



**RECOMMENDATIONS
TO THE
NEW YORK CITY
CHARTER REVISION
COMMISSION**

**A BLUEPRINT TO
STRENGTHEN NEW YORK
CITY'S DEMOCRACY**

**NEW YORK PUBLIC INTEREST RESEARCH GROUP
JULY, 2018**

Established in 1976, the New York Public Interest Research Group Fund (NYPIRG) is a statewide non-partisan, not-for-profit research and public education organization. NYPIRG helps to bring the voices of everyday New Yorkers to public policy debates to strengthen democracy, enhance the rights of consumers and voters, and protect the environment and public health.

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July 31, 2018

To The Members of the New York City Charter Revision Commission:

NYPIRG respectfully submits for your consideration our proposals to enhance civic engagement. As you will see, we tackled issues that are both at the forefront of your current discussions and added others that we think are also worthy of your reflection.

The work of the Commission is of vital importance in offering the nation a vision of how to better develop and implement measures to enhance public participation in its democracy. The work of building a better civic dialogue could stand in stark contrast to the toxicity of the political debate found in much of the rest of the nation.

The work of the Commission is vitally important. NYPIRG stands ready to work with you to make New York City's democracy the standard for the nation.

RECOMMENDATIONS TO THE NEW YORK CITY CHARTER REVISION COMMISSION: INTRODUCTION

Since the 1980s, New York City has taken tremendous strides to reduce the influence of special interests on its elections – and thus its public officials. In fact, its system of public campaign financing is considered a model for the nation. A program begun in the 1980's has been strengthened after each 4-year election cycle as improvements based on how the system is used are proposed, reviewed and implemented. What began as a modest program where qualifying contributor dollars were matched 1:1 by city taxpayer dollars now has private individual contributions matched 6:1.

Stronger oversight and greater transparency measures have also helped reduce the influence of special interests on the city's policymaking process. The creation of an Independent Budget Office and disclosure of agency reports, increased ethical oversight of public officials and lobbyists, and online access to public government records, are other fixtures of city government today that has opened up government to review and analysis by the public.

Yet, as a result of the weaknesses of its elections system and the incredible diversity of its population, the City must do more to bolster opportunities for increased civic dialogue and participation for all New Yorkers.

Despite being well over 40 percent of the state's nearly 20 million residents,¹ in the last *statewide* election New York City represented only 35 percent of the vote.² This lack of voter participation can result in policies that disadvantage the City.

The Mayor has recognized this and charged the Commission with obtaining public comment on how the City can achieve needed additional reforms to bringing down barriers to New Yorkers participation in their democracy.

¹ The U.S. Census estimated that New York had a population of 19.85 million residents as

² According to the New York State Board of Elections, in 2016 7.8 million New Yorkers voted, with only 2.8 million from the City (35%).

NYPIRG is concerned that the Commission may not have enough time to thoroughly vet the many useful and needed reform proposals. Nevertheless, this document presents NYPIRG's views on the preliminary proposals and is broken down into thematic topics. We look forward to working with the Commission and, hopefully, all New Yorkers in an effort to make the City a model for civic involvement and one that will stimulate similar actions at the state and national levels.

ELECTION REFORMS

SUMMARY:

New York is in the midst of a crisis in electoral democracy. Public participation in elections continues its downward trend and patronage-driven boards of elections across the state have little incentive to advocate or ensure that meaningful changes to the administration of elections are made. This is a problem that plagues both the state and the city. But there is no denying that the voter participation in the city is extremely low. Indeed, in the 2017 general election, New York City had an anemic turnout of only 21.5%.³

SOLUTIONS:

- Establish Same Day Registration for City Elections*
- Establish Automatic Registration for City Agencies*
- Establish Early Voting for City Elections*
- Institute Ranked Choice Voting for City Elections*
- Educate Felons on their Voting Rights*

The state's antiquated system of voter registration is a relic of a bygone era. It serves little purpose other than to help self-perpetuate the re-election of incumbents and limit voter participation. It's time for New York City to explore ways it can offer greater services and opportunities for voters through the passage of amendments to the City's Charter.

Establishing Same-Day Voter Registration for City Elections

NYPIRG strongly supports establishing "Same-Day" voter registration for city elections. Each year, just as interest in elections and candidates begins to peak, potential voters find that the deadline for registering to vote has already passed. Here in New York City, campaigns for statewide and local offices barely attract public attention before October. By the time voters begin to focus on the election, the deadline has already passed. That doesn't make sense, especially when there are proven systems to do away with this voter registration barrier.

A system of Same-Day registration would dramatically increase voter participation in a city where participation has fallen to shockingly low

³ New York City Campaign Finance Board.

levels. Electoral participation experts have long concluded that registration “black-out” periods lower voter turnout. Voter participation rates in states that have Same-Day or no registration are traditionally among the highest in the country.⁴ Sixteen states and the District of Columbia have some form of Same-Day registration including states with large urban populations like California.⁵

How would Same-Day registration work in NYC? There are a variety of ways the process could be implemented. Those voters taking advantage of the Same-Day option would only be allowed to vote on ballots for municipal races. Hopefully this could be implemented at existing poll sites, but if necessary the voting could take place at a number of designated city-run sites in each borough that implement the system. Voters would fill out a standard voter registration form at the same time to ensure their participation in all future elections. We urge the commission to present Same-Day registration options for implementation.

Establish Automatic Registration for City Agencies

Automatic Registration is a reform that is quickly gaining popularity and acceptance across the United States. By automatically registering eligible clients who interact with city agency databases, the system enfranchises many who might not register in time before elections. Even with the implementation of Same-Day registration, automatic registration has the advantage of constantly updating individuals contact information and reducing time at poll sites for the Same-Day process. Twelve states and the District of Columbia currently have Automatic Registration.

Just like Same-Day registration, provisions would have to be made to accommodate a dual registration system – much like the separate paper system maintained for non-citizen parents with children in the public schools that was long maintained for School Board elections. We believe that the technological advances made since then would allow for such a system to be put in place.

Automatic Registration is particularly important for the city due to the shortcomings that exists with the state’s Motor Voter Law implementation. While voters who interact with the DMV enjoy a form of Automatic

⁴ Demos, “New Report: Higher Voter Turnout Linked to SDR,” see:

<http://www.demos.org/blog/new-report-higher-voter-turnout-linked-sdr>.

⁵ Note: Two states have same-day registration only during their early voting processes.

Registration, this voter registration opportunity is depressed for voters of the city who hold fewer licenses.

County/borough	Total population over 18, 7/1/2014 ⁶	Total number of drivers licenses, 2015 ⁷	Percent (rounded to nearest %)
Brooklyn	2,010,222	983,769	49%
Bronx	1,071,208	456,847	43%
Manhattan	1,395,501	748,583	54%
Queens	1,848,635	1,134,064	61%
Staten Island	368,138	304,250	83%
Nassau	1,058,662	1,022,505	97%
Suffolk	1,168,726	1,118,404	96%
Rockland	234,088	212,216	91%
Westchester	750,270	663,718	88%

There are also 300,000 fewer women with drivers' licenses than men. Yet, the overall population shows that there are 600,000 more women over the age of 18 in New York State.⁸ As a result, the state's current Motor Voter implementation also *limits* the benefits to female voters. While the DMV does not collect statistics regarding household income or race, it is probable that wide disparities in driver's license rates also exist in these categories. An Automatic Registration program in city agencies would greatly expand the city rolls and increase their diversity as well.

Establish Early Voting for Municipal Elections

While the long lines that plague Election Day in the city almost exclusively occur for the Presidential election, NYPIRG believes Early Voting holds potential for increasing voter participation. In a large borough such as Brooklyn, early voting would undoubtedly benefit some, but if limited to one or two sites, its impact would be relatively negligible in addressing the goal of reducing congestion when a voter goes to cast their ballot. Any early voting model should:

⁶ United States Census Bureau, see: http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=PEP_2014_PEPAGESEX&prodType=table; bottom of page, 18 and over.

⁷ New York State Department of Motor Vehicles, see: <http://dmv.ny.gov/statistic/2015licinforce-web.pdf>.

⁸ United States Census Bureau, see: http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_14_5YR_S0101&prodType=table.

- ensure a ratio of sites and staffing per registered voter;
- have daytime as well as evening hours;
- run for a minimum of 10 days, including on two separate weekends; and
- ensure that voters do not have to travel more than a set distance to reach an early voting site.

One important question when considering Early Voting is whether there is an advantage to having voters cast their ballots on Election Day due to the benefit of the latest information being available about candidates and races. Another concern is whether Early Voting has dampened turnout for low turnout elections due to the unintended effect of having less media and public attention focused on a single Election Day.

One recent national study funded by the Pew Research Center actually found that Early Voting was associated with lower turnout.⁹ They cited lessened civic engagement “dissipating the energy of Election Day over a longer period of time.” We urge the Commission to study these issues and present their findings to the public before deciding how to implement Early Voting in the city.

Institute Ranked Choice Voting

Currently, there is simply not enough time for the Board to certify contestants for a run-off, print the appropriate ballots, mail them to voters who have requested absentee ballots and expect that they will be received, completed and postmarked by election day.

This is not a solution in search of a theoretical problem. According to the Board of Elections, there are currently more than 31,500 permanent absentee voters in the city who are automatically mailed ballots each election. An additional 2,700 military voters also received absentee ballots last year. Additionally, many thousands of voters who anticipate being out of town on Election Day request absentee ballots every year. In low turnout elections such as a municipal run-off, these absentee voters can easily be the margin of victory or defeat.

⁹ Burden, B. C., Canon, D. T., Mayer, K. R. and Moynihan, D. P. (2014), Election Laws, Mobilization, and Turnout: The Unanticipated Consequences of Election Reform. *American Journal of Political Science*, 58: 95–109. doi: 10.1111/ajps.12063.

This proposal would create a modified ballot upon which a voter could rank the candidates in the order of their preference. In the primary, their vote would be cast for their first ranked candidate. If a run-off is needed, the voters' choice would be counted for the highest ranked candidate participating in the run-off. While this would represent a change in the voting procedures, the system has been successfully used in federal and state elections in South Carolina, Louisiana and Arkansas.

Expand Voting Rights of Felons on Parole

New York allows individuals on probation from local correctional facilities to register and vote, but those released from state prisons and on parole for felony convictions are only able to register after a gubernatorial pardon. Fourteen states recognize that once the debt to society has been served, it is fair and just to restore this important societal right: District of Columbia, Hawaii, Illinois, Indiana, Massachusetts, Michigan, Montana, New Hampshire, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island and Utah. Maine and Vermont allow prisoners to vote while incarcerated.¹⁰

Parole is ongoing supervision after a stay in state prison, which requires review by the parole board and typically requires 6/7 of the sentence having been served.¹¹ Thus, parolees have served a substantial part of their sentence and their release has been reviewed by a parole board. Studies indicate that community ties, jobs and restoration of civil rights are associated with reduced recidivism rates.¹² New York's policies are geared to the successful integration into society of persons who have been convicted of crimes.¹³

New York City should develop educational programs to ensure that allow persons released from prison and subject to parole supervision to register and vote.

¹⁰ Voting Rights for Ex-Offenders by State, Nonprofit Vote, see: <https://www.nonprofitvote.org/voting-in-your-state/special-circumstances/voting-as-an-ex-offender/>.

¹¹ New York State Division of Criminal Justice Services, FAQs, see: www.criminaljustice.ny.gov/opca/general_faq.htm#1.

¹² For example, The Violence of Voicelessness: The Impact of Felony Disenfranchisement on Recidivism, Hamilton-Smith & Vogel, Berkeley La Raza Law Journal, Vol.22, Article 3 (2012), see: <https://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1252&context=blrj>.

¹³ For example., New York State Department of Labor information on criminal history and employment see: <https://www.labor.ny.gov/careerservices/ace/employers.shtm>.

CIVIC INVOLVEMENT

SUMMARY:

The nation suffers from a civic involvement deficit. One needs to look no further than the lackluster voter participation rates and the rising public cynicism toward their own government. That civic deficit is most acute for younger adults who, despite their inherent idealism, feel alienated from the democratic process and are frustrated by the difficulties in participation.

SOLUTIONS:

- Create an Office of Civic Engagement and Chief Democracy Officer*
- Support and Broaden Peer-to-Peer Civic Engagement Programs with the City University System and in High Schools*
- Enhance the City's Voter Guide*
- Allow 16 and 17 Year Olds to Register in Advance*

New Americans suffer from that civic deficit as well. The difficulties in participation often run deeper due to cultural hurdles as well as language limitations.

NYPIRG has long been involved in developing positive civic experiences, particularly among young adults. These lessons should be useful in guiding the Commission.

Create an Office of Civic Engagement and Chief Democracy Officer

Americans of modest means and those of color are increasingly finding that hard work and education are not enough to overcome structure obstacles. Growing inequality in America has been well documented. The top 1% of income earners received approximately 20% of the pre-tax income in 2013, versus approximately 10% from 1950 to 1980.

The national debate over how to mitigate this chasm has been largely focused on economic inequalities. While that focus is well-deserved, an often overlooked aspect is the inequality found in the nation's political life. And yet, it is the political environment in which solutions to economic inequality will be forged. Without changes to the nation's policymaking, the inequality gap will persist.

The growth in American inequality is the result of public policies: While before-tax income inequality is subject to market factors (e.g., globalization, trade policy, labor policy, and international competition), after-tax income inequality can be directly affected by tax and transfer policy. U.S. income inequality is comparable to other developed nations before taxes and transfers, but is among the worst after taxes and transfers.

This civic inequality finds its roots in a flawed democracy. Those flaws are reflected in voter turnout statistics. In the 2012 presidential election, 62 percent of Americans turned out to vote. In the 2014 midterm, 42 percent of Americans voted. However, the lower turnout rate was not uniform among racial and ethnic voting blocks.

There were significantly lower turnout rates among lower-income Americans and people of color compared to richer Americans and whites as a whole. Similarly, turnout dropped more dramatically among the lowest income bracket. And among the youngest voters (18-24 year olds) earning less than \$30,000 turnout was 12 percent in 2014, but among those earning more than \$150,000 and older than 65, the turnout rate was nearly four times higher, at 65 percent.

By excluding so many eligible voters, the nation does a poor job of giving voice to the entire electorate. Too often, the views of lower-voting populations are almost entirely ignored in elections and policymaking, in no small part because they are missing at the polls.

The research on democracy and policy suggests three broad lessons. *First*, those who vote have more representation than those who do not. *Second*, those who do not vote tend to have views that are more economically progressive than those who do vote. And *third*, voting plays a significant role in the distribution of government resources as well as the size of government and who benefits from public policies.

Increasing and equalizing voter turnout is not a panacea for reducing inequality and achieving racial equity in public policy; it is one important factor among others. However, it is hard to conceive of a successful effort to bridge the inequality chasm without fundamental changes in civic participation.

Currently, New York City's population is at an all-time high of over 8 million residents. This increase in population is the product of immigration: domestic losses in population have been offset by large numbers of immigrants. The increasing numbers of immigrants settling in New York City grew by nearly 700,000 over the first decade of the 2000s. This influx is expected to continue, helping to drive the city's overall population to exceed 9 million by 2030.

Researchers at the Harvard University-based Equality of Opportunity Project found that rates of intergenerational income mobility also vary considerably between different cities. But such comparisons became virtually unconscionable once the variations within the U.S. become apparent.

The analysis examined the percentage gain (or loss) in income from growing up in each of the 100 largest counties in the U.S. for children in low-income families (25th percentile). For example, if a child were to grow up in DuPage County, IL (ranked #1) instead of an average place, he/she would make about 15% more at age 26. The average level of household income at age 26 is \$26,000, so this 15% gain translates to \$3,900 of additional income.

The analysis found that of the 100 largest counties, four New York City boroughs (Brooklyn, Bronx, Manhattan and Queens) as well as five other New York State counties (Erie, Monroe, Nassau, Suffolk, Westchester) showed declines in income for those children.

In a city the size of New York, educating large numbers of residents, who are largely unconnected to organizations, and then mobilizing them in ways lead to policy change is a daunting challenge. Unless, there is a sustained – and expensive – paid media effort, it is unlikely that such an effort can succeed.

This democracy “crisis” demands a sustained, comprehensive governmental response. NYPIRG supports the call for an institution to marshal the resources of the government to attack the problem of civic inequality. Both the Mayor (Chief Democracy Officer) and Councilmember Lander (Office of Civic Engagement) have proposed measures to create an ongoing presence to focus public attention of the democracy crisis we face.

Support and Broaden Peer-to-Peer Civic Engagement Programs at the City University System and in High Schools

CUNY can be an important vehicle in attacking the problem of civic inequality.

A high quality education, workforce preparation, and civic engagement are inextricably linked.¹⁴

—A Crucible Moment: College Learning and Democracy's Future

A 2016 Millennial Poll Analysis by the Center for Information and Research on Civic Learning and Engagement (CIRCLE) shows that “Millennials across the board share a deep skepticism of most major political and public institutions, and less than half of Millennials believe they have a legitimate voice in the political process.”¹⁵

According to the U.S. Census, the racial and ethnic breakdown of New York City's overall population is that 33% are white (listed as “white alone”), 29% Hispanic or Latino, 25.5% black or African-American, and 13% are Asian or Asian-Americans. The population of CUNY is similar to that of the overall population. In the fall of 2011, 26% of CUNY undergraduates were white, 29% were Hispanic, 27% were black, and 18% were Asian.

A student profile from fall 2011 shows that 65% and 53% of students in the community and senior colleges, respectively, received Pell Grants, and thus were from extremely challenging financial backgrounds (over 20% of the City's overall population lives below the federal poverty line, with another 25% barely able to make ends meet). Also, in fall 2011, 44% of CUNY undergraduates were first-generation college students, 14% were married, 14% were supporting children, and 32% worked for more than 20 hours a week.

CUNY has always been an educational destination for immigrants and their children. CUNY undergraduates are more likely to be female (58%)

¹⁴ The National Task Force on Civic Learning and Democratic Engagement, “A Crucible Moment: College Learning & Democracy's Future,” see: https://www.aacu.org/sites/default/files/files/crucible/Crucible_508F.pdf, p. 28, last visited 10/24/17.

¹⁵ The Center For Information & Research On Civic Learning & Engagement, “2016 Millennial Poll Analysis,” see: <https://civicyouth.org/wp-content/uploads/2016/10/2016-Millennial-Poll-Analysis.pdf>, page 2.

than male, as are the students in the graduate and professional colleges (66%), and that the mean age of the undergraduates is 24, although 28% are 25 or older.

Support Peer-to-Peer Activism

“No one can better scout out effective and promising methods of engaging young people than young people themselves.”¹⁶ This observation by Dan Glickman, former director of Harvard University’s Institute of Politics, is borne out by research supporting the value of students reaching students.¹⁷

The literature on youth civic engagement delineates three areas where young people need to acquire mastery in order to become active, effective civic participants: relevant knowledge, capacity for action, and emotional connection and motivation.¹⁸ Research also suggests that youthful experiences can contribute to a life-long practice of volunteering.¹⁹

Colleges and universities are well aware of these needs and how to respond. Administrations increasingly establish civic engagement centers in which staff members work with students to direct their civic experiences. Faculty offer classes, mentor interns, and volunteer their time with on-campus clubs. And while those responses are based on best practices and make significant positive impacts, the most comprehensive, inclusive, and experientially valuable response also includes civic engagement offerings in which young people can direct their involvement, receive professional training in systematic peer-to-peer outreach methods, gain

¹⁶ As noted by Dan Glickman, former director of Harvard University’s Institute of Politics, http://www.iop.harvard.edu/sites/default/files_new/research-policy-papers/city_report_04.pdf (last visited 10/12/17)

¹⁷ Harvard IOP page 2 (last visited 10/10/17), see:

http://www.iop.harvard.edu/sites/default/files_new/research-policy-papers/city_report_04.pdf. For more information on this topic, see: “What Matters to Student Success: A Review of the Literature Commissioned Report for the National Symposium on Postsecondary Student Success: Spearheading a Dialog on Student Success,” starting on page 42, see: https://nces.ed.gov/npec/pdf/kuh_team_report.pdf.

¹⁸ Montgomery, Ph.D. Kathryn, Gottlieb-Robles, Barbara, and Larson, Ph.D., Gary, “Youth as E-Citizens: Engaging the Digital Generation,” Center for Social Media, available at: <http://civicyouth.org/PopUps/YouthasECitizens.pdf>.

¹⁹ Youth Helping America: Building Active Citizens: The Role of Social Institutions in Teen Volunteering, see: https://www.nationalservice.gov/pdf/05_1130_LSA_YHA_study.pdf.

the skills to blanket the campus with opportunities, have a sequence of ever-advancing skill-development activities in which to engage, and work side by side with civic organizers on a daily basis.

At the outset, NYPIRG's programmatic objectives resonate with students because students choose them. The range of programmatic options is broad, and the corresponding activities varied—including opportunities to perform service, conduct research, develop media skills, plan, and organize and hold educational events.

Because the program includes workshops designed to develop and hone communication and policy skills, and is built upon the steps it takes to bring those objectives to fruition, even the most aspirational objectives are broken into achievable goals that are met every semester. To organize an informative on-campus event on the impacts of climate change, for example, will not, alone, solve climate change, but planning the event, dealing with experts in the field, conducting strategic outreach, and educating the audience are tangible steps in the stairway to success that students see, understand, and internalize.

Likewise, students recognize the problem of low voter participation among young people in the U.S., including New York.²⁰ With the guidance of NYPIRG staff, they learn how properly register voters, meet ambitious voter registration goals on their campuses, host workshops on voting rights, conduct non-partisan Get-Out-the-Vote activities, and staff NYPIRG voter helplines on Election Day. Students are learning best practices in an experiential setting, and bringing to life what research has shown about voter engagement—that, by far, “the most effective and meaningful technique studied has been the use of peer-to-peer contact.”²¹

Reaching decisive goals to advance their collective aspirations connects students to democracy in action, and provides concrete evidence of their impact—a powerful force in combatting cynicism.

²⁰ One example of a discussion on this topic, see: Fields, Alison Byrne, “The Youth Challenge: Participating in Democracy,” Carnegie Corporation of New York, see: https://www.carnegie.org/media/filer_public/5e/ca/5ecae335-b650-44c2-ba56-37c4504d8678/ccny_challenge_2002_democracy.pdf.

²¹ Dycke-Norris, Jacqueline Amy, “Youth voter mobilization techniques and their effectiveness in the 2008 Iowa Democratic caucuses” (2008). Retrospective Theses and Dissertations. 15462. <http://lib.dr.iastate.edu/rtd/15462>, p.19.

Make the City's Voter Guide More Useful

NYPIRG is proud of the role we played in helping to establish the City's Voter Guide during the City's 1988 Charter Revision process. We applaud the Campaign Finance Board for embracing and improving the Guide since then, greatly expanding its usefulness for New Yorkers. However, the Guide has always underperformed by not offering the opportunity for candidate statements for those running for non-municipal offices.

One easy fix is for the Guide to include District Attorneys and any state legislative races occurring in municipal election years. Another option we urge the Commission to consider is requiring the publication of a hard copy Guide for state and federal races as well. While many New Yorkers have smart phones that they could take to the polls to view the Guide, many New Yorkers do not. To ensure that all voters have equal access to voter guide information we believe the continued hard copy publication of the Guide is essential.

Allow 16 and 17 Year Olds to Register to Vote Early

In a state with abysmally low voter participation rates, only slightly more than half of New York's youngest citizens are registered to vote. According to the U.S. Census Bureau, only 47% of New York's 18-24 year old citizens were registered for the November, 2008 Presidential election. However, once registered, large numbers of young people turn out at the polls. According to the Census Bureau, 75% of New York's 18-24 year olds who were on the rolls in 2016, turned out at the polls that year (*Voting and Registration in the Election of November 2016*).

A significant factor to low voter turnout—including among young people—is the United States' voter registration system. In all states except North Dakota, voting is a two-step process. An eligible person must first register some period of time prior to the election before he or she is allowed to vote. Those who are registered are thus naturally more likely to vote than those who are not.²²

One way to make it simpler for young voters is to allow students to pre-register when 16 or 17 years of age and allow properly registered 17-year

²² McDonald, Michael P, and Matthew Thornburg. "Registering The Youth Through Voter Preregistration." www.nyuippp.org/wp-content/uploads/2012/11/Michael-P.-McDonald-Matthew-Thornburg-Registering-the-Youth-Through-Voter-Preregistration.pdf.

olds who will turn 18 by the day of the general election to participate in primaries. By lowering the age to 16, registration opportunities may be offered to students at an age where school is still compulsory and also reach many young students when they come in contact with the Department of Motor Vehicles. In addition, voter registration disfranchises first-time voters who miss a registration deadline because they are unfamiliar with the registration system. Under a preregistration program, youths who become eligible to vote in their first election will already be registered and familiar with the voting system.

These lessons are not lost on other states. According to National Conference of State Legislatures,²³ thirteen states and Washington D.C. allow pre-registration to begin as young as 16 years old.²⁴ Additionally, there are 4 states that begin pre-registration at the age of 17.²⁵ New York City should join that list.

²³ National Conference of State Legislature, "Preregistration for Young Voters," <http://www.ncsl.org/research/elections-and-campaigns/preregistration-for-young-voters.aspx>.

²⁴ California, Colorado, Delaware, District of Columbia, Florida, Hawaii, Louisiana, Maryland, Massachusetts, North Carolina, Oregon, Rhode Island, Utah, and Washington.

²⁵ Maine, Nevada, New Jersey, and West Virginia.

CAMPAIGN FINANCE

SUMMARY:

New York City's landmark campaign finance system based on a voluntary system of matchable public financing has long been considered a model for the state and the nation.

However, changes to the legal system that underpins the American system of campaign financing requires responses in order to keep New York City a national model.

SOLUTIONS:

- Lower Campaign Contribution Limits
- Increase the Public Match
- Eliminate the Cap on Public Matching Funds
- Lower the Minimum Required to Participate in the Program

Lower the Contribution Limits

There is widespread agreement that New York City's campaign contribution limits – while far lower than the state's – are simply too high. NYPIRG agrees.

According to the National Conference on State Legislatures, the median individual contribution limit for state office for the 39 states that have limits, is \$3,800 for governor and \$1,000 for the state senate and state house.²⁶

NYPIRG supports the recommendations of the Campaign Finance Board of lowering the contribution limit from \$5,100 to \$2,250 for citywide offices; from \$2,950 to \$1,750 for borough offices; and from \$2,850 to \$1,250 for city council seats. Lowering contribution limits across the board will help small-dollar contributors play an even larger role in city campaigns.

Increase the Matching Formula for Citywide Offices

NYPIRG supports the proposal advanced by the New York City Campaign Finance Board to increase the matching rate for citywide candidates

²⁶ National Conference of State Legislatures, see: <http://www.ncsl.org/research/elections-and-campaigns/campaign-contribution-limits-overview.aspx>.

from 6-to-1 to 8-to-1. However, we agree with Reinvent Albany that the match increase should only be done for small contributions rather than the first portion of a larger contribution.

Increasing the size of the match will encourage candidates to raise more money from small donations, but will be greatly enhanced if done in addition to lowering contribution limits and lifting the public match cap.

Eliminate the Public Funds Cap

There has been significant support for increasing the amount of public funds that campaigns can receive. NYPIRG urges your support for an elimination of the public funds cap as advanced by Reinvent Albany.

Under the Campaign Finance Act, most public funds are paid only after the ballot is finalized, which is little more than a month before the election. Many candidates, particularly for citywide offices, begin campaigning well in advance of this timeframe and need to be able to spend funds prior to when public funds payments are made.

Eliminating the cap on public matching funds, which is currently 55 percent of the spending limit for the office, would effectively increase the amount of public funds candidates could receive to up to 86 percent of the spending limit for the office (if a candidate raises all their campaign funds in small donations, 1/7 or 14% of the money would be private funds).

NYPIRG believes that eliminating the public match cap would encourage candidates to raise more from small donors. Currently candidates are incentivized to raise the maximum contribution from donors because they have to raise, at minimum, 45 percent of the spending limit for the office they seek in private dollars. Campaigns have limited time and resources, and candidates typically want to raise the most money as quickly as possible. Currently, the easiest way for candidates to complete their fundraising is to collect the largest contributions possible while receiving a match on the first \$175 of every contribution.

An analysis by Reinvent Albany and Represent.us New York found Councilmembers received most of their funds from contributions larger than \$175. The fifty-one Councilmembers elected during the 2017 election cycle raised a total of \$9.6 million in private contributions and received \$3.3 million in public matching funds.

Since increasing available public funds would add more money to the small-donor matching system, it would enhance candidates' incentive to seek small donations. Of course, no amount of public funds can match outside spending, since there are no limits on spending by outside interests. However, raising the public funds cap can help by encouraging candidate participation and allow those without access to support from wealthy outside interests to compete due to an enhanced small-donor-match system.

Lower Thresholds for Citywide Candidates

NYPIRG agreed with the recommendation of the New York City Campaign Finance Board to lower the thresholds for participating candidates running for citywide office.

Lowering the thresholds for citywide office would make it easier for grassroots candidates to meet threshold earlier and run viable campaigns. The CFB proposes thresholds of \$125,000 for mayor and \$75,000 for public advocate, which will allow more candidates to engage in competitive elections, and give them the ability to qualify for public funds earlier in the election year.

In order to ensure that candidates running for citywide office are reaching out to voters across New York City, the CFB proposes adding a new geographic requirement that candidates for any citywide office must collect at least 50 contributions from each borough to qualify for public funds.

NYPIRG supports the geographic standard and would go one step further and apply it to those running for borough president, as recommended by the Brennan Center.

Lower the Minimum Contribution Counted Towards Threshold

NYPIRG supports the recommendation of the New York City Campaign Finance Board to allow contributions of at least \$5 to count towards meeting the threshold to qualify for public matching funds.

STRENGTHENING ETHICS

SUMMARY:

Nowhere is the public's trust more susceptible to harm than when lawmakers act in ways that skirt not only the letter, but also the spirit, of ethical considerations.

While this violation of the public's trust has been most noteworthy in the actions of federal and state officials, all levels of government need to re-evaluate their ethics codes and enhance them.

SOLUTIONS:

- Strengthen the Independence of the Conflict of Interest Board*
- Transfer the Oversight of the Lobbying Industry to the New York City Campaign Finance Board*
- Add New Restrictions on the Relationships Between Elected Officials and Associated Not-For-Profit Corporations*

Strengthen the Independence of the Conflict of Interest Board

The Charter requires that members of the Conflict of Interest Board be

“chosen for their independence, integrity, civic commitment and high ethical standards. No person while a member shall hold any public office, seek election to any public office, be a public employee in any jurisdiction, hold any political party office, or appear as a lobbyist before the city.”²⁷

Given that the Mayor, with the consent of the Council, chooses the Board members of an ethics watchdog with jurisdiction over those same individuals, NYPIRG urges additional steps to further ensure Board members' independence.

In addition to current requirements, the COIB membership should include at least two of whom should not be, or within the prior five years shall not have been, enrolled in the same political party as the Mayor. Two members should be from the political party whose candidate for governor in the most recent gubernatorial election received the largest number of votes and two of the party conferences whose candidate for governor in

²⁷ New York City Charter, Chapter 68, Section 2602.

the most recent gubernatorial election received the second largest number of votes. One member should not be affiliated with either major political party.

No member of the Board should have held office in any political party organization, have been a state officer or employee or have been engaged as a lobbyist within three years of appointment or at any time during their term. The chair should be elected from among its members.

Improve Laws Regulating Elected Officials Nonprofits

In 2016, Local Law 181 brought nonprofits that are affiliated with elected officials under certain campaign finance regulations. Under current law, an organization affiliated with an elected official is defined as an entity for which the official or their agent is the principal officer with control over the organization, or which was created by the official or their agent in recent years. NYPIRG agrees with Citizens Union that this definition is too narrow.

To properly determine whether an official “controls” an organization or whether it is independent, we recommend that additional factors be considered, including: whether the official’s political operation and the organization share office space, other resources, or consultants; whether the organization sponsors programs prominently featuring the official; and whether the organization has directors or managers with close ties to the official. The law does, however, leave open the possibility for the Conflict of Interest Board to develop criteria to define “control” in such a way.

NYPIRG also agrees with Citizens Union that the Commission should advance proposals to prohibit elected officials from soliciting funds for affiliated organizations.

Transfer Responsibility for Overseeing Lobbying to the New York City Campaign Finance Board

NYPIRG agrees with the recommendation of Citizens Union to transfer to the New York City Campaign Finance Board the responsibility for lobbying oversight and enforcement from the City Clerk. The Campaign Finance Board already obtains information related to lobbyists given that the City’s matching funds system has special rules concerning contributions from lobbyists and using the Doing Business Database, which contains a listing of those who do business with the City, including lobbyists.

REDISTRICTING REFORM

SUMMARY:

Every ten years, political boundaries are drawn to reflect population changes identified in the U.S. Census. The next Census occurs in 2020 and will make population data available in 2021. There will be population shifts within the City and thus changes will have to be made in the Council's 51 districts in order to comport with demographic changes and to comply with the constitutional requirement of "one-person, one-vote."

SOLUTIONS:

- *Create a More Independent Redistricting Commission*
- *Establish Stronger Criteria for Setting New Political Boundaries for the Council*

Create an Independent Redistricting Commission

The New York City Mayor and City Council will create a Redistricting Commission to review the population changes and make recommendations on how best to adjust the boundaries of City Council districts. The Redistricting Commission has 15 members, eight of whom are appointed by City Council, and seven of whom are appointed by the Mayor.

The City Charter sets a system of criteria that the Commission must follow (in addition to other federal and state requirements). Those criteria are given priority in the order in which they are listed in the Charter:

- 1) Population. The difference between the most populous and the least populous council district must not exceed 10% of the average population for all council districts.
- 2) Fair and effective representation. The redistricting plan must be established in a manner that ensures the fair and effective representation of the racial and language minority groups in New York City.
- 3) Communities of Interest. District lines should keep intact neighborhoods and communities with established ties of common

interest and association, whether historical, racial, economic, ethnic, religious or other.

4) Compactness. Each district must be compact and cannot be more than twice as long as it is wide. The redistricting plan must be established in a manner that minimizes the sum of the length of the boundaries of all of the districts included in the plan.

5) Contiguity. Each district must be contiguous, and whenever a part of a district is separated from the rest of the district by a body of water, there must be a connection by a bridge, a tunnel, a tramway or by regular ferry service.

6) Political boundaries. A district cannot cross borough or county boundaries. If any district includes territory in two boroughs, then no other district may also include territory from the same two boroughs.

New York City's redistricting system is considered to be legally sound and reasonable – particularly in contrast to the state. However, NYPIRG urges *additional* reforms be added.

Redistricting will be radically changed by a recent U.S. Supreme Court decision. Since passage of the Voting Rights Act of 1965, Section 5, which requires certain states and local governments to obtain federal preclearance before implementing any changes to their voting laws or practices; and Section 4(b), which contains the coverage formula that determines which jurisdictions are subjected to preclearance based on their histories of discrimination in voting.

On June 25, 2013, the U.S. Supreme Court ruled that Section 4(b) is unconstitutional because the coverage formula is based on data over 40 years old, making it no longer responsive to current needs and therefore an impermissible burden on the constitutional principles of federalism and equal sovereignty of the states. The Court did not strike down Section 5, but without Section 4(b), no jurisdiction will be subject to Section 5 preclearance unless Congress enacts a new coverage formula.²⁸

The upcoming redistricting will be the first since that decision.

²⁸ See *Shelby County v. Holder*, 570 U.S. 2 (2013).

NYPIRG agreed with the recommendation of Citizens Union to strengthen the independence of the Redistricting Commission's membership. The current Redistricting Commission's membership is chosen directly by elected officials. We agree that there is too close a connection between those who draw the lines and those who appoint them.

NYPIRG agrees with the Citizens Union recommendation that 1/3, or 5 members, including the Chair and the Executive Director of the Redistricting Commission be appointed by the Campaign Finance Board. This will create a necessary buffer between the Council and Mayor and Redistricting Commission members who draw the lines.

Establish Stronger Redistricting Criteria

NYPIRG urges that the criteria for drawing lines be strengthened. Currently Chapter 2-A, Section 52-f prohibits the drawing of districts to favor or oppose any political party; this provision should be expanded to prohibit the drawing of district lines that favor or oppose an incumbent legislator, or any presumed candidate for office.

NYPIRG also urges that the variation in the population of Council districts be held to the Congressional standard (essentially even), while adhering to the requirements of the Voting Rights Act. Representative democracy is most fair when each elected legislative official represent the same number of constituents.

Lastly, the plan should have to be approved by 11 of 15 Redistricting Commission members instead of the current 9.