

FOR IMMEDIATE RELEASE: Monday, October 28, 2019

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Fair Elections Campaign to Commission: Don't Create Weak, Unworkable Public Financing Program

200+ Group Coalition Calls on Commission to Reverse Course to Create “Model for Nation” Program that Amplifies the Voice of Everyday New Yorkers

Buffalo, NY -- Concerned that a series of preliminary decisions by the Public Financing Commission will lead to a weak and unworkable public financing program, the Fair Elections campaign today released a letter laying out components that experts agree would lead to a strong, “model for the nation” bill that Governor Cuomo and Legislative Leaders have called for. Such a bill would limit the influence of [mostly-white, wealthy](#) donors and special interests and ensure that typical New Yorkers’ voices are heard.

The coalition of groups that made campaign finance reform a top budget issue through a huge grassroots effort want to ensure the Commission is working to create meaningful campaign finance reform which [includes](#) at least a 6-to-1 match on small donations for both primary and general elections, lower contribution limits for all candidates, and an independent enforcement unit —without focusing on irrelevant political distractions like attempting to eliminate fusion voting.

Full text of the letter:

Commissioner Henry Berger
Commissioner Mylan Denerstein
Commissioner Kimberly Galvin
Commissioner DeNora Getachew
Commissioner Jay Jacobs

Commissioner John Nonna
Commissioner David Previte
Commissioner Crystal Rodriguez
Commissioner Rosanna Vargas

October 28, 2019

VIA EMAIL

Dear Commissioners:

The Public Campaign Financing Commission was envisioned by Governor Cuomo with establishing the best public financing system in the United States, something New Yorkers would be proud of and that would inspire other states. **Unfortunately, we are concerned the Commission is headed in the wrong direction and is developing a weak public financing program focused more on protecting incumbents than amplifying the voice of small donors or reducing the corrupting influence of big money in our democracy.**

It's not too late for the Commission to reverse course and create a strong public campaign finance system based on proven programs like New York City's and legislation previously introduced by the governor and legislature. Based on years of research and analysis, Fair Elections has identified, [and long called for](#), these core components of a strong public matching program:

- Create a permanent program launched by January 2022
- Cover primary and general elections
- Include at least a 6-to-1 match for any small donation made by residents of New York State, whether in the district or outside the district.
- Significantly lower contribution limits for all candidates, so that individual donors cannot contribute more to a state candidate than they can to a federal candidate.
- Ensure qualifying thresholds, the money candidates must raise to be eligible for public funds, enable incumbents and challengers with grassroots support to participate.
- Create an independent enforcement agency that oversees campaign finance law for all candidates
- Do not address the fate of fusion voting, which is a distraction from establishing a public financing program.

The Commission is falling well short of these basic expectations:

- **The Commission has voted to restrict matching funds to in-district donations.** Fair Elections supports matching in-district donations at a higher rate and values incentivizing candidates to reach out to residents, but any small donations from within the state should also be matched. Many New Yorkers have an interest in state legislative races beyond the district they live in because: 1) State lawmakers vote on issues impacting the entire state; 2) Convolutioned and gerrymandered district boundaries often fragment neighborhoods, which are represented by multiple state lawmakers; 3) Redistricting, gentrification and moving even a few blocks cause people to leave districts they still have strong connections with. Candidates also may decide not to participate in the program if they can raise more money as nonparticipants than from public funds restricted to in-district donations.
- **The Commission's proposed qualifying thresholds are too high and limit candidate participation.** Fair Elections supports lower qualifying thresholds so more candidates join the voluntary public financing program. The Commission has proposed that Assembly candidates raise 50 percent more money in matchable contributions than the New York City Council, which has larger districts. Only 69 percent of Council candidates even qualified for the program in 2017, according to the New York City Campaign Finance Board.
- **The Commission's contribution limits are too high.** Fair Elections supports lowering contributions limits for all candidates to levels similar to federal offices. The Commission has proposed lowering the existing limits, but is seeking a legal opinion for lowering limits for candidates that do not opt into the program (nonparticipants). Proposed limits are still too high for public financing participants and nonparticipants. Gubernatorial candidates could raise \$12,000 for the election cycle if participating and \$16,000 if not. Low contribution limits are important to mitigate big money in politics, and New York City's contribution limits are no more than \$2,000.

Taxpayers also should not have to subsidize contributions of \$12,000 with public funds (the first portion of any eligible contribution is matched).

- **The Commission appears receptive to State Board of Elections administration and enforcement, instead of independent enforcement.** Fair Elections supports an entity independent from the State Board of Elections doing campaign finance administration and enforcement. Every other state with a public financing system for state legislative offices has a separate entity to administer campaign finance.
- **The Commission's focus on fusion voting is a distraction from the main purpose of establishing a strong public financing program.** Fair Elections believes fusion voting should not be addressed as part of the Commission's work. Fusion voting is hardly relevant to public financing and has not been a complicating factor in New York City's program. Public financing is distributed to candidates based on eligible contributions they raise, not how many party lines they run on.

Fair Elections believes the Commission should strive to create a model program for the nation. The inclusion of fusion voting in your deliberations, the recent reversal on donor-matching policy that undermines explicit statutory goals, and the refusal thus far to commit to an interim report are concerning for the process going forward. As Commissioners have stated throughout this process, it is not too late to change course and rethink some of the preliminary decisions that were made. We urge you to do that, and issue an interim report, in bill draft form, before your final report on November 27.

We look forward to working with you to design a model program that empowers small donors and limits the corrupting influence of big money in our democracy.

Regards,

Fair Elections for New York Campaign

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The Fair Elections for New York campaign includes over 200 community, labor, tenant, immigrant, racial justice, environment, faith, good government, and grassroots resistance organizations who came together to ensure comprehensive campaign finance reform, including small donor public financing, was included in this year's state budget. The campaign plans to hold leaders accountable to their commitment in the budget to deliver Fair Elections reforms this year. Learn more at FairElectionsNY.org