

## TESTIMONY OF SUSAN LERNER, EXECUTIVE DIRECTOR, COMMON CAUSE/NY TO RACIAL JUSTICE COMMISSION ON ENSURING CIVIC AND POLITICAL ENGAGEMENT AND EMPOWERMENT FOR ALL PERSONS, AUGUST 24, 2021

Thank you for the opportunity to testify today. This is an issue which Common Cause is concerned with not only in New York but throughout the country. Thank you for proposing questions to help organize our approach to this significant, challenging and very enormous topic.

### Systemic Challenges to Overcome

New York City's uneven and low levels of civic and political engagement are the direct result of centuries of explicit and implicit exclusionary racist policies promulgated and executed by city and state government. It seems that every few years, New York City is reminded of our failures to meaningfully redress the generational damage. Nowhere is it more visible in our civic life than the low turnout in our state and local elections.

Common Cause New York and the Let New York Coalition have worked tirelessly to level the playing field by making voting more accessible. New York now has early voting and automatic voter registration. And while there is more work to be done at the state level, there is plenty the city and this commission should consider in the months ahead to invigorate faith in our local government and civic entities so that all New Yorkers feel like they have a continual voice in the process and not just on election day.

It is not new to say civic and political engagement in New York City is highly variable, and city government has long failed to engage its residents and voters in a consistent and meaningful way. Too often city government only works for the few, well-connected and too often elected officials and political parties operate like they are accountable to no one beyond their most fervent voters. City agencies, and by extension the allocation and distribution of public goods and services, are either seen as being unresponsive to the millions of New Yorkers whose tax dollars fund them or simply inaccessible for those without the resources to jump the line.

This is why we championed Ranked Choice Voting (RCV) for use in our local elections as means to flip the dynamics and put power back in the hands of voters. As the city continues to grow, we must reimagine our approach to engaging New Yorkers in our vibrant civic and political life. It is easy to understand how New Yorkers can either become disengaged after an election cycle or, simply, not engage at all when rent and unemployment are high, many families are facing eviction and still dealing with pandemic-related challenges. However, we strongly believe that progress can be made if city government steps up by:

- **Funding a robust, community-based voter education program year round**  
Ranked Choice Voting was a success as evidenced by higher levels of voter engagement but the city must continue to invest in educating voters in off-years as we head into the next competitive election cycle in 2023.

- **A wholesale approach to civic engagement and not piecemeal silos in city government**  
One city agency publishes a voter guide, another notifies of changes to poll sites. Borough presidents select leaders of community boards while city council members manage participatory budgeting for their district. This disparate and diffuse structure serves no one well and leads to low uptake.
- **Maintaining and increasing accessibility to local government**  
COVID forced local government into the 21st century. It is now easier for New Yorkers to attend a public hearing or watch a City Council committee meeting.

## Most Impactful Ideas for Encouraging Civic & Political Engagement

### **Ongoing Voter Education on Ranked Choice Voting and Changes to Voting Laws**

Our exit polling shows the success of Ranked Choice Voting in all communities in New York City. Our write-up of the topline of that exit polling are included as an Appendix to this testimony.

Contrary to fears that Ranked Choice Voting would harm voters by creating a knowledge tax, most voters ranked three or more candidates in the mayoral primary.

1. Overall, 72% of voters ranked three or more candidates.
2. 66% of Black voters ranked three or more candidates, 64% of Hispanic voters ranked three or more candidates, 80% of white voters ranked three or more candidates and 72% of Asian voters ranked three or more candidates.

While the majority of voters ranked their ballot, there is a strong voter preference to maximize their choices by utilizing all their available rankings in the mayoral primary.

- Overall, 42% utilized all five rankings on their ballot.
- 43% of Black voters ranked five candidates, 40% of Hispanic voters ranked five candidates, 45% of white voters ranked five candidates, and 33% of Asian voters ranked five candidates.

Nevertheless, there is more that must be done, particularly among voters for whom English is a second language. Additionally, there have been significant changes to New York Election Law in the past several years that not all voters are familiar with. The city must invest in continued, year-round voter education, particularly in BIPOC communities, as we will discuss below.

### **A Wholesale Approach to Civic Engagement Education**

#### ***City Employees Should Receive Training on the Importance of Civic Engagement and Voting***

City agency employees are tasked with facilitating existing city charter law by the voter registration requirements of Charter Section 1057-a. City employees must receive training on the importance of civic engagement and voting otherwise the city will continue to be unable to meet its state and local obligations. Without an understanding of the importance of voting and the impact which voting can have, the requirement to register agency clients to vote was just

another item to be checked off on a list of obligations. Little wonder the requirement did not result in a huge increase in voter registration. But we found that providing a basic background in the importance of voting and the impact it could have on the agency and its clients motivated the frontline personnel to share their new found understanding and persuade their clients to register. This will be even more important as Automatic Voter Registration is implemented in the coming years.

### ***Community Groups and the City to Provide Ongoing Voter and Civic Engagement Education***

New York does not provide its voters with enough information. The New York City Voter Guide, while providing good information about candidates, is limited in its scope and is provided only for city elections. Further, our experience in designing and conducting a citywide Ranked Choice Voting education campaign re-enforces that the messenger is as, if not more, important than the message. No matter how excellent the information in print or online, in English or other languages provided in the Voter Guide, it will never substitute for trusted community voices. We will detail specific ideas about how to support such efforts in our discussion of recommended charter and legal changes below.

### ***Civic Education in the Schools***

While New York City does not have the control over curriculum requirements that New York State does, it still has the ability to foster student civic engagement in various ways. The experience of our colleagues at Generation Citizen shows that young people respond to the opportunity to be engaged in, and have an impact, on their communities. After school activities and electives can be set up. The city has tried various student voter registration and pre-registration programs, with greater or lesser success.

### ***Civic Engagement and Voting for Jailed Individuals***

While we work at the state level to ensure that the right to vote is never removed from citizens, irrespective of their involvement with the carceral system, much can be done to foster the civic engagement and provide opportunities to vote for those incarcerated in New York City's jails awaiting trial and jailed for misdemeanors. Individuals in city jails should be given the opportunity to register to vote. Provisions should be made to ensure that those incarcerated in New York City jails are able to vote, either through an absentee voting program that provides opportunities to complete absentee ballot applications and distributes absentee ballots once received. Additionally, the city can make provision for polling locations in the largest jails.

### ***Empower New Yorkers in Land Use Decisions***

My comments regarding land use are based on the NYCommons program run by Common Cause and its partners the Equitable Neighborhoods unit at TakeRoot Justice (formerly the Community Development Project of the Urban Justice Center and 596 Acres) for several years. That project focused on community engagement in the ultimate disposition of publicly-owned properties, such as libraries, parkland, community gardens and public housing campuses. We heard from community members in low income, including some BIPOC, communities that they felt that the necessary knowledge of the processes by which decisions would be made concerning the future of the property and how to engage in that process was often difficult to ascertain. But most importantly, we found that most frequently, the process was set up so that community involvement was minimized and took place at a stage in the process that was much

too late to significantly influence the decision. Most particularly, it was clear that public involvement in ULURP took place way too late to have a positive impact on the actual planning for a property, whether publicly or privately owned.

## Recommended Changes to the Charter or NYC Law

1. Consider how best to consolidate the city's civic engagement work, which is currently divided between 3 entities (Democracy NYC, Civic Engagement Commission and Voter Assistance Advisory Committee/Campaign Finance Board,) which sometimes collaborate and sometimes not. Previous approaches have been to try and move the VAAC (a charter revision we supported in 2010) and to add another entity to address low civic participation. It is unclear why we need both the VAAC and the Civic Engagement Commission. The VAAC should be consolidated with the Civic Engagement Commission.
2. Consideration should be given to the needs of the BIPOC community in reviewing Charter Section 1053, which sets forth the requirements for the Voter Guide, to determine whether the requirements of the Voter Guide should be changed or additional requirements added. The question of whether the Campaign Finance Board is the best agency to continue to compile the Voter Guide should be considered as part of the larger discussion of how best to situate responsibility for culturally and linguistically competent voter education programs.
3. Amend Charter Section 1057-a to require civic engagement training for all agency personnel charged with satisfying the voter registration requirements of this section.
4. Amend Section 3202 (a)(2) of the Charter to require and fund a permanent, continuing city program of voter and civic engagement education, similar to the city census program, with an annual multi-million dollar budget. The budget should be increased for each presidential election year, when there is the most obvious opportunity to engage potential voters. The program should specifically be focused on the needs of BIPOC and New American communities. If we are to have a Civic Engagement Commission, then it must be fully funded and its responsibility for civic engagement and voter education clarified. The Civic Engagement Commission should be expressly charged with working with the nonprofit and advocacy community to develop educational materials, videos, social media materials and presentations on the power of civic engagement, recent changes to election procedures, and Ranked Choice Voting, for which our Rank the Vote NYC materials can serve as a model and as the educational materials for Ranked Choice Voting. The program should provide for an adequate number of ethnically diverse, culturally and linguistically competent organizers to work at the neighborhood level on civic and voter education year round. Additionally, substantial funding should be provided for local and neighborhood based organizations to provide civic engagement and voter education in their communities.
5. Amend the Charter with a new Section 628-a requiring the New York City Department of Corrections to institute regular voter registration drives in the jails as well as an ongoing

absentee voting program, including an annual reporting requirement detailing the number of registrations filed and the number of absentee ballots requested and the number of completed absentee ballots returned to the Board of Elections.

6. Add a new Section 530-g to the Charter setting up an annual reporting requirement for student voter registration and pre-registration, as well as metrics for civic engagement instructional programs and student activities.
7. We recommend that the City Council require a Racial Impact Statement be included with all legislation introduced.
8. We note that Charter Chapter 47 “Public Access to Meetings and Information” allows access to public information, allows the public to attend meetings of specified boards or commissions and requires the cablecasting and broadcasting of the public proceedings of city government, but does not require that the public be permitted to speak or comment. Consideration should be given to improving and broadening the outlets and modalities in which the city publicizes its meetings to the public and providing diverse communities with avenues for comment and participation.
9. Include a recommendation in your final report for the further examination of how best to restructure the city’s land use procedures, as contained in ULURP, to minimize negative racial impacts and inequalities, and to provide more meaningful opportunities for community input into land use determination.
10. We are supportive of the comments made at various public input sessions of the Commission recommending that urban planning and other resources be provided by the city to all Community Boards, in order to equalize disparities between neighborhoods regarding their community board’s ability to analyze proposed developments and other relevant issues.

## **NEW YORK CITY VOTERS EMBRACE RANKED CHOICE VOTING (RCV)**

*Preliminary results from largest Ranked Choice Voting exit poll and election in US history*

Nearly 1 million New Yorkers made history voting in the largest and most diverse ranked choice voting election in the United States. **After three years of ongoing efforts, the city held the largest ranked choice voting election in US history in time for the most consequential local election cycle since 9/11.**

Common Cause New York and Rank the Vote NYC contracted with Edison Research to conduct exit polling during the city's first citywide Ranked Choice Voting election. The survey was conducted from June 12 – June 22, 2021 among a representative sample of 1,662 Democratic in-person voters in New York City.<sup>1</sup> Early data clearly demonstrates:

- **New Yorkers embraced Ranked Choice Voting at the ballot box.**
  - 83% of voters ranked at least two candidates on their ballots in the mayoral primary. The majority of those who opted not to rank did so because they only had one preferred candidate.
  - 42% of voters maximized their newfound power and ranked five candidates.
- **New Yorkers understand the promise and the power of Ranked Choice Voting.<sup>2</sup>**
  - 51% ranked because it allowed it them to vote their values
  - 49% ranked because it allowed them to support multiple candidates
  - 41% ranked because it gave them more of a say in who gets elected
- **New Yorkers found Ranked Choice Voting easy to use.**
  - 95% of voters found their ballot simple to complete.
  - 78% of New Yorkers said they understood Ranked Choice Voting extremely or very well.
- **New Yorkers want Ranked Choice Voting in future elections.**
  - 77% of New Yorkers want Ranked Choice Voting in future local elections.

With nearly 1 million New Yorkers voting across the five boroughs, the highest turnout for a municipal primary in thirty plus years, Ranked Choice Voting has delivered on its promise for New York City: our elected representation reflects the will of the majority of voters, not the minority, and puts power back in the hands of voters during local elections.

## **THE MAJORITY OF VOTERS RANKED THEIR BALLOTS** **VOTER BEHAVIOR IN THE DEMOCRATIC MAYORAL PRIMARY**

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<sup>1</sup> Interviews were conducted via multiple modes including by telephone and in-person exit polling at 17 early voting locations and at 30 election day voting locations. Interviews were offered in both English and Spanish. 70% of the sample were polled on election day and 30% were polled before the election during the early voting period. Absentee exit polling is ongoing and will be included in the final results in mid-July.

<sup>2</sup> Multiple responses allowed

- Overall, 83% of voters ranked at least two candidates in the mayoral primary.
- In fact, contrary to fears that Ranked Choice Voting would harm voters by creating a knowledge tax, **most voters ranked three or more candidates in the mayoral primary.**
  - Overall, 72% of voters ranked three or more candidates.
  - 66% of Black voters ranked three or more candidates, 64% of Hispanic voters ranked three or more candidates, 80% of white voters ranked three or more candidates and 72% of Asian voters ranked three or more candidates.
- While the majority of voters ranked their ballot, there is a strong voter preference to **maximize their choices by utilizing all their available rankings in the mayoral primary.**
  - Overall, 42% utilized all five rankings on their ballot.
  - 43% of Black voters ranked five candidates, 40% of Hispanic voters ranked five candidates, 45% of white voters ranked five candidates, and 33% of Asian voters ranked five candidates.

Mayoral primary: Ballot utilization by voter type

	All voters	Black voters	Hispanic voters	White voters	Asian voters
Ranked 1 candidate	17%	25%	20%	10%	13%
Ranked 2 candidates	11%	9%	16%	10%	15%
Ranked 3 candidates	18%	16%	14%	20%	24%
Ranked 4 candidates	12%	7%	11%	16%	15%
Ranked 5 candidates	42%	43%	40%	45%	33%

- Overall, the majority of voters who did not rank did so because they only had one preferred candidate in the mayoral primary.<sup>3</sup>
  - 65% of voters did not rank because they only had one preferred candidate.
  - 28% reported they did not rank because they didn't know enough about other candidates.

### **VOTERS UNDERSTAND AND APPRECIATE THE VALUE PROPOSITION OF RANKED CHOICE VOTING<sup>4</sup>**

- Overall, 51% of voters ranked in the mayoral primary because it allowed them to vote their values and 49% ranked in the mayoral primary because it allowed them to support

<sup>3</sup> Multiple responses allowed.

<sup>4</sup> Multiple responses allowed

multiple candidates.

- Black, Hispanic and Asian voters were most likely to say they ranked in the mayoral primary because it allowed them to vote their values.
- White voters were most likely to say they ranked in the mayoral primary because it allowed them to support multiple candidates.

*Why Voters Ranked in the Mayoral Primary*

<i>Why did you rank?</i>	<i>All voters</i>	<i>Black voters</i>	<i>Hispanic voters</i>	<i>White voters</i>	<i>Asian voters</i>
<i>Vote my values</i>	51%	54%	56%	49%	57%
<i>Support multiple candidates</i>	49%	40%	42%	59%	52%
<i>More of a say in who gets elected</i>	41%	34%	30%	50%	42%
<i>My voice will be better heard by elected officials</i>	29%	27%	25%	31%	33%
<i>I'll feel better about the outcome, regardless of who wins</i>	24%	24%	23%	24%	27%

**NEW YORKERS UNDERSTAND AND FIND RANKED CHOICE VOTING SIMPLE**

**NEW YORKERS UNDERSTAND RANKED CHOICE VOTING**

- **Overall, 78% of New Yorkers said they understood Ranked Choice Voting extremely or very well.**
  - 46% of voters said they understood Ranked Choice Voting extremely well and 33% of voters said they understood Ranked Choice Voting very well.
- **Regardless of age, voters understood Ranked Choice Voting.**
  - 46% of 18-39 year olds said they understood Ranked Choice Voting extremely well and 34% said they understood Ranked Choice Voting very well.
  - 44% of 40-59 year olds said they understood Ranked Choice Voting extremely well and 34% said they understood Ranked Choice Voting very well.
  - 47% of 60+ voters said they understood Ranked Choice Voting extremely well and 31% said they understood Ranked Choice Voting very well.
- **There was nominal overall variability between ethnic groups.**
  - **Overall, 77% of Black voters said they understood Ranked Choice Voting.** 47% of Black voters said they understood Ranked Choice Voting extremely well and 29% said they understood Ranked Choice Voting very well.



**New York***Holding Power Accountable*

- **Overall, 80% of Hispanic voters said they understood Ranked Choice Voting.** 41% of Hispanic voters said they understood Ranked Choice Voting extremely well and 38% said they understood Ranked Choice Voting very well.
- **Overall, 77% of Asian voters said they understood Ranked Choice Voting.** 39% of Asian voters said they understood Ranked Choice Voting extremely well and 38% said they understood Ranked Choice Voting very well.
- **Overall, 81% of white voters said they understood Ranked Choice Voting.** 48% of Hispanic voters said they understood Ranked Choice Voting extremely well and 33% said they understood Ranked Choice Voting very well.

**NEW YORKERS FOUND THEIR RANKED CHOICE VOTING BALLOT SIMPLE TO COMPLETE**

- **Across the city, a whopping 95% of voters found their ballot simple to complete.**
  - 75% of voters found the ballot “very simple” to complete and 20% of voters found the ballot “somewhat simple” to complete.
- **Regardless of age, voters understood their new ballot.**
  - 97% of 18-39 year olds found their ballot simple to complete. 78% found the ballot “very simple” to complete and 19% found the ballot “somewhat simple” to complete.
  - 94% of 40-59 year olds found their ballot simple to complete. 76% found the ballot “very simple” to complete and 18% found the ballot “somewhat simple” to complete.
  - 94% of 60+ voters found their ballot simple to complete. 71% found the ballot “very simple” to complete and 23% found the ballot “somewhat simple” to complete.
- **There was nominal overall variability between ethnic groups.**
  - 93% of Black voters found their ballot simple to complete. 72% found the ballot “very simple” to complete and 22% found the ballot “somewhat simple” to complete.
  - 95% of Hispanic voters found their ballot simple to complete. 75% found the ballot “very simple” to complete and 20% found the ballot “somewhat simple” to complete.
  - 97% of Asian voters found their ballot simple to complete. 80% found the ballot “very simple” to complete and 17% found the ballot “somewhat simple” to

complete.

- 95% of white voters found their ballot simple to complete. 76% found the ballot “very simple” to complete and 19% found the ballot “somewhat simple” to complete.

## **NEW YORKERS WANT RANKED CHOICE VOTING FOR FUTURE LOCAL ELECTIONS**

- **77% of voters think Ranked Choice Voting should be used in our local elections.**

*Percentage of Voters Who Support RCV in Local Elections*

<b>Gender</b>	
Male	76%
Female	78%
<b>Age</b>	
18-39	86%
40-59	74%
60+	72%
<b>Ethnicity</b>	
White	78%
Black	75%
Hispanic	79%
Asian	82%
<b>Borough</b>	
Bronx	72%
Brooklyn	77%
Manhattan	85%
Queens	71%
Staten Island	68%

## **VOTER OUTREACH & EDUCATION EFFORTS ARE WORKING**

- **Voters are receiving RCV-related information and education from a variety of sources.**
  - Television was the top source of RCV-related information and education for voters during the June primary.

*Top 5 RCV Educational Resources for Voters during the June Primary*

	All voters
#1	TV (53%)
#2	Mailed brochure (39%)
#3	Newspaper (27%)
#4	Social media (23%)
#5	Radio (20%)

### **Appendix A: Edison Research Exit Poll Methodology**

The survey was designed to measure the attitudes and experiences of New York City voters in the first citywide experience using Ranked Choice Voting for the NYC Mayoral Primary.

The survey was conducted June 12 – June 22, 2021 among a representative sample of 1,662 Democratic voters in New York City. Interviews were conducted via multiple modes including by telephone and in-person exit polling at 17 early voting locations and at 30 election day voting locations. Interviews were offered in both English and Spanish. 70% of the sample were polled on election day and 30% were polled before the election during the early voting period.

Absentee exit polling is ongoing and will be included in the final results in mid-July.

The in-person early and election day polling locations were randomly selected using a cluster sample design and are a probability sample of voting precincts. Within each polling location an interviewer approached every voter as they exited. The exact number of questionnaires depends on voter turnout and voter cooperation.

The data was weighted by sex, age and race, using the observed characteristics of those who refused to participate or who were missed, combined with the demographics of the known respondents who completed the questionnaire. The data was also weighted by education and to match the first-round results from the mayoral Democratic primary election.

## **Appendix B: Sample Data and Crosstabs**

[Complete crosstabs can be found here.](#)

### *Demographics of Preliminary Sample for June Exit Polling*

<b>Total Respondents</b>	<b>1,662</b>
<b>Gender</b>	
Male	43%
Female	56%
<b>Age</b>	
18-39	28%
40-59	32%
60+	38%
<b>Ethnicity</b>	
White	44%
Black	31%
Hispanic	17%
Asian	9%
Other	6%
<b>Borough</b>	
Bronx	11%
Brooklyn	40%
Manhattan	28%

Queens	29%
Staten Island	4%