by Michael Muller
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There are 2.9 million New Yorkers registered as Democrats out of a total of 4.4 million registered voters, far more than any other party. But there are some 750,000 voters who are neither Democrats nor Republicans, and not members of any third parties either. They are independent voters, people who have registered to vote but have not affiliated with a political party. They make up the second-largest body of voters in the city. Indeed, there are more registered independent voters than members of the Republican, Conservative, Working Families and Independence parties combined.

There is not much concrete information on New York's independent voters. Several pollsters report that registered independents are less likely to vote than registered members of a political party, but when they do, they tend to support Democratic and liberal candidates. According to pollster Mickey Blum , independent voters came out in substantial numbers for the 2005 election, and were more likely than registered Democrats (but less likely than registered Republicans) to support Michael Bloomberg for mayor.

Bloomberg's campaign strategist, Bill Cunningham , part of the Bloomberg 2005 team that created a $10 million database of voter profiles, says independent voters tend to be as concerned with ethics and governmental reform as with the usual voter staples of crime and health care. Cunningham says it is important to try to see which issues concern such a large number of voters: "If they took the time to register, they must want to vote. One just needs to speak to their concerns."

But candidates rarely do this, and Democratic strategist Hank Sheinkopf understands why. "There's no reason to bother" reaching out to these voters, Sheinkopf says bluntly. They are not allowed to vote in the city's primaries â€“ and in New York City, the vast majority of elections are decided in the Democratic primary. And in those few instances where there is a competitive general election, "you don't want to wake up voters you can't control."

In other parts of the country, there have been several measures taken to try to bring independent voters into the process more equitably. These are open primaries and non-partisan elections. In New York City, the first exists in only a few cases, and efforts to implement the second have failed.

Open Primaries

Laws allowing independents to vote in a party's primary of their choice are plentiful nationwide. Almost half of the states even allow voters affiliated with one party some measure of opportunity to vote for a candidate from another party's primary.

In California, a voter initiative opened up their state's primary, and instituted a "blanket primary" system, where voters were allowed to pick and choose which party's primary to vote in for each individual race. But the US Supreme Court ruled (pdf format) the system unconstitutional, in a case brought by the Democratic Party, deciding that it infringed on the parties' rights. As a result, California now has a " modified-closed primary " which allows independents to vote for all races in one party's primary of their choice. Although the parties have the right to close their primary to outside voters, the major parties in California permit it.

Washington State used the blanket primary system for 70 years until it was ruled (pdf format) unconstitutional by a federal court in 2003. Voters then approved an initiative that created a "top-two" primary system, where voters could still pick and choose, as in the blanket system, but only the two candidates receiving the highest vote totals advanced to the general election.

Last month, a federal court struck down the system as unconstitutional. Washington is now using an open primary system modeled after Montana, where voters of any party affiliation can choose one party primary to vote in for all races, regardless of their affiliation. Under the new law in Washington, only major parties have a primary.

In New York, the Independence Party (not to be confused with *independent* voters) has reached out to unaffiliated voters, over the objection of the Board of Elections, which did not want the hassle and expense of accommodating them.

In 2003, the board appealed the Independence Party's decision to allow all voters to participate in their statewide primaries. In a scathing rebuke, the US District Judge hearing the case boiled down their argument to "we don't want to go to the trouble of ordering the adjustment of voting machines... to accommodate the Independence Party's constitutional

rights. This would be 'machine politics' of an utterly new, and absurd, kind." The US Supreme Court has s upported parties' rights to determine who can vote in their primary.

The following year, the Board of Elections at first refused to allow the Richmond County Independence Party to open up their primary in the 61st Assembly District to independent voters, but again the board was overruled by a federal court. The victory was, by most measures, a small one: Only 48 people total (whether independent voters or Independence Party voters) voted in that primary race.

What are the chances of the other political parties allowing independents to vote in their primaries? "If they want to vote in the Democratic Party, they can become a Democrat," said Herman "Denny" Farrell, chairman of the New York State Democratic Party.

Non-Partisan Elections

Three quarters of municipalities in the country now use some kind of nonpartisan election system according to Professor Doug Muzzio at Baruch's School of Public Affairs.

In Mayor Michael Bloomberg's first term, he proposed a charter amendment to create a "nonpartisan election" system where the primary would be open to all voters and all candidates, regardless of party affiliation. Voters overwhelmingly defeated the proposal.

The cities whose primary system most resembles the 2003 proposal are Minneapolis, New Orleans, and Jacksonville .

What's Good For Independentsâ€¦

The arguments used for side-stepping the political parties go beyond an effort to include unaffiliated voters.

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The Board of Elections, which manages and regulates the election process as it is laid out by law, is set up to be bi-partisan, rather than be independent. On the state level, it is made up of four commissioners, two from each major party, and two co-executive directors, one from each party, who are appointed by the commissioners themselves. In the city, a commission of ten appointees runs it, with one Democratic and one Republican commissioner from each borough, recommended by the county parties and then appointed by the city council.

This institutionalized partisanship has been blamed for much of the board's problems.

"To say you're going to get objectivity by insisting on partisanship, that's an absurdity," Governor Mario Cuomo told the Times in 1990.

A national telephone survey (pdf format), conducted in Feburuary 2006 by the, Caltech/MIT Voting Technology Project showed that an overwhelming majority of people - including registered Democrats and Republicans - prefer their elections to be run by a non-partisan elected board.

The partisanship goes even deeper than the commission. State law emphasizes party affiliation be considered in the county boards' staffing decisions by mandating that its staff consist of an equal representation of the two parties.

Bloomberg called that "a recipe for ineptitude."

"Party leaders dictate hiring decisions based on party connections - or family connections - not merit. This makes it very hard to fire incompetent workers, or to recruit qualified ones," he said. And he compared it to the judicial convention system, which was recently ruled unconstitutional, calling the two systems the "last bastions of political patronage."

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