

**Testimony of Geoffrey Smith, Esq.
Before the
New York State Senate Committee on Elections**

On Proposed Reforms to Voting Processes and
Operations of County Boards of Elections.
August 9, 2021 Westchester County Center

As a career long tenant advocate representing tenant organizations and litigating on their behalf, I have been interested in augmenting the effectiveness of tenant voices in their exercise of their rights to vote. This is particularly true of tenants in public and subsidized housing and multiple unit buildings. While these residents may comprise a significant portion of the voters in any election district, efforts need to be made balance their interests with those of property owners and others with greater access to resources to influence debate. These folks have great interest in housing policy, housing subsidies, and the development of affordable housing and the zoning determinations that affect the generation and mix of an adequate number of units to meet existing needs.

While the willingness of candidates to address this constituency during primaries and elections, is a political issue, systemic democratization of the election process effects the organic opportunity to register an equally weighted vote for government and party candidates who will in a position to make policy decisions and enact legislation that will effect them. Any voting structure that allows for distinct district, neighborhood and building-wide interest to be registered in the civic processes is to be favored.

The recent experience with ranked voting in the primaries shows an important process for crossing and melding groups and constituencies to

reflect a maximized positive hybrid vote without the binary win-loose calculation of votes. This is the direction in which we should be moving, particularly in a polarized civic arena with the distortion of information bias from many sources. Social media campaigns cultivate the information bias and project rivalries and winning over perspective and positions on issues

One of the major issues that yields narrower more concentrated representation is the structure of campaigns for executive offices that are city, town or village wide and offices that will have legislative authority which should reflect a distinct portion of the subdivided portion. When, in fact, legislators are elected city/town/village -- wide rather than in districts, groups who are concentrated in a particular district or which comprise minorities in most or all election districts of that geo-political government jurisdiction, these groups will be unable to overcome a city-wide coalition which is comprised of majority groups in most election districts, which are therefore able to dilute or block minorities identified as racial or cultural, non-property owning (not part of the tax base), or income levels relying on government assistance and programs.

This problem is not one of plain demographics but affects approaches on issues which may not promote the interests of the minorities. In the housing area, this affects administration of subsidies, assistance and services, as well as the commitment to the generation of affordable housing, particularly in income ranges below 80%. Private developers with appropriate inducements can be persuaded to add 60% - 120% AMI units to a proposed residential or mixed use development, but with the vanishing role of HUD in constructing and managing affordable housing down to 0% AMI, the way forward has

involved tax credit properties which are privately owned and managed administered by the State of New York with rules and procedures that are not as progressive or all encompassing as the federal system administer by HUD.

In White Plains and other communities, projects converted from HUD mortgaged to tax credit rehabs have even been exempted from the Tenant Protection Act and local market appraisals in setting rents.

While these issues may not have been prominent in the most recent elections, our concern that democratic process be not only preserved but upgraded. Addressing the lack of equity in voting power is driven by individual and community interests, but the resolution of conflicting interests in public decisions involves the opportunity to have greater input into the selection of those who will make the decisions and who will do the studies, take the testimony and contend with special interest lobbying in reaching those decisions.

Ranked Voting and district defined legislative seats are steps in the right direction.

Thank you and I welcome any questions or inquiries you may have.

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