

LEAGUE OF WOMEN VOTERS OF SCARSDALE
REPORT ON SCARSDALE'S
NONPARTISAN VILLAGE ELECTION SYSTEM

April 16, 2012

Background

The League of Women Voters of Scarsdale (the “League”) has a long history of evaluating and commenting on Scarsdale’s nonpartisan village election system. In addition to issuing comments on the annual Citizens Nominating Committee (“CNC”) election, the League also periodically studies, evaluates and reports on Scarsdale’s nonpartisan election system in general. The League issued its last report and consensus statement on the nonpartisan election system in 1996 (Appendix 1: *League Nonpartisan Position, adopted April 24, 1996*).

The 2011 election for the village board and mayor was marked by controversy. Specifically, local media reported discontent and discord within the CNC (Appendix 2: press coverage), and unruliness and confusion relating to a late-developing write-in campaign in March 2011 (Appendix 3: *Interview with Donna Conkling, Scarsdale Village Clerk*). Public debate escalated within the local press and community about the benefits and shortcomings of Scarsdale’s nonpartisan election system, as numerous letters to the editor and editorials criticized various aspects of the CNC, and some members of the CNC publicly expressed dissatisfaction with the proceedings.

In light of this controversy, the League established a Nonpartisan Village Election System study committee (“the Committee”) in June 2011 to study the operation of and review the League’s position on Scarsdale’s nonpartisan village election system. The League currently has no administrative or policy role within the village or school nonpartisan election systems.

Goals of the Study and Scope of Report

The objectives of the study are twofold: (i) to provide League members with information, sufficient in scope and detail, to determine whether or not the League should continue to affirm its position of supporting a nonpartisan election system for the selection of the village board and mayoral candidates; and (ii) to review how Scarsdale implements its nonpartisan village election system and, if agreed upon, to recommend possible changes or enhancements to the system. This report presents:

- the major differences between nonpartisan and partisan election systems;
- the history and framework of Scarsdale’s nonpartisan election system; and
- the structure of other nonpartisan election systems in select municipalities, as well as Scarsdale’s nonpartisan process for nominating school board members, as a basis of comparison.

The Committee compiled its findings, embodied in this report, in order to share information with the community and members of the League. A comprehensive glossary of terms is included as Appendix 4.

Nonpartisan versus Partisan Nominating and Election Systems

In the United States, city governments receive their legal authority from the states in which they are located. In the State of New York, municipalities have broad authority to structure how they operate by virtue of the Home Rule provisions of the State Constitution and the Municipal Home Rule law. As such, some municipalities utilize a partisan election system while others rely on a nonpartisan system for electing local government officials.

The term “partisan” refers to persons who adhere to a particular party or faction (e.g., Democrat, Republican). In a partisan nominating system, members of a party choose party nominees during a caucus and/or primary election. To participate in such a party nominating process, one must be a registered party member. Candidates for nomination are permitted and expected to publicly articulate positions on specific issues and their party affiliation appears on the ballot. Partisan nominating systems are the predominant way in which nominees for national and statewide offices are chosen.

The term “nonpartisan” refers to a person or persons appointed or elected without regard to political affiliation. Nonpartisan elections are an outgrowth of the Progressive Era and the ratification of the Nineteenth Amendment granting women the right to vote. Over time, such systems proliferated in order to attract a wide range of candidates and improve government efficiency by limiting the power of party bosses. By the 1950s, more than 60 percent of municipalities nationwide had adopted nonpartisan platforms and today, 41 of the largest 50 cities utilize nonpartisan systems to elect their mayors and local government officials (Source: *Nonpartisan Elections: Preliminary Options and Recommendations*, Staff Report to the NYC Charter Revision Commission, June 26, 2003). Nonpartisan elections remain the dominant system in municipal governments nationwide, although there are regional differences. Partisan systems are more prevalent in the East than in the West (Source: *Pearson’s Politics in America*, 8th edition, Thomas Dye and Bartholomew Sparrow, 200).

In both partisan and nonpartisan systems in New York State, elections for municipal office are conducted in compliance with state election law and as such, independent candidates may put themselves on the ballot via “independent nominating petitions” pursuant to state election laws. The village clerk oversees all elections for village offices in New York State. (Appendix 5, *Summary of NYS Election Law*).

The History of Scarsdale’s Non-Partisan Election System

In 1911, after a particularly bitter campaign and election for Town Supervisor, the leaders of the Scarsdale Town Republican Party and Democratic Party committees agreed to jointly choose a single candidate for any open town government position who would best serve the interests of the entire Village and whom both parties would endorse. The

Party committees believed the new bi-partisan system would prevent divisive elections and, because candidates would no longer need to campaign and compete in public elections, more citizens might be willing to serve.

This system worked fairly well until 1930, when the Party committees were unable to agree on a single candidate for an open Village Trustee position. As a result, the Party committees and the Scarsdale Town Club agreed to form a new committee, unaffiliated with either Party, “consisting of representative citizens . . . to select candidates,” and Scarsdale’s first nonpartisan election system was established. That fall, the Scarsdale Town Club and the Woman’s Club co-drafted the first version of the Non-Partisan Resolution (the “Resolution”), a document that outlines the consensus method to be followed in nominating Village officials. The original Resolution was adopted on December 11, 1930 and, as a living document, has been amended 40 times to date. Some of the major changes to Scarsdale’s nonpartisan election system since its inception include:

- replacing polling in each election unit with one central polling location;
- redrawing election unit lines according to elementary school district boundaries;
- establishing a public procedure for amending the Resolution;
- establishing a system whereby nominees for village and town offices are given the opportunity to make oral presentations and provide information to the CNC members relating to the nominee’s experience and qualifications for office, not addressing specific issues;
- providing for and designing procedures for mail-in ballots; and
- ensuring that candidates agree to be considered as potential nominees.

In addition, over the years, responsibility for overseeing the CNC election process and amending the Resolution has shifted from a committee comprised solely of Scarsdale Town Club members to a Procedure Committee that includes outgoing elected members of the CNC, members appointed by the Town and Village Civic Club, and representatives from the Scarsdale Neighborhood Association Presidents (“SNAP”). For a time, the League also appointed representatives to the Procedure Committee and CNC; however, it withdrew from the process when it recognized its participation violated the League’s mission to “not endorse or oppose political candidates or parties at any level of government.”

A history of Scarsdale’s nonpartisan system and the original Resolution from 1930 are included as Appendices 6 and 7. The current Resolution can be found at www.scarsdaleprocedurecommittee.org and a history of the League’s positions on Scarsdale’s nonpartisan election systems is incorporated in its *Impact on Issues 2010 Update* and can be found at www.lwvs.org/impactonissuesupdate.htm.

Current Framework of Scarsdale Village Election System and Role of the TVCC

Overview

The goal of Scarsdale's nonpartisan system has always been to select highly qualified candidates in a way that seeks to avoid an adversarial political campaign. Currently, village residents vote in contested elections for neighborhood representatives to serve on the CNC. The CNC meets in closed sessions to nominate nonpartisan candidates who run on a slate of candidates through the Scarsdale Citizens' Party.

The Procedure Committee

The Resolution governs the nomination of a slate of candidates for Scarsdale village offices. From 1930-1974 the Scarsdale Town Club, through its Village Board Nominating Committee, had responsibility for executing the provisions of the Resolution and for amending the document. However, in 1974, The Resolution was amended to create an independent Procedure Committee, charged with overseeing the Resolution, proposing amendments to the Resolution, and administering the procedure for the election of members to the CNC. Today, the Procedure Committee is comprised of ten elected members of the CNC who have completed their three-year terms, ten appointed members from the Town and Village Civic Club ("TVCC"), and two representatives from the Scarsdale Neighborhood Association Presidents ("SNAP"). The President of the TVCC appoints a vice-chair who ultimately succeeds to chair the Procedure Committee. Appointees by the TVCC to the Procedure Committee need not be members of the TVCC.

The Procedure Committee's expenses (such as the brochure, mailings, meeting rooms, expenses in connection with the CNC election itself, etc.) are financed by non-deductible contributions from the general public, solicited by the Procedure Committee. However, when solicitations have fallen short, the TVCC has made loans for or underwritten Procedure Committee expenses. There is no financing mechanism or provision included in the Resolution.

Election to the CNC

Scarsdale qualified voters who have resided in the village for at least two years are eligible to run for the CNC. Elections are held in early November and ordinarily two people are elected from each nonpartisan unit (i.e., elementary school district) to serve a three-year term on the CNC. Furthermore, any proposed amendments to the Resolution are voted upon at this time.

Responsibilities of the CNC

The CNC is responsible for soliciting potential nominees and nominating one candidate for each village office vacancy (Mayor, Trustee and Village Justice). These candidates run as a slate of the Citizens' Non-Partisan Party in the March village elections and, if elected, take office at the beginning of April. The CNC is comprised of 30 voting members and four nonvoting members. The nonvoting members are the President and the

Vice-President of the TVCC, one representative designated by the TVCC (in the past two years, this representative has been the vice-chair of the Procedure Committee), and one representative designated by the Chair of SNAP. The President of the TVCC serves as the Chairperson of the CNC. Nonvoting members are not permitted to offer any information or opinions regarding possible nominees.

At its first organizational meeting, the CNC adopts routine Rules of Procedure to govern its deliberations, which should be consistent with the purpose and provisions of the Resolution. Any other non-routine procedural changes must be made through a formal amendment of the Resolution. Questions on compliance with the Rules of Procedure are ruled on by the Chairperson but can be overruled by a two-thirds vote of the voting members present. According to the Resolution, in considering potential candidates:

- The CNC seeks to primarily consider the fitness of the person being interviewed for the particular office.
- The CNC conducts due diligence on all potential nominees.
- The CNC gives potential nominees an opportunity to make oral presentations to the CNC in closed, confidential sessions. Questions may only relate to the potential nominees' experience and qualifications and NOT to any specific issues.
- Potential Nominees may not be voted upon at the same meeting at which they were nominated.

After the CNC announces its slate of nominees through the Scarsdale Citizens' Non-Partisan Party, the nominations come under the purview of NYS election law. As such, the Scarsdale Citizens' Non-Partisan Party is required to gather signatures of registered voters on an independent nominating petition in compliance with the timetable set forth by law. Similarly, under New York State election law, any other qualified person can file a signed petition with the Village Clerk to run for a village position in the March election, thereby contesting one or all of the CNC slate of nominees.

Campaign Committee

The Campaign Committee is an independent body that is neither governed by nor included in the Resolution. It assumes responsibility for all publicity pertaining to the Citizens' Party's slate of nominees. This includes advertising, producing brochures, and organizing a phone campaign whether or not the election is contested, as well as incidental expenses incurred by the CNC (mostly room fees and, occasionally, refreshments). Traditionally, the Vice President of the TVCC chairs the campaign committee. All other committee members are community volunteers with a variety of civic interests and affiliations. Campaign Committee expenses are financed by non-deductible contributions from the general public and are solicited by the Campaign Committee. Pursuant to state election law, the Campaign Committee is also required to file a State of New York Board of Elections Disclosure Statement with the village clerk.

The Role of the TVCC

The role of the TVCC in Scarsdale's nonpartisan election system has evolved over the last 80 years. As mentioned above, Scarsdale's nonpartisan system was launched in 1930 by the Town Club, which became the TVCC in 1990 through a merger with the Village Club (the name was officially changed to the Town and Village Civic Club). From 1930-1974 the Town Club, along with the Scarsdale Woman's Club, had complete control over the nonpartisan system. In fact, the Citizens' Non-Partisan System was embedded in a standing committee of the Town Club.

In 1974, the nonpartisan system's Procedure Committee separated from the Town Club and became an independent body. However, the Town Club still appointed the chair, vice chair and many members to the Procedure Committee as well as the chair and vice chair to the CNC.

Precipitated by declining membership and the need to establish alternative sources of funding, the TVCC in 2003 split into two separate organizations with distinct IRS designations: the Forum, a 501(c)(3) entity and the TVCC, a 501(c)(4) entity. As a 501(c)(3) organization, the Forum could solicit tax-deductible contributions. Although the Forum assumed most of the functions of the TVCC, it would now be mostly restricted from engaging in political activities. Both the Forum and TVCC are prohibited from the endorsement of candidates. Structurally, all members of the Forum became de facto members of the TVCC, and officers and directors were the same for both entities. Currently, this is the organizational structure that exists.

A flow chart of the structural relationship between the Scarsdale Forum and the TVCC is included as Appendix 8. The following observations can be made about the TVCC's role in Scarsdale's nonpartisan system today:

- Until 2003, the TVCC was a civic organization whose mission was to involve itself in public matters, study issues and report findings, along with recommendations to the town, schools and other public entities. Today, the Forum has assumed these organizational goals; similar to the pre-2003 TVCC, the Forum seeks to educate the Scarsdale community through its reports, offering both majority and minority opinions on a variety of topics.
- TVCC officers continue to hold key leadership positions on the CNC, and the TVCC still appoints the leadership and 30 percent of the voting members of the Procedure Committee. The Scarsdale nonpartisan election system thus remains connected to an organization that is comprised of the same leadership and membership as the Forum – an organization that takes positions on issues affecting Scarsdale residents.
- The TVCC has financial ties to the Procedure Committee, although, in recent years, the Procedure Committee has been more proactive in raising funds independently.

How Other Nonpartisan Systems Function

Other Municipalities

As mentioned above, many municipalities throughout the United States utilize nonpartisan election systems. Since there is considerable variety among such systems, the Committee compared nonpartisan systems in the following suburban municipalities:

Lake Forest, Illinois*	Winnetka, Illinois*
Glencoe, Illinois*	Montclair, New Jersey
Glen Ellyn, Illinois*	Cedar Grove, New Jersey
Garden City, New York*	Ocean Township, New Jersey

*surveyed in the 1996 League Nonpartisan System study.

The Committee reviewed both the process by which the municipalities' nominating entities are chosen, and how the towns' mayors and councils are subsequently elected. Summaries of findings are attached as Appendices 9 and 10, the highlights of which are as follows:

Key similarities among nonpartisan election systems:

- All Nominating Committee members are elected from individual voting districts within their towns. Residents of each voting district elect their Nominating Committee members in a contested race.
- All Nominating Committees except one (Glencoe, IL) nominate one candidate only per vacancy in village office.
- All Nominating Committees interview candidates for office.
- Pursuant to election law, independent candidates (i.e.: those not chosen by the Nominating Committee) are eligible to run for village office. In all the municipalities studied, there were instances of independent candidates running for office.

Key differences among nonpartisan election systems:

- **Nominating Committees vs. Self-Nomination:** In some municipalities (specifically, three in New Jersey), residents nominate themselves for village office, pursuant to state election law. In these cases, elections are still nonpartisan.
- **Confidentiality of identities of potential candidates:** Some municipalities' nominating committees publicize the names of all potential candidates for village office. Others keep the identities confidential until the announcement of the slate of candidates.
- **Public versus Private Interviews of Candidates:** In all communities studied, Nominating Committees interview each candidate; however, some Committees conduct private interviews, while others are open to the public.
- **Discussion of Issues by Candidates:** In some municipalities, like Scarsdale, candidates for office are chosen based on fitness for office rather than their

positions on specific issues. Other Nominating Committees ask potential candidates to discuss village issues, in both their written applications and/or interviews. Forums for candidates to discuss issues with village residents include presentations and Q&A periods at town meetings, videotaped speeches shown on local television, debates, etc.

- **Methods of voting for both Nominating Committees:** In various municipalities, residents choose nominating committee members through a combination of methods, such as on-site voting at polling locations; mail-in ballots; voting at town meetings, and early voting at designated polling stations.

Scarsdale's School Board Nominating Committee

The nonpartisan system for selecting candidates for election to Scarsdale's school board shares many features of Scarsdale's nonpartisan village system, with a few salient differences relating to the membership and leadership of committees. These differences can be traced to a 1996 amendment to the SBNC Resolution that eliminated the TVCC's involvement in leading the school election system's committees. A chart detailing the structural similarities and differences between the village and school board election system is set forth in Appendix 11.

Overall, the systems are quite similar. As in the village election system, the school board election system:

- is governed by a resolution that has been amended over the years;
- obtains a slate of candidates (one per vacancy) through the use of a nominating committee whose members are elected by school district, meets in closed sessions to nominate candidates, interviews candidates privately, and selects candidates based on experience and qualifications; and
- nominates candidates for an election that is governed by state education law, which provides the opportunity for independent candidates to put themselves on the ballot, through nominating petitions, in opposition to nonpartisan candidates.

Scarsdale's school board election system differs from the village system with regard to committee membership and leadership, and in particular, with regard to the role the TVCC plays in appointing members and leaders to the school election system's three committees: The School Board Nominating Committee ("SBNC"), the Administrative Committee, and the Joint Committee.

The SBNC is the elected body that selects candidates for the school board in the mandated May election. Unlike the CNC, whose chair and vice chair are the president and first vice president of the TVCC, the SBNC elects its chair and vice chair from among current and former SBNC members.

The Administrative Committee, which recruits candidates for and oversees the election of SBNC members, includes retired voting members of the SBNC as well as members appointed by the TVCC, SNAP, and the Administrative Committee chair. In

contrast to the village election system's Procedure Committee, in which 11 out of 23 members are appointed by the TVCC, only three of the Administrative Committee's 27 members are appointed by the TVCC. Moreover, while the vice chair of the Procedure Committee (who later becomes the chair) is appointed by the TVCC, the vice chair of the Administrative Committee (who later becomes the chair) is appointed by the school election system's Joint Committee.

Finally, the Joint Committee reviews and proposes changes to the SBNC Resolution. The Joint Committee consists of no "new" members, but rather is comprised of the chair and vice chair of the SBNC, members of the outgoing Administrative Committee, and the most recently retired voting members of the SBNC. Unlike the chair of the Procedure Committee, who is appointed by the TVCC, the chair of the Joint Committee is the outgoing chair of the Administrative Committee, who was chosen by the Joint Committee two years earlier.

Consensus Questions

1. Does the League continue to affirm its position of supporting a nonpartisan election system for the selection of the village board and mayoral candidates?

2. Does the League recommend modifications to Scarsdale's current village election system?

In attempting to answer these questions, the Committee developed a preliminary list of pros and cons of nonpartisan elections systems in general, as well as a list of pros and cons associated with Scarsdale's current nonpartisan village election system, attached as Appendix 12. The Committee hopes that these lists of pros and cons as well as material summarized in this report, will prompt a meaningful exchange of ideas and will assist the League to reach consensus on the above questions at a meeting on Monday, April 23rd, at 7:15 p.m. in the Scott Room at the Scarsdale Public Library.

Respectfully submitted,

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