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**Submitted to the New York State Legislature at the Joint Legislative Budget Hearing
Concerning Local Government Officials and General Government**

February 6, 2024

The Brennan Center for Justice at New York University School of Law appreciates the opportunity to testify in support of funding for New York’s Public Campaign Finance Program and other critical voting and election reforms in the FY 2025 state budget. For nearly thirty years, the Brennan Center’s nonpartisan expertise has informed policies that protect and expand democracy at the state, local, and federal levels.

We commend this Legislature for its steadfast commitment to strengthening our state’s democracy and expanding access to the political process. In 2023, you delivered a suite of legislation to modernize voting and election administration, expand registration and voting opportunities, and improve voter service at the polls. These reforms build on years of progress, including the enactment of the John R. Lewis Voting Rights Act of New York (NY VRA), the launch of the nation’s premier state Public Campaign Finance Program, and the adoption of automatic voter registration (AVR) and online voter registration (OVR).

Increasing risks to our democracy require continuing leadership by this Legislature. Rising threats, like the use of artificial intelligence to create deceptive political deepfakes, the harassment of elections officials and poll workers, and voter intimidation efforts are eroding public trust in elections across the country. Billionaires and special interests still have too much influence over campaigns.²

¹ The Brennan Center is a nonpartisan public policy and law institute that focuses on the fundamental issues of democracy and justice and for nearly thirty years has studied, litigated, and developed policy solutions regarding money in politics, voting, and election administration. The opinions expressed in this testimony are those of only the Brennan Center and do not necessarily reflect the opinions of the NYU School of Law.

² Anna Massoglia and Jimmy Cloutier, “Outside spending on 2024 elections tops \$318 million,” *OpenSecrets*, January 16, 2024, <https://www.opensecrets.org/news/2024/01/outside-spending-on-2024-elections-tops-318-million/>.

New York is not immune to these dangers. Just two weeks ago, AI-generated audio of a New York City political leader disparaging a state assemblymember made headlines and ignited fears of the entry of new, deceptive tactics into our state’s politics.³ In September 2023, New York Attorney General Letitia James sent a cease-and-desist letter to a group that posed as election officials and accosted voters at their own doorsteps with false accusations of voter fraud.⁴ Voters from at least 13 counties reported experiencing such intimidation.⁵ And in the most recent statewide elections, just 200 wealthy donors outgave all 206,000 small donors combined.⁶ New York voters are relying on you to keep fighting against these threats.

As the consequential 2024 elections approach, we ask you to redouble your commitment to making New York a beacon of free and fair elections and ensure that this year’s budget supports the pro-voter reforms that you have secured for the people of New York.

I. Fully Fund the Public Campaign Finance Program’s Historic First Cycle

This year brings the inaugural run of New York State’s long-awaited small donor Public Campaign Finance Program. This historic moment realizes the Legislature’s most significant achievement in reducing the outsized influence of wealth in our politics. When you delivered this vital reform to New Yorkers in 2020, you pledged to ensure “a government that is accountable to all of the voters of the state regardless of wealth or position.”⁷ We urge you to reaffirm this commitment by fully funding the program in the FY 2025 budget.

The Brennan Center strongly supports the Executive Budget’s \$114.5 million appropriation for the Public Campaign Finance Program, including \$14.5 million for administrative costs and \$100 million for matching funds for candidates.⁸ In doing so, we join our partners representing voting, civil rights, labor, and good government groups who call on our state’s leaders to ensure that the program receives full funding.⁹ We urge you to cement this amount in your one-house budgets and ensure its inclusion in the final budget.

³ Jeff Coltin, Nick Reisman, and Emily Ngo, “Faked AI audio hits Harlem politics,” *Politico*, January 23, 2024, <https://www.politico.com/newsletters/new-york-playbook/2024/01/23/faked-ai-audio-hits-harlem-politics-00137132>.

⁴ Associated Press, “New York attorney general sends cease-and-desist letter to group accused of voter intimidation,” *Spectrum News 1*, September 21, 2023, <https://spectrumlocalnews.com/nys/central-ny/politics/2023/09/21/new-york-ag-sends-cess-and-desist-letter-to-group-accused-of-voter-intimidation>.

⁵ *Id.*

⁶ Ian Vandewalker, Brendan Glavin, and Michael Malbin, *Analysis Shows Amplification of Small Donors Under NY State Public Financing Program*, Brennan Center for Justice and OpenSecrets, January 30, 2023, <https://www.brennancenter.org/our-work/research-reports/analysis-shows-amplification-small-donors-under-new-york-state-public>.

⁷ N.Y. Elec. Law § 14-200 (McKinney).

⁸ New York State Division of the Budget, *Our New York, Our Future: FY 2025 Executive Budget Briefing Book*, January 16, 2024, <https://www.budget.ny.gov/pubs/archive/fy25/ex/book/briefingbook.pdf>.

⁹ Fair Elections for New York coalition (@FairElectionsNY), Twitter, January 16, 2024, <https://x.com/FairElectionsNY/status/1747402267538440309?s=20>.

The program that you delivered in 2020 is the most robust reform in the country to counter the distorting impacts of wealth in our elections. As national experts on public financing who advise on the implementation of such programs across the country, we are encouraged by the growing number of cities and states that are looking to New York’s program as a model for their own jurisdictions to follow.

New York’s program combines time-tested features of longstanding public financing programs with modernized elements that respond to the needs of campaigns in the era of unlimited super PAC spending. It imposes no limit on overall fundraising and spending, so that candidates may continue to fundraise if their campaign’s needs exceed the maximum allowable allotment of public funds. For legislative candidates, the program’s progressively tiered match provides the greatest multiple of funds to the smallest contributions from in-district small donors giving \$250 or less. These features boost the voices of everyday constituents and help to reinforce ties between candidates and the New Yorkers they seek to serve.

We are also encouraged by the remarkable enthusiasm for the program among candidates and voters alike. To date, more than 200 candidates – from across the political spectrum and representing rural, urban, and suburban counties across the state – have opted to participate in the voluntary program for its first cycle.¹⁰ Their commitment to small-donor, constituent-based fundraising promises be transformative in a state where a wealthy few have long dominated elections. It’s no wonder that a majority of New Yorkers support the program and want to see it funded.¹¹

The Public Campaign Finance Program promises to make everyday donors a far more important part of the political process. In the 2022 state elections, small donors were responsible for only 11 percent of giving to state legislative campaigns.¹² Our data analyses show that if the program had been available that cycle, it could have increased small donor’s fundraising share sixfold, from 11 percent to 67 percent.¹³

This promise is already beginning to bear fruit in the 2024 cycle. Our preliminary analyses of early fundraising data through candidates’ January 2024 fundraising disclosures indicate that publicly financed legislative candidates who also ran for the legislature in 2022 are already raising a greater share of their campaign funds from small donors this cycle compared to 2022.¹⁴

¹⁰ Public Campaign Finance Board, “Public Campaign Finance Candidate List,” accessed February 1, 2024, <https://publicreporting.elections.ny.gov/PCFBCandidateRegList/PCFBCandidateRegList>.

¹¹ Tenneth Fairclough II and Isa Alomran, “New York Voters Support New Public Campaign Finance Program,” Data for Progress, February 28, 2023, <https://www.dataforprogress.org/blog/2023/2/28/new-york-voters-support-new-public-campaign-finance-program>.

¹² Vandewalker, Galvin, and Malbin, *Analysis Shows Amplification of Small Donors Under New NY State Public Financing Program*.

¹³ *Id.*

¹⁴ Research on file with the Brennan Center for Justice.

Full funding of \$114.5 million will help realize the full promise of the program. Providing \$14.5 million for administrative needs will support the staff of the Public Campaign Finance Board to assist campaigns and implement the technology necessary to streamline and simplify program participation. \$100 million for matching funds will help ensure candidate and public confidence that the program is available to them. With full funding, this program is well-positioned to boost the voices of everyday voters in state elections and strengthen our state's democracy.

II. Realize the Goals of Transformative Voting Reforms by Providing Corresponding Funding

The Brennan Center also urges this Legislature to ensure that the budget amply supports the full range of voting reforms that you have delivered for New York's voters. Thanks to your leadership, many of the voter protections enshrined in the John R. Lewis Voting Rights Act of New York (NY VRA) went into effect last year. The law restores legal protections against race-based voter discrimination and will ensure that far more New Yorkers have a voice in our democratic process. We urge you to ensure sufficient funding to enforce the law. The budget must also include funding to support the elections and voting database and academic center that passed in the Senate last month.¹⁵ This resource and new academic center will enable voters, lawmakers, and election administrators to make evidence-based decisions to ensure equitable voting access for New Yorkers. It will be important in realizing the NY VRA's full promise. The Assembly must pass that legislation without delay.

We also support the Executive Budget's reappropriation of funds for the implementation of automatic voter registration (AVR) and the online voter registration (OVR) platform that will enable agencies to easily enroll voters. If properly implemented, AVR could result in an increase of as many as 1.1 million registered voters across the state, thereby reducing a key barrier to the ballot box.¹⁶ Implementation of both programs is more than a year overdue. We urge you to ensure that the State Board of Elections has the funding and other support that it needs to ensure that these important reforms are implemented without further delay.

III. Local Boards of Elections Need More Resources to Serve Voters in a Critical Year

The Brennan Center supports the bipartisan requests of New York's local election officials for more state funding. The Senate's 2021 investigation and independent Brennan Center research have found that limited resources significantly contribute to the poor quality of voter service that far too many New Yorkers experience.¹⁷ Local boards of elections (BOEs) serve at the front lines

¹⁵ New York State Senate, "Press Release: Senate Opens 2024 Session with Election Reforms," January 8, 2024, <https://www.nysenate.gov/newsroom/press-releases/2024/senate-opens-2024-session-election-reforms>.

¹⁶ "Governor Cuomo Signs Automatic Voter Registration into Law in New York," *Brennan Center for Justice*, December 21, 2020, <https://www.brennancenter.org/our-work/analysis-opinion/governor-cuomo-signs-automatic-voter-registration-law-new-york>.

¹⁷ See Derek Tisler, Hazel Millard, Brianna Cea, and Mariana Paez, *How to Fix Election Administration in New York State*, Brennan Center for Justice, December 15, 2021, 15-16, <https://www.brennancenter.org/our-work/policy-solutions/how-fix-election-administration-new-york-state>.

of our democracy, increasingly under threat and with inadequate support.¹⁸ They need more funding than their localities provide to hire and train staff, purchase new equipment, recruit, train, and retain poll workers, and implement changes to the state’s election laws.

Local election administrators in New York have raised alarming concerns about their funding needs for the 2024 election cycle. One local election official has reported that his county funding will likely run out by August.¹⁹ These concerns are troubling, especially leading into a high-turnout presidential election season in which many local boards remain understaffed due to budget constraints. Over-reliance on county-level funding also creates stark disparities in funding between wealthier counties and those with lower median household incomes, which can lead to inequitable experiences for voters depending on where they live.²⁰

This year’s budget must address these critical resource needs. Our research shows that additional state operational funding of \$65 million – \$5 per registered voter – would bring New York’s spending per registered voter in line with similarly large and diverse states that better support local election administrators.²¹ The Executive Budget’s provision of funding for key needs, including \$14.7 million for upgrades to electronic pollbooks and \$7.7 million for pre-paid postage to facilitate ballot return, is an important start. We urge you to go further and provide at least \$10 million to fund temporary elections personnel for local boards across the state for the 2024 elections.

Along with adequate budget resources for election administration, we urge you to pass legislation to improve professionalism, transparency, and accountability at our local boards of elections. We are grateful that you secured last year’s enactment of legislation to improve poll worker training so that election day workers may better serve voters.²² This year, you must pass the balance of the legislative package to improve election administration that the Senate passed last year, including measures mandating election commissioner training, ensuring a minimum level of staffing at local boards of elections, and making the local election commissioner role a

¹⁸ See Brennan Center for Justice, *Local Election Officials Survey – April 2023*, April 25, 2023, 13, 19, <https://www.brennancenter.org/our-work/research-reports/local-election-officials-survey-april-2023> (nationwide survey of local election officials revealing 1 in 3 local election officials have experienced threats, harassment or abuse, and nearly three quarters of local election officials feel their budgets need to grow to keep up with their administration and security needs).

¹⁹ Dustin Czarny, “Commissioner: Onondaga County is underfunding our elections (Guest Opinion by Dustin M. Czarny),” *Syracuse.com*, October 25, 2023, <https://www.syracuse.com/opinion/2023/10/commissioner-onondaga-county-is-underfunding-our-elections-guest-opinion-by-dustin-m-czarny.html>.

²⁰ Tisler et al., *How to Fix Election Administration*, 15.

²¹ *Id.* at 6, 16 (noting that Delaware covers the full cost of administering elections, Colorado covers the full cost of elections when only a state issue or question is on the ballot and partial costs for other elections when state issues and questions are on the ballot, and Michigan reimburses local jurisdictions for the necessary costs to run presidential primaries).

²² Office of Governor Kathy Hochul, “Press Release: Governor Hochul Signs Legislative Package to Strengthen Democracy and Protect Voting Rights,” September 20, 2023, <https://www.governor.ny.gov/news/governor-hochul-signs-legislative-package-strengthen-democracy-and-protect-voting-rights>.

full-time position.²³ If enacted and sufficiently funded, this package will bring a suite of national best practices in election administration to New York.²⁴

We applaud your continued efforts to strengthen New York’s democracy and advance timely and necessary voting reforms. Adequately funding the Public Campaign Finance Program, pro-voter reforms including the NY VRA, AVR, and OVR, and the boards of elections serving voters will be essential to delivering on these promises. The Brennan Center stands ready to be of service as you continue your efforts to protect and strengthen our democracy.

²³ New York State Senate, “Press Release: Board of Election Professionalization Package Passes Senate,” January 17, 2023, <https://www.nysenate.gov/newsroom/press-releases/2023/board-election-professionalization-package-passes-senate>.

²⁴ See Brennan Center for Justice, *Memorandum in Support of 2023 Legislative Package to Improve Election Administration in New York State*, May 18, 2023, <https://www.brennancenter.org/our-work/research-reports/memorandum-support-2023-legislative-package-improve-election>.