

## HOW PHILLY WORKS Eliminating Resign to Run:

### What You Should Know about Philadelphia's May 20 Ballot Questions, Part I

The Committee of Seventy fights for better informed citizens. Especially when it comes to voting.

Because we're non-partisan, we don't endorse or recommend candidates. But we do our best to arm citizens with enough information to help them make smart choices every Election Day. Click [here](#) to learn more about the Tuesday, May 20 primary election.

Today's **HOW PHILLY WORKS** is Part I of a two-day discussion of the three questions on Philadelphia's ballot. This one, which you can read [here](#), asks voters to approve the elimination of a 63-year-old rule that bans all city employees – elected and non-elected – from running for any other city, state or federal office (other than for reelection) without first giving up their job. (This rule is best known as "Resign to Run.")

If you are eligible to vote in Philadelphia, we hope you'll read up on the ballot questions and send this Q&A (and also Part II, which you'll get from us tomorrow) to family and friends who vote in the city.

**REMEMBER: All eligible city voters, regardless of their party affiliation, can vote on ballot questions.**

--May 14, 2014

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#### **This sounds very familiar.**

If you voted in May 2007, you're probably thinking about the same ballot question that appeared on that ballot. Of the almost 200,000 Philadelphia voters who answered, 55% said "no," 45% said "yes" to eliminating "Resign to Run" for elected officials.

#### **If city voters already said "no," why try again?**

Because city elected officials don't think it's fair that they have to give up their jobs to run for another public office when state and federal elected officials don't have to do the same thing. And also because five years after a ballot question loses, it can be on a ballot again. (Full disclosure: Seventy supported abolishing "Resign to Run" in 2007. We still do and will tell you why in a minute.)

#### **If "Resign to Run" goes away, half of City Council will run for mayor in 2015!**

That couldn't happen. If a majority of voters say "yes" to eliminating "Resign to Run" on May 20, the proposal will go into effect on January 1, 2016. It would not impact the 2015 mayor's race.



**But it would affect the 2019 mayor’s race. Council elections are also in 2019. Could Council members run for reelection and mayor in the same year?**

No. Elected officials would not be allowed to run for reelection during the same year in which they run for another public office. Take, for example, the mayor, 17 City Council members, three City Commissioners, Register of Wills and Sheriff. Each of these offices will be on the 2019 ballot. If any official holding these elected positions wants to seek another public office in 2019, they wouldn’t have to resign. But they couldn’t run for reelection either. Only one office at a time.

**Aren’t the City Controller and District Attorney elected city positions too?**

They are. But the City Controller and District Attorney don’t run in the same election year as the others we mentioned. If “Resign to Run” is eliminated, and either the City Controller or District Attorney wanted to run for mayor in 2019, they would not be forced to choose between reelection and running for another public office. They could hang onto their jobs and still run for mayor.

**Let me get this straight: If the “Resign to Run” ballot question passes, starting in 2016, city elected officials won’t have to resign before running for another public office in Philly or anywhere else.**

You got it. For instance, one of Pennsylvania’s two U.S. Senate seats will be on the 2016 election ballot. No city elected official would have to resign to run for that seat. And since none of them are up for reelection in 2016, they don’t have to choose between running for the U.S. Senate or for reelection. Councilman David Oh, who sponsored the ballot question, says eliminating “Resign to Run” is especially important in order to encourage city elected officials to throw their hat in the ring for non-city offices, especially (Oh says) in Harrisburg.

**What about *non-elected* city employees? I thought the current “Resign to Run” rule covers them.**

It does. And it still will even if the May 20 ballot question passes. “Resign to Run” would only be eliminated for elected officials

**That doesn’t sound very fair.**

That’s a factor you might weigh in deciding how to vote on the ballot question. It’s not all that unusual for government to impose different requirements on elected and non-elected employees. Elected officials are permitted to engage in partisan political activities that are prohibited for virtually all non-elected city employees. (City Council employees are an exception, but that’s another story.)

**Start from scratch. Where does “Resign to Run” come from?**

“Resign to Run” was written into the Philadelphia Home Rule Charter, the city’s governing document, in 1951. The Charter says “Resign to Run” is necessary “...because an officer or employee who is a candidate for elective office is in a position to influence unduly and to intimidate employees under his supervision and because he may neglect his official duties in the interest of his candidacy.”



### **There must be some political back story.**

There always is. “Resign to Run” came about as a result of widespread criticism of massive patronage in city government. Another Charter change in 1951 brought most city jobs under a merit-appointment system and created a more independent (i.e., less political) Civil Service Commission. The voters’ passage of the new Charter in April 1951 was followed seven months later by the election of the first Democratic mayor (Joe Clark) after nearly a century of GOP mayors. The Democrats have dominated the second floor of City Hall ever since.

### **So “Resign to Run” now guards against undue influence and intimidation by Democrats, right?**

What goes around comes around. Actually, while patronage still exists, the political culture is different in 2014 than it was 63 years ago. Restrictions on partisan political activities (also put in place in 1951) insulate merit-appointed city employees from improper influence to the greatest extent possible. And, thanks to whistleblower laws, the media and vigilant watchdogs, it’s harder these days for elected officials who improperly influence or intimidate their employees to go undetected.

### **What about neglecting their duties when they are running for another office?**

That’s a genuine concern, especially if the race is competitive. Political analyst Stuart Rothenberg examined the attendance records of John McCain and Barack Obama during their 2007 battle for President of the United States. McCain missed more than half the U.S. Senate votes. Obama (along with his VP running mate, Senator Joe Biden) didn’t show up for at least a third of the Senate votes. Unlike local elections, those were national campaigns that covered a lot of territory. But you get the point.

### **So why do some people want to get rid of “Resign to Run?”**

Since we’re writing this, we’ll start first with why Seventy supports eliminating “Resign to Run.” As Seventy’s President and CEO Zack Stalberg explained in a May 11 *Inquirer* [OpEd](#), Seventy believes eliminating “Resign to Run” would encourage more people to run for public office and result in more competitive elections.

### **Aren’t lots of city races already competitive?**

Not really. Especially reelections. No city employee challenged Michael Nutter’s bid for a second term in 2011, or John Street’s in 2003. When there were open mayor’s seats, Nutter was the only city employee willing to resign to run in 2007; only City Council members Happy Fernandez and John Street took the same risk in 1999.

### **Any other reasons why eliminating “Resign to Run” makes sense?**

Voters wouldn’t prematurely lose the people they elected to represent them. Michael Nutter resigned his Fourth District Council seat in July 2006 to run for mayor in 2007. His constituents were without a Council member until ward leader Carol Ann Campbell won a special election in November 2006 to fill out his term. (In case you’re wondering: Campbell ended up losing in the Democratic primary when she sought the seat permanently in 2007.)



### Wouldn't getting rid of "Resign to Run" bring out candidates who aren't serious?

Many people do think "Resign to Run" is valuable in weeding out frivolous candidates. Not many are willing to give up a job, salary and benefits in order to gamble a run for another public office. Even without resigning though, the rigors and costs of campaigning tend to separate committed candidates from those whose hearts aren't really in it.

### I think I understand the pros and cons. One last question: Do other cities have "Resign to Run" rules?

Most don't. And among those that do, Philly's is the strictest. The Pew Charitable Trusts surveyed 12 cities in 2011 and found that only Dallas and Phoenix had "Resign to Run" provisions. Unlike Philly, both cities have term limits for City Council members.

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