

Nonpartisan Elections And Charter Revision

by Doug Muzzio

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A recent article in the New York Post quoted a mayoral aide as saying that Michael Bloomberg is planning to appoint a charter revision commission to study the issue of non-partisan elections -- elections in which candidates run on their own, without being identified as Democrats or Republicans. This would not be the first such commission, nor the second, nor the [fourth](#) . It would in fact be the fifth one in five years. The previous four shelved the proposal; the last one to do so was just a few months ago.

Charter Commissions

The recent history of charter commissions shows two very different approaches, one by Mayor Ed Koch, the other by Mayor Rudy Giuliani. Koch, responding to the Supreme Court's decision declaring the Board of Estimate unconstitutional, created a commission in the late 1980s led by highly regarded, independent chairs Richard Ravitch and Frederick Schwarz and commissioners of high quality, to come up with a new structure for city government. The commission had an experienced, knowledgeable professional staff which produced comprehensive studies of electoral systems and institutional structures and processes. It consulted widely, with government officials, civic leaders, advocates, and community members, holding dozens of public hearings throughout the five boroughs. The commission proved itself a valuable instrument of government, successful in adapting to changing times and itself a medium of positive, meaningful change.

Giuliani on the other hand named three charter commissions, each chaired by close associates who had served the mayor as deputy mayors, with long-time friends or political associates as commissioners, with little staff, and perfunctory consultation and public hearings. The commissions were, Giuliani frankly stated, political tools. In 1998, the mayor used charter revision as a political maneuver to block putting on the ballot a referendum on whether the city should build a West Side stadium to replace Yankee Stadium. A year later, he created a commission to stop Public Advocate Mark Green from becoming mayor if Giuliani left his job for the U.S. Senate. A 2001 commission dealt with minor administrative changes that could have been dealt with by local law rather than constitutional change. In each case, the mayor got what he wanted from the commission, though the voters largely rejected the recommendations.

The commission that Bloomberg appointed in 2002 represented Koch's approach in the selection of commissioners and the chair, Robert McGuire. As the mayor said, they were "dedicated, capable, and knowledgeable." Also, the issues addressed, the nature of the city's voting system and succession to the mayor, were significant ones.

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However, the press and civic groups such as Citizens Union and the Women's City Club roundly criticized Bloomberg for the short timetable -- far shorter than any charter commission in at least the last 70 years. The mayor announced the appointment of the 13-member commission on July 10, 2002. The commission's proposals had to be filed with the city clerk by September 6 in order to be placed on the November 5 ballot. Mayor Bloomberg dismissed this criticism, saying the nonpartisan elections are "an idea that's been around for a long time€". It's not that complex."

The charter commission disagreed, deciding on Sept. 3, 2002 not to place nonpartisan balloting before the voters. The commission chair cited the need for "more study and public comment and consideration." Thus, the 2002 charter commission followed its predecessors in 2001, 1999, and 1998 in passing nonpartisan elections on to a future commission.

Nonpartisan Elections: Venerable Idea; Too Little Study

Nonpartisan elections are a venerable idea and practice, part of a package of reforms (including at-large elections, off-year elections, council-manager and commission forms of government) of municipal governance advocated by the Progressives in the early twentieth century. [Read "[The Party's Not Over](#)," a feature in Gotham Gazette written during the 2001 campaign] In 1909, Boston became the first large city to adopt nonpartisanship. In 1913, the California legislature made nonpartisan election of almost all local officials mandatory. Today, three-quarters of municipalities in the United States have a nonpartisan ballot, including major cities like Los Angeles, Chicago, Atlanta, Seattle, and Boston.

Michael Bloomberg was committed to nonpartisan elections while still a candidate: "When you have partisan elections, a very small group of people determine who gets elected because it's such a small group that votes in the primary, and they pick a candidate and when you have one party that is dominant, another candidate from another party really doesn't have much of a chance." A Bloomberg adviser suggested that nonpartisan elections in New York City would be more competitive: "Nonpartisan elections end up opening up opportunities for citizens to get into elective office. Without regard to parties, you might be able to attract more people to the political process."

However, despite its relatively long history and widespread use, nonpartisan elections have been inadequately studied and their effects not definitively known -- a point made by several of the academic experts who testified before the charter commission in summer 2002. Moreover, little research has been conducted specifically regarding how voters choose between candidates when party labels are removed from the ballot - which is the essential issue that

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confronts any commission and, ultimately, the public. Finally, there has been no study of the possible impacts of nonpartisan elections in the unique political environment of New York City, including synergistic effects with term limits and public campaign finance. Nonetheless, findings of social science and voting rights studies suggest probable consequences of a change to nonpartisan balloting which are troubling:

- voter turnout overall tends to be lower in nonpartisan elections;
- voter participation is skewed against residents of lower socioeconomic status (while candidates tend to have higher socioeconomic status);
- ethnicity/race and incumbency replace party cues in nonpartisan systems for less engaged/aware/informed voters;
- nonpartisan elections have a Republican (or at least minor party) bias.

Impacts Open to Question

Whether these findings apply to New York remains an open question, for as troubling as these possible outcomes, is that the 2002 commission staff -- at least in its August 6 report to the commission and in its public presentations-- never explored or even addressed the political and social science findings. Particularly disturbing were the unresolved questions about the Voting Rights Act implications of a change from partisan to nonpartisan elections. The voting rights analysis provided to the commission failed to demonstrate that a switch to a nonpartisan ballot in New York City would not dilute the voting power of the "protected classes" under the act.

Ultimately, the 2002 commission, just like the three previous commissions, decided to defer the issue for further consideration in the future, citing the need for "more study and public comment and consideration." Four times, then, there has been the same result and the same explanations. What else was the same? The staff. They were lawyers. Where are the social scientists and historians? Moreover, several members of the 2002 staff have served on at least one of the three previous commissions. And the 2002, 1999, and 1998 New York City charter revision commissions retained the services of the same voting rights expert (and the 2001 commission endorsed his findings). DÄ©jÄ vu all over again.

Four years is long enough to have analyzed, understood, and communicated the consequences of nonpartisan elections in New York. The players and the game plan ought to change. Changes in the city's basic electoral system must be rigorously and broadly discussed, for the city's electoral system provides the structure through which ethnic, racial, religious, geographic, economic and ideological divisions are played out. The commission's rejection of Mayor Bloomberg's proposal for nonpartisan elections may have been an illustration of what we can call the Rolling Stones Law - you can't always get what you want, but sometimes you get what you need. The city is better off. There are too many unanswered questions -- indeed

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unaddressed questions -- about the consequences of switching to nonpartisan elections. Yogi's advice should be heeded: "Before you build a better mousetrap, it helps to know if there are mice out there."

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