

TESTIMONY
OF
STEPHEN R. NELSON
NEW YORK CITY
CHARTER REVISION COMMISSION 2019
ELECTIONS AND REDISTRICTING
RANK CHOICE VOTING
QUEENS BOROUGH HEARING
APRIL 30, 2019

Good evening. My name is Stephen R. Nelson. I am a long-term New York City resident.

My testimony relates to “Elections and Redistricting”, and I am testifying in support of Rank Choice Voting. I support Rank Choice Voting for all the reasons that have been offered in support of it throughout the process of the 2019 New York City Charter Revision Commission:

1. Rank Choice Voting results in elected officials who actually were elected by a majority vote, not the 30-40% typical in elections.
2. Rank Choice Voting promotes candidates who seek support of all constituencies rather than candidates who seek to get elected with less than a majority as “winner take all”. Primary winners will proceed to the general election with a larger base of voters supporting them.
3. Rank Choice Voting results in constructive, issues-oriented campaigns and not negative campaigning.
4. Rank Choice Voting will save New York City unnecessary costs for run-off votes.

I wish to focus on the benefits of Rank Choice Voting to voters that I believe have not received sufficient attention.

Rank Choice Voting empowers voters to believe that their vote counts. It enhances voter confidence in our electoral process. It permits voters both to vote for their favored candidate and to be involved in electing the ultimate election winner. It shifts a voter’s attention from “electability” of candidates to the candidates’ policy positions. With Rank Choice Voting, voters do not have to agonize over the dilemma that voting for their preferred candidate might be a wasted “protest vote”. Even worse, voters may be dissuaded from voting for their preferred candidate out of concern that doing so might split the vote between candidates with generally similar policy positions and actually

help a candidate they oppose to be elected. Finally, Rank Choice Voting enables voters to send a voting “message” that can influence other candidates, either in a subsequent general election or in future year primaries and elections. Although many of these aims are furthered by fusion voting, Rank Order Voting is a more precise and expansive approach.

To address the specific questions the Staff has solicited public comment on:

- (a) Rank Choice Voting should be used in all NYC elections -- primary, special, and general elections. Rank Choice Voting has many benefits and there is no reason to limit it to less than all elections. At a minimum, Rank Choice Voting should be used for all primary and special elections.
- (b) Similar to the types of elections above, Rank Choice Voting should be used for elections for all offices.
- (c) Rank Choice Voting should be implemented immediately without a phase-in period, and at a minimum for the 2021 elections when, in addition to wide-open Mayoral and Comptroller races, there will be open primaries for Borough Presidents and many city council seats.
- (d) Rank Choice Voting should be used exclusively, and not a hybrid RCV/run-off system. By definition, Rank Choice Voting will produce a majority winner.
- (4) Rank Choice Voting should permit voters to rank order their preferences for all candidates in an election. A ballot with all candidates’ names and ranking “bubbles” is easier for voters to fill out at the voting booth. Voters will feel more empowered if they can rank order as many of the candidates as they choose. If they don’t rank order all candidates, potentially resulting in their vote being “exhausted”, that is their choice. If the number of candidates a voter is allowed to rank is limited, say to three or even five candidates, voters may well feel that this is arbitrary and manipulative, become frustrated, and lose confidence in our electoral system. If the Commission determines that there are compelling administrability concerns or a risk that rank ordering too many candidates might result in voter confusion, at a minimum rank order voting should be permitted for a minimum of 10 candidates if there are 10 or more candidates for any elected office.

I urge the Commission to adopt the broadest possible Rank Choice Voting approach to submit to voters.

Thank you.

The Geospatial Information Systems (GIS) Charter Amendment

This amendment, proposed by the NYC Geospatial Information Systems and Mapping Organization (GISMO) calls for the following elements to be added to the DOITT section of the Charter (Chapter 48).

Contact: Alan Leidner, President, NYC GISMO: aleidner@nyc.rr.com; 917-455-2834

- **Recommendation:** Require appointment of a Deputy Commissioner for Geospatial Information Systems who would serve as the City's Chief Geospatial Information Officer
Current Law: Calls for 4 Deputy Commissioners one of whom is to be designated as 1st Deputy Commissioner
Justification for Proposed Change: A City Geospatial Information Officer (CGIO) at the Assistant Commissioner level existed from 2002 – 2004, but that position was abolished. Currently, the City does not have a CGIO or anyone else designated as the Citywide GIS leader. Yet many major cities across the US and Europe, and almost all U.S. States have CGIO's.
- **Recommendation:** Require that DOITT form a GIS steering committee composed of City agency GIS managers and outside experts.
Current Law: The Charter currently provides for DOITT to engage in interagency coordination activities (1072h)
Justification for Proposed Change: The power of GIS depends upon collaboration and sharing. Agencies need to meet regularly to coordinate activities, develop policy and share data. City agency GIS Directors have consistently spoken out for a GIS Steering Committee.
- **Recommendation:** Require the development and maintenance of a GIS strategic plan
Current Law: The current Charter provides for long range telecommunication planning (1072b), and computer systems and data communications strategic plans (1072g).
Justification for Proposed Change: The GIS field is very dynamic with new applications, data types and technologies regularly being rolled out by developers. Without a strategic plan it is impossible to properly plan for best use of existing and new GIS resources and capabilities.
- **Recommendation:** Require that DOITT act to ensure that spatially enabled open data is interoperable and easy to use
Current Law: The current Charter provides for simplified access to shared information (1072L)
Justification for Proposed Change: Thousands of open datasets, available on the City's Open Data Portal, are an enormous resource for everyone. Most open data sets have a location attribute which makes it possible for the datasets to be used together, vastly increasing their value. DOITT must work to standardize its spatial open data and ensure that open data is made easy to use.
- **Recommendation:** Require the formation of an underground utility data steering committee composed of representatives of government and private utility companies.
Current Law: The current Charter makes extensive reference to telecommunications, appropriately identifying it as a critical component of IT.
Justification for Proposed Change: Underground infrastructure data is in the hands of City agencies, State organizations like the MTA and the Port Authority, and private utilities like Con Edison. These organizations are reluctant to standardize and to share their data. Creating an underground utility steering committee will motivate strategies to improve the sharing of quality underground infrastructure data for operations support and public safety.

Statement By Jack Eichenbaum, Founder of GISMO

36-20 Bowne Street, Flushing N.Y. 11354; jaconet@aol.com

Jack Eichenbaum, a Queens resident for many decades, is the founder of GISMO, New York's geospatial information systems and mapping organization. He now serves as the Queens Borough Historian. He was unable to appear before you this evening so he asked me to deliver the following statement:

I, Jack Eichenbaum, began using Geospatial Information Systems (GIS) about fifty years ago in my Ph.D. research in Geography.

In 1982 I began working for the NYC Dept. of Finance. This agency was embarking on the implementation of a computer assisted system to appraise real estate value for property tax assessment. In 1987, when PC GIS software became available, I introduced its use to the agency. Today, GIS is essential to the collection of billions of dollars annually in property taxes.

In 1990 I started a user group named *GISMO* (Geospatial Information Systems and Mapping Organization) to facilitate communication among practitioners in NYC agencies. Soon, we agreed to expand the group to include GIS users from State and Federal government, academia, and individuals in both the non-profit and private sectors. GISMO now has over 400 members, and in 2020 it will celebrate its 30th anniversary.

We live in a society dominated by *hierarchical* organizations- in industry, government and academia. Often people working on the same problems in different organizations do not communicate with one another nor do they share their data. Yet solving our problems depends upon cross-fertilization of skills, ideas, and information. Because GIS is capable of combining data from different organizations, breaking down silos, it facilitates cooperation between organizations in ways that create enormous value.

For example: GISMO members from many different agencies and organizations volunteered in response to the 9/11 and Superstorm Sandy disasters. They proved that GIS was a powerful collaboration tool.

For the City to continue realizing the benefits of GIS, which will only increase in the future, I strongly endorse the GIS Amendment to the City Charter now being proposed by GISMO.

GIS Charter Amendment Public Hearing Statement of Alan Leidner, President, NYC GISMO

Brief Bio: Alan Leidner has a MS in Urban Planning and had a thirty-five year career in City government working for City Planning, the Mayor's Office, DEP and DOITT. He then worked for ten years at Booz Allen & Hamilton as a consultant to the Department of Homeland Security and the National Geospatial Intelligence Agency. He was the City's first and only Chief Geospatial Information Officer and Directed the Emergency Mapping and Data Center Following the 9/11 attack. He currently serves as President of the NYC Geospatial Information Systems and Mapping Organization (GISMO: www.gismonyc.org)

On the morning of September 11th, 2001 the World Trade Center was destroyed. During the following hours and days maps had to be created to guide rescue workers across the debris field; aerial photography and sensor data had to be collected daily to understand what was happening on and under "the pile"; inspections had to be carried out on all buildings south of Canal Street; underground infrastructure damage needed to be assessed and repaired; subsurface fires needed to be located and related to a buried tank of freon gas that could have released phosgene – or mustard gas - across Lower Manhattan; thousands of maps had to be created and distributed to the entire response community to give them situational awareness and a common operating picture. There was only one way to manage all these data products: Through the use of Geospatial Information Systems or GIS at the Emergency Mapping and Data Center (EMDC).

What makes geospatial information systems so special? GIS extends IT by taking the location characteristics found in almost every database and tying them to an accurate, mapped point on the earth. GIS can measure the distances between objects and perform dozens of other geographic analytics. In this way, GIS enables thousands of databases to be used together. Imagine data like a stack of pancakes, or like Lego pieces that fit together in any combination.

Spatial systems are essential to city planning; public safety and health; weather forecasting and climate analysis; and transportation and environmental operations. A significant part of NYC's economy is supported by systems based on location and it is mapping technology that makes Google, Lyft and Uber possible.

New developments in 3D visualization, sensors, artificial intelligence, IoT and crowd sourcing all make spatial systems more powerful and valuable.

NYC has been a world leader in the use of GIS since the 1980s due to the pioneering work of the Department of City Planning. New capabilities were added by the Departments of Environmental Protection (DEP) and Information Technology and Telecommunications (DOITT). Besides being a critical tool during the response to 9/11, GIS was fundamental to dealing with West Nile Virus and Hurricane Sandy. 9-1-1, CompStat, the 3-1-1 system, and hundreds of other uses depend on GIS. Most of the City's open data sets are spatially enabled.

To be fully effective, GIS needs special attention to achieve completeness, accuracy, currency and interoperability. However, New York City is currently going through an extended period when its technology leaders have not fully grasped the importance of GIS and what needs to be done to maximize its benefits. Today we have no Citywide GIS Officer, collaboration between agencies is not encouraged, and we have no plan to take advantage of the latest spatial technologies and methods. We seem to have forgotten that GIS is an essential tool to prevent, prepare for, respond to and recover from a disaster.

Consequently, GISMO, the City's GIS user group with more than 400 members is leading an initiative in league with more than thirty other organizations and institutions, to add provisions into the City Charter to permanently provide for proper management of GIS. We aim to bring standards of GIS governance to the level of best practices found in cities across the U.S. and around the world.

Focusing on Chapter 48 of the City Charter, which covers DOITT we propose:

- The appointment of a Deputy Commissioner who serves as the City's Chief Geospatial Information Officer
- The establishment of a GIS Steering committee made up of agency GIS leaders and other experts
- A requirement that the City produce and maintain a GIS strategic plan
- A requirement that the spatial data found in almost all of the City's open data be standardized to promote interoperability and ease of use.
- The creation of an underground infrastructure committee made up of representatives from City agencies and private utilities.

RCV Testimony

From: Daniella Liebling (daniliebling@yahoo.com)

To: daniliebling@yahoo.com

Date: Tuesday, April 30, 2019, 4:14 PM EDT

Hi, My name is Daniella Liebling. I am here tonight as a New Yorker and member of the Green Party to call for RCV to be instituted in all NYC elections. Not only for primaries and special elections, but most importantly for the General Elections.

The Green Party has been fighting for RCV for many years. We know all too well how broken and corrupt our electoral and political system has become because time and time again, we have been the victims of an undemocratic system that routinely and intentionally keeps our voices out of debates and off of the media airwaves, while at the same time, it allows wealthy and powerful donors and corporations to engage in the legal bribery of our elected officials.

Polls show that more and more Americans strongly disapprove of our current electoral system and of the job our elected officials are doing. At the same time, voters agree with many of the issues that the Green Party has been fighting for. I can't list them all due to time, but for those who may not know, The Green Party is the Party that first pioneered, wrote, and campaigned on the Green New Deal back in 2010 when our candidate Howie Hawkins ran for Governor here in NY. We are also the only party that NEVER takes any corporate donations what so ever.

When I am campaigning out in the streets for my candidates, I often encounter voters who LOVE all the issues we stand for, but they say they can't or won't vote for our candidates because they are worried about "splitting" the vote. So, voters want to support our candidates but because of our corrupt winner-take-all undemocratic system, they can't vote their conscience. That is not democracy!

I understand that some groups present tonight feel that it is too confusing or difficult for RCV to be implemented in the General Elections due to our current fusion system. We could not disagree more with that view. In order to truly level the playing field and make a major impact on our democracy, RCV must also be used in GENERAL ELECTIONS. If we limit the use of RCV to primaries and special elections, we will only be improving elections for Democrats and Republicans who already have all the power, money, and influence. Lets use all the potential power that RCV has to actually cure our diseased electoral and political system.

There are clear options for how candidates can be listed on the ballot in a GE that is not confusing. For example, in the 1930s NYC actually HAD a Proportional Form of RCV. Each candidate was listed only once with their party endorsements under their name. Easy!

Another option for voters who are used to voting by party affiliation is that the each party would be listed with their endorsed candidate and allow the voter to rank their choice. A Voter selects Candidate X on Party line A as their first choice, Candidate X on Party line B as their next choice, Candidate Y on Party line C as their third choice, and so on. Voters are already used to voting by party line when candidates appear on multiple lines.

If voter confusion is the concern, there is a much bigger problem with having voters change from RCV voting in a primary to a plurality vote in a general elections. In addition, changing soft wear modalities between a Primary and a General Election opens the BOE up to potential voting machine fiascos.

We thank the commissioners who put this issue on the agenda and we thank all the groups who have been advocating for RCV. Please now do what must be done to make a seismic shift in our democracy so that we can stop climate change and ensure a future for our children.

In peace and hope,

Daniella Liebling
Brooklyn, NY

ERIC KOBER TESTIMONY

NEW YORK CITY CHARTER REVISION COMMISSION

APRIL 30, 2019

Thank you for the opportunity to testify. My name is Eric Kober. I am the former director of housing, economic and infrastructure planning for the New York City Department of City Planning, now retired and a visiting scholar at the Wagner School of Public Service at NYU. I am speaking tonight as a private citizen.

I have written for the *City Journal* website two op-ed articles about the work of this Commission. The first raised an alarm about the charter revision proposals advanced in January by the City Council, which I saw as an all-out assault on the Mayor's authority. The second cautiously praises the *Preliminary Staff Report*, which generally adheres to the good-government standards established by the 1989 Charter Revision Commission. This conservatism of process is welcome and a credit to the Commission's leadership.

Nevertheless, the staff report also includes proposals that could impede, not improve, governmental operations. For example, the report proposes that the Council approve the appointment of the Corporation Counsel, who would also serve an unspecified term. This change, the report asserts, would insulate the corporation counsel from undue influence by the mayor, preserving the independence of the position. But really, the opposite is true, because the proposal would enable the City Council to exert pressure on a Corporation Counsel nominee to dismiss advice from Law Department staff, and potentially work against the city's best interests.

The report also recommends giving the public advocate some means to compel agencies and officials to provide information, "whether that mechanism be some form of subpoena power or otherwise." Since the public advocate has no specific responsibilities or authority, his staff could be empowered to draw up an unlimited number of wide-ranging requests. One can imagine such a mechanism becoming a costly and time-consuming distraction for agencies that have real administrative responsibilities.

Regarding land use, the report recommends that community boards and borough presidents be permitted to comment on land-use applications before the start of the formal ULURP process. The report implies that a pre-ULURP comment period, specified in the charter, would be more influential than the current practice of informal consultation. However, such a provision raises the question of what the Department of City Planning and the City Planning Commission are expected to do with these official pre-ULURP comments. Private applicants will still choose what to submit for Planning Commission approval—they are not obliged to make changes in response to comments. ULURP kicks off when the application is complete, not when the planners support it. The Planning Commission votes to approve, reject, or modify the application only after it hears from the community board and borough president again, during the designated review periods.

I applaud the report's idea of rationalizing the various planning requirements of the Charter, but note there are no penalties for disregarding Charter planning requirements. Thus the Charter can at best give a nudge toward good planning, not mandate it. Any planning provisions in the Charter should be high-level and provide the flexibility to adapt to specific times and conditions.

Thank you, and I'm happy to answer any questions.

Charter Revision Commission Testimony

April 30th, 2019 – Jamaica Performing Arts Center, Queens

Commissioners:

My compliments to you and the staff on an incredibly voluminous preliminary staff report, which covers an incredibly diverse range of issues. I don't know that any of your predecessor Commissions (with the exception of the 1989 Commission) ever covered such a wide variety of topics. There are many recommendations in this report that I agree with and several that I disagree with, so I'm going to limit myself to the one area covered by the staff, in which I feel strongest and the one area where the staff urged the Commission to be the most solicitous of public input....Ranked Choice Voting.

I want to urge the Commission to put a question regarding ranked choice voting on the ballot this year and I want to address some of the questions posed by the staff in this report. I'm a strong supporter of the implementation to ranked choice voting for all the reasons laid out by the staff, the three most obvious being, avoiding the unnecessary cost runoff elections for citywide offices, eliminating the dreaded spoiler effect, which discourages voters from voting their conscience and often produces election winners, who aren't truly representative of the will of the voters and finally it produces election winners that are more reflective of the wishes of the voting public, thereby free to govern with a greater mandate when in office. We'd likely see fewer instances of candidates winning, who are tolerated by 40% plus one of the Democratic Party and despised by a percentage of the body politic that's almost as great. Rather than work to persuade you of the positive attributes of RCV that are pretty self-evident, let me do my best to offer my two cents on the issues that must be addressed.

1- which types of elections should be subject to RCV (i.e., primary elections, special elections, and/or general elections)

All elections for New York City offices (including primary and general election should be subject to RCV. This is due to the need for consistency, simplicity (for both voters and candidates) and common sense. To force voters to learn to utilize different methods of casting votes for up to three different elections (special, primary and general) in the same year is confusing, needlessly complicated and would require the Board of Elections to go to the added

expense of getting different ballot templates for different elections. Additionally, since RCV would likely produce different election outcomes than the current first past the post system, we'd likely see scores of incidents where if it were utilized in Special Elections only (as is currently the case with nonpartisan elections), then folks who find themselves winning elections in the winter, would be out of office come Summer. Not only would such short tenured elected representation short change the voters because of the inability of the elected officials to rack up seniority, but it would ensure that the totality of a new elected official's time in office would be entirely focused on campaigning rather than governing. It's difficult to see what benefit the public would enjoy in such a case. If the Commission were to adopt RCV for primaries only, that would solve the problem of costly runoff elections with super low turnouts, which no one seems to care about, but it puts the spoiler effect on full display in the general election, where we most often see it play out. Ask someone that blames Ross Perot for Bill Clinton, Ralph Nader for George Bush or Jill Stein for Donald Trump, if they think the spoiler effect was a greater problem in the primaries that year or in the general election. The most obvious reason though for implementing RCV for every election rather than just certain elections is because every possible benefit of RCV holds true for every type of election. It's either worth doing for the reasons stated in the staff report or it's not.

- 2- *Which offices should be subject to RCV?* Every elected office in NYC should be subject to RCV. To do otherwise would be needlessly complicated for the voters and ignore the advantages, which make the transition to RCV necessary. To utilize RCV for only the three citywide offices, would subject the vast majority of elected offices in this city to many of the same problems we see now- elected officials that aren't truly representative of their constituents and "the spoiler effect" with minor party and longshot candidates demonized for electing their ideological opposite.
- 3- *When should implementation begin?* It would seem to make sense that the first year for full implementation of RCV would be the next year that every city elected office is up for grabs- 2021. This would allow the taxpayers to enjoy the potential cost savings right away, it would allow two full years for the NYC BOE to prepare for implementation and it would give candidates an ample opportunity to focus their messaging and campaign

materials. It probably makes sense for any special elections between now and 2021 to be conducted under the current method. If the Commission thinks a phase-in process is necessary (which I don't), then perhaps it could be utilized for primaries in 2021 and all elections by 2023. This at least saves us the cost of the citywide runoff elections.

4- *Whether to utilize a hybrid RCV/run-off system under which, for example, if no candidate receives more than 40% of the total ballots cast in the final tabulation round, the race proceeds to a traditional run-off.* I think this would be mistake. It still saddles the taxpayer with the costs of a second election and allows 9-1 matching funds to go to two candidates for an additional round of voting, but if the mandate issue is important to the Commissioners, I can certainly understand the resultant compromise.

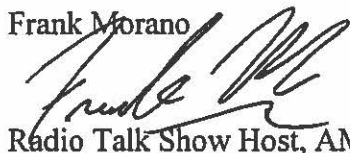
5- *How many candidates a voter may rank on the ballot.* In my judgement, it stands to reason that a voter should be able to rank as many candidates as there are running minus one. For instance, if there are seven total candidates running, the voter should be able to rank six, etc.

6- *What type of tabulation method should be used?* The most efficient tabulation method (in terms of honesty, accuracy, equality, expressiveness and simplicity) would probably be the STAR method (Score Then Automatic Runoff), in which the final contestants are the two, who make it to the final round), but even the instant runoff voting method used in Maine, would be far preferable to the current system and could also be a easily implemented.

I think a full hearing with experts on the question of Ranked Choice Voting to address any lingering questions, probably makes sense. I'd be happy to discuss any of the reasons for my views with any of you further.

Sincerely,

Frank Morano



Radio Talk Show Host, AM 970 The Answer

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816-8-MORANO



Ranked Choice Voting NYC

THE RIGHT CHOICE FOR NEW YORK CITY



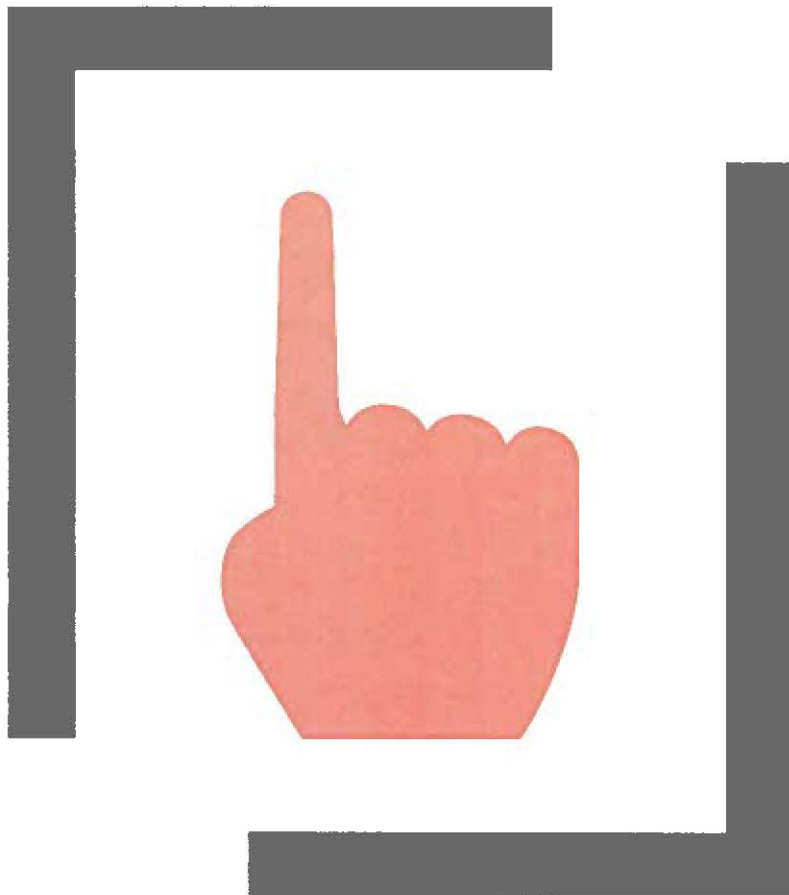
Ranked Choice Voting NYC

RCV:NYC

Ranked Choice Voting in NYC

RCV:NYC is Common Cause NY's newest campaign. We're fighting to build off previous reforms, **robust public financing and term limits**, in order to have truly representative local government.

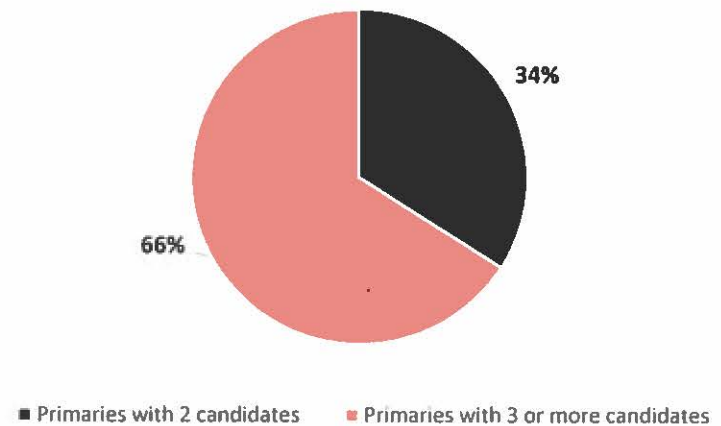
There is real urgency for instituting Ranked Choice Voting for all our local elections. **In 2021, the Mayor, Comptroller, all of the Borough Presidents, and 70% of City Council seats will be term limited out of office.**



TWO-THIRDS OF NYC PRIMARIES ARE MULTI-CANDIDATE RACES

This is a desirable consequence of our public financing system.

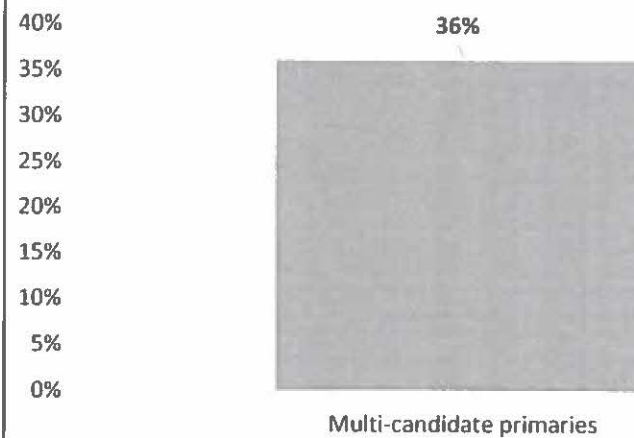
2009-2017 Candidates in NYC Primary Elections





MULTI-CANDIDATE PRIMARIES DO NOT PRODUCE MAJORITY SUPPORT WINNERS

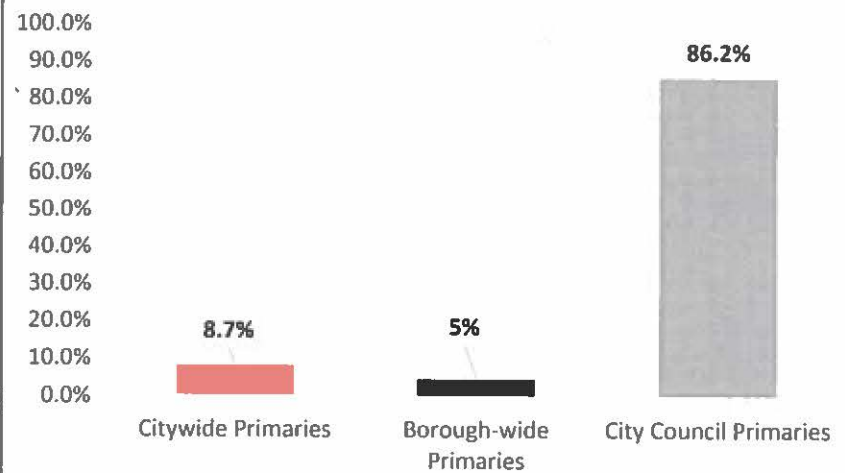
2009-2017 Multi-Candidate Primaries with Majority Support Winners

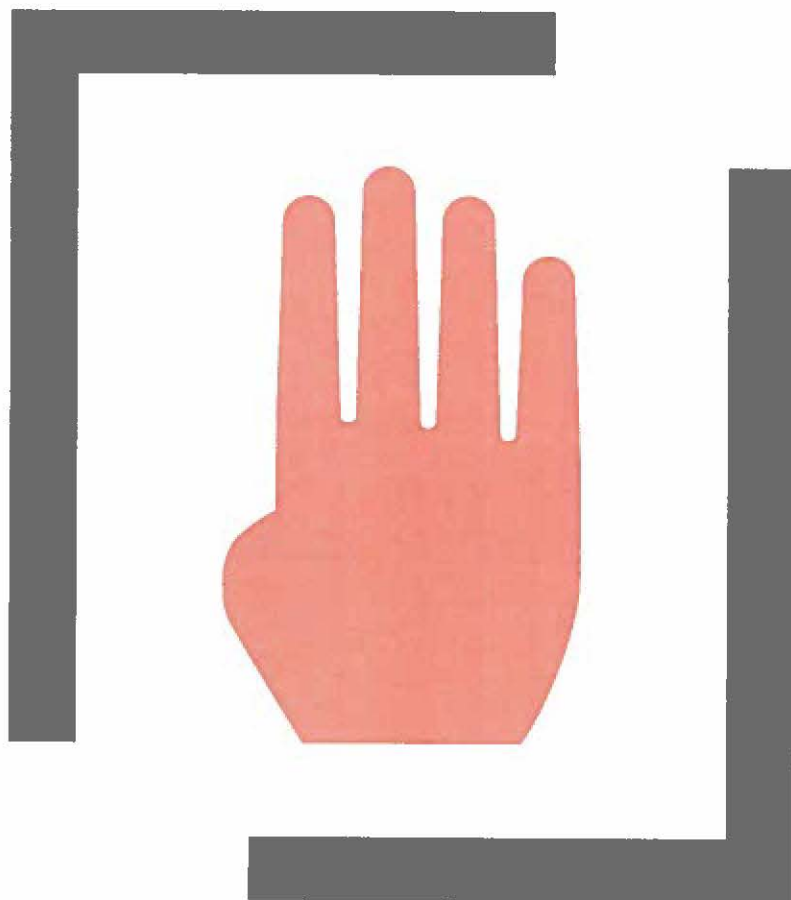




MOST MULTI-CANDIDATE PRIMARY RACES ARE FOR CITY COUNCIL

2009-2017 Multi-Candidate Primaries by City Office

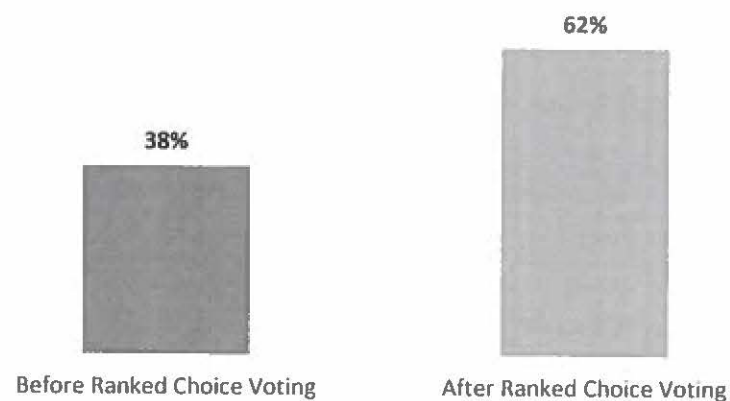


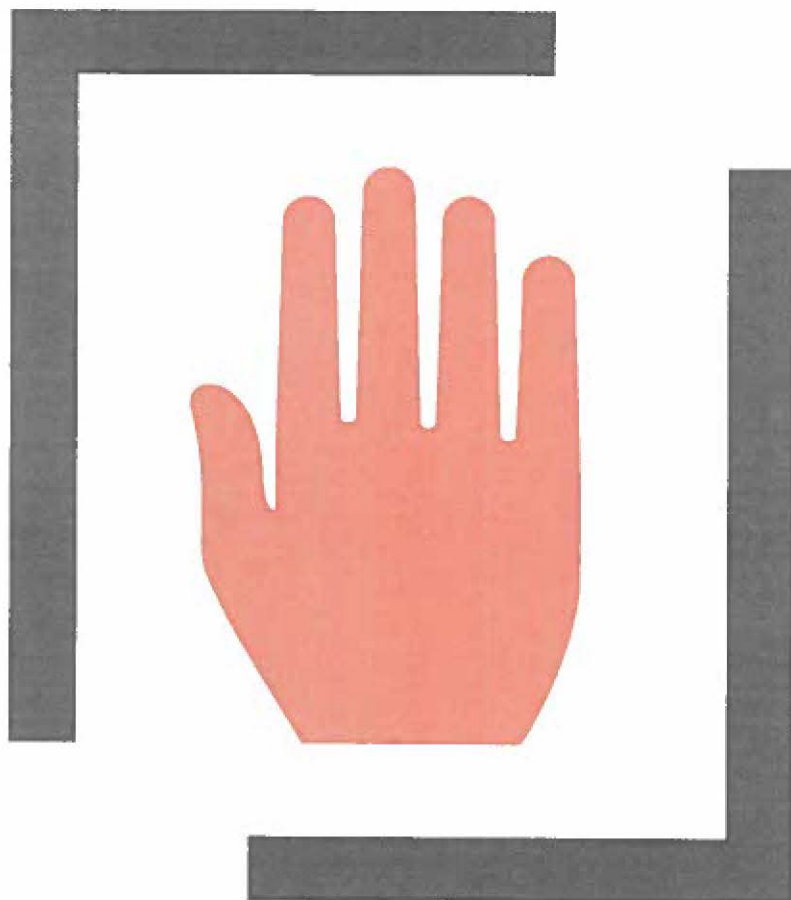


RESEARCH SHOWS CANDIDATES OF COLOR BENEFIT UNDER RANKED CHOICE VOTING

Bay Area: Candidates of Color Increase Representation Under RCV

■ Before Ranked Choice Voting ■ After Ranked Choice Voting





COMMON CAUSE/NY & RCV:NYC'S RESPONSE TO STAFF CONSIDERATIONS

1. **Ranked Choice Voting should apply to Primary and Special Elections only.**
2. **To gain the full benefits of Ranked Choice Voting, it should be used in primaries and special elections for all city offices.**
3. **Ranked Choice Voting should be used for the primary and special elections for all offices in 2021. We do not recommend a phase-in.**
4. **A hybrid RCV/runoff system combines the worst of both systems and should not be considered.**
5. **We recommend ranking 5 candidates.**
6. **We recommend machine tabulation, following the protocol used in Minneapolis.**