

**Written Testimony Submitted to the  
2025 New York City Charter Revision Commission**

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**About the Author**

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\*The Manhattan Institute does not take institutional positions on legislation, rules, or regulations. Although my comments draw upon my research as a Manhattan Institute scholar, the views represented today are solely my own, not my employer's.

## Executive Summary

Chair Buery, members of the 2025 Charter Revision Commission (CRC), and Executive Director Schierenbeck, thank you for the honor and opportunity to testify on improving New York City's governance. My name is John Ketcham. I research and write on various issues affecting New York City in my capacity as a fellow and director of cities at the Manhattan Institute (MI), but I provide this testimony in my personal capacity as a lifelong and loyal New Yorker. This written testimony expands on my oral testimony on local electoral reform delivered at the April 9 Staten Island Public Input Session on Government Reform. As a preliminary matter, I would like to reiterate and second the recommendations offered by my colleague Eric Kober.<sup>1</sup>

To make clear my recommendations at the outset, I respectfully urge the CRC to amend the New York City Charter in the following ways:

- Exercise the city's local authority under Article IX of the New York State Constitution and Section 10 of the Municipal Home Rule Law to adopt the following:
  - For citywide elections, a form of “top-two” voting that uses “bottoms-up” ranked-choice voting in a qualifying-round election open to all registered voters and candidates, regardless of party, which advances the last two remaining candidates to a general election. Party labels on ballots next to candidates' names should be retained, with internal party processes governing the selection of which candidate bears the party's endorsement in both the qualifying-round election and the general election.
  - For city council elections, a system of proportional representation (PR), such as open-list PR or mixed-member proportional (MMP) (but not the Single Transferable Vote). PR systems could eliminate council primaries in favor of nomination through internal party processes and a single general election, in which parties receive seats in proportion to their shares of the vote in a multi-seat council district.
- Amend Sections 4, 25, 81, and other relevant provisions to match the timing of New York City's local elections with the dates on which gubernatorial elections and midterm congressional elections are held (i.e., in 2030, 2034, etc.). This would allow for a “New York Election Year,” in which candidates for governor and mayor might cross-endorse each other and promise to cooperate on issues that require both state and local action. A combined

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<sup>1</sup> See Eric Kober, *Testimony Before The New York City Charter Revision Commission* (FEB. 24, 2025), <https://manhattan.institute/article/testimony-new-york-city-charter-revision-commission>.

state-local election calendar would likely counteract concerns about the undue influence of federal elections held on the same day.

- In Section 25 (a), amend “year two thousand and one” and “two thousand three” to “two thousand forty two” and “two thousand forty four” to align the new calendar with the decennial redistricting process.

This package would accomplish several goals. It would open primaries to all registered voters and allow candidates to run in a single qualifying-round election, bolstering political competition. Retaining ranked-choice voting (RCV) in primaries would perpetuate the reform adopted by the 2019 Charter Revision Commission, slightly modified to the “bottoms-up” variety of RCV. This system would successively eliminate the lowest-performing candidate, redistributing that candidate’s ballots to the next ranked choice, until only two candidates remain. The Democratic Party used it successfully in five states during the 2020 presidential primaries.

Party labels should be retained on ballots. These cues provide voters with important information to help guide their decision-making. Internal party mechanisms should control who bears its on-ballot endorsement, not the candidates’ registration or self-reporting. Each party would select one candidate to receive its endorsement in the preliminary and general elections. A candidate would be eligible to receive more than one party’s endorsement, preserving the essential functionality of the fusion-voting system. This would give party institutions a stake in the reform, in exchange for opening primaries in the qualifying-round election. As a result, parties—perhaps including some new, local ones—could compete against each other and better coordinate voters, candidates, and ultimately, elected officials.

In city council elections, proportional representation systems would elect multiple members from geographically larger districts, matching the number of seats political parties receive in proportion to their shares of the district vote. This better balances neighborhood and citywide needs and would likely yield a legislative body more closely aligned with voters’ preferences. Parties nominate candidates, eliminating primaries (unless a party chooses to hold one) and incentivizing party leaders to nominate individuals with the greatest electability. Open-list and mixed-member proportional are two viable PR systems that allow voters to select candidates, not just parties.

Because no general election would use RCV under such a system, it would avoid the risk of confusing voters exposed to non-ranked voting systems in state and federal general elections. Many general-election voters do not participate in primaries, so those unaccustomed to RCV would be able to participate in general elections without learning a different voting system. And because these elections

would take place on even-numbered years concurrent with gubernatorial races, turnout would increase substantially relative to the status quo.

In short, such a system could see far higher democratic participation in more competitive general elections for citywide offices and for city council. Qualifying-round voters would still use RCV, though in a system with maximal openness and more institutional party input through control of the use of their party labels. General-election voters would simply select one of two candidates for citywide offices, and for their one preferred city-council candidate in a PR system. The mayoral candidate with more votes wins, and council seats distributed according to their shares of the district vote.

### **The State of New York City Local Elections in 2025**

In 2019, New York City voters approved a revision to the Charter that introduced single-winner ranked-choice voting (technically known as instant-runoff voting (IRV) or the alternative vote (AV)) in primary and special elections for local offices.<sup>2</sup> IRV was integrated into the city and state's existing electoral architecture: single-member council districts, fully closed primaries, and elections held on odd-numbered years, which generally discourage political competition.

After two local elections using IRV—the 2021 mayoral and city-council primaries and the 2023 city-council primaries—New York City's electoral dynamics remain essentially the same. As the CRC's Preliminary Report noted, the 2021 mayoral primary, the first without an incumbent since 2013 and the first to use ranked-choice voting following the 2019 Charter amendment, saw a modest but noticeable increase in turnout.<sup>3</sup> Even so, only 26.5 percent of eligible voters participated.<sup>4</sup> In the 2013 mayoral primary, 23.3 percent of eligible voters participated.<sup>5</sup> The city's general elections routinely suffer from low voter participation, as the CRC's Preliminary Report noted.<sup>6</sup> This is partly the result of the uncompetitive nature of most general elections.

Nor has IRV, standing alone, spurred much more political competition. Today, one party still controls nearly 90 percent of city council seats and the three major citywide offices of mayor, comptroller, and public advocate.<sup>7</sup> Political competition still occurs almost entirely between factions of the local Democratic

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<sup>2</sup> New York City Board of Elections, *Learn about Ranked Choice Voting for NYC Local Elections*, <https://vote.nyc/page/ranked-choice-voting>.

<sup>3</sup> 2025 NYC CHARTER REVISION COMMISSION PRELIMINARY REPORT 16–17, 53–57 (2025).

<sup>4</sup> NYC VOTES, 2021–2022 VOTER ANALYSIS REPORT vii (2022), [https://www.nyccfb.info/pdf/2021-2022\\_VoterAnalysisReport.pdf](https://www.nyccfb.info/pdf/2021-2022_VoterAnalysisReport.pdf).

<sup>5</sup> *Id.* at 45.

<sup>6</sup> 2025 CHARTER REVISION COMMISSION, *supra* note 3, at 54–55.

<sup>7</sup> N.Y.C. Council, *Council Members & Districts*, (last visited Jan. 5, 2024), <https://council.nyc.gov/districts/>.

Party.<sup>8</sup> Worst off are the over one million registered city voters who do not affiliate with any political party.<sup>9</sup> They cannot vote in any primary, nor can those affiliated with minor parties that do not hold primaries.

The city's modest results with ranked-choice voting are consistent with other findings in the academic literature. In a New America report discussing the results of 15 papers on the effects of ranked-choice voting, Lee Drutman and Maresa Strano found a pattern of “null to small” effects.<sup>10</sup> Most of these papers suggest it is a modest procedural change, a “comparable or modestly better alternative” to plurality, or first-past-the-post, voting.<sup>11</sup> Their report sums up the matter succinctly:<sup>12</sup>

[R]eplacing FPTP with RCV without addressing the other structural drivers of America's hyperpolarized and inequitable two-party system, including single-member districts, is unlikely to bring about the large-scale change we need to repair our national political dysfunction. Put another way, adopting RCV will not hurt as much as you might fear, but it may not help as much as you might hope.

New York City's electoral system, therefore, does not create the conditions for robust political competition and broad voter participation. Its structural elements insulate the dominant political party from inter-party challenges and impede many voters from having a meaningful say.

### *Voters Across New York City Support Electoral Reform*

Manhattan Institute polling conducted in April 2024 and January 2025 indicates that city voters across boroughs and partisan identity—Democrat, Republican, third-party, and unaffiliated—experience frustration with the city's electoral structure. Among all January 2025 respondents, 37 percent said that the political party they're registered with represents them poorly.<sup>13</sup> Among Democrats,

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<sup>8</sup> See, e.g., Chris Sommerfeldt, *NYC's next comptroller, public advocate are progressives who could be thorns in Eric Adams' side*, N.Y. DAILY NEWS (Nov. 2, 2021, 9:56 PM), <https://www.nydailynews.com/2021/11/02/nycs-next-comptroller-public-advocate-are-progressives-who-could-be-thorns-in-eric-adams-side/>.

<sup>9</sup> New York State Board of Elections, “NYSVoter Enrollment by County, Party Affiliation and Status.” February 2024.

<sup>10</sup> LEE DRUTMAN & MARESA STRANO, *EVALUATING THE EFFECTS OF RANKED-CHOICE VOTING 9* (2022), [https://d1y8sb8igg2f8e.cloudfront.net/documents/Evaluating\\_the\\_Effects\\_of\\_Ranked-Choice\\_Voting.pdf](https://d1y8sb8igg2f8e.cloudfront.net/documents/Evaluating_the_Effects_of_Ranked-Choice_Voting.pdf).

<sup>11</sup> *Id.* at 7.

<sup>12</sup> *Id.* at 9.

<sup>13</sup> Jesse Arm, *Assessing the Race: Polling the 2025 NYC Mayoral Election*, MANHATTAN INST. (Feb. 6, 2025), [https://media4.manhattan-institute.org/wp-content/uploads/sites/5/MI\\_Electoral\\_Crosstabs\\_Canonical.pdf](https://media4.manhattan-institute.org/wp-content/uploads/sites/5/MI_Electoral_Crosstabs_Canonical.pdf).

38 percent said likewise, and 23 percent reported that they're registered as a Democrat because "the Democratic candidate almost always wins the general election and I want my vote to count for something."<sup>14</sup>

Many New Yorkers also favor electoral reforms, evidenced by the volume of testimony and interest in this Charter-revision process. A 57 percent majority of voters that MI polled this January supports moving the city's local elections to even-numbered years.<sup>15</sup> This majority support cuts across political lines, for both Democrats (54 percent) and Republicans (74 percent). Support has remained constant as well, with 61 percent of those polled in 2024 favoring local even-year elections.

When given a choice between an open (that is, not limited exclusively to party members) and closed primary, a majority (53 percent in 2024, 62 percent in 2025) of likely city voters believe that open primaries are better than closed primaries.<sup>16</sup> Respondents also received a prompt that introduced a "nonpartisan primary" (a top-two primary used in California and Washington State, similar to New York City's proposed 2003 Charter amendment). After this prompt, a plurality of 33 percent in 2024 and 37 percent in 2025 preferred nonpartisan primaries to open and closed primaries.<sup>17</sup>

Voters likewise believe that open and nonpartisan elections encourage more people to vote than the current closed-primary system. Among 2025 respondents given a choice between open and closed primaries, 70 percent believe that open primaries encourage more people to vote, compared with only 15 percent who say the same about closed primaries, and 15 percent unsure.<sup>18</sup> When nonpartisan primaries were added as an option, 36 percent reported that open primaries would encourage the most turnout, followed closely by 35 percent believing so for nonpartisan primaries. Only 14 percent reported that closed primaries would drive the most turnout.<sup>19</sup> Evidence of the impact of primary reform on turnout in other jurisdictions supports their view.<sup>20</sup>

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<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> Jesse Arm, Polling *NYC Survey Analysis of 2025 Likely Mayoral Voters on Politics, Crime, Migrants, and Electoral Reform*, MANHATTAN INST. (Apr. 18, 2024), <https://manhattan.institute/article/polling-nyc-survey-analysis-of-2025-likely-mayoral-voters>.

<sup>17</sup> *Id.*

<sup>18</sup> Arm, *supra* note 13.

<sup>19</sup> *Id.*

<sup>20</sup> See, e.g., LEE DRUTMAN, WHAT WE KNOW ABOUT CONGRESSIONAL PRIMARIES AND CONGRESSIONAL PRIMARY REFORM 59 (2021), <https://www.newamerica.org/political-reform/reports/what-we-know-about-congressional-primaries-and-congressional-primary-reform/implications-for-top-four-five-voting/> ("At best, open primaries increase participation by only 2 or 3 percentage points at best, and top-two primaries by about 6 percentage points.").

Given this broad support among New Yorkers, I encourage the Charter Revision Commission to amend the Charter to change the structure of the city's local elections and to move local elections to even-numbered years.

### **Options for Primary Reform**

Several reasonable options for primary reform would improve the electoral status quo, each with varying tradeoffs. The components of electoral systems (e.g., the use of ranked-choice voting, primary openness, election timing, etc.) should always be considered in the context of the entire electoral system, not as parts that can be substituted between one system and another.

It is also important to note that local issues do not bifurcate along partisan lines. Land use, for example, mostly divides voters by interests (homeowners, tenants, etc.), not ideology. Nor do local issues lend themselves to neat ideological bundles of issues that voters would tend to support. One's stance on zoning has little bearing on whether one's preferences for policing, bike lanes, charter schools, small-business permitting, or any number of other local decisions. Although local issues are less ideological and partisan than national issues, the emergence of more local parties, perhaps centered around concrete local issues, would provide avenues for currently disaffected New Yorkers to identify with a group of likeminded candidates and voters.

#### *Open to Unaffiliated Primaries*

The least disruptive—and also the least transformative—primary reform would allow voters who are not affiliated with any political party to vote in one party's primary. Evidence from other jurisdictions suggests that this reform would offer some benefits, such as an uptick in turnout of up to five percent and a primary electorate that looks more similar to that of the general election.<sup>21</sup> Evidence from New York City, however, suggests modest expectations. According to the CFB's 2024 Voter Analysis Report, "Unaffiliated voters in New York City have consistently recorded the lowest turnout compared to major and minor political party groups."<sup>22</sup> Only 11.7 percent of unaffiliated voters participated in the 2021 city general election.<sup>23</sup>

Allowing unaffiliated voters to participate in one party's primary would likely have only muted effects on political competition. Unaffiliated voters have complex motivations for identifying as such, but one common reason is a distrust of the party

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<sup>21</sup> See JOSHUA FERRER ET AL., THE EFFECT OF OPEN PRIMARIES ON TURNOUT AND REPRESENTATION 5, 22–23 (Bipartisan Policy Ctr. 2024).

<sup>22</sup> NYC VOTES, 2024 VOTER ANALYSIS REPORT 82 (2025).

<sup>23</sup> *Id.* at 83.

system, particularly the two major parties.<sup>24</sup> They thus make for an awkward fit in party primaries. Far from a monolith, self-described independent and “moderate” voters often hold idiosyncratic or extreme views that vary widely.<sup>25</sup> Major-party primary candidates may find it difficult to appeal to these voters, thus reducing the impact of this reform.

Nor would this reform substantially improve the competitiveness of general elections. Lopsided voter registration would likely continue to make the winner of the Democratic Party primary proceed to an easy general-election victory.

Finally, allowing unaffiliated voters to participate in a party primary of their choice would eliminate the impetus for more far-reaching electoral reform. As you are well aware, many of those who have testified before the CRC have expressed frustration and anger that they are unable to participate in the primary process. This represents a key motivator for primary reform’s passage. Correcting the issue of access without addressing the larger structural deficiencies of the closed-primary system risks failing to deliver on improved electoral competitiveness. The popular energy behind electoral reform would likely dissipate in future Charter revisions, leaving the deficiencies of the status quo in place.

In short, because of the likely muted benefits and need for greater structural reform, I do not recommend only allowing unaffiliated voters to select a party primary in which to vote.

### *Nonpartisan Primaries*

By definition, “[p]rimaries are elections that political parties use to select candidates for a general election.”<sup>26</sup> “Top-two” or “top-four” voting, in which the top-two or top-four vote-getters, regardless of party, advance to the general election, do not nominate a party’s candidate. Such voting systems therefore differ from a primary. Better termed a “preliminary” or “qualifying-round” election, top-two or top-four voting reduces the larger pool of candidates to a smaller, more manageable two in the general election.<sup>27</sup> (For clarity, hereinafter, I will use the term “qualifying-round election” instead of “nonpartisan primary.”)

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<sup>24</sup> See SARAH GOFF, INDEPENDENT STATE OF MIND, 8–9 (Common Cause NY 2023).

<sup>25</sup> Drutman, *supra* note 20, at 54 (“More broadly, there is considerable evidence that self-identified moderate voters do not necessarily hold moderate views on policy. Many moderates hold a mix of extreme views that do not neatly fit into either liberal or conservative camps, leaving them with moderate as the only reasonable label.”).

<sup>26</sup> Federal Voting Assistance Programs, *Voting in Primaries What Are They?*, <https://www.fvap.gov/uploads/FVAP/Outreach-Materials/PrimaryElectionsFactSheet.pdf> (last visited May 24, 2025).

<sup>27</sup> JOHN KETCHAM, NYC ELECTORAL REFORM: HOW TO INCREASE POLITICAL COMPETITION AND REVITALIZE LOCAL DEMOCRACY 24 (Manhattan Inst. 2022).

States such as Washington and California have used the top-two variety for over a decade. Alaska adopted top-four in 2020, a variant of “Final Five Voting,” developed by Katherine Gehl and Harvard Business School Professor Michael Porter.<sup>28</sup>

Compared with the status quo, top-two and top-four voting have several desirable features. Most importantly, they would allow all registered voters to participate in the qualifying-round election. They would also allow candidates from all parties or none to participate, boosting political competition and potentially opening avenues for policy innovation. General elections are much more likely to sport genuine competition between the two or four candidates that commanded the most votes in the qualifying round.

As Matt Germer and Ryan Williamson of the R Street Institute have noted in their analysis of top-two voting in Washington State, “Overall, top-two voting has provided Washington citizens with more options in primary elections, generating more competition and giving them more say in outcomes.”<sup>29</sup> “On the other hand,” they continue, “it has had little impact on voter participation and has occasionally resulted in races that left many voters feeling unsatisfied with their choices.”<sup>30</sup>

The major drawback of top-two voting is its limitation to only two general-election candidates. This avoids any possibility for a spoiler effect and thus for a ranked-choice general contest. It also deprives general-election voters of a rich selection of candidates from which to choose, such as candidates from two different parties. The experience in Washington State has shown that these situations “have played out in high-profile races and with some regularity.”<sup>31</sup> Given New York City’s voter registration statistics, it is likely that in many races, two Democratic candidates would face off in the general election. This would increase competition relative to the status quo, where only one Democrat effectively competes, but it may deter competition between parties.

Top-two voting’s effect on political competition—while likely a large improvement over the status quo or open to unaffiliated primaries—may thus be less disruptive than one might expect in New York City. Since its implementation in Washington State, top-two voting has not materially impacted the total number of competitive general-election races, but it has reduced the number of unopposed general elections by about 10 percent in the two elections following adoption.<sup>32</sup> Germer and Williamson explain that one reason for this is “that contests featuring

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<sup>28</sup> See KATHERINE M. GEHL AND MICHAEL E. PORTER, *THE POLITICS INDUSTRY: HOW POLITICAL INNOVATION CAN BREAK PARTISAN GRIDLOCK AND SAVE OUR DEMOCRACY* (2020).

<sup>29</sup> MATT GERMER & RYAN WILLIAMSON *THE GOOD, THE BAD AND THE IN-BETWEEN: WASHINGTON’S IMPLEMENTATION OF TOP-TWO VOTING*, R STREET 1 (2023).

<sup>30</sup> *Id.*

<sup>31</sup> *Id.* at 14.

<sup>32</sup> *Id.* at 9.

only one party shifted the competition from the primary election to the general, creating competitive general election races in previously uncompetitive districts and including the input of more voters.”<sup>33</sup>

Top-two systems would, therefore, benefit from modifications that further enhance political competition. New York City already utilizes RCV, which can be incorporated into a top-two system to generate additional political competition and avoid spoiler effects in the primary.

### Recommendation for Primary Reform in Citywide Elections

For citywide elections, I recommend eliminating the current closed-primary system in favor of a “top-two” system. A single qualifying-round election would feature all candidates and be open to all registered voters. Because ranked-choice voting is already used in local primary and special elections, I recommend retaining RCV and using the “bottoms-up” variant of RCV in the qualifying-round election. Bottoms-up successively eliminates the lowest-performing candidate, redistributing that candidate’s ballots to the next ranked-choice, until only two candidates remain, who would proceed to the general election.<sup>34</sup> The Democratic Party successfully used bottoms-up in five states during the 2020 presidential primaries.<sup>35</sup>

As described in greater detail in the section below, each party, via internal mechanisms, should be allowed to endorse their preferred candidate and have those endorsements appear on both the qualifying-round and general-election ballots. This would help voters understand that a party has officially selected a candidate for citywide office to bear its banner—serving as an official stamp of institutional approval.

### *Party Labels on Ballots*

The CRC Preliminary Report correctly acknowledges “the important role that party identification plays in political life.”<sup>36</sup> At the same time, party designations on ballots provide critically important information for voters. “Nonpartisan primaries,” however, present the question of whether to include party affiliations on ballots. Again, the CRC Preliminary Report correctly notes that “some states list the party affiliations of candidates on the ballot, whereas others do not identify party on the ballot at all” and that the 2003 Commission proposed to retain party affiliation, “to

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<sup>33</sup> *Id.*

<sup>34</sup> Jack Santucci, *Variants of Ranked-Choice Voting from a Strategic Perspective*, 9 POL. & GOVERNANCE, 344, 346 (2021).

<sup>35</sup> *Id.*

<sup>36</sup> 2025 CHARTER REVISION COMMISSION, *supra* note 3, at 18.

preserve the important role of parties in signaling to voters candidates' policy positions."<sup>37</sup>

As a general matter, political parties are a critically important part of the American governmental structure. Among other things, parties organize voters and interests into workable coalitions, help to recruit candidates, and, crucially, coordinate legislative and executive efforts after an election. The alternative is poorly coordinated governance.<sup>38</sup> Voters, moreover, are generally drawn to the team-like aspect of political parties, but many find that neither major party adequately represents their views. If New Yorkers had more local parties, they could develop more nuanced local policies. As Lee Drutman explains, "If there were more parties, the public would have more policy ideologies to choose from. . . . Most people do not have the time or inclination to develop a coherent political view independent of the political parties."<sup>39</sup>

The city's electoral system should thus encourage party cohesion and the emergence of local parties distinct from those at the national-level. One way of doing so is to retain party labels on ballots. The party cue serves as a heuristic, providing critically important information to guide voter decision-making.<sup>40</sup> This is especially significant for the many voters who do not research candidates' policy positions prior to casting their vote. As Yale Law School Professor David Schleicher writes:<sup>41</sup>

Where an election law system either encourages or does not discourage party systems developed at the national level to appear on ballots at another level of government, under-informed voters will use party preferences developed at the national level when voting at the local or state level as long as there is any correlation between their policy preferences at the two levels. As voters have little specific knowledge about individual politicians

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<sup>37</sup> *Id.* at 61.

<sup>38</sup> Evidence of poor coordination can be seen in New York City's use of the Single Transferable Vote (STV) between 1937 and 1947, when weakened parties were often unable to control their members, making it difficult to hold parties together. Ultimately, this contributed to STV's repeal. See Jack Santucci, *Lessons from the History of Proportional Representation in America*, PROTECT DEMOCRACY (Sept. 13, 2023), <https://protectdemocracy.org/work/lessons-from-the-history-of-proportional-representation-in-america/> ("STV got repealed anyway because it made it hard to hold those parties together. Or, in New York City, the system made it hard to bind a coalition of parties. (New York was the only city with visibly multiparty politics.)").

<sup>39</sup> LEE DRUTMAN, MORE PARTIES, BETTER PARTIES 66 (New America 2023).

<sup>40</sup> In fact, the information available to voters on ballots can be expanded to endorsements, such as from the mayor, comptroller, and local organizations and newspapers. These would appear alongside candidates' names on ballots and provide richer signals to voters to select the candidate most closely aligned with their preferences. For more on this proposal, see KETCHAM, *supra* note 27, at 19–20.

<sup>41</sup> David Schleicher, *What If Europe Held an Election and No One Cared?*, OPINIOJURIS (Aug. 2, 2011), [https://opiniojuris.org/2011/02/08/hilj\\_what-if-europe-held-an-election-and-no-one-cared/](https://opiniojuris.org/2011/02/08/hilj_what-if-europe-held-an-election-and-no-one-cared/).

or what is going [on] in most legislatures, this is perfectly rational behavior – they vote based on what they know, and they know national parties. . . . [T]here is substantial evidence that knowing a politician’s national party membership tells us very little about her preferences about local policy. As a result, local elections do very little to translate voter preferences about local issues into governmental policy and local officials are not particularly accountable for poor performance.

### Recommendation for Party Labels on Ballots

Assuming that party labels remain on ballots, who decides what label appears next to candidates’ names? In citywide elections, I recommend that internal party mechanisms select a candidate to receive the party’s endorsement in the qualifying-round election and general election (which would not have to be the same candidate in both elections). A candidate would be eligible to receive more than one party’s endorsement, preserving the core functionality of New York City’s fusion voting.

This would provide voters with a key signal that the party has approved a candidate and his or her policy platform. It would also encourage party cohesion, giving parties an incentive to support the Charter reform. Greater party-candidate cohesion would extend to the post-election legislature, reducing the risk that parties would suffer from defections by weakly aligned lawmakers that may imperil durable legislative coalitions.

### *Proportional Representation through Party Lists for City Council Elections*

For city council elections, proportional representation (PR) electoral systems could eliminate primary elections altogether, unless a party chooses to hold a primary. PR electoral systems aim to reflect the composition of subgroups in the electorate within a legislative body, such as by matching the share of a party’s seats with the share of votes that the party receives in an election.<sup>42</sup> Proportional representation would facilitate representation from the city’s many different racial, ethnic, and political subgroups. Parties would form and re-form coalitions on an issue-by-issue basis, negotiating compromises across wide local policy domains.

PR systems work by electing multiple members from a smaller number of geographically expanded districts. Because these districts encompass more neighborhoods, it is extremely difficult, if not impossible, to gerrymander these multi-seat districts. The number of candidates elected in each multi-member district can vary; with more candidates per district, each requires a smaller percentage of the vote to secure a seat. In a 51-member body, four or five members

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<sup>42</sup> FairVote, *Fair Voting/Proportional Representation*, <https://archive3.fairvote.org/reforms/fair-representation-voting/>.

per district would likely be small enough to encompass adjoining neighborhoods while allowing for better representation of political minorities.

“Open-list” PR is simple and intuitive for voters; they need only select their preferred candidate under the party that is closest to their views. Party committees or some other internal mechanism selects the candidates who appear under the party’s label on the ballot, (and, in some systems, candidates’ order of appearance). Each voter selects her preferred candidate under the party heading. For example, a single, non-ranked vote could count for both the candidate and his party.<sup>43</sup> Unlike with ranked-choice-based PR (called the Single Transferable Vote (STV)), in which voters exclusively select candidates, list-based proportional representation systems count votes at the party level, and parties receive seats in proportion to their shares of the vote.<sup>44</sup> Individual candidates who receive the most votes from the party’s list are elected first, and then in descending order, until all of the party’s seats are filled.

In fact, list-based proportional representation systems are the most common worldwide.<sup>45</sup> This popularity owes to its ability to balance party cohesion, competition, and voters’ ability to select candidates. Because parties maintain control over candidate nominations, it encourages coherent messaging from the party and its candidates. This can translate to greater caucus cohesion in the resulting city council, holding together parties’ political brands. As political scientist Jack Santucci writes, “Elections in list systems are fundamentally contests among parties.”<sup>46</sup>

Another PR system, called mixed-member proportional representation (MMP), deserves consideration as well. MMP preserves traditional single-seat districts but also asks voters which party they prefer. The most common version of MMP gives the voter two votes: one for their district, then a second for a party. Single-seat districts usually compose most of the seats in the legislature, but not all; between a third to half of seats are set aside for party-list allocation (usually with parties selecting who will take the party seat). Candidates with the most votes in each district win. However, parties’ overall seat shares are determined by the party vote. After the district results are tallied, parties get additional seats from their lists until the overall result reflects the distribution of party preferences.

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<sup>43</sup> Kevin R. Kosar, *What is the one-vote system? A Q&A with Jack Santucci*, AEI IDEAS, Oct. 25, 2021, <https://www.aei.org/politics-and-public-opinion/what-is-the-one-vote-system-a-qa-with-jack-santucci/>.

<sup>44</sup> JACK SANTUCCI, MORE PARTIES OR NO PARTIES: THE POLITICS OF ELECTORAL REFORM IN AMERICA 7 (2022).

<sup>45</sup> FairVote, *How Proportional Representation Elections Work*, <https://fairvote.org/archives/how-proportional-representation-elections-work/> (“Over 80% of the PR systems used worldwide are some form of party list voting.”).

<sup>46</sup> *Id.*

Determining winners involves, first, using plurality voting to determine the winner of the district-level seats—the candidate with the most votes wins. Second, the party-list seats are distributed to each party in proportion to their vote shares earned in the party-level vote, taking account of seats already won in the districts. Party representation in the resulting city council would thus closely match the shares of the vote that the parties received.

### Recommendation for City Council Elections

For city council elections, I respectfully recommend that the CRC adopt open-list proportional representation or mixed-member proportional representation. For a more thorough explanation of how open-list PR or MMP can be incorporated into New York City Council elections, please see my report, co-authored with Jack Santucci, in which we explain how each works in detail and the prospective benefits of PR for city-council races.<sup>47</sup>

### **Even-Year Local Elections**

Across the U.S., local elections held on odd-numbered years consistently generate far lower turnout than those held concurrently with federal elections on even-numbered years. This dampens political competition, increases the influence of special interests, and raises administrative costs, producing less representative and effective governance.

Special interests like public-sector unions, homeowners, business groups, and others routinely leverage low turnout in odd-year local races to help elect their preferred candidates. For example, Professor Sarah Anzia of UC Berkeley has found that teachers and firefighters receive higher compensation in localities that hold their municipal and school board elections on dates that do not coincide with state and federal elections.<sup>48</sup> These special interests can leverage their membership to extract concessions from elected officials—especially in a low-turnout, closed primary.

Ample evidence nationwide demonstrates that moving local elections to even-numbered years is the single most effective way to increase voter participation. According to research by the Citizens Union, in Austin, Texas, Baltimore, Maryland, and Phoenix, Arizona, turnout in mayoral elections increased between 240% and 361% after moving to even-numbered years.<sup>49</sup> Since 2000, gubernatorial

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<sup>47</sup> JACK SANTUCCI AND JOHN KETCHAM, REFORMING BIG-CITY ELECTIONS (Manhattan Inst. 2025), <https://manhattan.institute/article/reforming-big-city-elections>.

<sup>48</sup> Sarah Anzia, *Election Timing and the Electoral Influence of Interest Groups*, 73 J. Pol. 412 (2011); SARAH ANZIA, TIMING AND TURNOUT: HOW OFF-CYCLE ELECTIONS FAVOR ORGANIZED GROUPS (Chicago: University of Chicago Press, 2013).

<sup>49</sup> CITIZENS UNION, MOVING MUNICIPAL ELECTIONS TO EVEN-NUMBERED YEARS 22 (2022).

election years that coincide with federal congressional midterms have seen turnout in New York City range between 37 and 48 percent.<sup>50</sup> For presidential election years, local turnout has been consistently higher still, between 58 to 62 percent.<sup>51</sup>

Importantly, the higher turnout figures that result from moving election years account for any roll-off (failure to participate in downballot races) that may occur from longer ballots. Political scientists Zoltan Hajnal, Vladimir Kogan, and G. Agustin Markarian note that, “Studies that focus on election timing have shown that adopting on-cycle elections typically doubles or triples overall turnout in local contests, even after accounting for potentially increased roll-off in down-ballot races.”<sup>52</sup>

Higher turnout yields important second-order benefits. It dilutes the influence of special-interest groups by raising the cost of reaching a sufficient number of voters to win an election. A larger electorate is more likely to evaluate candidates on a broader array of considerations, too. As a result, even-year elections encourage local elected leaders to make decisions that better reflect the preferences of a majority of their constituents.<sup>53</sup>

This closer representativeness does not come at the expense of one political party over another—it is not a pro-Republican, pro-Democratic, or pro-third party reform. Studies have found that moving to even-year elections has a negligible to no discernible partisan impact.<sup>54</sup> Candidates from all parties have a greater incentive to be more responsive to the preferences of an expanded and more representative electorate.

As the CRC Preliminary Report correctly notes, election consolidation can also conserve local resources.<sup>55</sup> The 2021 local election cost New York City about \$60 million.<sup>56</sup> Most of the costs of administering local elections could be conserved by “piggybacking” on elections for federal and state offices.

Moving the local election calendar to the same year as gubernatorial election years (coinciding with the congressional midterms) could ameliorate concerns that

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<sup>50</sup> *Id.* at 12.

<sup>51</sup> *Id.*

<sup>52</sup> Zoltan L. Hajnal, Vladimir Kogan & G. Agustin Markarian, *Who Wins When? Election Timing and Descriptive Representation*,

<sup>53</sup> MICHAEL HARTNEY, REVITALIZING LOCAL DEMOCRACY: THE CASE FOR ON-CYCLE LOCAL ELECTIONS 5 (Manhattan Institute 2021).

<sup>54</sup> See, e.g., JUSTIN DE BENEDICTIS–KESSNER & CHRISTOPHER WARSHAW, THE ELECTORAL AND POLICY EFFECTS OF ELECTION TIMING IN CITY AND COUNTY GOVERNMENTS (2024), <https://scholar.harvard.edu/sites/scholar.harvard.edu/files/54/files/localtiming.pdf>; Zoltan Hajnal, *Too Many Elections*, Stanford Soc. Innovation Rev. (Jan. 8, 2025), <https://ssir.org/articles/entry/election-consolidation-voting-reform>.

<sup>55</sup> 2025 NYC CHARTER REVISION COMMISSION, *supra* note 3, at 58.

<sup>56</sup> CITIZENS UNION, *supra* note 49, at 44.

federal races and issues would overwhelm local ones if federal and local elections were held on the same day. In fact, a gubernatorial-mayoral “New York Election Year” could allow for creative collaboration. A gubernatorial candidate and a mayoral candidate might cross-endorse each other and promise to fix the many local issues that require state action. For example, New York City has a shortage of inpatient psychiatric beds, an issue that requires Albany to correct.<sup>57</sup> State-mandated environmental review adds years and extraordinary costs to housing development in the city, in exchange for relatively little public benefit.<sup>58</sup>

Moreover, some opponents of even-year local elections claim that federal elections would take the focus away from local issues in favor of national issues. “New York Election Years” would undercut this objection by amplifying the importance of the mayor and governor’s roles in addressing the city’s challenges. This could even serve an educational purpose, informing New Yorkers about the unique city-state dynamics that affect policy outcomes.

#### *Other Legal Considerations for Even-Year Local Elections*

Since 1894, the New York State Constitution has required that general elections for New York City offices be “held on the Tuesday succeeding the first Monday in November in an odd-numbered year.”<sup>59</sup> Holding even-year city elections will thus require a constitutional amendment, which, in turn, will involve multiple years and securing a majority vote in a referendum to complete.<sup>60</sup> But the multi-year nature of the constitutional amendment process can allow city officials and voters to acclimate to the change through an educational campaign.

In addition, Chapter 2, Section 25 (a) of the Charter requires that councilmembers elected in 2001 and 2003 and every 20 years thereafter serve a

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<sup>57</sup> See, e.g., Stephen Eide, *Bring Vision to Hochul’s Mental Health Plans*, VITAL CITY (May 9, 2024), <https://www.vitalcitynyc.org/articles/bring-vision-to-hochuls-mental-health-plans>.

<sup>58</sup> Kober, *supra* note 1 (“The primary time and cost issue with the land use process is environmental review, which this Commission can’t address – state legislation is needed.”).

<sup>59</sup> N.Y. Constitution Art. XIII Section 8, (“All elections of city officers, including supervisors, elected in any city or part of a city, and of county officers elected in any county wholly included in a city, except to fill vacancies, shall be held on the Tuesday succeeding the first Monday in November in an odd-numbered year, and the term of every such officer shall expire at the end of an odd- numbered year.”).

<sup>60</sup> *Id.* Art. XIX § 1.

term of two years.<sup>61</sup> The local legislation that amended the Charter made clear that:<sup>62</sup>

Without this [two-year] election, the redrawn lines under a four-year term in decades in which an election for Council is held in the first year of that decade, would not go into effect until the fifth year of that decade. Therefore, it allows for the timely redrawing of Council districts while also keeping Council elections on the same four-year cycle as citywide and borough-wide elections.

The problem with this approach can be seen in the results from 2023, which saw only elections for city council and judges. The June 2023 council primaries saw extremely low turnout—in or near the single digits for many districts.<sup>63</sup> Just 202,722 voters participated in the primary elections, or 7.2 percent, while 578,877 voters took part in the general election, or 12.8 percent.<sup>64</sup> As the Campaign Finance Board’s 2023 Voter Information Guide notes, “[M]ost of these races included incumbents running for re-election in uncompetitive races. This likely contributed to low turnout in the primary and the general elections.” Elections with such rock-bottom turnout potentially reflect unrepresentative and undemocratic outcomes.

Even-year elections will ameliorate this problem by making the two-year council elections fall on presidential election years (assuming the regular city-election calendar is moved to gubernatorial years), guaranteeing far higher turnout than under the present system. If, for example, local elections were held simultaneously with gubernatorial elections, the first council races to use districts based on the 2030 Census would be held in 2034.

If Section 25 of the Charter were not amended, an issue would arise in 2042, during the 2040 Census redistricting. The redistricting process would not likely be

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<sup>61</sup> NYC Charter § 25 (“[T]he council member elected at the general election in the year two thousand and one and at the general election in every twentieth year thereafter shall serve for a term of two years commencing on the first day of January after such election; and provided further that an additional election of Council Members shall be held at the general election in the year two thousand three and at the general election every twentieth year thereafter and that the members elected at each such additional election shall serve for a term of two years beginning on the first day of January after such election.”).

<sup>62</sup> N.Y.C. Intro. 238 (2002) (Local Law 27 of 2002).

<sup>63</sup> See Jennifer Bisram, *Low Voter Turnout in NYC May Reflect "Lost Faith in the System"*, CBS NEWS NEW YORK (Nov. 7, 2023, 9:03 PM), <https://www.cbsnews.com/newyork/news/low-voter-turnout-in-nyc/>; Carl Campanile, *NYC's 2023 Primary Election Had Less than 200K Voters Cast Ballots — with Only 5% of Democratic Bronx Voters Showing Up: Analysts*, N.Y. POST (June 28, 2023, 6:55 PM), <https://nypost.com/2023/06/28/nycs-2023-primary-election-had-less-than-200k-voters-cast-ballots-analysts/>.

<sup>64</sup> NYC VOTES, 2023 VOTER ANALYSIS REPORT 18 (2024).

completed before the November 2042 council elections, making 2046 the first election to use the new districts—the sixth year of the decade.<sup>65</sup>

To implement even-year elections, therefore, will likely require amending Section 25 (a) of the Charter. The simplest way of doing so would be to change the years in that section while retaining most of the other language.

#### Recommendation for Even-Year Local Elections

I respectfully recommend that the Commission match local-election timing to the state’s gubernatorial election cycle (i.e., 2030, 2034, etc.). The years in Section 25 (a) would be changed to “2042” and “2044” from the current “2001” and “2003.” Ensuring that the first election to use the new map ends in the year “4” would also allow the redistricting commission additional time to complete its work. This may expand the opportunity for public comment and deliberation.

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<sup>65</sup> CITIZENS UNION FOUNDATION, NEW YORK CITY COUNCIL REDISTRICTING: BRIEFING AND RECOMMENDATIONS ON THE 2022 CYCLE 8 (2022).

## Follow-Up Testimony to Questions Presented at the April 9 Public Hearing

This follow-up testimony addresses several questions put to me by Commission members during my spoken testimony at the April 9 Staten Island Public Input Session on Government Reform.

### **1. Commission Member Anthony Richardson asked whether the potentially higher cost of reaching a sufficient number of voters to influence an even-year local election would have consequences for the New York City Public Campaign Finance System.**

New York City's public campaign finance system is the most generous and expansive in the nation. With an 8-to-1 match of donations up to \$250 and relatively modest eligibility requirements, candidates for local office have extraordinary ability to mount an effective campaign through small-dollar donors. Councilmembers need only raise a minimum of \$5,000 through at least 75 distinct district resident contributors to qualify for matching funds.<sup>66</sup> This largesse comes at considerable public expense, however. The 2021 election cost local taxpayers approximately \$127 million,<sup>67</sup> about twice the cost of administering the primary and general elections. Of that figure, 37 percent (\$47 million) went to mayoral candidates, while 31 percent (\$40 million) went to city council candidates.<sup>68</sup>

In a local election held on an even year, candidates for council, mayor, and other city offices would compete alongside candidates for state and federal offices engaged in their own campaigning. Adding local races to this election calendar might increase demand—and thus the price—of various advertising channels and other methods of reaching voters. This, however, has the advantage of making it more expensive for special interests to influence elections.<sup>69</sup> Candidates would need to adjust their campaign strategies to stand out in a more crowded electoral field. On the other hand, a larger engaged electorate might allow candidates to receive a greater number of small-dollar donations, thus maximizing the value of matching funds more readily. As mentioned above, candidates seeking state and federal offices might endorse local officials and thereby raise local candidates' profiles at essentially no financial cost.

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<sup>66</sup> NYC Campaign Finance Board, *Limits & Thresholds 2025 Citywide Elections*, <https://www.nycfb.info/candidate-services/limits-thresholds/2025/> (last visited May 24, 2025).

<sup>67</sup> NYC Independent Budget Office, *How Much Did the City's Public Campaign Financing Program Provide to Candidates in 2021 & How Does It Compare With Past Years?*, (Feb. 2022), <https://ibo.nyc.ny.us/iboreports/how-much-did-the-citys-public-campaign-financing-program-provide-to-candidates-in-2021-how-does-it-compare-to-past-years-nycbtn-february-2022.html>.

<sup>68</sup> *Id.*

<sup>69</sup> See, e.g., MICHAEL T. HARTNEY, REVITALIZING LOCAL DEMOCRACY: THE CASE FOR ON-CYCLE LOCAL ELECTIONS 4 (2021), <https://media4.manhattan-institute.org/sites/default/files/MI-issue-brief-hartney-election-timing.pdf>.

It is difficult to estimate the magnitude of these effects without actual data from an even-year city election. The extraordinary generosity of New York City's current matching-funds program allows it to mitigate the financial consequences of moving local races to even-years for candidates. Given uncertainties regarding federal funding, tax revenues, an economic downturn and more, it would be fiscally imprudent to expand the local matching funds program. I therefore do not recommend expanding the program or making it more generous.

**2. Commission Member Diane Savino asked which system I would prefer, either that used for the city's special elections (which uses a nonpartisan, ranked-choice election in which the candidates select a party label) or the state special-election system (which uses a plurality election in which candidates are nominated by internal party processes).**

During my spoken testimony, I recommended retaining party labels on nonpartisan ballots and even allowing internal party processes to designate which candidate will bear the party's label. This recommendation was situated within a specific electoral context: a "nonpartisan primary" for New York City office, in which some number of winners would advance to an ostensibly competitive general election.

Between the two choices presented in Commission Member Savino's question, each presents different tradeoffs and challenges, making them not easily or directly comparable. Electoral systems should be considered in their entirety; each part of an electoral system operates not in isolation, but within a broader structure. Whether nomination by primary voters or nomination by internal party processes is superior must be analyzed in the context of how such a component operates within a broader electoral system.

The city's system for special elections—a single-winner ranked-choice election in which candidates designate their own ballot line names—has at least three notable drawbacks. Low barriers for candidates to enter allow for crowded fields, which can potentially confuse voters. The 2019 Public Advocate special election, for example, featured 17 candidates, each of whom selected their own ballot designations.<sup>70</sup> A large candidate field can overwhelm voter comprehension, especially in city-council elections with low information.

Second, the candidates' chosen designations do not refer to a formal affiliation to a party, but rather some sort of quality, objective, or aspiration, such as "Pay Folks More," "Common Sense," "Equality for All," and "No Amazon." Indeed, as footnote 187 of the Preliminary Report notes, the recent special election for the

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<sup>70</sup> Katie Honan and The City, *The Mayor's Make-Your-Own Party Name: 'Safe Streets, Affordable City'*, THE CITY (Apr. 11, 2025), <https://www.thecity.nyc/2025/04/11/eric-adams-independent-party-election-november/>.

51st Council District included independent party labels such as “We The People,” “Common Ground,” and “SI Patriotism.”<sup>71</sup> By contrast, some voters would likely consider a candidate who carries the Working Families Party’s endorsement as more viable than the same candidate who designated “Help Working Families” in a special election race.

Third, as I mentioned in my spoken testimony, ranked-choice voting imposes a relatively heavy information burden on voters, who are asked to know enough about up to five candidates to put them in an order of preference. This information burden contributes to ballot exhaustion and undervoting (ranking fewer than the maximum number of candidates), especially in large fields for low-profile council races with little media coverage.

The greatest merit of this electoral system is that it allows for a more competitive election than the ordinary closed-primary system. Voters have meaningful options between candidates offering different policies, priorities, and leadership qualities.

On the other hand, the state’s special election system presents different issues. Party nominees often go on to a general election that is uncompetitive—because of lopsided voter registration, gerrymandering, party-line voting, and other factors—so internal party processes can effectively determine the winner. This lack of meaningful general-election competition might lead to the dominant party nominating weak, poorly qualified, or unrepresentative candidates. In the city, this phenomenon has historical precedent in the election of loyal but poorly qualified candidates aligned with Tammany Hall. Progressive Era reformers sought to remedy this problem through primaries, which weakened party institutions. But the better corrective for this problem is robust political competition: having other political parties advance viable candidates in a contested general election.

My recommendation that citywide elections use a qualifying-round election retaining party labels on ballots, as determined by internal party processes, offers some improvements over both options presented by Commission Member Savino. Parties would endorse their preferred candidate in each of the “bottoms-up” RCV qualifying-round election and in the two-candidate general election. This would allow voters to readily understand which candidate best aligns with their preferences. It would maintain party dynamics in a system open to all candidates and registered voters, regardless of party. It preserves the 2019 Charter revision that introduced RCV. And, most importantly, it would facilitate more robust political competition.

Finally, list-based proportional representation systems for city council elections, which use multi-seat districts and party-nominated lists of candidates,

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<sup>71</sup> 2025 CHARTER REVISION COMMISSION, *supra* note 3, at 97 (note 187).

also alleviate several problems. List-PR ensures that smaller parties—often representing political subgroups—gain representation in proportion to their vote shares. At the same time, list-PR alleviates voters’ information burdens. They need not rank candidates, and they need only know which party and party candidate they prefer.

### **3. Commission Chair Richard Buery asked me whether nonpartisan elections that advance two candidates from the same party would advantage one party over another.**

A top-two nonpartisan primary (qualifying-round election) does not formally advantage one party over another. The top-two vote getters, regardless of party, advance to the general election, opening up greater choice for voters and political competition. That said, in many city elections, the likely practical effect of a top-two system, including under bottoms-up RCV, would be to advance two Democrats to the general election. These two Democrats would probably still represent factions within the party, such as a progressive and a more moderate, “establishment” type. This reflects the underlying voter composition that currently exists in New York City, where Democrats outnumber Republicans by roughly 6-to-1 and unaffiliated voters by approximately 3-to-1, Democrats are likely to win the top two positions in such a primary election. Two Democrats in a general election would represent more political competition than the closed-primary system, where only one Democrat advances.

Allowing parties to signal their endorsement on ballots would further enhance political competition. For example, the Republican Party’s endorsement of a candidate would likely signal a more conservative choice. Even in a two-candidate general-election race, the Republican Party would endorse the more conservative alternative, opening an opportunity for inter-party competition. Of course, the same dynamic holds for other parties; the Working Families Party’s endorsement would signal a candidate’s closeness to the city’s labor unions.

### **4. Commission Member Anita Laremont asked about the lack of partisan impacts of moving local elections to even years.**

Research has demonstrated that moving local elections to even years does not consistently or systematically advantage one party over another. This reform is not intended to benefit Democrats, Republicans, or third-parties. According to Professor Zoltan Hajnal of the University of California San Diego, one of the country’s foremost experts on local election timing:<sup>72</sup>

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<sup>72</sup> Avi Green & Zoltan Hajnal, Too Many Elections, Stanford Soc. Innovation Rev. (Jan. 8, 2025), <https://ssir.org/articles/entry/election-consolidation-voting-reform>.

Moving local election days to even years hasn't led to systematic shifts in partisan victories. Moving local elections to even years hasn't given Democrats or Republicans noticeable new advantages or disadvantages in their battles against each other. Instead, moving local elections on-cycle has just meant that candidates from both parties (as well as independent and third-party candidates) need to find ways to appeal to a broader, more representative electorate.

Research by Professor Justin de Benedictis-Kessner of Harvard University also examined the effects on the partisan outcomes of local elections after switching to even-years. Over a 30-year period, Democratic candidates were slightly more likely (about 1.5 percent) to win on even years than odd years.<sup>73</sup> But since the first Trump administration, these effects have disappeared. Today, therefore, even-year elections have no partisan impact on election outcomes. Professor Benedictis-Kessner concludes, "In recent years, we find no effect whatsoever of election timing on the partisan composition of the electorate. . . . Switching to on-cycle elections also does not change the ideological preferences of the winners of city and county elections."<sup>74</sup>

#### **5. Commission Member Diane Savino asked whether it would be better to keep party labels on ballots to counter the effects of nationalization of local politics.**

Because party labels effectively provide important information for voters, I strongly recommend that the CRC retain party labels on ballots. Many voters make their decisions based on their party affiliation; lacking such an identification on the ballot, some voters will not know which candidates best align with their concerns, priorities, and preferences. Troublingly, where candidates have no additional information like party labels to distinguish them, some voters will cast their ballot on a factor like the candidate's perceived race and gender, as signaled by the candidate's name.<sup>75</sup> Some studies also find that where candidates are listed alphabetically, candidates with surnames that begin with letters earlier in the alphabet tend to outperform those whose names begin later in the alphabet.<sup>76</sup>

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<sup>73</sup> DE BENEDICTIS-KESSNER, *supra* note 54, at 20.

<sup>74</sup> *Id.* at 2.

<sup>75</sup> See, e.g., Melody Crowder-Meyer, Shana Kushner Gadarian, & Jessica Trounstine, *Voting Can Be Hard, Information Helps*, 56 URBAN AFFAIRS REV. 127 (2020).

<sup>76</sup> See Barry Edwards, *Alphabetically Ordered Ballots Make Elections Less Fair and Distort the Composition of American Legislatures*, LONDON SCHOOL OF ECONOMICS PHELAN US CENTRE BLOG, June 9, 2015, <https://eprints.lse.ac.uk/62655/>.

If anything, voters need *more* information on ballots to help them make decisions, not less. As Professors David Schleicher and Christopher Elmendorf explain:<sup>77</sup>

Virtually everything we know about these races indicates that voters are harmed by the lack of relevant party information. Turnout is lower in nonpartisan elections, and incumbents are stronger, suggesting that informed voting is costly and voters rely more on name recognition and familiarity when denied information about party. Voters deprived of easy access to partisan cues also give much more weight to candidates' race, ethnicity, religion, and social status.

Instead, party processes should determine which candidate will receive the party's endorsement, which would give party insiders a strong incentive to endorse viable, serious candidates. Giving parties a benefit in exchange for opening up the primary system would also induce parties to support the Charter reform. That would reduce the risk that electoral reforms enacted today are repealed tomorrow, as occurred in New York City and dozens of other cities that adopted the Single Transferable Vote in the 20th Century but then went on to repeal those systems—in no small part due to major-party pressure.<sup>78</sup>

## Conclusion

I greatly appreciate the opportunity to contribute this written testimony and for the Commission's attention to it. I hope that the Commission finds it helpful as it considers ways to make New York City's electoral system reflect the diversity of opinions that make our city the dynamic, vibrant place we are fortunate to call home.

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<sup>77</sup> Christopher S. Elmendorf & David Schleicher, *Informing Consent: Voter Ignorance, Political Parties, and Election Law*, 2013 U. ILL. L. REV. 363 (2013).

<sup>78</sup> SANTUCCI, *supra* note 44, at 137–45 (2022).