



August 27, 2019

New York State Public Campaign Financing And Election Commission

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

Re: Concern over the reports that the Commission is considering an unrelated issue.

Dear Commissioners:

We write to express our growing concern, based on media reports, that the future of “fusion” voting is now an additional goal of the Commission; a goal that we believe is outside the scope of implementing a voluntary system of public financing for elections in New York State.

The Commission has a lot to do and little time to do it. The Commission was established to create “a system of voluntary public campaign financing for state legislative and statewide public offices.” After many years of legislative failure, this is a historic opportunity to profoundly change for the better how elections work in New York State. Our organizations strongly support comprehensive campaign finance reform including public financing and some have advocated for this for decades. With three months to go to meet the statutory deadline, we urge you to focus on creating the best public campaign finance system in place of the status quo (containing some of the worst campaign finance standards in the United States) and not to squander valuable time on an issue outside the scope of the Commission’s mandate.

Our letter is prompted by widespread media reports that the Commission is considering changes that have little to do with campaign finance. Media reports have stated that one of the Commission’s goals is to decide whether to continue to allow “fusion” voting *at all*.

There is no mention of fusion voting as a stand-alone issue in the legislation authorizing the Commission. As you may know, when the Commission was discussed in the State Senate, the chair of the Elections Committee unequivocally stated that the Commission was limited to proposing specific changes needed to create a public matching system. (Please see video, the section discussing public financing begins at 6:59 of video. Senate Elections Committee Chair Zellnor answers question regarding the scope of the commission at 7:01, <https://youtu.be/uIESLiALm9k?t=25131>)

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The law provides that “[t]he commission shall specifically determine and identify all details and components reasonably related to the administration of a public financing program, and shall also specifically determine and identify new election laws in the following areas . . . (j) rules and definitions governing: candidates’ eligibility for public financing; political party qualifications; *multiple party* candidate nominations and/or designations; and civil violations of public financing rules.” (Emphasis supplied.)

Clearly, the Commission must deal with multiple party nominations and/or designations at least to ensure that a candidate who has been nominated or designated by more than one party does not receive more matching funds than a candidate who has been nominated and/or designated by only one party, as the New York City Public Finance Law provides.

However, that is the limit of the Commission’s authority and it is not empowered to abolish fusion voting because that change in the election law is not reasonably related to the administration of a public campaign finance system. Furthermore, we strongly agree that debating fusion voting is a serious distraction from the actual work you were entrusted to do.

We want this Commission to succeed. We want a small donor matching system that you, we and all New Yorkers can be proud of. This is a complex task that involves ironing out numerous details and complicated policy and political questions. It will involve reforming many aspects of the campaign finance system in the state in order to have a public financing system that functions as intended. New Yorkers are weary of endless political trickery and machinations. The Commission has a clear mandate to create a small donor matching system that will work and not much time. We urge you to focus to the clear task at hand. We look forward to working with you to achieve this critically important reform.

Sincerely,

Betsy Gotbaum
Executive Director
Citizen Union

Laura Ladd Bierman
Executive Director
League of Women Voters/N.Y.S.

Blair Horner
Executive Director
New York Public Interest Research Group

John Kaehny
Executive Director
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