

CITY COUNCIL
CITY OF NEW YORK

-----X

TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON GOVERNMENTAL OPERATIONS

-----X

January 22, 2013
Start: 1:16 p.m.
Recess: 2:26 p.m.

HELD AT: Council Chambers
City Hall

B E F O R E:
GALE A. BREWER
Chairperson

COUNCIL MEMBERS:
Inez E. Dickens
Erik Martin Dilan
Domenic M. Recchia, Jr.
Peter F. Vallone, Jr.

CHAIRPERSON BREWER: Alright. I'm starting. Can you hear us? I am Gale Brewer. I am the chair of Governmental Operations, and we are beginning this hearing to talk about two quick items that we are going to vote on. One is a pre-considered resolution authorizing the Speaker to file or join amicus briefs on behalf of the Council in Shelby County versus Holder, which is currently pending before the Supreme Court. The amicus will be support of the federal government's position that Section 5 of the Voting Rights Act is constitutional. The voting rights act of 1965 was passed originally with the honorable intent of abolishing discriminatory election practices such as poll tax and literacy requirements. Under Section 5 of the act a covered jurisdiction seeking to change its election laws or procedures must either submit the change to the AG, attorney general, or seek preclearance from a three judge panel in federal district court. Preclearance may be granted only if the jurisdiction demonstrates that the proposed change to its voting law "does not have the purpose and will not have the effect of denying or bridging the right to vote on

1
2 account of race or color." I'm doing this quickly
3 'cause we haven't dealt with this before. In 2010
4 Shelby County, Alabama filed suit in the district
5 court for the District of Columbia seeking both a
6 declaratory judgment that certain sections of the
7 act are unconstitutional. In Alabama in Shelby
8 County, they allege that the extraordinary
9 problems of discrimination that led to the
10 enactment of the act in 1965 no longer exists and
11 that the burdens it imposes on states and
12 localities are no longer justifiable. In 2011 on
13 September 21, the district court upheld the
14 constitutionality of Section 5 and the - - set out
15 in Section 4b that triggers Section 5 coverage,
16 and in 2012 the U.S. Court of Appeals for the
17 D.C. circuit affirmed the district court's
18 ruling. It's now pending before the Supreme
19 Court. Three counties in New York City, in our
20 city that is why we are talking about this, are
21 subject to Section 5 preclearance—Bronx, Kings and
22 New York, and in my view compliance with Section 5
23 does not impose undue burdens on covered
24 jurisdictions and Section 5 continues to provide
25 substantial benefits to the nation. It eliminates

1
2 barriers to minority or people of color political
3 participation. Section 5 has helped to secure the
4 rights of racial and language minority voters.
5 Also, the advanced guidance provided by Section 5
6 can help covered jurisdictions avoid costly and
7 burdensome litigation. Today we also are going to
8 vote on proposed intro 978-A having to do with
9 independent expenditures and the campaign finance
10 board. As you all know we heard that bill last
11 Wednesday. I recommend to vote aye on both, and I
12 thank you very much. Will clerk please call the
13 roll? And then we can introduce ourselves as we
14 go along just to save time.

15 COMMITTEE CLERK: William Martin,
16 committee clerk. Roll call vote Committee on
17 Governmental Operations. Council Member Brewer?

18 CHAIRPERSON BREWER: I'm Gale
19 Brewer, and I vote aye.

20 COMMITTEE CLERK: Dilan?

21 COUNCIL MEMBER DILAN: I vote aye.

22 COMMITTEE CLERK: Recchia?

23 COUNCIL MEMBER RECCHIA: I'm
24 Domenic M. Recchia, Jr. and I vote aye.

25 COMMITTEE CLERK: By a vote of

1
2 three in the affirmative, zero in the negative,
3 and no abstentions, items are adopted. Members,
4 please sign the committee reports.

5 CHAIRPERSON BREWER: I also want to
6 thank Council Member Mendez for being here, and if
7 she would like to make a comment while Council
8 Member Inez Dickens is coming in, we welcome it.
9 Council Member Mendez, if you would like to make
10 any comments.

11 COUNCIL MEMBER MENDEZ: Thank you,
12 Madam Chair. Intro 978-A is a very simply bill
13 that I believe preserves the intent of the 2010
14 New York City Charter revision process by making
15 sure that members of the public are aware of who
16 is attempting to influence their votes in a local
17 election. This legislation preserves the free
18 speech and associational rights of membership
19 organizations such as unions by exempting
20 communications between members from the CFBS
21 independent expenditure reporting requirements.
22 This narrow and targeted bill protects
23 transparency and disclosure. There is no
24 anonymity or super - - to hid behind while
25 simultaneously encouraging membership

1
2 organizations to undertake the critical operations
3 that help their members who vote to become aware
4 of candidates and ultimately I believe increases
5 voting levels in our city, which is a universal
6 good and a desired income. Thank you, Madam
7 Speaker, for the opportunity to speak.

8 CHAIRPERSON BREWER: I want to
9 thank David Sitzer [phonetic], who is counsel to
10 the Committee, Lauren Axelrod, who is the
11 representative of the general counsel's office,
12 Tym Matusov, legislative policy, John Russell from
13 the legislative financial—he is an analyst and I
14 certainly want to thank Will Colgrove [phonetic]
15 from our office. We are going to hold the vote
16 open particularly on Intro 978-A, and so although
17 this particular committee is adjourned, we will
18 make sure that it is held open for the one or two
19 members who still need to vote. Thank you very
20 much,

21 [gavel]

22 COUNCIL MEMBER DICKENS: I vote
23 aye.

24 COMMITTEE CLERK: Council Member
25 Dickens?

1
2
3
4
5
6
7
8
9
10
11

COUNCIL MEMBER DICKENS: I vote
aye.

COMMITTEE CLERK: Final vote in the
Committee on Governmental Operations now stands at
four in the affirmative, zero in the negative and
no abstentions.

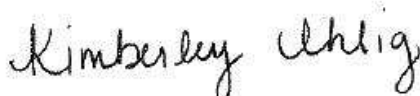
COUNCIL MEMBER DICKENS: What's
today's date? Gov Ops hearing of January 22nd,
2013 is hereby adjourned.

[gavel]

C E R T I F I C A T E

I, Kimberley Uhlig certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature

Handwritten signature of Kimberley Uhlig in cursive script, written over a horizontal line.Date 2/5/13