

## Election Reform: Big Changes, Little Notice

by Doug Israel

Tuesday, May 29, 2007 12:00 AM -

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Governor Eliot Spitzer has announced a [package of reform proposals](#) that could fundamentally change many aspects of elections in New York State. But despite its sweeping nature, the plan, coming in a flurry of activity in the closing days of April, received little if any fanfare.

The election changes include proposals for Election Day voter registration, altering the state's redistricting process, uniform poll site hours, less burdensome signature requirements for candidates seeking office, and reform of the system for selecting candidates for judgeships. In announcing reforms, Spitzer said, "This package will effectively end the gerrymandering that has led New York to the highest incumbency rate in the country and preserved a status quo that for years has been counterproductive to the public interest. It will break down the barriers to voter registration and employ simple and effective methods to improve voter turnout and access to the polls."

The governor announced the measures as a group, along with a series of reforms to the [New York State court system](#)

, including a court restructuring proposal and [pay raises for the state's judges](#)

. Spitzer's call for raises for judges, without a recommendation for a pay increase for the state legislature, stole the spotlight from the election reform measures long sought after by good-government advocates. Meanwhile, the governor has focused his reform efforts on the fight to strengthen the states campaign finance laws (see [related article](#)

)—some of the weakest in the nation. It is reported that the governor will not agree to pay raises for members of the State Senate and Assembly unless the legislature make good on reform promises -- starting with changes in how campaigns are financed in New York State.

### PROPOSALS FOR CHANGE

The election reform proposals the governor floated included constitutional amendments as well as various changes to state election law.

Creation of an Independent Redistricting Commission

Responding to growing dissatisfaction with the current process for the drawing of state district

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lines, Spitzer introduced a constitutional amendment to reduce the role that partisan politics play in the process. The proposal calls for the creation of an independent redistricting commission to propose new boundaries for congressional and legislative districts. The lines are redrawn every 10 years, following the census.

Currently members of legislature determine the new districts. [Critics](#) have long complained that the existing system leads to uncompetitive election as legislators draw lines that protect their own seats. At least partly as a result of this, about 98 percent of the legislature's incumbents are reelected every two years, usually by huge margins.

The constitutional amendment would replace the current system with an 11-member independent redistricting commission. Eight of the commissioners would be appointed by the four legislative leaders, with the Senate majority and minority leaders, the Assembly speaker and the Assembly minority leader each selecting two members. These eight members would then choose the other three commissioners. The commission would also have the power to finalize and approve the redistricting plans. Now the legislature approves its own district lines.

### **Election Day Voter Registration**

In an effort to increase voter participation around the state, the governor proposed a pair of bills aimed at allowing New Yorkers to register to vote on Election Day. The first would amend the state constitution to remove the requirement that, to be eligible to vote, a person must submit a registration form to the Board of Elections in advance of the election. The second would call for legislation detailing how the state would implement [Election Day voter registration](#).

The Election Day voter registration bill would allow people who register on the day of an election, or within 15 days of a primary and 10 days of a general election, to vote if they sign an oath or affidavit attesting to their qualifications to vote and certifying that they have not previously voted in the election; and present adequate proof of identity and residence. These voters will be permitted to vote only by paper affidavit ballot.

### **Election Administration, Polling Hours and Ballot Access.**

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To address a host of issues related to how the state's elections are administered and how candidates gain [access](#) to the ballot, the governor proposed a multi-faceted bill for consideration by the state legislature. It would:

- â€~ Require all polling places across the state to be open from 6 a.m. to 9 p.m. on primary and general election days. (This already is required for New York City.)

- â€~ Reduce by one half the number of signatures a candidate needs to get on the ballot.

- â€~ Set simpler requirements for the petition forms potential candidates must submit.

- â€~ Make it easier for any [presidential candidate](#) who qualifies for federal matching funds under the Presidential Campaign Fund Act to get on the ballot in the state.

- â€~ Eliminate the need for voters to disclose details of their vacation, illness or other reasons for requesting an absentee ballot.

- â€~ Designate voter registration and votes cast as "confidential election information" and establish penalties for stealing, altering or destroying such information.

### Judicial Selection

In response to two [federal court decisions](#) that have found New York's system of choosing state Supreme Court judges unconstitutional, the governor proposed broad changes to the way justices of the Supreme Court and the Appellate Division of the Supreme Court, and judges of the Court of Claims, Family Court, Surrogate's Court and County Court are selected. The U.S. courts ruled that the current system, which uses nominating conventions to choose Supreme Court candidates, violates the rights of voters, candidates and political party members to meaningfully participate in the selection process. This existing system puts much of the power to [choose judges](#) in the hands of the leaders of the two major political parties.

The proposal to amend the state constitution would eliminate elections for these positions altogether and establish a merit-based appointment system that mirrors the process used to select Court of Appeals judges and make interim appointments to various trial level courts. Under this proposal, various statewide and regional judicial nominating commissions would be established. These commissions would evaluate and screen judicial candidates based on their character, qualifications and professional experience. They would be directed to be mindful that the court should represent the diversity of people living in the jurisdiction.

Until the passage of such a constitutional amendment, the governor proposed altering the convention system, to allow for more competitive and open judicial elections.

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### SUPPORT FOR THE PLAN

Despite the governor's understated introduction strategy, the election reform proposals have gained support from the good-government community.

Commenting on the election day voter registration proposal, president of the League of Women Voters of New York State, Marcia Merrins said, "It is essential that our state constitution reflect the ability of citizens to exercise their absolute right to vote rather than be used an impediment to that right. We applaud the governor for proposing this constitutional amendment for providing this improved access."

*Doug Israel is policy director at Citizens Union Foundation, which publishes Gotham Gazette.*     Â