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## **Change the Rules and You Change the Game: at's Why Charter Revisions Matter in New York City**

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JOHN AVLON

## Change the Rules and You Change the Game: That's Why Charter Revisions Matter in New York City

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## WHY CHARTER REVISIONS MATTER IN NEW YORK CITY

“Charter revision”—the words sound bureaucratic and somnambulant. But if you’re wondering how Charter revisions affect your life, consider this: the creation of the City of New York as we know it was due to a Charter revision put to the voters in 1897, bringing together five counties into one greater metropolis. That’s not all: the resurgence of New York City over the past two decades is disproportionately due to the 1989 Charter Revision, which created the “strong mayor” form of government.

Charter revisions are much more than just a way for Mayors to do an end-run around the City Council. For average citizens (if there is such a thing in New York City), Charter revisions offer the rare opportunity to exert direct democracy on matters of policy and enshrine their wishes in what amounts to New York City’s constitution. It’s also a chance to assert the power of home rule, which is too often thwarted by the often-indicted state legislators lording over us in Albany.

Look back at the history of Charter revisions in New York City and you’ll see that this used to be an extra-ordinary action, put forward every three decades or so. The 1901 Charter Revision leapfrogs to 1936 and then to 1961. It was a once-in-a-generation event. But in the 1980s, the U.S. Supreme Court’s decision that the Board of Estimate was unconstitutional provoked the mammoth 1989 Charter Revision. That’s when things started to change, making the City Council more representative of the city at large and giving the Mayor new tools to govern effectively.

David Dinkins was the first Mayor to actually preside over a post-1989 Charter Revision city, but, having been a longtime member of the Board of Estimate, he seemed unsure of how to take advantage of the new powers granted to City Hall, let alone push forward with new Charter revisions. But in Rudy Giuliani’s second term, things started to accelerate, with three Charter revisions put to the people, meeting with mixed success. Mayor Mike Bloomberg found four occasions to put Charter revisions forward—one of which reinforced citizens’ wishes to reinstate the two-term limit he had overturned with collusion from the Christine Quinn-led City Council.

An interested citizen might ask why we’ve seen the dramatic uptick in what used to be a once-in-a-generation maneuver. It’s fair to say that the increased example of Charter revisions itself snowballs, reinforcing the executive’s opportunity to create lasting change. Likewise, major conflicts between the City Council and Mayor are sometimes resolved through Charter revisions—and there have been examples of Mayors blocking City Council-backed revisions with proposals of their own. But for the most part, the Charter revisions have not been frivolous; rather, they have been modest and responsible bids to increase the efficiency of city government through measures like administration reorganization and procurement reform.

Moreover, New York City voters have shown the wisdom of crowds, exhibiting discernment when it comes to giving Charter revisions an up-or-down vote. For example, the 1999 and 2003 Charter Revisions were decisively defeated while the 2001 and 2010 Charter Revisions were each passed by a seventy-to-thirty margin. Repeated efforts by politicians to seek voter approval to overturn term limits have been rejected, while efforts such as making the Office of Emergency Management a permanent city agency in the wake of 9/11 have succeeded.

Experience suggests only one dependable way to undercut organic outcomes when it comes to Charter revisions: proposals that are put before voters in the one year out of four when neither a mayoral race, a congressional campaign, nor a presidential contest is on the ballot suffer from anemic voter turnout. That means reforms that might rankle unions or the city bureaucracy are exceedingly unlikely to pass when placed on the ballot in those years. The failed 2003 effort to achieve nonpartisan elections was a direct victim of this dynamic. Elections with a representative turnout increase the likelihood of a representative outcome.

New York City's recent record with Charter revisions suggests that this remedy should be exercised more often on more issues—perhaps with more than one initiative allowed on the ballot at a time. As long as New Yorkers aren't permitted to vote themselves effectively imbalanced budgets—with new programs, spending mandates, or tax regimes as in California—trusting citizens with more decisions makes good sense. Engaged citizens in the aggregate often have more courage, clarity, and common sense than special-interest-influenced legislators. As former New York Governor Al Smith once famously said, “The only cure for the ills of democracy is more democracy”—and that's exactly what Charter revisions provide.