

2018 Charter Revision Commission Resolution, August 14, 2018

Whereas, the 2018 New York City Charter Revision Commission has conducted extensive public outreach, including holding numerous public hearings and events in all five boroughs of the City; and

Whereas, the Commission has heard and received written testimony from elected officials and members of the public at these hearings and events, including from the representatives of public interest and advocacy groups, civic and community organizations, political organizations and private citizens; and

Whereas, in addition, the Commission has encouraged public comment through a variety of methods, and in multiple languages, including at community based events, on its website and through various forms of social media; and

Whereas, Commission staff has also solicited comments and ideas from heads of City departments and their personnel; and

Whereas, the Commission has reviewed the entire Charter as part of the revision process; and

Whereas, the staff prepared a preliminary staff report recommending that the Commission continue to study proposals related to campaign finance reform, election reform, civic engagement, community boards and redistricting; and

Campaign Finance

Whereas, commenters expressed serious concerns that large campaign donations result in *quid pro quo* corruption, and the appearance of such corruption, and proposed numerous ways that the City's campaign finance system could be strengthened to combat such corruption, as well as its appearance; and

Whereas, to address these concerns, many commenters, including experts, election officials and members of the public suggested reforms to certain core elements of the campaign finance system, including reducing contribution limits and strengthening public financing through adjustments to the matching formula and the cap on public matching funds; and

Whereas, certain commenters also expressed concern regarding the timing of the disbursement of public matching funds under the current system;

Now, therefore, be it RESOLVED that the New York City Charter Revision Commission hereby directs the staff to prepare a proposal or portion of a proposal to be placed before the voters at the general election to be held on November 6, 2018, if adopted by the Commission, consistent with the following:

- Decrease contribution limits for candidates who choose to participate in the public financing program to 2,000 dollars for citywide offices, 1,500 dollars for borough president offices and 1,000 dollars for council member offices, per election cycle;
- Decrease contribution limits for non-participating candidates to 3,500 dollars for citywide offices, 2,500 dollars for borough president offices and 1,500 dollars for council member offices, per election cycle;
- Change the formula for determining public matching funds to a ratio of 8 to 1 in public funds matched on the first 250 dollars of eligible contributions for citywide offices, and to a ratio of 8 to 1 in public funds matched on the first 175 dollars of eligible contributions for borough president and council member offices;
- Increase the cap on public matching funds, per candidate and per election, to 75 percent of the expenditure limit for the relevant office; and
- Make public funds available to qualifying candidates earlier in the election year;

Civic Engagement

Whereas, in its public testimony, the public expressed a broad concern about the state of civic engagement in the City; and

Whereas, the City's current efforts to promote engagement of its residents are many and varied, and public commenters expressed an interest in creating a vehicle to coordinate and enhance the City's current efforts and better inform the public about opportunities for engagement; and

Whereas, the Commission has determined that establishment of a civic engagement commission would enshrine the values of civic participation into the Charter and provide opportunities for new and innovative programs; and

Whereas, the Commission received compelling testimony regarding the value of fostering civic engagement through the establishment of a citywide participatory budgeting program; and

Whereas, the Commission received compelling testimony that providing residents with information regarding the location of poll sites, changes in poll site location, voter registration and other forms of voter engagement are central to promoting participation in civic life; and

Whereas, the Administration has established the DemocracyNYC initiative for the purposes of strengthening democracy, making voting more accessible and breaking down barriers to civic participation, which signals the City's commitment to take further governmental action in this area; and

Whereas, the City desires to develop and support new and existing programs and other initiatives to encourage meaningful participation in civic life;

Now, therefore, be it RESOLVED that the New York City Charter Revision Commission hereby directs that the staff prepare a proposal or portion of a proposal to be placed before the voters at the general election to be held on November 6, 2018, if adopted by the Commission, consistent with the following:

- Establish a Civic Engagement Commission with an appointment structure that includes Mayoral and non-Mayoral appointments and other representation, which may include the heads of relevant City agencies;
- Establish that the Civic Engagement Commission shall set policies in furtherance of its mission to promote civic participation and engagement by residents of New York City;
- Provide that the Civic Engagement Commission shall be responsible for the following functions:
 - Oversight and implementation of a citywide participatory budgeting program, subject to appropriation and consistent with other applicable laws and procedures;
 - Providing technical assistance services, including urban planning and other resources to community boards, as set forth in the Community Boards portion of this resolution;
 - Coordinating existing civic engagement efforts by City agencies;
 - Supporting and partnering with community-based organizations, institutions and civic leaders in the public and private sectors in their civic engagement efforts, which may include, among other activities, leadership skills development, stewardship of public spaces, youth engagement, and targeted services to immigrant or other vulnerable communities;
 - Taking actions to encourage, promote, and facilitate voter registration and voting, including but not limited to targeted outreach to groups who are underrepresented among those registered and those voting, including eligible voters who are limited in English proficiency; and
 - Performing language access functions as set forth in the Language Access portion of this resolution;

Community Boards

Whereas, members of the public, experts, and elected officials have expressed a strong interest in making the City's community boards more reflective of the communities they represent and more effective in representing those communities; and

Whereas, many commenters expressed the view that community boards, which serve an important role in New York City's local democracy, would be strengthened by enhanced diversity, and several of such commenters have proposed imposition of term limits as a means to achieve this goal; and

Whereas, many commenters expressed the view that the appointment process for community boards could be enhanced by steps to provide consistency among the five boroughs; and

Whereas, the Commission heard compelling testimony that there is a need for increased technical assistance services, including urban planning and other resources, to better enable community boards to fulfill their Charter mandate;

Now, therefore, be it RESOLVED that the New York City Charter Revision Commission hereby directs that the staff prepare a proposal or portion of a proposal to be placed before the voters at the general election to be held on November 6, 2018, if adopted by the Commission, consistent with the following:

Term limits

- Provide a limit of four consecutive full two-year terms for community board members, provided, however, that for purposes of staggered implementation, certain initial appointments may include a limit of five two-year terms;
- Establish that the four-term limit would become effective for appointments or reappointments beginning on or after April 1, 2019; and
- Establish that community board members who had previously served for four consecutive terms are not barred from re-appointment after one full term out of office;

Appointment process

- Require all Borough Presidents to publish an Annual Report disclosing:
 - The number of open community board positions;
 - Information about current community board members;
 - The Borough President's recruitment methods;
 - The evaluation criteria followed in the selection process and any specific methods employed by such Borough President; and
- Set forth in the Charter uniform categories of information that must be included in all applications and require all Borough Presidents to make an application for community board member positions available online;

Resources and related matters

- Require the Civic Engagement Commission to provide technical assistance services, including urban planning and other resources, including but not limited to language assistance services, to community boards; and
- Require community boards, with assistance from the Department of Information Technology and Telecommunications, to maintain a website;

Language Access

Whereas, approximately 23 percent of all New Yorkers are limited English proficient, meaning that they have a limited ability to read, speak, and write in English; and

Whereas, as the City continues to grow its efforts to fully engage its diverse and multilingual communities, expanding language access is crucial to building a more just and equitable City, and these efforts are particularly critical as they relate to voting; and

Whereas, the Commission heard compelling testimony that there is a greater need for language assistance services related to voting and voter registration;

Now, therefore, be it RESOLVED that the New York City Charter Revision Commission hereby directs that the staff prepare a proposal or portion of a proposal to be placed before the voters at the general election to be held on November 6, 2018, if adopted by the Commission, consistent with the following:

- Require the Civic Engagement Commission to consider the needs of language communities in developing its programs and services and seek to ensure that the Commission’s programs and services are accessible to limited English proficient New Yorkers;
- Require the Civic Engagement Commission, in coordination with the Mayor’s Office of Immigrant Affairs, to develop a plan for providing voter education, assistance and outreach services in languages other than English to individuals who are eligible or may become eligible to vote;
- Require the Civic Engagement Commission to develop, in coordination with the Mayor’s Office of Immigrant Affairs, a plan to provide interpreters at poll sites throughout the City, which shall include but not be limited to a methodology for determining which languages and poll-sites shall be covered under such program, including a requirement to periodically review and adapt such methodology as appropriate in response to the needs of language communities;
- Require designation of an individual to coordinate language access services provided by the Civic Engagement Commission and a process to monitor and timely respond to public complaints; and

- Require the Civic Engagement Commission to track and report the provision of language assistance services, including the number of voters that utilized interpreters at poll sites;

Ranked Choice Voting

Whereas, the Commission received public comments from experts, elected officials, advocacy groups and members of the public proposing that the City adopt ranked choice voting in municipal elections; and

Whereas, many commenters suggested that the adoption of ranked choice voting would have potential benefits for the administration of municipal elections, including broader voter engagement and participation, reduction of negative campaigning, consensus building, providing voters with more opportunities to select preferences among candidates and the administrative efficiency of eliminating the need for separate run-off elections; and

Whereas, based on available research, ranked choice voting is not implemented uniformly among the jurisdictions that have adopted it, with variations ranging from the number of candidates voters may rank to the composition of the ballot, and some jurisdictions have abandoned the use of ranked choice voting after its adoption; and

Whereas, based on available research, there are significant open questions regarding the impact that such a change would have on voters and candidates, including questions regarding the impacts on minority voters and vulnerable populations; and

Whereas, based on available research, there are significant open questions regarding the operational feasibility of implementing ranked choice voting in a city on the scale of New York, including questions regarding vote tabulation timeframes and auditing procedures;

Now, therefore, be it RESOLVED that the New York City Charter Revision Commission directs the staff to carefully address this promising approach to improving the administration of municipal elections in the Commission's Final Report with a recommendation that such a proposal be considered by a future Charter Revision Commission or other legislative body;

The Districting Process

Whereas, the Commission received many public comments proposing that the Commission propose changes to the districting process; and

Whereas, the Commission heard compelling testimony that a fair and independent districting process is critical to a well-functioning local democracy; and

Whereas, several commenters expressed concern that the districting process be amended to ensure that due consideration be given to the voting power of racial and ethnic minority groups; and

Whereas, other commenters suggested changes to the appointment process and other changes to districting requirements designed to make the districting commission more independent; and

Whereas, the overall variety of the comments submitted to the Commission has demonstrated that there are many ways to approach redistricting reform; and

Whereas, New York City is unique in its size and diversity, and any proposed reform that looks to the models of other jurisdictions must be evaluated for impacts specific to New York City and its local communities; and

Whereas, input from local communities, including communities of color, elected officials, political parties, former members of districting commissioners, experts and other important stakeholders is necessary to evaluate any proposed reform to the City's districting process;

Now, therefore, be it RESOLVED that the New York City Charter Revision Commission directs the staff to carefully address the variety of redistricting reforms presented to the Commission in the Commission's Final Report, with a recommendation that redistricting reform be considered by a future Charter Revision Commission;

And be it further RESOLVED that the New York City Charter Revision Commission directs the staff to prepare a Final Report and ballot questions and abstracts consistent with the foregoing directives and with such further amendments as may be deemed necessary and appropriate by the Chair with notice to the Commissioners, and provided further that such Final Report and ballot questions and abstracts, cumulatively reflecting the Commission's proposals, shall be submitted to the Commission for consideration of whether to place such proposals before the voters at the general election to be held on November 6, 2018.