



Testimony of Reinvent Albany for the Joint Legislative Hearing On Local/General Government

February 15, 2023

Thank you for the opportunity to provide testimony on Local/General Government budget issues. Reinvent Albany advocates for open, accountable New York Government.

We urge the Senate and Assembly to:

- 1. Ensure participation and confidence in New York’s first ever publicly supported elections by increasing appropriations to campaign finance matching funds to \$100 million, up from \$25 million.**
- 2. Ensure the new Commission on Ethics and Lobbying in Government (COELIG) can fulfill its expanded responsibilities:**
 - a. Require an independent evaluation of COELIG’s staffing and IT needs to recommend adequate agency funding in future budget cycles.
 - b. Support staggered terms for COELIG (Part Z, Article VII PPGG).
- 3. Ensure Open Meetings Law requirements are workable:**
 - a. Adopt the Open Meetings Law proposal for disability bodies (Part X, Article VII TED).
 - b. Close loopholes in the law regarding advisory bodies, and
 - c. Reduce the quorum requirement for hybrid meetings.
- 4. Adequately fund NY elections:**
 - a. \$20 million in funding for local boards of election.
 - b. \$5 million to implement elections database.
 - c. Funding for 10-day voter registration.

1. Increase appropriations for public campaign finance matching funds to \$100 million, up from \$25 million.

The Governor’s Aid to Localities appropriation bill provides \$14.548 million to administer the new public campaign finance program, but only \$25 million for matching funds. We appreciate that the Public Campaign Finance Board’s administration request

was met, but strongly urge the Legislature to provide the \$100 million that was requested for matching.

The state established a public campaign finance program to restore faith in New York government and reduce the risk of corruption. Underfunding the program risks discouraging potential participants and damaging public trust even more – campaigns might not receive the funds they’ve been expecting for over a year, leading to more suspicion that NYS government simply does not work. Given the lack of funding, campaigns may decide to fundraise from big donors, leading to even more accusations of pay-to-play.

New York has a high corruption risk in part because state campaign finance is dominated by a small number of large campaign contributors. According to the Brennan Center for Justice, in the 2022 elections, [the state’s 200 biggest donors spent more collectively than its 206,000 small donors!](#) When everyday New Yorkers see these numbers, it’s not surprising that they feel like they have less of a voice.

The program must work, and to work, it has to be adequately funded. Please appropriate \$100 million for matching funds in your one-house budgets.

2. Ensure the new Commission on Ethics and Lobbying in Government (COELIG) can fulfill its expanded responsibilities.

The Commission on Ethics and Lobbying in Government (COELIG) replaced the Joint Commission on Public Ethics in 2022, with an expanded budget of \$7.9 million, up from \$5.6 million. COELIG’s Executive Director stated in [budget testimony](#) that “While substantial, that increase was not lavish and represented the bare minimum amount the new agency requires on an annual basis.” The budget decreased slightly in the FY 2024 executive budget down to \$7.8 million.

COELIG has substantial new ethics training requirements beyond what was required for JCOPE. As [reported by the New York Times](#), live ethics training is required for 300,000 state employees, up from about 30,000 under JCOPE. The current commission is struggling to fulfill this mandate due to both technological and staffing deficiencies. While a number of new hires are being made, it is unclear if these will be sufficient to meet the new training requirements while also fulfilling the Commission’s other improvement responsibilities such as conducting audits of lobbying and financial disclosures, investigating potential violations, and responding to requests for advisory opinions/clarifications of the law.

Given the Commission’s broad mission and expanded training requirements, we ask the Legislature to require an independent evaluation of the technological, staffing and other funding needs of COELIG. This evaluation could be conducted by a management consultant. The NYS Department of Motor Vehicles did something similar when they had a management and information technology (IT) consultant redesign their workflow and internal and public facing IT. The Governor and Legislature are requiring COELIG to conduct ten times as many ethics trainings as it has historically. This huge increase will require new workflows and improved IT.

Evaluators should examine best practices in other large states and cities and, in consultation with COELIG staff, recommend what IT systems are needed to improve lobbying and financial disclosure reporting, both in terms of filings and the public facing website of the disclosure databases. This evaluation and IT recommendation will then provide the Legislature and Governor with a more informed understanding of what level of funding COELIG should get in the FY 2024-2025 state budget, and what additional technological support the agency will need, either from NYS ITS or an outside vendor.

Lastly, we support staggered terms for the Commission on Ethics and Lobbying in Government (Part Z, Article VII PPGG), and urge the Legislature to include this provision in their one house bills. Staggered terms are a best-practice mechanism for appointment of boards and commissions to ensure that there is continuity among the members.

3. Ensure Open Meetings Law requirements are workable.

A. We support the Governor’s proposal (Part X, Article VII TED) to allow public bodies that primarily serve individuals with disabilities to meet remotely, and call on the Legislature to include it in your one-house budget bills.

B. Close the OML loophole for public bodies that are “purely advisory.” Legislation passed in 2021 ([A924-A/S1625-A](#)) arguably created a loophole making it so that public bodies whose purposes are “purely advisory” do not have to hold open meetings. As the [Committee on Open Government pointed out](#), this appears to contradict the Legislature’s intent. The Legislature needs to close the loophole so that all public bodies must hold open meetings, including those that serve a “purely advisory” function.

C. Reduce in-person requirements for hybrid meetings. As these bodies have begun implementing the changes made in 2022 to the Open Meetings Law, it is clear that the in-person quorum requirement may need to be updated, as some bodies [are finding it difficult](#) to make quorum for meetings. [Reinvent Albany and other groups recommended](#) that either the presiding officer or a

quorum of members be required to be in person for hybrid meetings that also include remote access. In practice, it appears that some bodies are citing local emergency orders to circumvent the quorum requirements all together, choosing to meet fully remotely. Relaxing the in-person requirement by only requiring the presiding officer to be in-person would help to ensure that more bodies in practice hold hybrid meetings with in-person and remote access.

4. Adequately fund NY elections.

This year's budget is almost completely devoid of election reforms, and the funding in place for local boards of election falls short of what's necessary to protect voting in NY. Attacks on democracy are on the rise across the country – New York can set a national example for voting protections by including the following in the budget:

- A. \$20 million in funding for local boards of election.** This will ensure that local BOEs have sufficient funding for upgrades.
- B. \$5 million to implement elections database.** Reinvent Albany supports [S657/A885A](#), which would establish an elections database in New York, and was previously included as part of the John R. Lewis Voting Rights Act of NY. The database cannot serve the public without sufficient funding, which is why we are calling on the legislature to appropriate \$5 million.
- C. Funding for 10-day voter registration.** The state changed the voter registration deadline last year. It's essential that funding be appropriated to ensure that county BOEs can process new registrations in time.

Thank you for your consideration. If you have any questions, please contact Tom Speaker, Policy Analyst, at tom [at] reinventalbany.org.