

**Written Testimony of
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Local Government Officials & General Government**

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The Brennan Center for Justice at the New York University School of Law welcomes the opportunity to testify in support of small-donor public financing and automatic voter registration for New York State elections. We strongly recommend that the legislature include these transformative policies in its budget proposals.

I. SMALL-DONOR PUBLIC FINANCING

Matching and multiplying small donations with public funds is a powerful campaign finance reform that enables participating candidates to fund successful campaigns with a focus on grassroots support from ordinary constituents, freeing elected officials from the need to raise big checks that might be seen as giving the wealthy undue influence. This empowers ordinary citizens and encourages broad participation from a diverse and representative group of people.

At present, our state's campaign finance system is dominated by wealthy donors and special interests, leading constituents to believe that their government does not serve them. Small-donor public financing can change that by allowing elected officials stop chasing big checks and rely instead on a broad base of constituents to fund their campaigns. Lifting up the voices of everyday people will reduce the perceptions of public corruption that feed public cynicism.

Small-donor public financing has been a success at the local level. New York City first began multiplying small donations almost 20 years ago, and the program has seen high participation

¹ The Brennan Center is a non-partisan public policy and law institute that focuses on the fundamental issues of democracy and justice. The opinions expressed in this testimony are only those of the Brennan Center and do not necessarily reflect the opinions of NYU School of Law.

from candidates and small donors.² In this decade, cities and counties across the country, including Suffolk County, New York, have enacted public financing as a response to the big-money excesses of the *Citizens United* era. New York State has the opportunity to be the first state to empower ordinary citizens with a program that will match and multiply small money in elections for all offices at the state level.

A. The Problem in New York State

Money from wealthy mega donors eclipses donations from ordinary New Yorkers who can only afford to give small donations to their candidate of choice, thanks in part to New York's sky-high contribution limits. Case in point: in the 2018 elections, just 100 individuals gave more to candidates than all of the estimated 137,000 small donors combined, and this does not even include giving from LLCs and corporations.³ New York consistently falls at the bottom of rankings of states on participation by small donors.⁴

And big donors are less representative of the geographic, socioeconomic, and racial diversity of the state. According to a Brennan Center analysis of census data, large donors are more likely to be white, have substantial wealth, and have higher educational attainment compared to small donors.⁵ These dynamics can leave ordinary voters and donors feeling like they don't have a voice in the electoral and legislative processes. Albany's "pay-to-play" culture is highlighted by a parade of corruption scandals in recent years.⁶ A 2018 Quinnipiac poll reported that 85 percent

² New York City's public financing program was originally enacted in 1988. It offered a 1-to-1 match on contributions of \$1000 or less until a series of increases to the matching ratio began with a 4-to-1 match first executed for the 1999 special elections.

³ Niral Vyay & Lawrence Norden, *Analysis: New York State 2018 Campaign Contributions*, BRENNAN CENTER FOR JUSTICE, Dec. 20, 2018, <https://www.brennancenter.org/analysis/new-york-state-2018-campaign-finance-data>. "Small donor" is defined as someone who gave \$175 or less, and the \$175 cutoff is the maximum dollar amount eligible for matching funds in Governor Cuomo's small-donor public financing bill. The total from the 100 highest contributors to candidates was \$7,525,311; the total contributions by small donors was \$5,807,914. Because New York State candidates are not required to itemize donations that are \$99 and below, it is necessary to estimate the number of small donors in a given cycle. We estimate the average small donation to be \$40, based on data on voluntarily itemized donations under the disclosure threshold.

⁴ See Michael J. Malbin, Peter W. Brusoe & Brendan Glavin, *Small Donors, Big Democracy: New York City's Matching Funds as a Model for the Nation and States*, 11 ELEC. L. J. 3, 14 (2012), http://www.cfinst.org/pdf/state/nyc-as-a-model_elj_as-published_march2012.pdf. See also *Sources of Funds in 2012 State Legislative and Gubernatorial Elections*, CAMPAIGN FINANCE INSTITUTE, http://www.cfinst.org/pdf/state/tables/States_12_table2.pdf; *Sources of Funds in 2014 State Legislative and Gubernatorial Elections*, CAMPAIGN FINANCE INSTITUTE, http://www.cfinst.org/pdf/state/tables/States_14_table2.pdf.

⁵ These results were reached by cross-referencing census tract-level data with donors' residential data and comparing key demographic characteristics of neighborhoods where small and large donors lived (median income and percentage of non-white residents, individuals below the poverty line, unemployed residents, and individuals with a college education or higher) to state-level demographic averages.

⁶ As the Moreland Commission to Investigate Public Corruption observed in its 2013 report, the state's "pay-to-play political culture is greased by a campaign finance system in which large donors set the legislative agenda." COMMISSION TO INVESTIGATE CORRUPTION, STATE OF NEW YORK, PRELIMINARY REPORT 10 (2013), https://publiccorruption.moreland.ny.gov/sites/default/files/moreland_report_final.pdf.

of New Yorkers think government corruption is either a “very serious” or “somewhat serious” problem.⁷

B. The Solution: Small-donor Public Financing

A small-donor match system, if implemented, would amplify the voices of ordinary people and help restore New Yorkers’ faith in their government. Governor Cuomo has already included the policy in his FY 2020 Executive Budget Proposal, and it has been featured in bills carried in past sessions by Majority Leader Andrea Stewart-Cousins and Assembly Speaker Carl Heastie, as well as legislation passed by the Assembly. This year, a diverse coalition of more than 200 groups including unions, environmentalists, racial justice activists, community organizations, and business and civic leaders is demanding Albany act on years of rhetoric and enact public financing.⁸

As laid out in Governor Cuomo’s proposal (other recent proposals have differed in some details), small donations would earn candidates a 6-to-1 match in public funds. With the match, a donation of \$25 is equal to \$175 for a candidate (\$25 plus \$150 in matching funds). To opt into this program, candidates must agree to abide by lower contribution limits and prove the seriousness of their candidacy by raising a threshold amount of donations from New Yorkers.

Funding for a small-donor match for state elections would be a drop in the bucket of the entire state budget. At an annual cost of \$58 million, this program would cost less than one penny a day per New Yorker.⁹ Governor Cuomo’s budget has already marked possible sources of funding for this program, such as a \$40 tax check-off (\$80 for joint filers), the abandoned property fund, voluntary contributions, and backup funding from the general fund.¹⁰

C. The Benefits of Small-donor Public Financing

Small-donor public financing strengthens the democratic connection between elected officials and the communities they represent. It allows candidates to focus on constituent outreach rather than dialing for dollars, and it brings new—and more diverse and representative—donors into politics.

⁷*New Yorkers Say Almost 4-in-5 Abortion Rights, Quinnipiac University Poll Finds; But Few Say Abortion Is Most Important In Gov Race*, QUINNIPAC UNIVERSITY POLL, July 19, 2018, <https://poll.qu.edu/new-york-state/release-detail?ReleaseID=2556>.

⁸ NY LEAD is a “bipartisan group of New York business, civic, philanthropic and cultural leaders” calling for public financing. NY LEAD, *Who We Are*, <http://nylead.org/who-we-are/>; Fair Elections for New York is a “broad coalition of individuals and groups across New York” organized around advocating for public financing. Fair Elections for New York, “About Fair Elections for New York,” <https://fairelectionsny.org/about>; see also Karen DeWitt, “Advocates see new hope for publicly financed election campaigns in N.Y.,” WXXI NEWS, Jan. 31, 2019, <https://www.wxxinews.org/post/advocates-see-new-hope-publicly-financed-election-campaigns-ny> (“More than 200 groups are pushing for New York state to enact a public campaign finance system for statewide candidates.”).

⁹ MICHAEL J. MALBIN & BRENDAN GLAVIN, CAMPAIGN FINANCE INSTITUTE, SMALL-DONOR MATCHING FUNDS FOR NEW YORK STATE ELECTIONS: A POLICY ANALYSIS OF THE POTENTIAL IMPACT AND COST 10 (2018), http://www.cfinst.org/pdf/State/NY/Policy-Analysis_Public-Financing-in-NY-State_Dec2018.pdf.

¹⁰ FY 2020 New York State Executive Budget: Good Government and Ethics Reform Article VII Legislation, Part B, § 9 (N.Y. 2019), available at <https://www.budget.ny.gov/pubs/archive/fy20/exec/artyii/gger-artyii.pdf>.

Public financing will increase the proportional importance of small donors in funding campaigns. For example, according to the Campaign Finance Institute, under Governor Cuomo’s proposed match, Assembly candidates would have raised a more than four times greater percentage from small donors than they did in 2018.¹¹ A public financing system would have made small donors the single largest source of funding for Assembly campaigns. Similarly, Senate candidates would have raised a five times higher percentage from small donors.¹² This would mean candidates rely proportionately less on wealthy donors and special interest groups.¹³ Even with lower contribution limits, vastly most candidates would raise as much or more money as under the status quo.¹⁴

Such a system would free candidates and elected officials from devoting such large portions of their time to chasing down large donations from the wealthy, and instead shift their focus to learning from their constituents. Door knocking and house parties would function as both constituent outreach and meaningful fundraising opportunities thanks to the multiplying match. As Attorney General Letitia James observed during her tenure as Public Advocate in New York City, public financing meant that she was “free from the stranglehold of . . . big donors demanding meetings and policy changes. Every New Yorker . . . knows they can come to my door, and their voices will be heard.”¹⁵

A public match will also transform the donor pool, bringing in many new donors who better represent the broader public. In New York City, the public funding program has succeeded in attracting small donations from a larger and more diverse group of citizens. In 2012, the Brennan Center and the Campaign Finance Institute studied the New York City matching program, finding that “[s]mall donors to 2009 City Council candidates came from a much broader array of city neighborhoods than” donors to state legislative candidates representing the same communities (who do not run under a public financing system).¹⁶ The program has encouraged participation by donors from communities with high proportions of racial minorities and low-income residents—communities that do not traditionally contribute to campaigns in large numbers.¹⁷

¹¹ MICHAEL J. MALBIN & BRENDAN GLAVIN, CAMPAIGN FINANCE INSTITUTE, SMALL-DONOR MATCHING FUNDS FOR NEW YORK STATE ELECTIONS: A POLICY ANALYSIS OF THE POTENTIAL IMPACT AND COST 5 (2018), http://www.cfinst.org/pdf/State/NY/Policy-Analysis_Public-Financing-in-NY-State_Dec2018.pdf.

¹² *Id.* at 6.

¹³ This is exactly what has been observed under New York City’s program. In 2009 and 2013, candidates participating in New York City’s public financing system took in more than 60 percent of their funds from small donors and the public match. Michael Malbin, Campaign Finance Institute, Testimony before the New York City Campaign Finance Board, Feb. 13, 2013, http://www.cfinst.org/Press/PRreleases/14-02-13/Testimony_before_the_New_York_City_Campaign_Finance_Board_Says_Small_Donor_Matching_Funds_a_Success_but_the_City_Should_Look_at_Changes_Moving_Forward.aspx.

¹⁴ MICHAEL J. MALBIN & BRENDAN GLAVIN, CAMPAIGN FINANCE INSTITUTE, SMALL-DONOR MATCHING FUNDS FOR NEW YORK STATE ELECTIONS: A POLICY ANALYSIS OF THE POTENTIAL IMPACT AND COST 9 (2018), http://www.cfinst.org/pdf/State/NY/Policy-Analysis_Public-Financing-in-NY-State_Dec2018.pdf.

¹⁵ Letitia James, “Public Financing,” (speech, Unrig the System Summit, New Orleans, Louisiana, February 2-4, 2018), YouTube, available at <https://www.youtube.com/watch?v=MWxzfB2Lks>.

¹⁶ See ELISABETH GENN, SUNDEEP IYER, MICHAEL MALBIN, & BRENDAN GLAVIN, BRENNAN CENTER FOR JUSTICE & CAMPAIGN FINANCE INSTITUTE, DONOR DIVERSITY THROUGH PUBLIC MATCHING FUNDS 4 (2012), http://www.brennancenter.org/sites/default/files/legacy/publications/DonorDiversityReport_WEB.PDF.

¹⁷ Michael J. Malbin *et al.*, *Small Donors, Big Democracy: New York City’s Matching Funds as a Model for the Nation and States*, 11 ELEC. L.J. 3 (2012) (finding that donors in New York City’s citizen funding program are

Small donors in New York State hail from neighborhoods that, on average, better represent the socioeconomic and racial diversity of the state than the neighborhoods where large donors lived.¹⁸ With public funds multiplying these small donations, the money funding state elections would better represent the public.

With all these benefits, public financing is New York's best strategy for reducing the shocking imbalance in campaign funding. It will help reduce the cynical feeling that Albany operates for the benefit of those who write the big checks by making Empire State elections work for everyone.

II. AUTOMATIC VOTER REGISTRATION

We are pleased that this year's Executive Budget Proposal includes legislation that would implement automatic voter registration. We are even more excited to see that these provisions, found in Parts G and X of the Good Government and Ethics Reform Article VII Legislation, are thoughtfully crafted to ensure that automatic voter registration will have the desired effect of improving registration rates while taking into account all of the factors and communities that make this state unique. We urge the legislature to pass these portions of the Governor's proposal into law.

A. *A Powerful Policy, Fine-tuned for New York*

The Brennan Center has worked to advance automatic voter registration since 2007 through research, legislative advocacy, and public education.¹⁹ After many years of making the case for automatic voter registration, we have now seen fifteen states and the District of Columbia adopt the policy in the last four years.²⁰ These years of studying the policy, advocating for it in state legislatures, and working hand-in-hand with elections officials to implement it have confirmed two things: (1) that the simple, fundamental changes made by automatic voter registrations are powerful; and (2) that it is nonetheless important to keep the finer points of policy design in mind, and to tailor them to the specific context of each state.

The legislation included in the Executive Budget Proposal is designed to implement automatic voter registration in the way that is best for New York by:

- reaching well beyond the Department of Motor Vehicles (DMV);

demographically representative of the city as a whole); NEW YORK CITY CAMPAIGN FINANCE BOARD, BY THE PEOPLE: THE NEW YORK CITY CAMPAIGN FINANCE PROGRAM IN THE 2013 ELECTIONS 41 (2014), http://www.nyccfb.info/PDF/per/2013_PER/2013_PER.pdf (noting large numbers of first-time contributors and small contributors).

¹⁸ These results were reached by cross-referencing census tract-level data with donors' residential data from the 2018 state elections and comparing key demographic characteristics of neighborhoods where small and large donors lived (median income and percentage of non-white residents, individuals below the poverty line, unemployed residents, and individuals with a college education or higher) to state-level demographic averages.

¹⁹ See, e.g., BRENNAN CENTER FOR JUSTICE, THE CASE FOR AUTOMATIC VOTER REGISTRATION (2016), https://www.brennancenter.org/sites/default/files/publications/Case_for_Automatic_Voter_Registration.pdf.

²⁰ See "Automatic Voter Registration," Brennan Center for Justice, last modified November 7, 2018, <https://www.brennancenter.org/analysis/automatic-voter-registration>.

- including protections for vulnerable communities; and
- accounting for New York’s closed primary system.

B. The Basics: Two Simple Changes Will Make a Dramatic Impact

Automatic voter registration has two key components. The first is the transfer of voter registration information to election officials electronically, instead of through paper forms. The second is switching from “opt-in” registration, where applicants have to affirmatively request to register to vote, to “opt-out” registration, where eligible citizens who apply for services at designated government agencies are registered to vote, unless they decline registration. Everyone is offered a clear opportunity to decline, and no one is registered against their will.

This is a subtle, but impactful change. An opt-out approach capitalizes on how our brains work—behavioral scientists have shown that our brains are hard-wired to choose the default option presented to us. As a result, opt-out has led to increased program-participation rates across numerous fields.²¹

The New York DMV fully implemented electronic voter registration, including the electronic transfer of voter information, in 2015.²² This makes the adoption of automatic voter registration at the DMV particularly simple, as the only substantive change required is the switch from opt-in to opt-out. But the Executive Budget Proposal provides for automatic voter registration at every other state agency that offers voter registration, representing a fundamental shift in the efficiency, accuracy, and efficacy of the state’s voter registration systems.

The experience in the states that have adopted automatic voter registration over the past few years demonstrates that automatic voter registration increases voter registration rates. For example, in Vermont, registration rates jumped 62 percent in the six months following the implementation of automatic voter registration, compared to the same period in the previous year.²³ California implemented automatic voter registration on April 23, 2018, and that state saw 259,000 people registered at the DMV between April 1 and June 30 of that year.²⁴ After Oregon implemented the policy in 2016, it saw the largest increase in voter turnout of any state between the 2012 and 2016 elections.²⁵

²¹ See, e.g., Alberto Abadie & Sebastian Gay, *The impact of presumed consent legislation on cadaveric organ donation: a cross-country study*, 25 J. Health Econ. 599–620 (2006) (25–30% higher participation in organ donation programs), available at <http://www.sciencedirect.com/science/article/pii/S016762960600004X>; James J. Choi et al., *Defined Contribution Pensions: Plan Rules, Participant Decisions, and the Path of Least Resistance*, 16 Tax Policy and the Economy 67–114 (2002) (401(k) participation over 30 percentage points higher with automatic enrollment), available at <http://www.nber.org/papers/w8655.pdf>.

²² See “VRM in the States: New York,” Brennan Center for Justice, last modified April 12, 2018, <https://www.brennancenter.org/analysis/vrm-states-new-york>.

²³ Christopher Famighetti, “First Look Shows Automatic Voter Registration Was a Success in Vermont,” Brennan Center for Justice, Aug. 17, 2017, <https://www.brennancenter.org/blog/first-look-shows-automatic-voter-registration-was-success-vermont>.

²⁴ Brennan Center for Justice, “New Numbers From California Highlight Benefits of Automatically Registering Voters,” July 25, 2018, <https://www.brennancenter.org/press-release/new-numbers-california-highlight-benefits-automatically-registering-voters>.

²⁵ United States Elections Project, “Voter Turnout,” <http://www.electproject.org/home/voter-turnout/voter-turnout-data> (last accessed Feb. 7, 2019).

C. The Finer Points: Designing AVR for New York

In democracy, as in all things, New York is unique. In most ways, New York stands out for its virtues. New York and its electorate are incredibly diverse, and New York City's density allows millions of New Yorkers to rely on environmentally-friendly public transportation rather than cars to get around. Sadly, in other ways, New York stands out for its flaws. Though many states have closed primaries, New York is the only one that requires party registration changes to be made many months before a primary. We hope this unreasonable barrier to voting will be knocked down as well, but in the meantime, all of New York's unique characteristics must be taken into account. The automatic voter registration legislation in the Executive Budget Proposal does just that.

1. Reaching beyond the DMV.

First, this legislation takes both New Yorkers' diversity and their preference for the subway into account by providing for automatic voter registration well beyond the DMV. Not only are New York City residents less likely to drive, nearly one out of five driving-age New York City residents has no form of DMV-issued identification at all.²⁶ So while it may be fine to limit automatic voter registration to the DMV in states like Oregon, Vermont, or Colorado, it is imperative that New York do more than that. By providing for automatic voter registration at every state agency that currently registers New Yorkers, from the Departments of Health and Labor to the Division of Veterans' Affairs, the Governor's proposal ensures that the policy will increase voter registration rates in a way that accurately reflects the state's diverse electorate.

2. Providing protections for vulnerable communities.

Second, this legislation respects New York's diversity—and reflects its values—by providing protections against unintended consequences for non-citizens and domestic violence survivors. It does this both through the structure of the registration process and by providing for failsafe defenses against the occasional error.

New York is home to 4.5 million immigrants.²⁷ Most of them—about 2.5 million—are naturalized citizens and eligible to vote at age 18.²⁸ As noted above, by expanding automatic voter registration beyond the DMV, this legislation ensures that this improved approach to voter registration will capture the rich blend of backgrounds that has always defined democracy in

²⁶ There were 5,794,435 non-revoked driver's licenses, permits, and non-driver identification cards issued to New York City residents at least 16 years of age in 2017. New York State, "Driver License, Permit, and Non-Driver Identification Cards Issued as of August 30, 2017," <https://data.ny.gov/Transportation/Driver-License-Permit-and-Non-Driver-Identification/a4s2-d9t1/data> (last accessed Feb. 7, 2019). That same year, there were 6,954,418 New York City residents at least 16 years of age. U.S. Census Bureau, Table S0101: "Age and Sex," 2013-2017 American Community Survey 5-Year Estimates, available at American Factfinder; <http://factfinder.census.gov> (accessed Feb. 7, 2019).

²⁷ U.S. Census Bureau, Table S0501: "Selected Characteristics of the Native and Foreign-Born Populations," 2013-2017 American Community Survey 5-Year Estimates, available at American Factfinder; <http://factfinder.census.gov> (accessed Feb. 7, 2019).

²⁸ *Id.*

New York. But the remaining 2 million non-citizens in New York also interact with state agencies. More than half of this population does not speak English fluently.²⁹ So, especially with the switch to an opt-out system of registration, it is important to ensure that these New Yorkers are filtered out of the system entirely whenever possible and that, when they cannot be filtered out, they understand the system, and the importance of opting out.

The process must be made equally clear for domestic violence survivors, who often have particular concerns about maintaining the confidentiality of their address. Voter records, including each voter's address, are public records by default. But the law allows domestic violence survivors to obtain a court order allowing them to shield their address from public disclosure.³⁰ It is imperative, then, that people with these concerns understand that the information they provide to a state agency will be used to register them unless they opt out, and that they are made aware of the option for securing address confidentiality.

With one important exception detailed below, which appears to be an accidental oversight, the automatic voter registration in the Executive Budget Proposal accommodates both of these populations by requiring state agencies to provide all of this important information to potential registrants in a clear way while they are filling out their applications at the agency. It requires multiple prompts to each applicant to ensure that they understand the eligibility requirements for registering to vote and that by completing and signing the application without opting out, they are attesting to their eligibility. And it requires the DMV to provide notice to domestic violence survivors about how to maintain address confidentiality. This provision for notice to domestic violence survivors has unfortunately been omitted from Part G, the portion of the legislation establishing automatic voter registration at other state agencies, and should be duplicated there before passage.

But the legislation does not stop with these notice provisions. It also provides for two safety mechanisms to protect against any inadvertent registration of a non-citizen resulting from human or system error. First, it prohibits the transfer of an application from a state agency to the board of elections by an applicant for whom the agency has information demonstrating ineligibility. In other words, if an applicant proves his or her identity to the DMV by showing a legal permanent resident card, and the DMV therefore knows he or she is not a citizen, that person's registration will be blocked automatically. Second, it clarifies that any ineligible person that is registered through the system inadvertently, and not because of a willful attempt to break the law, will not be guilty of a crime. Taken together, through transparency and sound design, these provisions provide ample protection for New York's diverse population.

3. Accounting for New York's primary system.

When automatic voter registration takes effect in New York, it will likely get hundreds of thousands of New Yorkers registered for the first time. But in New York, it is of particular importance that these new registrants also enroll with the party of their choice upon registration. This is because New York law currently provides that a voter can only cast a vote in a party primary election if he or she is registered with that party 25 days prior to the preceding general

²⁹ *Id.*

³⁰ N.Y. Elec. Law § 5-508.

election.³¹ This means that a voter that wants to vote in the Democratic primary in June 2019 has to have been registered as Democrat by October 12, 2018, more than seven months earlier.

This unreasonably long deadline has caused massive confusion and frustration over the years and prevented an untold number of voters from casting a ballot in what are often the most impactful elections in the state. The Brennan Center strongly urges this legislature to change it. But regardless of whether the deadline is moved, New York's closed primary system will still mean that it is important that voters that want to affiliate with a party do so upon registration.

The Governor's proposed automatic voter registration legislation accounts for this system as well. It does not follow the model of Oregon, the first state to implement automatic voter registration, where voters are mailed a notice of their registration options, including party affiliation weeks after their trip to the DMV. That approach might make sense in Oregon, where all voting is done by mail and primary deadlines are not so strict. Instead, this legislation maintains the current practice of offering registrants the opportunity to enroll in a party while they are at the state agency. Again, it gives voters all the information they need while they are engaged in the transaction.

D. CONCLUSION

We urge the legislature to build on the great progress already made this session to bring New York's elections into the twenty-first century and take the crucial next steps to make New York a leader in democracy reform.

Now is not the time for half-measures to patch up New York's broken campaign finance system. Closing the LLC loophole and limiting corporate donations are important first steps, but not enough to cure the imbalance due to large-donor influence in Albany. Small-donor public financing can uniquely address this problem by enhancing the political power of everyday people.

At the same time, Albany should build on its recent accomplishments improving voter access with early voting and other reforms. Passing the automatic voter registration legislation included in the Executive Budget Proposal would help propel New York to a position where it will serve as a model to others, even as it is designed to account for the things that make New York distinctive.

The Brennan Center encourages New York State to continue its ongoing efforts to reform our state's democracy so it works for everyone.

³¹ N.Y. Elec. Law §§ 5-304 & 8-302.4.

