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The New York City Independence Party
Political Reform Package

The Antidote to Corruption is Democracy
The Independence Party (IP) was first created in 1994 to bring political reform to New York. Unlike other minor parties, its purpose was not to influence the electoral process on the basis of ideology, but rather to influence the political process itself; to make it more open, less partisan and less corruptible. For nearly 20 years, the Independence Party built on that vision, using fusion and the appeal of political independence to push nonpartisan reforms.

Over the last few weeks, it has become evident that such reform is desperately needed. The current political scandals expose structural weaknesses in the system that need to be addressed, but not in ways that entrench the powerful and preclude a more nonpartisan process.

A Brief History of the Independence Party’s Efforts at Reform
Founded as a multi-racial coalition between upstate and downstate, the IP focused from its inception on nonpartisan political and fiscal reform. In 2000, the party established novel rules for local control of Wilson Pakulas and endorsements, a first for the independent and minor party movement.

In 2001, the New York City branch of the party awarded the Independence line to Michael Bloomberg, based on an agreement that he would champion nonpartisan municipal elections, successfully leveraging the line for the party’s core agenda. Bloomberg’s margin of victory came on the IP line.

In 2002, the IP spearheaded an agreement with Governor George Pataki and Senate Majority Leader Joe Bruno to adopt statewide Initiative and Referendum. The measure passed the Senate, but was blocked in the Assembly.

In 2003, honoring his pledge to the IPNYC, Mayor Bloomberg put nonpartisan elections on the ballot in New York City, a reform that would have admitted one million independent voters to the primary process. All of the other parties, major and minor, opposed it and the measure was defeated.

After 2005 and the re-election of Mike Bloomberg with Independence Party support, conflict within the IP (stoked by major party interests) led to the destruction of all local control within the party, with the exception of the New York City branch. The IPNYC fought to maintain an inclusionary and locally-based process. The City branch worked to clearly distinguish itself from the State party.

The City party, which continued to champion nonpartisan elections and other democracy reforms, opposed Mayor Bloomberg’s efforts in 2008 to overturn term limits. But once the City
Council changed the law, the Mayor asked for the IPNYC’s support to run for a third term. Bloomberg received the party’s endorsement for a third time, based on our shared history in support of nonpartisan governance, his having become an independent and his commitment to again consider placing a nonpartisan election referendum before the voters. The IP’s support for Bloomberg yielded 150,000 votes, the highest independent vote for a mayoral candidate in 40 years. These votes were understood as evidence of growing public support for a new kind of progressive politics in New York City.

On the issue of campaign finance reform, the IPNYC has been outspoken about the ways in which the NYC Campaign Finance Board program discriminates against independents, while using taxpayer money to advantage incumbents and machine-backed candidates.

In 2010, the Mayor empanelled a Charter Revision Commission, which reviewed but did not move forward, a proposal for nonpartisan municipal elections.

Open primaries, nonpartisan elections, same day voter registration, restructuring the local and state boards of elections, curbing the partisan abuse of power by elected officials—these initiatives are hallmarks of the New York City Independence Party’s vision for New York. Political reforms that open up the process, encourage voter participation and disrupt partisan control of government are the means to engage corruption, whether corruption takes the form of bribes and kickbacks, or insidious suppression of voter participation through closed primaries, exclusion of non-aligned voters, the lack of meaningful competition and growing cynicism about the character of public officials and the legislature.

Below is a review of the IPNYC political reform agenda and responses to various remedial proposals offered by the Governor and others since the recent wave of scandals became public.

1) **Nonpartisan Elections and Fusion**

State Senator Malcolm Smith, City Councilman Dan Halloran and several New York City Republican Party leaders have been indicted and charged with a bribery scheme to enable Smith, a Democrat, to enter the Republican Party primary for Mayor. Parties act as the gatekeepers to political office, and the major parties do so, in particular, by controlling access to the primaries. Meanwhile, the outcome of these primaries is determined by a dwindling number of voters. This can be a recipe for corruption.

There is a solution. Eliminate the “gateway” by adopting nonpartisan municipal elections. This reform has been fought tooth and nail by the parties (except the Independence Party, which champions it), by most so-called “good government” groups in New York City, and by key newspaper editorial boards.

A positive thing to come out of the current and still unfolding scandal is a renewed call to do away with party primaries and replace them with a two-step nonpartisan system. Mayor Bloomberg, the Citizens Union and the Independence Party all focus on this reform as a way out of the corrupt partisan fly bottle.

In a nonpartisan system, candidates run without the authorization of any party and are not competing for a party line. Voters make their choice in a first-round primary. The top two finishers, regardless of their party, go on to compete in the general election. This reform opens the door to New York City’s one million voters who are independents, and to members of minor parties who are barred from participating in the major party primaries. The states of California and Washington have adopted a similar system (called “Top Two”) for all state offices and for election to the U.S. Congress. Results already show a leap forward in creating more competitive races.
Governor Cuomo and others are addressing the corruption issue by focusing on the state’s “fusion” system, which allows a candidate to run on more than one party line. We support fusion for two reasons. It gives voters a means to influence the outcome of an election by opting to vote for a major party candidate on a minor party line, thereby allowing the voter to make a more complete statement of their own political views. Second, it allows minor parties to introduce or emphasize issues or philosophies in the political mainstream. We consider a Top Two nonpartisan system the most complete form of fusion. Since the purpose of fusion is to broaden the electorate, to create electoral coalitions, and to leverage “outsider” views on the insiders, the Top Two system accomplishes those goals while including the broadest number of voters and the smallest number of “gateways.”

Governor Cuomo has proposed a reform that preserves fusion and party primaries, but takes away the right of party leaders to determine when candidates registered in other parties can run on their line. The rationale for eliminating the “Wilson-Pakula” law requirement is that the need for such a certificate is what motivated Senator Smith’s alleged bribery conspiracy. Oddly, though, the Governor’s proposal would impact most significantly on the state’s minor parties, even though the alleged corruption took place in a major party.

Leaders of the Conservative and Working Family Parties were quick to point out this “reform” would enable a well-funded and well known major party candidate with a following to gain a minor party line by frightening away other contenders or overwhelming them in a primary. The Wilson Pakula law, they contend, is necessary to preserve the integrity of the minor party and enable it to insure that its candidate reflects the party’s platform. This, after all, is the reason for fusion in the first place.

The Independence Party is sympathetic with these concerns, even though we have singularly supported a shift to nonpartisan elections, which would end party line voting altogether. Alternatively, though, we would support the elimination of the requirement for Wilson-Pakula authorization to run in major party primaries. This would do away with the gatekeepers that Senator Smith is alleged to have bribed to gain entrance into the Republican Party primary, and maintain the protection that minor parties need. A minor party candidate could not overwhelm a major party, while the reverse would be the likely outcome if minor parties lost their right to issue Wilson-Pakulas.

2) Initiative and Referendum

New York State is one of 29 states in the country that do not allow our citizens the right to petition to place issues on the ballot. Initiative and Referendum gives the voters a check on the Albany legislature (who doesn’t want that!) and provides a direct route to reform. This is critical in a state where the incumbency return rate is 97 percent and our legislators deliver late budgets, act behind closed doors and invariably place the interests of their parties before that of the people. States that have enacted electoral reforms like those proposed here have done so through Initiative and Referendum. The road to Initiative and Referendum is through the state legislature passing a constitutional amendment two years in a row and the putting it on the ballot for the voters to ratify.

3) Term Limits for State Legislators

Term limits are a reform that swept the country in the early 1990’s. Virtually every state where citizens had the power of initiative passed term limits. The voters of New York City have placed a two-term limit on the City Council and citywide office holders and have affirmed these limits in two subsequent referenda votes. New York City Voters were able to enact this reform because the NYC Charter gives York City voters the right to limited Initiative and Referendum.
By limiting the number of terms an elected official can serve in office, you help to curb the creation of a “permanent government” and the incentive for corruption that comes from an insular monopoly. In the current noncompetitive situation in our state legislature, an elected official is more likely to die, retire or be indicted for corruption than to lose an election. The recent Siena College poll showed that 82 percent of New Yorkers favor term limits on state legislators.

4) **Voter Mobility**

Governor Cuomo addressed this issue in his reform package, calling on the state legislature to change the election law to allow voters to change their party enrollment with a 90-day waiting period before the change goes into effect. A step, but why 90 days? Voters should have maximal flexibility to change their party enrollment whenever they want. Let’s allow voters to change their enrollment after a one-month waiting period. The Board of Elections can process the enrollment change in that time. Or better yet, let’s move to Election Day voter registration and re-enrollment.

5) **Nonpartisan Administration of Elections**

The State’s Boards of Elections are run by the Democratic and Republican parties. This is a root cause of the Boards’ notorious inability and unwillingness to act. Simply put, we need a nonpartisan system of running our elections, not a system based on patronage jobs and party loyalty. And we need to be sure that those who work to administer our elections are paid a salary commensurate with the skills needed to do the job. This is particularly important with the advent of new voting technology.

6) **Campaign Finance Reform**

The Governor and others want to bring the New York City campaign finance system with public funding of candidates to statewide elections. But the NYCFB program has serious problems that need to be corrected before it is scaled up. Though introduced as a means of stimulating competition for elective office, New York City has an incumbency return rate of 92.6 percent, only 4 points lower than the state legislature, and City officials are term-limited, which accounts for almost all the turnover. Public confidence in campaign finance reform is eroding. In a Quinnipiac poll on April 17th, voters oppose, by 53 to 37 percent, public financing for candidates to statewide office and the Legislature. Fifty-five percent say public financing won’t help reduce corruption.

The New York City program provides candidates with money to use in a primary and, if they win, they get another infusion of money for the general election. Candidates who do not run in primaries get only one dose of funding, one-half as much as those with primaries, and receive their funding later, after the primaries and shortly before the general election. That means independent and/or third party candidates get half as much money! These and other inequities enhance the chances of success of major party candidates in the general election. Any public funding system must treat all candidates (major party, minor party and independent) equally.

7) **Nonpartisan Redistricting Reform**

In 2011, despite the fact that Governor Cuomo, 60 out of 62 State Senators, and 121 out of 150 Assembly members pledged to support adopting an independent redistricting system, this reform was abandoned by the Albany insiders. Instead, the state legislature passed a Constitutional Amendment that would require voters’ approval in 2014 to create a 10-member redistricting commission in which lawmakers would pick eight of its members, thus rendering the reform
meaningless. A nonpartisan redistricting commission must be nonpartisan in its selection process, and in its criteria for drawing district lines.

8) **Full Public Hearings on all Reforms**

As public discussion of political reform grows (finally!) *full public hearings* that give voters and other stakeholders the opportunity to testify must take place. Three (or four) men in a back room deciding to strengthen law enforcement in the electoral sphere, while failing to get at the partisan root causes of corruption and non-participation, is not reform.

As Mayor Bloomberg said in his WOR radio show on April 5, we need a “…revolution among the voters.” Yes indeed! Let’s use this moment of scandal and dysfunction to do something revolutionary with our political system. Let’s make it inclusive, nonpartisan and truly competitive.

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