

Testimony to the Joint Budget Legislative Committee on Local Government Officials/General Government

February 11, 2019

Good afternoon Chairs Krueger and Weinstein, and members of the Senate Finance and Assembly Ways & Means Committees. My name is Alex Camarda, and I am the Senior Policy Advisor for Reinvent Albany. Reinvent Albany is a government watchdog organization which advocates for open and accountable government.

Reinvent Albany is testifying today on Governor Andrew Cuomo's proposals in the Executive Budget FY2019-2020 Good Government and Ethics bill, in addition to standalone bills on same-day registration and no-excuse absentee voting. We believe the legislature should have held separate hearings on these bills and its 26 ethics, voting and campaign finance-related proposals. Since the legislature has chosen not to, we are testifying today before the Local Government Officials/General Government hearing because these proposals directly impact governmental operations.

Overview

Reinvent Albany released three lengthy analyses in advance of this hearing of the campaign finance¹, ethics², and voting³ reforms the Governor proposed. For each proposal, we provided a summary, communicated our position on the bill as written, and indicated amendments we recommended or are required for Reinvent Albany to

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<https://reinventalbany.org/wp-content/uploads/2019/02/Summary-Positions-on-Campaign-Finance-Proposals-in-the-Executive-Budget-FY2019-2020-v2.pdf>

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<https://reinventalbany.org/wp-content/uploads/2019/01/Summary-Positions-on-Ethics-Proposals-in-the-Executive-Budget-FY2019-2020-1.pdf>

3

<https://reinventalbany.org/wp-content/uploads/2019/02/Summary-Positions-on-Voting-Proposals-in-the-Executive-Budget-FY2019-2020.pdf>

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146 Lafayette 12th Floor, New York, NY 10013

support the legislation. Our positions from the analyses of these proposals are summarized in the charts in this testimony.

Campaign Finance Reforms

Establishing a public matching system is a top priority of Reinvent Albany and the Fair Elections coalition we are part of. The Governor's bill is a good starting point for establishing a public matching system in New York State to build from.

The benefits of a public matching system are well established and widely known. By matching small dollar contributions, candidates rely more on typical New Yorkers whom they represent to fund their campaigns rather than wealthy donors, many with business before the state. Albany is awash in money contributed by a select few - the 100 top donors contributed more to state candidates in 2018 than all 137,000 estimated small donors combined, according to the Brennan Center for Justice. A public matching system reduces the risk of corruption and the pay-to-play culture that has too often resulted in criminality in Albany. A public matching system has led to more candidates running for office in New York City and more diverse candidates gaining public office.

We believe the Governor's public matching bill can be significantly improved, but more important is to finally establish a public matching system in New York State. New York City's system has been refined and improved over decades, and the state can follow that model by laying the foundation this year.

While we make many recommended improvements in our analyses on campaign finance reforms in the Executive Budget, the only amendment we feel that must be done before passing this bill is to create a separate enforcement board from the State Board of Elections to oversee campaign finance for all offices, including the public matching program. An independent enforcement entity is critical, and the Governor's bill has modified the enforcement entity to ensure it is more customer friendly to candidates. It must also be moved outside of the State Board of Elections.

The Governor put forth three other proposals in his Executive Budget in addition to establishing a public matching system like New York City's; 1) banning donations from LLCs (Limited Liability Companies); 2) restricting contributions from state vendors when bidding on a contract; and 3) prohibiting state employees from volunteering for campaigns of elected officials. Reinvent Albany supports the intent of all the campaign finance proposals put forth by the Governor. The ban on LLC contributions we support as written but the other proposals require amendments to be strengthened.

Part of Good Government and Ethics Bill	Name in Bill	Reinvent Albany Position 1. Support 2. Support And Recommend Improvements 3. Support <u>Only</u> with Amendments 4. Oppose
Part B	Public Campaign Financing and Additional Campaign Finance Reforms	Support <u>Only</u> with Amendments
Part F	Ban on Corporate and LLC Contributions	Support
Part K	Prohibitions on Vendor Contributions During Procurement	Support <u>Only</u> with Amendments
Part U	Restrictions on Campaign Activity	Support <u>Only</u> with Amendments

Ethics Reforms

We believe any substantial reform of ethics laws should overhaul the Joint Commission on Public Ethics (JCOPE) including the composition of the board and appointing authorities, changing the voting procedures to majority rule, and increasing transparency on the adjudication of complaints.⁴

Most of the Governor's proposals, however, increase regulation of lobbyists, including: banning individual lobbyists from offering political consulting services; requiring lobbyists disclose fundraising activities and campaign contributions to elected officials; banning loans by lobbyists to candidates and certain political committees; increasing penalties for violations of the lobbying laws; lowering thresholds for reporting lobbying activity and business relationships; and requiring lobbyists to follow a Code of Conduct. We note that lobbying in New York State is already more regulated and requires more disclosure than other states. Ethics reform must include more than lobbying regulation.

⁴ See for example:

<https://www.law.com/newyorklawjournal/2019/01/08/ny-lawmakers-attorneys-propose-new-ethics-watchdog-modeled-on-judicial-conduct-monitor/>

Reinvent Albany generally supports 7 of the 10 ethics proposals introduced by the Governor. Of the 7 we support, 3 we will only support with amendments and 4 others we support and recommend amendments for (see chart below). Three proposals we oppose the measure or the bill language is problematic.

Among the proposals put forth by the Governor, we think the most significant is banning lobbyists from lobbying while also doing political consulting, but only if it is amended to be apply to firms and not just individuals. We also think enhancing disclosure of municipal financial disclosure is worthwhile.

Part of Good Government and Ethics Bill	Name in Good Government and Ethics Bill	<u>Reinvent Albany Position</u> <ol style="list-style-type: none"> 1. Strongly Support 2. Support And Recommend Improvements 3. Support <u>Only</u> with Amendments 4. Oppose
Part A	Disclosure of Tax Returns by Candidates for Public Office	Support <u>Only</u> With Amendments
Part M	Lobbyist Loans to Candidates	Support And Recommend Improvements
Part O	Lobbyist Disclosure of Campaign Contributions	Support And Recommend Improvements
Part P	Ban Political Consultants from Lobbying Certain Elected Officials	Support <u>Only</u> With Amendments
Part Q	Disclosure Requirements for Certain Nonprofit Entities	Support And Recommend Improvements

Part R	Lower Lobbyist Disclosure Thresholds to \$500	Oppose
Part S	Increase Lobbyist Penalties	Support And Recommend Improvements
Part T	Increase the “two year” [ban] to Five years, cover Elected officials, and explicitly prohibit lobbying.	Oppose
Part V	Financial Disclosure for Local Elected Officials	Support
Part W	Lobbyist Code of Conduct	Oppose

Voting Reforms

Governor Cuomo included 12 voting reforms in his Executive Budget Good Government and Ethics bill, six of which are very similar to recently signed voting legislation.

Reinvent Albany supports 11 of these voting proposals, 7 with required or recommended amendments, and opposes the Election Day Holiday proposal - which is not actually a holiday.

We think online voter registration and electronic poll books are the most important voting proposals issued by the Governor.

Part of Good Government and Ethics Bill	Name in Good Government and Ethics Bill	Reinvent Albany Position
		<ol style="list-style-type: none"> 1. Support 2. Support And Recommend Improvements 3. Support <u>Only</u> with Amendments 4. Oppose

Part C	Online Voter Registration	Support <u>Only</u> with Amendments
Part D	Early Voting Implementation (Similar Reform Already Law)	Support And Recommend Improvements
Part E	Unified Primary Election (Similar Reform Already Law)	Support And Recommend Improvements
Part G	Agency-Based Automatic Voter Registration	Support And Recommend Improvements
Part H	Election Day Holiday	Oppose
Part I	Upstate Primary Voting Hours	Support
Part J	Pre-registration of Minors (Similar Reform Already Law)	Support And Recommend Improvements
Part L	Registration Portability (Similar Reform Already Law)	Support
Part N	Electronic Poll Books	Support And Recommend Improvements
Part X	Automatic Voter Registration - DMV	Support And Recommend Improvements
Separate standalone bill	No-Excuse Absentee Voting (Similar Reform First Passage Completed)	Support

Separate standalone bill	Same-Day Registration (Similar Reform First Passage Completed)	Support
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Thank you for holding this hearing today and I welcome any questions you may have.

