  
2 We will be turning them in to the Taxpayers for an  
3 Affordable New York, who I believe will be presenting  
4 them to this Commission. Thank you.

5 COMMISSIONER KHALID: Thank you. There's  
6 one question, the Commissioner has one question for you.

7 COMMISSIONER NEWMAN: The parks you're  
8 talking about, are they the ones for Parks Department  
9 hiring organizations to do work in the parks?

10 MS. VANDENBURG: Yes, they're to do work in  
11 the parks to get concession granting. We have an issue  
12 right now where there's three concessions that have been  
13 granted, Wolfs Pond Park, the Staten Island Zoo and Snug  
14 Harbor and, miracles of all miracles, it just happens to  
15 be the same group and we're starting to really wonder  
16 why. It is not a fair process.

17 COMMISSIONER KHALID: Thank you very much.

18 DR. GARTNER: An apology for  
19 mispronunciation. Yogesh Desai.

20 MR. DESAI: Good evening, my name is Yogesh  
21 Desai. I'm a New Era Democrat member. I'm speaking in  
22 the support of the non-partisan election. A  
23 non-partisan system would provide more opportunity for  
24 the candidate to offer more visions and ideas to the  
25 voter. I believe that the proposal of non-partisan

1 elections will help foster the bonds to bring the  
2 government and the government. Non-partisan elections  
3 is based on the value of well-informed and educated  
4 citizens. It would create opportunity for the people  
5 from outside of the party to compete with the party  
6 insiders. Newcomers and career people and people  
7 outside of government find it very difficult to run for  
8 the elected office.

9 The ultimate goal is to create a more  
10 responsive and effective local government. It would  
11 allow more people with limited means to compete, whereas  
12 the current system relies upon party donations and  
13 fundraising. A non-partisan system would allow more  
14 people to compete and win. Non-partisan election  
15 systems have existed in New York State for 80 years.

16 I thank you very much for your time.

17 COMMISSIONER KHALID: Thank you, sir.

18 Anup Desai?

19 MR. DESAI: My name is Anup Desai.

20 COMMISSIONER KHALID: Could you speak a  
21 little louder bring your microphone towards you?

22 MR. DESAI: My name is Anup Desai. I'm a  
23 member of NED and I'm here to represent New Era  
24 Democrats and I'm speaking in support of non-partisan  
25 elections.

1 I reiterate what my dad said. I believe  
2 that a non-partisan system would provide more  
3 opportunities for candidates and open more visions and  
4 ideas for voters. A non-partisan system would allow  
5 more people to compete. It brings the electoral process  
6 back to the issue and away from the money like why  
7 discriminate people that are not millionaires or come  
8 from families of wealth?

9 Elections should be based solely on the  
10 issues. The beauty of NED is that it helps people from  
11 outside the party political machines to be on equal  
12 footing with party insiders. This non-partisan system  
13 will allow more people to compete and win and ultimately  
14 help the voter out by bringing fresh new ideas to every  
15 community. That's the most important thing.

16 Thank you very much for your time.

17 COMMISSIONER KHALID: Fred Morano.

18 MR. MORANO: Good evening, Commissioners,  
19 welcome back to Staten Island, it's a pleasure to have  
20 you back here. I really didn't anticipate testifying  
21 tonight, as I've testified on this issue at three other  
22 Commission hearings, but unlike Chairman Steve Isler who  
23 spoke earlier who said he hated to disagree with  
24 Councilman McMahon, I take great pleasure in disagreeing  
25 with Councilman McMahon and pointing out that many of

1 his statements were inaccurate and misleading.

2           Aside from calling you a farce, what he did  
3 basically for a very long time when he was speaking was  
4 say really only two things that I understood, to be  
5 fair. One is he said that this country was founded on a  
6 partisan system, and as Chairman Isler pointed out  
7 earlier, this country has always had political parties,  
8 going back to the days of the federalists and the  
9 democratic Republicans, but what these were like minded  
10 groups of citizens together to put candidates they  
11 agreed with into elected office. What they've become,  
12 especially in this state and especially in this city is  
13 legally recognized entities, and if you're not a member  
14 of this party, it equates with political suicide. So  
15 really, it wasn't until this century that political  
16 parties have had the legal standing that they've come to  
17 have, that they've come to have today.

18           Secondly, the other thing you pointed out  
19 was there some sort of ideology that comes with the  
20 party label. I think we only need to look at our Mayor,  
21 who signed a tax increase, rather large tax increase  
22 into law, and who opposes cigarettes like most mayors  
23 I've never seen and has become a frequent target of Rush  
24 Limbaugh, and yet he was elected as a Republican. I'm  
25 not sure what seeing him as a Republican does to tell

1 you about his ideology.

2 Councilman McMahon is a Democrat and a  
3 Conservative. I'm not sure what seeing both those  
4 labels under his name does to tell me about his ideology  
5 or belief.

6 I've testified many times before about why I  
7 think non-partisan elections is a good idea. I want to  
8 tell the Commission that I think that this issue is a  
9 good issue that we're talking -- we're on the verge of  
10 making great strides in making politics less political,  
11 but in the very discussion of the implementation of how  
12 to make politics less political the discussion has  
13 become politicized.

14 What do I mean by that? I cannot believe --

15 STAFF: One minute remaining.

16 MR. MORANO: -- that we're considering  
17 implementing non-partisan elections in 2009 rather than  
18 2005 just because it might help one particular Mayor get  
19 reelected, maybe. Now, if non-partisan elections is a  
20 good idea, and ultimately that should be left up to the  
21 voters of the city to decide, then why postpone for four  
22 years the most important city elected office from being  
23 elected in a non-partisan manner?

24 The only case where I think non-partisan  
25 elections should be postponed to be implemented until

1 2009 is if the Commission decides to implement an  
2 instant runoff voting system of which I've submitted  
3 testimony of my support before. In that case, if there  
4 were a need to wait for new voting machines until 2009,  
5 then I think that would be understandable.

6           Additionally, I think non-partisan elections  
7 should be brought about this year rather than next year,  
8 firstly because all City Council candidates are running  
9 this year and it sort of seems appropriate that we talk  
10 about the method of electing these council members in a  
11 year in which they're elected.

12           STAFF: Time.

13           MR. MORANO: And it will save the city money  
14 on the cost of the Voter Guide. Thank you. If there  
15 are any questions, I'd be happy to answer.

16           COMMISSIONER KHALID: Are there any  
17 questions? No. Clara Martin?

18           MS. MARTIN: Good evening, members of this  
19 Commission and welcome to Staten Island. My name is  
20 Clara Martin and I'm the National Committeewoman for the  
21 New York State Young Democrats. Currently I serve as  
22 chair of New York State Young Democrats caucus of color  
23 and more locally vice president of the Young Democrats  
24 of Richmond County here on Staten Island. Let me begin  
25 by thanking each of you for taking the time to visit our

1 Island and giving members of our committee the  
2 opportunity to address pertinent issues that affect the  
3 voting population of our borough. On the issue of  
4 non-partisan elections, I would say while rhetorically  
5 attractive, actually undermines democratic policy and  
6 the ability of our citizenry to participate fully and  
7 knowledgeably in the electoral process. Some have been  
8 known to say it's just like Jim Jones' Kool-Aid. It  
9 tastes good, but it can kill you.

10           There's nothing partisan about non-partisan  
11 elections. The term "non-partisan" is misleading in its  
12 usage. This Commission is really charged with the  
13 proposal of eliminating of party primaries and a switch  
14 to non-partisan elections. Removing party labels from  
15 the ballot makes political participation more difficult  
16 for voters, particularly in low information races, those  
17 in which little information is available about the  
18 candidate for the City Council races.

19           A person's party still tells a lot about a  
20 person's values, surely more than poll-driven,  
21 theme-concocted, consultant-written 30-second TV spots.  
22 If we eliminate party identification in elections, it  
23 means that voters will have even less useful information  
24 and that wealthy candidates can be more likely to win  
25 with commercials. The term GOTV would then mean "go on

1 television" rather than "get out the vote."

2 It also dilutes participation, which is part  
3 of my testimony, within communities of color.  
4 Non-partisan elections are bad for lower income voters,  
5 which in New York City tends to mean African American,  
6 Latino and other of color populations. A party label  
7 sends a signal that offsets the information and  
8 resources and advantages taken by other low income,  
9 minority and/or women voters who represent the majority  
10 of the people of the City of New York. Simply put,  
11 non-partisan elections dilute the electoral strength of  
12 these groups.

13 Statistics that cite the benefits of  
14 non-partisan elections for of-color candidates are  
15 inefficient, because they examined cities with  
16 predominantly African American and Latino majorities.  
17 In these cases, of-color candidates benefit from  
18 demographics, not from non-partisan elections. It's  
19 also troubling that in New York City your proposed move  
20 to non-partisan elections would occur just as of-color  
21 political leaders have a key significant political  
22 standing. For example, in a City Council that's been  
23 cited in much testimony today--

24 STAFF: One minute remaining.

25 MS. MARTIN: -- the majority of the City

1 Council is people of color. 25 members of color are  
2 elected to the City Council of the City of New York.

3 Finally, this issue could be a terribly  
4 divisive one at a time when such division is especially  
5 unwelcoming. Critics have pointed to studies that found  
6 voter turnout overall tends to be lower in non-partisan  
7 elections and voter turnout is skewed against people of  
8 lower socioeconomic status. In New York City, if voter  
9 turnout declines, and even if it doesn't, minority voter  
10 shares decline disproportionately as the evidence  
11 indicates it may, then minority votes would be diluted  
12 and even though previous Commission testimony from  
13 Professor Lichtman states a nonevent, there's a  
14 possibility that non-partisan elections can violate the  
15 Voting Rights Act of 1964.

16 For these reasons, I urge you to reconsider  
17 any efforts to eliminate political parties from local  
18 elections as such a change would be disastrous for  
19 millions of people of color in the City of New York.

20 While we acknowledge that such a support for  
21 non-partisan elections is rooted in a desire to improve  
22 New York City elections and our government, a deeper  
23 look suggests that it's not a worthwhile Charter  
24 revision at this time.

25 Thank you for giving me the opportunity to

1 speak this evening and I'm ready to accept any questions  
2 that you may have.

3 COMMISSIONER NEWMAN: You refer to lower  
4 turnout. What studies in what cities?

5 MS. MARTIN: Actually, in the local and  
6 state offices in Illinois, Nebraska, Kansas, North  
7 Carolina and Minnesota from the 70's to the '90s found  
8 that non-partisan elections significantly depress  
9 turnout because of lack of information by those  
10 candidates. Those studies were done in University of  
11 Illinois done in 1987 and if you would like I would be  
12 happy to forward a copy of that study to the Commission.

13 COMMISSIONER NEWMAN: Sure.

14 MS. MARTIN: Any other questions?

15 COMMISSIONER KHALID: Thank you very much.

16 MS. MARTIN: Thank you very much and enjoy  
17 your stay on Staten Island.

18 COMMISSIONER KHALID: Is there anybody left  
19 to testify?

20 MR. OLIVERI: Good evening members of the  
21 New York City Charter Revision Commission. My name is  
22 John Oliveri, I'm an intern with the Independence Party,  
23 I'm a policy management major at Cornell University.

24 I'm here tonight to offer my testimony in  
25 support of non-partisan municipal elections. As the

1 issue of non-partisan has been examined intensely, not  
2 only by this Committee but several before it, I do not  
3 see the need to argue the merits of non-partisan  
4 elections before this Committee. I personally held  
5 witness to the last meeting of the Committee held a few  
6 weeks ago and would point to their minutes at that time.

7           The polls seem to indicate the that  
8 Committee is already aware that we have before us a  
9 revolutionary chance to level the democratic playing  
10 field and give democracy in its true form back to the  
11 people of this city.

12           Certainly non-partisans offer us a chance to  
13 break the lock that political parties have over the  
14 democratic process. Can you not stand here before the  
15 Committee and explain those who win the party primaries  
16 nearly always win the general election, excluding nearly  
17 1 million registered voters from having an effective  
18 voice in their own government and I most definitely do  
19 not need to say that this is certainly not democracy.

20           I'm here today to offer you as the Committee  
21 something of perhaps it didn't aware. I spent the last  
22 three months on the streets of New York with my fellow  
23 interns talking to people about non-partisan elections.  
24 If you ever attempt to do anything of this sort in New  
25 York City, you know standing on street corners and

1 getting people to take time out of their daily lives and  
2 talk to you is rather difficult. But once people have  
3 taken the opportunity and once they've stopped and  
4 talked with us about non-partisan elections, what we  
5 found has been rather supportive.

6 In fact, nearly everybody who stopped and  
7 talked to us has taken up our literature, signed our  
8 petitions and many of them have volunteered their own  
9 time and resources to help put forth the effort that  
10 non-partisans has caused.

11 But what's more than that is they walk away  
12 with a look in their eye that symbolizes new found hope  
13 in democracy. The people in this City know for all  
14 their complaining about the climate in this nation and  
15 New York City in particular, that this is their chance  
16 to take the City back.

17 I'm here today to tell you from the eyes of  
18 a 19 year old, I've seen tremendous support for  
19 non-partisan elections. I'm here to make sure the  
20 voices that could not be heard tonight are heard. In  
21 short, I'm here to show that those New Yorkers do not  
22 want to let a chance for democracy to slip by. So if  
23 you have any questions, I'd be happy to answer them at  
24 this time.

25 COMMISSIONER KHALID: Thank you very much.

1 Farrah Mir.

2 MS. MIR: Good evening, ladies and  
3 gentlemen, Mr. Chairman, Dr. Macchiarola. Thank you for  
4 providing me an opportunity to speak at this meeting.  
5 My name is Farrah Mir, I'm a member of Pakistan American  
6 Civic Association, of whom Mohammed Khalid is a member  
7 among us.

8 I'm not an expert, just a concerned citizen  
9 who wants to voice her opinion. I believe that a  
10 non-partisan candidate for elections to City office best  
11 represents the interests of voters. Party officials are  
12 nominated by power brokers who are working behind the  
13 scenes and are elevating candidates based on factors  
14 which are not always on merit. A lack of party  
15 affiliation would allow a bigger pool of candidates to  
16 choose from.

17 The candidates would also make the extra  
18 effort to distinguish themselves from the others running  
19 for the office, hence the most qualified person would  
20 stand out among a large pool of office seekers. A  
21 non-partisan office would probably be more  
22 representative of the racial diversity of the city.  
23 This is critical for the long term harmony and unity of  
24 the City or local residents.

25 There is another question which sometimes

1 affects decisions of the voters. There is generally a  
2 loyalty to the party. A candidate who is on party line  
3 may get the vote because the voter is guilty about not  
4 voting on the party line. The elimination of party line  
5 would allow the voter to be more objective with their  
6 selection.

7 I also believe that the public is pretty  
8 aware of the possible exploitation of this novel way to  
9 vote and elect. A wealthy candidate without  
10 qualification is going to be more exposed, because there  
11 are a lot more candidates applying for the position. In  
12 conclusion, when candidates are attacked in a large  
13 group, the way to handle such attacks is give a good  
14 reflection of the way they would handle future tough  
15 situations. The cream would rise to the top.

16 Thank you.

17 COMMISSIONER KHALID: Thank you very much.

18 John Orlando.

19 MR. ORLANDO: Good evening. My name is John  
20 Orlando and I'm speaking to you on behalf of the New Era  
21 Democrats. I am vice president of operations. I speak  
22 tonight for the New Era Democrats in support of amending  
23 the City Charter to support non-partisan elections and  
24 this amendment standing alone as its own initiative on  
25 the ballot. New Era Democrats, or NED, is an

1 organization whose core principles very much speak to  
2 those being offered tonight. Indeed, NED is so  
3 committed to the idea that the voters vote for a  
4 candidate and not a party that we have endorsed and  
5 continue to endorse office seekers of all political  
6 stripes.

7           Though it doesn't seem to make sense, we are  
8 called democrats not because of those who we bar or  
9 those who we support, but because we believe that in  
10 America those most qualified to govern should do so.  
11 "Who is the best person for the job" is something you  
12 hear so often from our members that we often think that  
13 everyone uses this simple question as a test.  
14 Unfortunately, they do not, but it's hard to express how  
15 liberating this simple idea can be, that individual  
16 worth matters most. This is what NED is all about.

17           Our opponents will say that non-partisan  
18 elections do not necessarily guarantee a more democratic  
19 process. They will say that non-partisan elections  
20 might diminish voter turnout as a whole, but NED  
21 responds that this is a progressive amendment and there  
22 will always be opposition to progress for fear that is  
23 of a radical nature, but 41 of the country's 50 largest  
24 cities have moved to non-partisan elections. New York  
25 City, a city that always aims to be the best should be

1 involved in such a movement.

2           Then there is the issue of voter apathy.

3 Time does not permit me to list the countless number of  
4 complaints we receive about the state of our political  
5 system, but they certainly illustrate for us time and  
6 again what people want, and what they don't want. They  
7 don't expect to have their every whim met or they don't  
8 expect their politicians or politics, for that matter,  
9 to be perfect, but they do expect the officials working  
10 for them to do so competently and ethically and they are  
11 responsible to not only crave leadership, but to also  
12 demand accountability that goes along with it.

13           Only real and well-intentioned change will  
14 start healing the sickness that is voter apathy and this  
15 is yet another reason to get behind this reform. Both  
16 NED and this reform can be not a new, but often  
17 forgotten ideal that government exists for the people.  
18 That at its best it insures justice, equality and  
19 opportunity for the whole human family.

20           We believe that the proposal of non-partisan  
21 elections in so many ways will help foster that bond  
22 between the government and the governed. Non-partisan  
23 elections will not, of course, guarantee that the people  
24 are always satisfied with the hand that they are dealt,  
25 but only that there be no crookedness in the dealings

1 and in a representative democracy and even the most  
2 hardened proponents would agree the electorate is  
3 entitled to that.

4           So now we have an opportunity to effect  
5 change for the better. We do so because we believe in  
6 New York City. We believe that an important part of  
7 making this City even better is a fair and open  
8 electoral system, a system with a process that will  
9 promote equity, not fixed outcome and we have a new  
10 Mayor, new City Council and citywide elected officials  
11 along with many people who came out tonight that believe  
12 that men and women could still make a difference. This  
13 is what America is all about and to what NED aspires.

14           We thank you for the opportunity to be here  
15 this evening and for seeking out the diverse group of  
16 voices in this matter. We no longer live in a time  
17 where we can sit idly by with the passing of political  
18 politics. We must be diligent in our attempts to make  
19 government more accessible than it has ever been. If we  
20 are to continue being the world's city, then we must  
21 show the world that those who represent us are in turn  
22 chosen by a fair and democratic process. It is only in  
23 seeing how much we have yet to accomplish that we can  
24 measure how far we've come.

25           While tonight is a necessary first step, NED

1 is confident that with your support it will be only the  
2 first of many. Thank you.

3 COMMISSIONER KHALID: Thank you, sir.

4 MR. CURSIO: Good evening, members of the  
5 Commission. My name is David Cursio, C-u-r-s-i-o, for  
6 the transcript, and I am the president of the Staten  
7 Island Young Republican Club. However, I'll speak to  
8 you on behalf of my own ideas, not on behalf of the  
9 club.

10 You guys are the fifth Commission in the  
11 past six years to look at the issue of non-partisan  
12 elections and given the Mayor's charge to place this  
13 question on the ballot, it would seem to me the merits  
14 of it are largely academic. The real question is, is it  
15 going to be on the ballot this year or next year. It  
16 seems to me that this is the year where it's appropriate  
17 to do so. We have City Council elections this year,  
18 voters are also facing less choice than they will be  
19 next year when we'll have a more crowded ballot, federal  
20 and state elections on the ballot, and the Voter Guide  
21 is put out this year for the City Council elections, the  
22 issue of non-partisan elections could be included in  
23 that, saving the cost of printing a book next year, as  
24 was discussed earlier.

25 There are pros and cons to the system, I

1 won't deny that, to go to a non-partisan system in that  
2 it does open up the process, and that's been argued and  
3 as a Republican in the City Council it could create a  
4 system for electing more Republicans, but I find more  
5 criticism of the system than I do advantages.

6 Earlier we discussed that when candidates  
7 run on multiple party lines it causes confusion. Let me  
8 point out two of this City's greatest mayors, Rudy  
9 Giuliani and Fiorella LaGuardia, ran on fusion tickets,  
10 combining multiple parties. Here in Staten Island we  
11 have a viable two-party system, in fact, even our third  
12 party is viable, we have elected a registered  
13 Conservative as Borough President.

14 As time goes on, I find these comparisons  
15 with the 50 largest cities ultimately faulty, because  
16 New York City has 5 million more people than the next  
17 largest city. We have a budget larger than most states,  
18 so to compare a city like New York to other cities,  
19 while there's merit in the effort, I think it falls  
20 short on that.

21 My other concerns include the fact that only  
22 getting 900 signatures, you'll have a very crowded first  
23 round election, whatever you want to call it. You could  
24 have 20 people running for City Council, crowd the  
25 ballot, confuse the voters. The partisan system we have

1 now makes it a little more clear.

2 I also saw from your report some concerns  
3 about the increase in independent voters, voters who are  
4 not registered in the parties. While it's true they  
5 can't vote in primaries, that's their choice and the  
6 party should, if anything, go out and actively continue  
7 to recruit people and project their views.

8 In closing, my final concern is the issue of  
9 election machines. You have a year like this on Staten  
10 Island, we have a district attorney race and City  
11 Council, it doesn't seem it would be feasible for the  
12 next couple of years to have a machine that could handle  
13 a partisan District Attorney race and the non-partisan  
14 City Council elections.

15 Those are my main concerns. I'll submit  
16 written testimony by mail. I've testified before this  
17 Commission in the past, so if you have any questions  
18 I'll be happy to answer them.

19 Thank you for your time. Thank you for  
20 coming to Staten Island.

21 COMMISSIONER KHALID: Thank you, sir.

22 MS. LEVASI: Hello, good evening. I'm Celia  
23 Levasi, coordinating secretary of the New Era Democrats.  
24 And also the captain coordinator of Staten Island.

25 NED thinks government exists for the people,

1 and at its best insures justice and opportunity for the  
2 whole human family. We believe that the proposal of  
3 non-partisan elections will help foster that bond  
4 between the government and the governed, between that  
5 one entity which provides specific framework for those  
6 who meant it to be.

7 NED was founded on the belief that in a  
8 democratic republic such as our, the most fit to govern  
9 should be that to be elected to. Non-partisan elections  
10 would offer candidates the freedom to articulate their  
11 vision that would appeal to a broad spectrum of voters,  
12 no longer forced to tailor positions to appeal mainly to  
13 the insiders within their own parties. It would create  
14 the opportunity for people from outside of the party  
15 machine to compete on more equal footing with those  
16 party insiders. Career people outside the government  
17 often find it difficult to run for elected office,  
18 because of their lack of access to the party  
19 organizations. Party bosses perform a far larger role  
20 in selecting city leaders than the voters themselves.

21 The ultimate goal is to create more  
22 responsive and effective local government coupled with  
23 the City's voluntary campaign finance program providing  
24 public matching dollars to participating candidates. A  
25 non-partisan system would allow more people to compete

1 and win.

2           Again, at NED, we believe in the individual,  
3 not the party. That's what NED stands for. We support  
4 non-partisan elections and I thank you this evening for  
5 allowing me to speak.

6           COMMISSIONER KHALID: Thank you, ma'am.

7           Anyone else who would like to testify?

8           MR. HOLLAND: Good evening, everyone. Good  
9 evening, Commission panel. I'd like to first of all  
10 thank you, Mr. Commissioner, and panel for once again  
11 allowing me to stand before this mike and express my  
12 opinion and views. I also would like to once again send  
13 a barrel of thanks out to Dr. Fulani, Chair of the  
14 Independence Party who in my opinion and I emphasize  
15 this, in my opinion is a political genius and I'm not  
16 the only one who has that thought, there are others here  
17 who feel the same way tonight.

18           Mr. Commissioner, I also would like to  
19 extend a thanking hand to Kathy Stewart, along with  
20 Dr. Jessie Fields in the Independence Party whose vigor  
21 is more than righteous, it's one of the reasons why I'm  
22 in full support of non-partisans.

23           However, I am disturbed by party labels,  
24 particularly partisanship and Democrats who are coming  
25 out of the woods now to denounce non-partisan and talk

1 about how wrong it was. I could recall back in history  
2 and quoting history when they thought it was wrong for  
3 women to vote, when they thought it was wrong for black  
4 to vote and now they see different and these same  
5 people, Democrats, that is, are standing up and saying  
6 that non-partisan will be confusing to the minority.  
7 Well, Mr. Commissioner, I ask, I'd like to ask a  
8 question. Who are the minorities in this great diverse  
9 City of ours?

10 I also was disturbed, Commissioner, because  
11 there was a Commission decision made by party label,  
12 partisanship, if you will, but particularly Democrats  
13 who took the right away from parents to reasonably  
14 discipline their children, and now all the Democrats do  
15 is sit back and holler about the animalistic behavior of  
16 our young adults, while parents sit back and watch their  
17 families being destroyed.

18 I'd also like to say, Commissioner and  
19 panel, that I'm very much disturbed by the Charlie  
20 Rangels, David Dinkins, Jose Serrano and Virginia  
21 Fields, who all come forth with a servility mentality,  
22 who come down and speak against this political giant,  
23 Dr. Fulani. In fact, they should be joining hands with  
24 this political platform so non-partisan will be on the  
25 ballot. That would be a victory for all Americans and

1 what I would like to say this to sum it up and I hope  
2 everybody will take heed to this. That is although the  
3 race card no longer plays a significant role within our  
4 society, it is my belief and opinion that party labels,  
5 particularly Democrat who are expert at using the race  
6 card as nothing more than a manipulation of a  
7 distraction of capitalization, dollars and cents powers  
8 to be control.

9 MR. FARRAKHAN: Good evening. My name is  
10 Rachman Farrakhan, and I really had no intentions of  
11 saying anything. I traveled out from Brownsville, Ocean  
12 Hill, to just listen and try to familiarize myself and  
13 educate myself on this new invention that I'm learning  
14 about called non-partisan elections. But I felt  
15 compelled to say something after hearing this young lady  
16 give such a wonderful dissertation.

17 You know, I have been a candidate, a  
18 Democrat, I'm a registered Democrat and I was a  
19 candidate in Brownsville, Ocean Hill, parts of Bed-Stuy  
20 on four different occasions for the City Council, as  
21 well as for the State Assembly, and during my time  
22 running -- and I'm not a politician, I'm a community  
23 activist who I'm the president of Ocean Hill Brownsville  
24 Tenants Association, but I saw the political decline and  
25 the inertia in the community and I sought to seek office

1 because I wanted to make a difference and a change in  
2 what was happening in our communities.

3 In my attempt to gain office, I went to the  
4 democratic clubs to try to seek their assistance in the  
5 accounting and on each occasion I was rebuffed. Some of  
6 the things that happened during my run for office or  
7 offices were that people who would sign my petition was  
8 fired from their jobs, people who signed my petition or  
9 carried my petition or said that they had supported me  
10 in my candidacy, they were not allowed to work the polls  
11 after having worked the polls for twenty, thirty years,  
12 many of them senior citizens. Many folks would threaten  
13 with their domicile to be undomiciled to be put out of  
14 homes where there was subsidized housing and they were  
15 abused emotionally, physically and mentally.

16 I'm saying I don't know and I don't  
17 understand the partisan and non-partisan aspects. I'm  
18 just a country boy, but the reality of it is, is that I  
19 know we need to change the system that is presently, as  
20 it is presently constituted.

21 You know, I believe that there should be a  
22 federal investigation and a RICO action brought against  
23 many of the people who calls themselves political  
24 leaders in this city for running a criminal enterprise.

25 STAFF: One minute remaining.

1           MR. FARRAKHAN: What they have done, I  
2 talked about intents and purposes for leaving people out  
3 of the process, people are already left out of the  
4 process. You go into the projects and other areas of my  
5 community, there are people who never voted, there are  
6 people who are registered, you have 54,000 registered  
7 voters and less than 3 or 400 vote in school board  
8 elections and in many of the local races. So we're not  
9 talking about people being left behind or people who  
10 can't make decisions, they have not made decisions,  
11 they're already being left behind.

12           What we need to do is try to come up with  
13 something that makes sense, that is inclusive and where  
14 we can go to the people with something that they can  
15 understand and that they can deal with. What we have  
16 now is an abject failure and we need to change.  
17 Something needs to be done. Thank you.

18           COMMISSIONER KHALID: Thank you, sir.

19           This will conclude the public hearing, thank  
20 you very much for coming. Have a great evening.

21           (Time noted: 7:50 p.m.)

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I, LINDA FISHER, a Registered Professional Reporter and Notary Public, do hereby certify that the foregoing is a true and accurate transcription of my stenographic notes.

I further certify that I am not employed by nor related to any party to this action.

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LINDA FISHER, RPR

