



CITIZENS UNION OF THE CITY OF NEW YORK

**Voter Turnout Analysis:
Nonpartisan City Council Special Elections
Have Higher Voter Turnout
than
Partisan State Legislative Special Elections**

**Dick Dadey, Executive Director
Alex Camarda, Director of Public Policy & Advocacy
Rachael Fauss, Policy & Research Manager
Adelia Honeywood Harrison, Executive Assistant
Andrea Senteno, Program Manager
Andrew Slater, Intern**

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Citizens Union • 299 Broadway, Suite 700 New York, NY 10007
phone 212-227-0342 • fax 212-227-0345 • citizens@citizensunion.org • www.citizensunion.org
Peter J.W. Sherwin, Chair Dick Dadey, Executive Director

I. Introduction

Among the fifty recommendations included in Citizens Union's report on city charter revision, *Increasing Avenues for Participation in Governing and Elections in New York City*, is one that proposes a new election system for New York City. The Top-Two system would increase voter choice by allowing for a greater number of candidates to run in the first round of voting – the primary election. It will also end the exclusion of 1.4 million New Yorkers from voting in this decisive election. Adoption of a Top-Two election system, a variation on nonpartisan elections, in New York would end closed partisan primaries. Such a system was recently approved by voters in California and currently is in place in Washington State.

Under a Top-Two election system, the primary election would be open to all eligible voters, regardless of party affiliation, so that every registered voter could participate in the first consequential election that most often decides who is elected to office. The candidates who finished in the top two spots would then move onto the general election in which all eligible voters would again vote.

Unlike a pure nonpartisan system, the proposed Top-Two election system would allow candidates to self-identify with their political parties, providing valuable information to voters about a candidate's party identification. Political parties would still be allowed to support candidates.

Citizens Union presented the Top-Two proposal to address the increasingly anemic voter turnout in New York City. The percentage of registered New Yorkers voting in the Democratic primary election has dropped from 41 percent in the 1989 mayoral election to 25 percent in 2009. In the 2009 run-off elections for public advocate and comptroller, less than 8 percent of registered Democrats – representing 5 percent of all registered voters – participated. In that determinative election – which essentially chose two of the three citywide elected officials – less than 250,000 New Yorkers voted in a city of 8.3 million people.

Top-Two will result in a greater number of voters casting ballots because of the increase in the number of voters eligible to cast a ballot in the first round. While New York City has no direct experience with Top-Two, it has had two decades of experience with a type of nonpartisan elections in the form of special elections that are held for vacant city Council seats. These special elections for vacant city Council seats have a higher level of voter participation than that for the partisan special elections for state legislative seats. The difference between state and city special elections is that political parties do not choose their own candidates to run on the party ballot line in Council special elections, but do so in the state legislative contest. Higher voter participation for nonpartisan special elections for Council vacancies holds promise for potentially increasing voter participation under a Top-Two system if the experience of turnout for special elections in the City serves as a guide.*

* It should be noted that Top Two differ from special elections to fill Council vacancies. Candidates running to fill a Council vacancy are required to create their own party name and symbol, which appears next to the candidate's name on the ballot.

II. The Creation of Nonpartisan Special Elections In New York City

Since the 1988 charter revision, vacancies in the New York City Council, which occur more than ninety days before a primary election, are filled by nonpartisan special elections, in which candidates get on the ballot through an independent nominating petition. Prior to the charter revision, the law required open seats to be filled through appointment by the City Council with the requirement that “the successor be of the same party as the previous member in the seat.”¹ On November 7, 1988, the current system was adopted when voters overwhelmingly approved a change to the charter mandating that “All nominations in such special elections shall be by independent nominating procedure,”² opened to a wide field of candidates instead of limited to the preferences of party leaders.

The 1988 New York City Charter Revision Commission wanted to not only replace the appointment process with a special election to fill vacancies, but also to make special elections nonpartisan, because its goals were “that these elections allow for the maximum feasible competition, and the greatest possible voter participation.”³ Commission members argued that a partisan nominating procedure “might effectively return the choice to fill vacancies to a few party leaders” who could make the nominations without the input of the electorate or even the party rank and file. Commission members anticipated that nonpartisan special elections would “result in increased competition from people with community bases outside the regular political process, thus broadening the general base and enhancing the legitimacy of the city’s political system.”⁴ According to Richard Ravitch, the Chair of the 1988 Commission, nonpartisan special elections would ensure that all candidates file petitions, “thus ensuring equal and fair access to the ballot for everyone seeking those offices.”

¹ Filling Vacancies in Elective Offices: Popular versus Party Politics Author(s): Gerald Benjamin; Source: Proceedings of the Academy of Political Science, Vol. 37, No. 3, Restructuring the New York City Government: The Reemergence of Municipal Reform (1989), pp. 110-122, published by: The Academy of Political Science Stable URL: <http://www.jstor.org/stable/1173756> Accessed: 28/07/2010 11:34, 116

² *Changes in the New York City Charter: Filling Vacancies in the City Council. Section 24, (b)(7)*

³ Benjamin, 120

⁴ Benjamin, 120

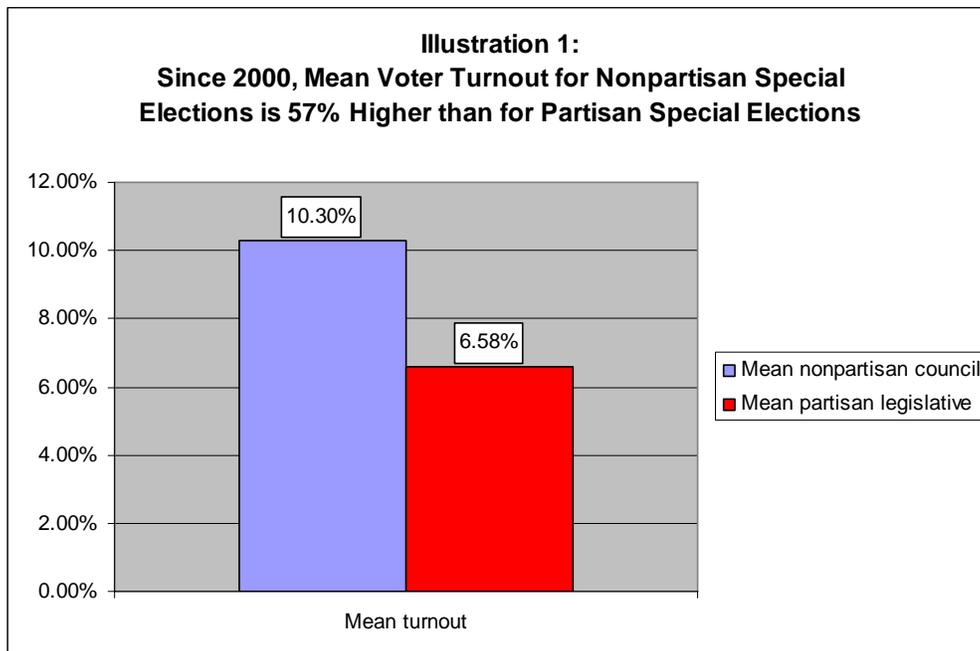
III. Findings

A. *Voter Turnout since 2000: Nonpartisan New York City Special Elections vs. Partisan New York State Special Elections*

In New York City in the past decade, there have been twelve nonpartisan special elections to fill City Council vacancies, and nineteen partisan special elections to fill Assembly and Senate vacancies.⁵ A Citizens Union analysis of voter turnout in these special elections shows that the 1988 Commission members were correct in anticipating that nonpartisan elections would result in increased voter participation.

i. Average Voter Turnout

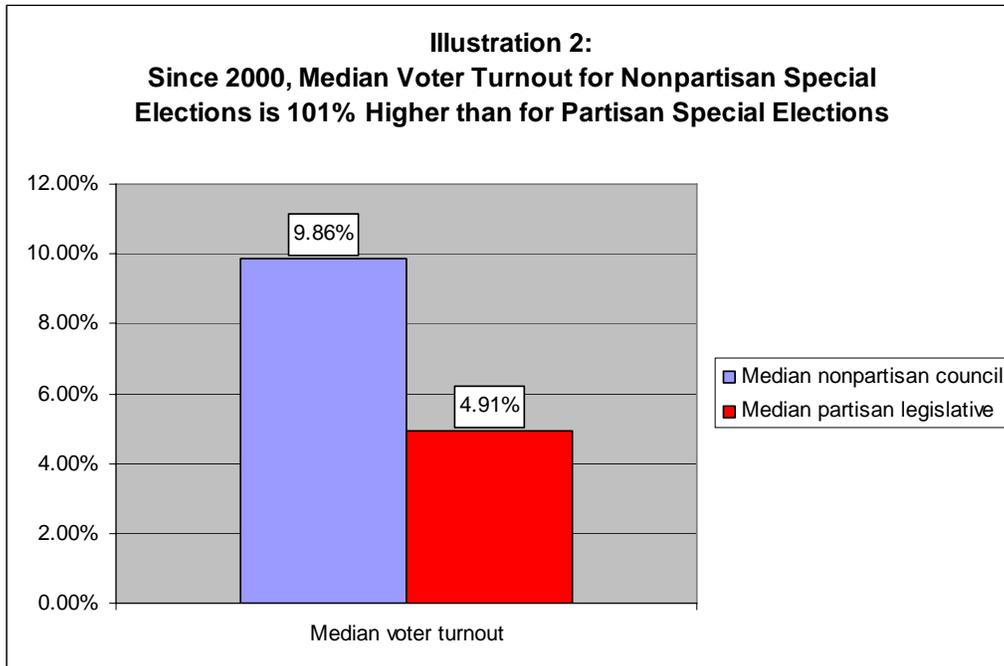
The average turnout for nonpartisan special elections for City Council seats since 2000 has been 10.30 percent, which is 57 percent greater than partisan special elections for state legislative contests, which averaged only 6.58 percent during the same period.



⁵ Election results data from New York City Board of Elections <http://vote.nyc.ny.us/results.html>, and information on registered voters per Council District at time of election from Kathy Basham at NYC Board of Elections, and information on registered voters per Legislative District at time of election from New York State Board of Elections <http://www.elections.state.ny.us/EnrollmentAD.html>

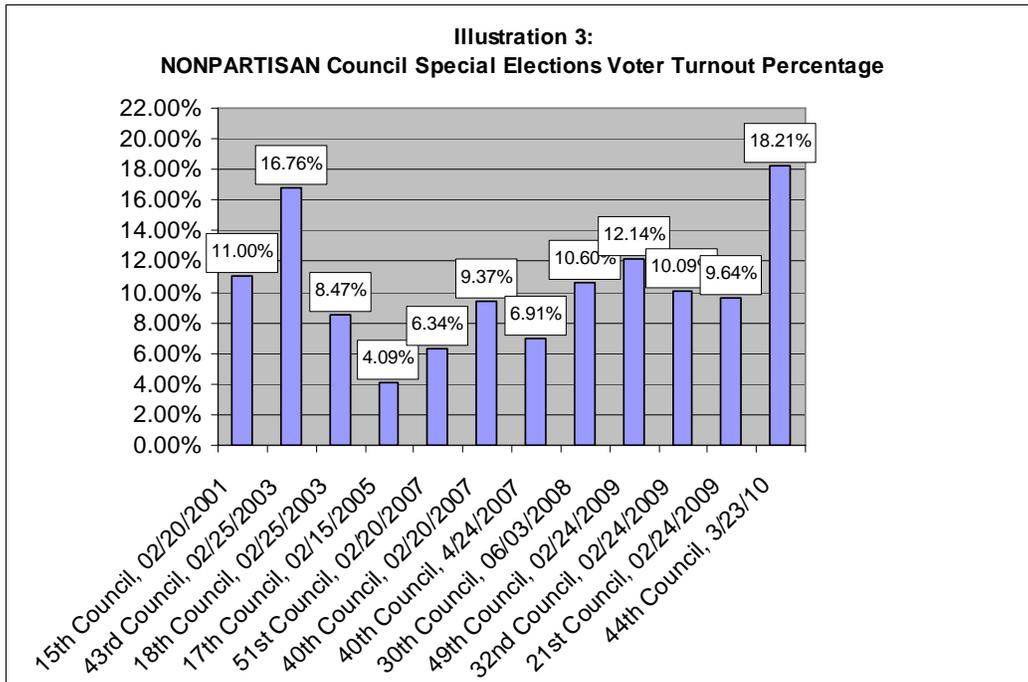
ii. Median Voter Turnout

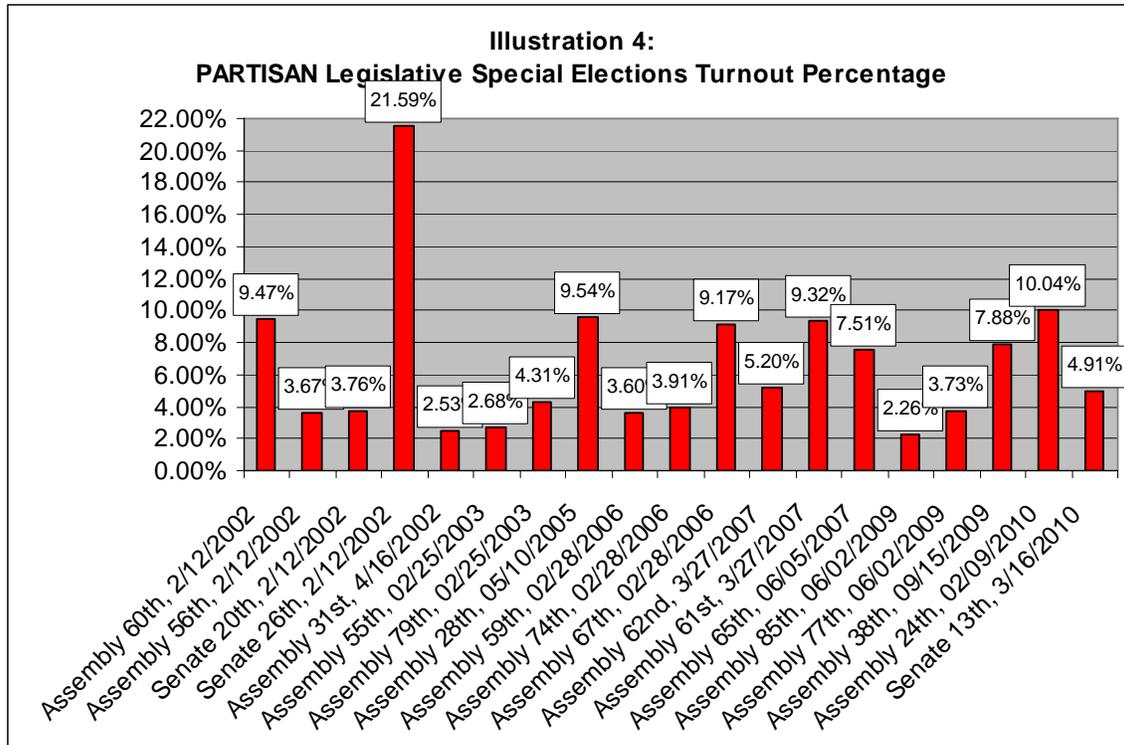
In analyzing the median voter turnout, the gap between nonpartisan special Council elections and partisan state legislative special elections is even larger. The median for Council races comes in at 9.86 percent which is twice the 4.91 percent turnout in the state contests, or 101 percent higher for the nonpartisan races.



iii. Comparison of Individual Races between Vacant Council and State Legislative Seats

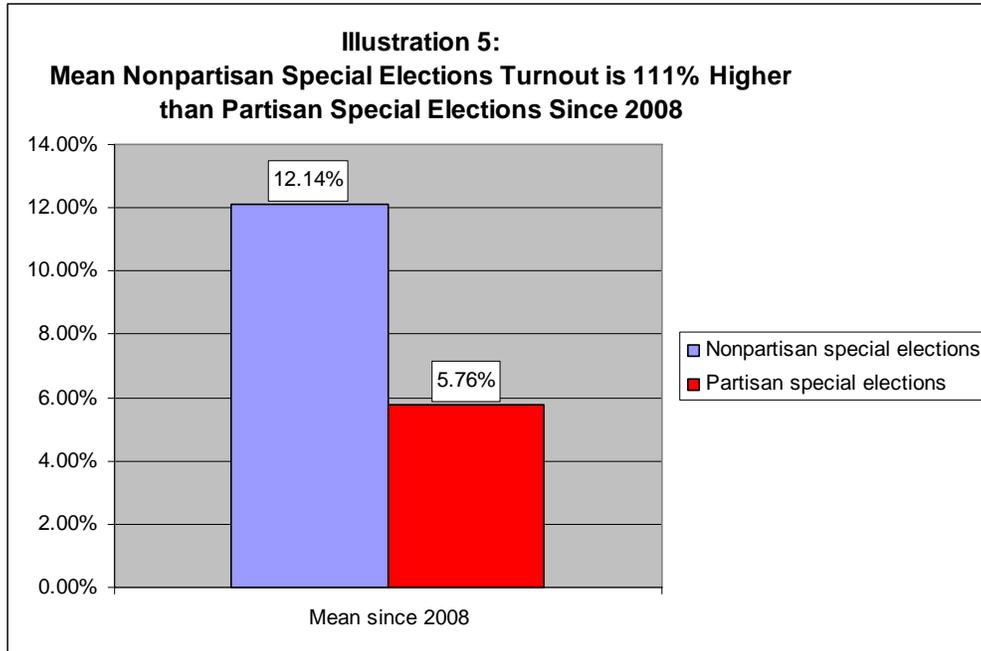
Below are charts showing voter turnout in each of those Council and state legislative special elections held for vacant seats dating back ten years.



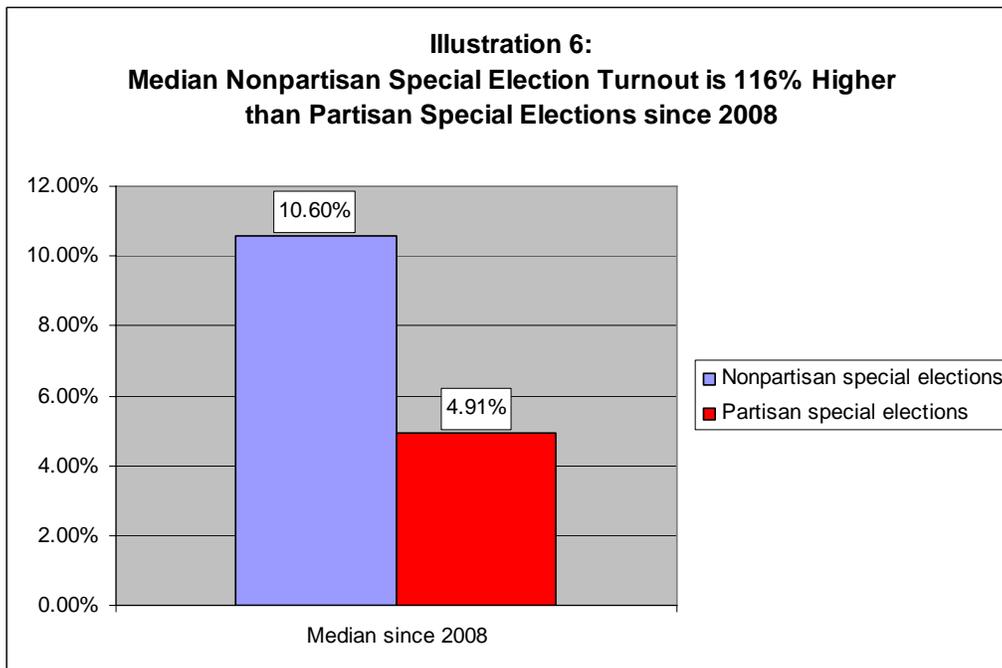


B. Voter Turnout since 2008: Nonpartisan New York City Special Elections vs. Partisan New York State Special Elections

As this data indicates, the difference in turnout level between partisan and nonpartisan special elections has increased even more dramatically since 2008. There have been five partisan state special elections and five nonpartisan Council special elections in the past two years. The average nonpartisan special election turnout was 12.14 percent for City Council seats, 109 percent more than the average partisan special election turnout of 5.76 percent for state legislative contests.



The median nonpartisan special election turnout was 10.60 percent, 116 percent higher than the median partisan special election turnout of 4.91 percent.



IV. CONCLUSION

The evidence clearly indicates that the inclination of the 1988 charter commission members and the decision by the voters to adopt nonpartisan elections for City Council elections to boost voter turnout was correct. It resulted in voters participating at historically and noticeably higher rates than they do for partisan elections for state legislature with the gulf between the two forms of elections rising even more so in the past two years.

An average higher turnout of 57 percent makes a strong case for the adoption of a Top-Two election system in which voter choice is increased and **the election results better reflect the will of the electorate**. Not only would nonpartisan Top-Two voting allow approximately 1.4 million more New Yorkers to vote in the first round of elections – which is frequently the most determinative election – the evidence indicates that turnout would likely increase as well based on the sole experience the City has had with nonpartisan elections in the form of special elections for Council vacancies .