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New York City Charter Revision Commission
c/o Executive Director Lorna Goodman and
Senior Counsel John Low-Beer
2 Lafayette Street, Room 1414
New York, NY 10007

Dear Director Goodman and Mr. Low-Beer:

We write regarding the Commission's consideration of whether to recommend that the issue of non-partisan elections be placed on the ballot this November. Just seven years ago, before a previous Charter Revision Commission, the Brennan Center argued that, particularly given concerns about how such a move would affect diversity in elected office, "it would be irresponsible to make so fundamental a change in the City's electoral processes as a move to non-partisan elections . . . without first undertaking serious, methodologically defensible, empirical analysis of its probable impact." Nevertheless, the Commission did propose non-partisan elections in 2003, and the measure was soundly defeated, 70 to 30 percent.

In light of that defeat, and continued concerns about the retrogressive effect of a move to non-partisan elections, the Brennan Center reiterates its position from seven years ago that the Commission should not recommend a move to non-partisan elections unless it can produce a persuasive body of research that employs an appropriate scientific method and convincingly shows, among other things, that moving to non-partisan elections would not have a retrogressive effect on racial minorities, but would improve representation for the residents of New York City and increase voter participation, regardless of socio-economic status. That research, to the extent that it exists, must be made available to the public, and the public should be given ample time and opportunity to closely evaluate and comment on it. Merely picking out individual races and generalizing from them to make broad points about the likely impact on the city's electoral process is insufficient.

While the report from Citizens Union dated June 30, 2010 presents a number of arguments in favor of a move to non-partisan elections, we do not believe it meets the criteria set forth above. In particular, the Citizen Union report notes that "a review of the current literature suggests that there is no strong consensus as to how

minority voters would be affected by” a move to non-partisan elections.¹ This falls far short of addressing concerns that the move would have a negative effect on minority representation. Similarly, the report’s reference to non-partisan elections in two jurisdictions, Los Angeles and Washington State, does not convincingly show that non-partisan elections would increase voter participation.²

We welcome the opportunity to further discuss our thoughts on this and other issues currently being considered by the Commission, and look forward to the opportunity to comment upon your preliminary recommendations.

Sincerely,

A handwritten signature in black ink that reads "Lawrence Norden". The signature is written in a cursive style with a large, stylized initial "L".

Lawrence Norden

¹ Citizens Union of the City of New York, 2010 CITY CHARTER REVISION RECOMMENDATIONS 58 (June 30, 2010), available at http://www.citizensunion.org/www/cu/site/hosting/Reports/0610CU_Charter_Revision_Report&Recommendations.pdf.

² *Id.*, at 56-57. Voter participation decreased in Los Angeles County during the relevant time period.