



New York City Campaign Finance Board
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**Testimony of Amy Loprest, Executive Director and Frederick Schaffer, Chair
New York City Campaign Finance Board**

New York City Council Committee on Governmental Operations

November 29, 2021

Thank you, Chair Cabrera and members of the New York City Council Committee on Governmental Operations for the opportunity to testify on four bills being considered by the committee today: Int. No. 1901 and Int. No. 2453 sponsored by Councilmember Lander, Int. No. 2438 sponsored by Councilmember Rosenthal and Int. No. 2429 sponsored by Councilmember Yeger.

My name is Frederick Schaffer, Chair of the New York City Campaign Finance Board (CFB). With me today is Executive Director Amy Loprest and Assistant Executive Director for Public Affairs Eric Friedman.

Independent Expenditures

Intros 1901 and 2453 would mitigate the impact of independent expenditures in our elections and create more rigorous disclosure requirements for spending on behalf of ballot proposals. Since voters approved a 2010 ballot measure to require disclosure of outside spending in City elections, the Council has frequently revised the independent expenditure laws and, as a result, New York City has some of the strongest requirements in the nation for disclosure of contributors to independent spenders.

While there were fewer independent expenditures in City Council races than in 2013, the mayor's race saw nearly \$31.8 million in outside spending, the most amount of money in City history. Federal laws and the *Citizens United* decision restrict the City's ability to fully address the impact of independent expenditures. However, public funds, and particularly the increased matching rate, helped candidates to even out the imbalances brought by independent spenders and spread their message directly to voters.

Int No. 1901, sponsored by Councilmember Lander, would require entities that make independent expenditures related to ballot proposals to disclose the identities of their contributors and to display "paid for by" notices on their materials. Both requirements currently apply to independent spending regarding candidates but not ballot proposals. Independent spenders on ballot proposals are currently only required to disclose their contributors to the State Board of

Elections, and Int. 1901 would require spenders to disclose to the CFB as well. Around \$1.4 million was spent supporting or opposing ballot proposals in 2018 and 2019, and this bill would provide transparency to voters about who is ultimately funding those independent expenditures. The CFB strongly supports requiring contributor disclosure for independent spending on ballot proposals.

Int. No. 2453, also sponsored by Councilmember Lander, would provide participating candidates facing independent expenditures in their district with the ability to spend additional private funds in response. This would provide additional capacity for candidates to respond if they are being opposed by independent groups and continue to encourage public matching funds program participation.

As you know, participants in the matching funds program must limit their spending. As drafted, the bill increases the spending limit to 150% for all candidates in the race, if independent expenditures exceed 50% of the spending limit, or eliminates the spending limit if independent expenditures exceed 300% of the spending limit. This mirrors current law which provides expenditure limit relief to participating candidates when they are opposed by a high-spending non-participant.

Currently, candidates do not have the ability to spend above the limit to counter an independent spender. If a higher spending limit for all candidates is the remedy, it should be applied under limited circumstances. Using the lower threshold identified in the bill, which grants relief at 50% of the spending limit, 21 City Council districts would have had their spending limits increased in the 2021 primary, and three districts in the 2021 general election. Given that more than half of all competitive primary election Council races would have had a spending limit increase under this threshold, the Council should consider raising the lower threshold to ensure a spending limit increase occurs infrequently. The upper threshold set in the bill is appropriate and would be reached very rarely.

The CFB supports both measures to strengthen our system's response to independent expenditures, and we look forward to working with Council staff on specific improvements to the language of both bills.

Voter Guide

The CFB is supportive of any measure that makes our democracy more accessible to a greater number of voters. Our own analysis has shown that neighborhoods with limited English proficiency and a high number of residents with disabilities often have lower voter participation compared to other neighborhoods across the New York City. Non-partisan, trustworthy voting information is more important now than ever before, given recent attacks on the credibility of elections. Our government should do everything it can to involve more New Yorkers in the political process and we believe the Voter Guide serves this purpose by providing voters with the information that they need to participate.

Councilmember Rosenthal's bill would do several things to expand access and standardize the Voter Guide. First, it would expand access for multilingual speakers by requiring the CFB to

provide video Voter Guide content in the designated citywide languages. The CFB has already made it standard practice to include ASL interpretation for all video Voter Guide profiles and to translate each video Voter Guide script into the federal Voting Rights Act languages, which this bill would also codify into law.

We must make a sound investment in language accessibility moving forward, and the CFB recommends this bill go farther and require both the print and online Voter Guides to be translated into the designated citywide languages. To ensure consistency, the law should match language coverage between all Voter Guide formats. Translating the various Voter Guide formats into six additional languages will require additional contracting and staffing, but the CFB believes it will be more than worthwhile to provide access to more voters.

Next, the bill would also standardize production of the Voter Guide in two media formats. Currently, the online Voter Guide is produced for elections with municipal, state, or federal candidates on the ballot but a printed Voter Guide is only produced for elections with municipal candidates or ballot proposals. This bill would require the production of a printed and online Voter Guide for every primary and general election, including for state and federal offices. A twice-yearly production schedule would necessitate greater spending on contracting, inclusive of design, formatting, and producing, as well as hiring additional full-time staff. We look forward to working with Council staff to implement these changes.

Int. No. 2438 would also require candidates to participate in the video Voter Guide in order to receive public matching funds. While it is essential that all voters can learn about the candidates on their ballot, in multiple formats that are accessible, we do have concerns about adding an additional hurdle for participating candidates. There is already a consequence for not participating in the video and print Voter Guide – candidates miss out on the opportunity to reach voters at no cost to their campaign. We believe this sufficiently entices candidates to provide Voter Guide profiles on time, in place of withholding public funds.

The timeline of public funds payments and Voter Guide due dates also poses a problem. We begin making payments to candidates in December the year preceding the election; typically, we ask candidates to submit their profile and script several months later, which allows candidates to make their statements relevant and responsive to changing concerns in their districts. Keeping to this timeline would present complications for candidates who receive matching funds but fail to submit a Voter Guide profile and script by the deadline.

We applaud the Council's commitment to expanding access to the Voter Guide and look forward to further discussing how we can meet the spirit of this bill while also ensuring it does not inadvertently discourage participation in the public matching funds program.

Budgetary Independence

The CFB opposes Int. No. 2429 (Yeger), which would change the agency's budget process. The CFB's budget process, as provided in the City Charter, insulates the Board from external political pressure, and has allowed the Board to exercise its responsibilities in a nonpartisan, independent manner.

The Charter makes it clear that the mayor does not have authority to make unilateral changes to the CFB budget. While the stated rationale for this legislation is to increase transparency, it is the existing budget process in the Charter that ensures changes to the CFB budget are implemented with the full cooperation of the City Council in an open, transparent manner.

Currently, the CFB is required to submit its budget estimate to the mayor on March 10th. Section 1052(c) of the Charter requires the mayor is to include the CFB's budget estimates unaltered in the Executive Budget transmitted to the Council. If the mayor wishes to exercise influence over the CFB's budget, the Charter provides an avenue to do so, allowing that the mayor may include any such recommendations as deemed proper.

Though the Charter only requires the CFB to submit its proposed budget for inclusion in the Executive Budget, in past years the CFB has provided information and testified at the Council's preliminary budget hearings; in the future, the Board continues to be willing to participate at the Council's request. The CFB has appeared every year at the Council's budget hearings. At these hearings, Councilmembers have ample opportunity to question the CFB about the agency's budget estimate. Like every other part of the Executive Budget, the City Council has the authority to adopt the CFB's budget as submitted or amend it.

These protections against political influence were put on the ballot by the 1998 Charter Revision Commission and approved by City voters, and they should remain in place. The Council may not intend to undermine the independence of the Board with this legislation. However, past experience here and in other jurisdictions suggests that this legislation may well be perceived as an attack on the Board's independence.

In 1998, former Mayor Rudy Giuliani attempted to interfere with the CFB's operations, blocking payments to candidates and trying to move the agency to an office space inadequate to the agency's needs. These actions were likely motivated by his opposition to implementing a City Council law increasing the public matching funds program to a \$4-to-\$1 matching rate.

A more recent, out-of-state example of political interference with an independent, non-partisan election and oversight body is the dissolution of the Wisconsin Government Accountability Board (GAB). After the Board conducted an investigation into coordination between Gov. Scott Walker and outside groups during the 2012 recall election in Wisconsin, he signed a bill passed by the Republican-controlled legislature to disband the GAB.

The bill does not grant new powers to the Council but gives the mayor additional power to dictate the CFB's budget. While there may not be a threat today, or in a month, or in a year, the budget protections in the Charter may be needed 10 years from now, or 25 years from now—the lessons of history suggest they will someday be necessary to preserve the matching funds program and the city's nonpartisan voter engagement work.

New York City has made a unique commitment to fostering and supporting a healthy, inclusive democracy at the local level. It includes efforts across multiple agencies, including ours, to provide resources that help candidates run for office and include underrepresented voters more completely in our city's civic life. City lawmakers have long valued this mission as a priority and

created protections for it, to ensure that candidates and voters will have consistent access to resources and support regardless of any changes in the political landscape.

While the Charter currently provides that protection, it also makes space for oversight from the Mayor and the Council. The Charter gives both bodies the tools necessary to provide rigorous oversight, while also ensuring the CFB is not impacted by political pressure.

The CFB is grateful for the opportunity to provide testimony on the four bills being considered by this committee today. Increasing transparency and disclosure of outside spending and making elections information more accessible are essential to encouraging strong civic participation in New York City. The CFB is supportive of these overarching principles in Int. 1901, 2453, and 2438. We look forward to working with Council staff on the language of these important pieces of legislation.

Thank you again for the opportunity to testify. We are happy to answer any questions you might have.



Testimony of Acting Director Dan Steinberg of the Mayor's Office of Operations

Committee on Governmental Operations

November 29, 2021 | 10:00am

Good morning, Chair Cabrera and members of the Government Operations Committee. My name is Dan Steinberg, and I am the Acting Director of the Mayor's Office of Operations; the Office tasked with implementing Local Laws 126, 127, and 128, also known as the demographic data bills.

At Operations we take great pride in convening and leading multi-agency initiatives and driving towards the desired outcome, whether by directive from our executive leadership or by implementing local laws. Local Laws 126, 127 and 128 are no exception. These laws speak directly to Operations' mission of using data to help the City improve service delivery and make informed and equitable policy decisions. We share a commitment to using research to better understand and serve the great people of our city. We believe that to empower agencies to best serve the City's varied populations, gathering data about these different communities and their needs is critical.

The demographic data laws require ACS, DFTA, DOE, DOHMH, DHS, DSS and DYCD to offer service seekers a voluntary and anonymous survey that collects demographic information regarding ancestry and languages spoken, multiracial ancestry or ethnic origin, sexual orientation, gender identity and gender pronouns. They also require Operations to conduct an annual review for the City Council of all

relevant agency and contractor forms from these agencies with demographic questions addressed in the survey that are eligible for updating. Agencies are required to update eligible form responses by April 22, 2022.

Several years ago, implementation of these laws was bumpy. There were issues we needed to address and improve, and we learned from the experience. With new leadership and firmer guidance, coupled with patience and helpful conversations with the lead sponsor – Council Member Dromm, we are on a path to full compliance.

Not without additional challenges, however. The COVID-19 pandemic hit as this program was picking up momentum, and Ops staff were assigned to pandemic response, vaccination and recovery roles for the last two years. Nevertheless, we protected and renewed our dedicated efforts on the demographic data program.

I want to take a moment to thank a few people. First, Councilmember Dromm - for his leadership in this policy space. I also want to recognize the Mayor's Office of Operations team and Mayor's Office of Immigrant Affairs team for your dedication and persistence to getting this right. I also want to thank our agency partners: DYCD, ACS, DOHMH, DOE, DFTA, and DSS (DHS and HRA) - for their commitment to seeing collection of important demographic data as a culture change, not an operational burden.

Since releasing the voluntary and anonymous demographic survey form in 2018 , we have received over 132,000 returned surveys. All this data is available on the Open Data portal. During the 2020 Annual Form Review – our third such review – we identified 74 forms that qualified for review. Of the 74 forms reviewed, 21 were deemed eligible for updating, 24 were not within the agency's authority to edit or amend or were issued by another entity, and 29 did not contain demographic data

questions. This review was conducted in conjunction with Law Department and Operations' General Counsel. Of the 21 forms deemed eligible for updating, 8 have been updated in 2021, ahead of the mandated deadline.

We are in the middle our fourth annual Form Review, and Operations is committed to build on our work and make the data more useful to both our agencies and the general public. We look forward to partnering with agencies around the strategic application of this new data to better meet the needs of the communities they serve. Our team at Operations is proud to assist agencies in figuring out how to use data to help serve New Yorkers more equitably and effectively.

Intro 1937

Allow me to briefly address Introduction Number 1937.

Int. 1937 expands the current demographic data laws to cover all City agencies, rather than just the social service agencies. The bill makes a number of additional changes aimed at updating more agency forms with demographic data questions and getting agencies to encourage individuals filling out those forms to answer the questions to improve response rates.

We support the intent of the bill to further agency compliance with the existing demographic laws, and we have been working closely with agencies to achieve this goal. We also support the goal of collecting more data that can better help our agencies serve all New Yorkers. We do have concerns about the tradeoffs that can come with increased data collection, which could range from simply making a form more difficult for individuals to complete, to discouraging certain vulnerable populations from seeking City services. We look forward to a productive dialogue with Council Members about how we can work with our agencies to best achieve the goals of this proposed legislation.

**TESTIMONY OF THE
MAYOR'S OFFICE OF INFORMATION PRIVACY
BEFORE THE CITY COUNCIL
COMMITTEE ON GOVERNMENTAL OPERATIONS**

NOVEMBER 29, 2021

Good morning, Chair Cabrera, and members of the Committee on Governmental Operations. My name is Laura Negrón. I am the Chief Privacy Officer for the City of New York, and head of the Mayor's Office of Information Privacy. I am joined today by my colleagues, Principal Senior Counsel, Aaron Friedman, and Senior Counsel for Legislative Affairs, Becky Blatt.

We greatly appreciate this opportunity to discuss codifying our Office within the New York City Charter, and the important role we provide in advising City agencies on privacy law and best practices. I am also excited to share more about the critical work that we do every day to manage and implement the City's privacy policies and mandates, and most importantly, to protect the privacy of New Yorkers' personal and sensitive information in their interactions with City government.

As background, the City Council established the Chief Privacy Officer role in 2017 by passing Local Law 245. A companion law, Local Law 247, mandated the creation of a comprehensive citywide privacy protection framework. These laws together gave the Chief Privacy Officer the power and duty to develop and implement the first set of citywide privacy protection policies and protocols, and to advise City agencies on federal, state, and local privacy law, among other duties and powers. In 2018, the Mayor named me as the City's first Chief Privacy Officer, and pursuant to Executive Order 34—recognizing the importance of this work—established the Mayor's Office of Information Privacy. Today, as a team of six attorneys, we report directly to the Mayor's Counsel and serve as a centralized privacy resource for City agencies, supporting a network of 175 agency privacy officers.

Safeguarding the privacy of individuals' personal information that has been entrusted to local government is essential to the effective delivery of City services, such as health care, education, public safety, cash assistance, legal services, housing, and other services. This is especially important for vulnerable populations, whose sensitive information in the wrong hands can cause irreparable and, in some cases, catastrophic personal and financial harm. Privacy protection is also an important driver of equity, considering the diverse populations who are so often the applicants and recipients of City services. Toward these goals, our privacy team continues to support and oversee citywide compliance with the extensive set of standards and legal requirements governing the protection of identifying information by local government today.

Then, as now, we also remain committed to advancing important multiagency data-sharing initiatives, with the goal of improving the quality and coordination of services delivered to all New Yorkers— while ensuring vigilant data privacy and security practices. As examples, our team helped to design and negotiate legal privacy strategies and agreements to implement priority citywide initiatives such as pre-K and 3-K programs, the 2020 Census, and citywide health care enrollment, to name a few. And throughout the pandemic, we helped to ensure— working closely with our agency partners and City Hall—that emergency response and recovery

efforts involving New Yorkers' personal information—such as contact tracing, emergency financial services to immigrant populations ineligible for government assistance, and the vaccine roll-out—were designed and implemented through the lens of privacy. Each of these efforts has been in furtherance of the City's goals of ensuring New Yorkers can safely receive the right services and resources at the right time.

The work we do in protecting privacy extends to our contracted providers. In addition to privacy protection in contracts and subcontracts for human services required by existing law, in 2021, as Chief Privacy Officer, I designated certain technology and outreach contracts as requiring additional privacy protections and issued new agency guidance and resources to protect privacy in other contracts involving sensitive information. These new requirements went into effect in July of this year.

As a key strategic advisor to City agencies and the Administration on complex legal privacy issues, our privacy team also serves an important role in advancing the Administration's broader policy and advocacy work on privacy protection. We draft and comment on behalf of the City on proposed local, state, and federal legislation and regulations relating to privacy. We also educate and train City employees about privacy laws and best practices. In the weeks ahead, we will be launching, together with the Department of Citywide Administrative Services, the first-ever baseline citywide privacy training for all City employees.

Importantly, as an increasing number of health and human services and commercial transactions increasingly use digital methods to collect and transmit individuals' personal information— or even require it—the demands for even more sophisticated forms of privacy protection have grown exponentially. These electronic transactions carry new risks, especially given the proliferation of sophisticated bad actors for whom New York City is an attractive target. In this environment, we must as a City be able to retain the confidence of New Yorkers who trust that their information is being appropriately handled, both privately and securely, in the delivery of services and resources. As such, our team works with City agencies and officials to provide the privacy expertise needed in the face of these challenges.

In closing, I want to reiterate our commitment to both advancing privacy protection and supporting the important interagency data-sharing work that can better serve New Yorkers. Institutionalizing our role as a critical partner in solutioning some of today's most complex information protection challenges, as set forth in Introduction 2459, will enable us to continue serving in this capacity, as a core function of City government. The City must continue to prioritize protecting the privacy and security of New Yorkers' personal data, particularly for our most vulnerable populations, as we grow, evolve, and remain nimble yet protective as a government.

Thank you very much for your time and consideration. We look forward to our continued conversations on this important topic. My colleagues and I are happy to answer any questions.



sanitation

Edward Grayson Commissioner

Testimony of Gregory Anderson, Deputy Commissioner New York City Department of Sanitation

Intro 2409 - A Local Law to amend the administrative code of the city of New York, in relation to the cleaning and maintenance of city property

New York City Council Committee on Government Operations

Monday, November 29, 2021
10:00 A.M.

Good morning Chair Cabrera and members of the City Council Committee on Governmental Operations. I am Gregory Anderson, Deputy Commissioner for Policy and External Affairs at the New York City Department of Sanitation ("DSNY"). I am joined today by Stephen Harbin, Chief of Cleaning Operations at DSNY. From the NYC Department of Transportation ("DOT") I am joined by Montgomery Dean, Chief of Staff to the First Deputy Commissioner, and Rebecca Zack, Assistant Commissioner for Intergovernmental and Community Affairs. From the Department of Parks and Recreation ("Parks"), I am joined by Mark Focht, Chief Operating Officer, and Matt Drury, Director of Government Relations.

Thank you for the opportunity to provide testimony on Intro 2409 on behalf of the Administration. Given the number of bills and topics on today's agenda, I will keep my testimony somewhat brief.

At DSNY, our mission is to keep New York City healthy, safe, and clean. Our frontline Sanitation workers empty litter baskets, sweep the streets, pick up litter and dumped trash, and manually clean public spaces across the city. While some of our core cleaning services were cut during the COVID-19 pandemic, we have since restored funding for many services, including litter basket collection and syringe litter removal. We have also launched our Precision Cleaning Initiative, with teams that conduct targeted cleanings of litter conditions and illegal dumping. These conditions are eyesores that affect New Yorkers' quality of life and threaten NYC's recovery.

This year, the City also created the City Cleanup Corps, Mayor de Blasio's New Deal-inspired program, intended to foster the city's economic recovery by employing 10,000 New Yorkers to refresh and revitalize our city to make it welcoming to residents, workers, and tourists alike. Since its launch six months ago, the Corps has contributed significantly to cleaning the city's streets and sidewalks in neighborhoods across the five boroughs.

At the program's peak, 3,200 of these Corps members served as new Parks maintenance employees, helping keep the City's 30,000 acres of parkland clean and safe. Whether serving

on fixed-post crews assigned to a given park, playground, or recreational facility, or as part of a mobile crew traveling to site to site as a team, Parks maintenance workers are able to observe conditions in the spaces they care for, address issues as they arise, and report serious concerns to their supervisors. Sector staff perform daily park maintenance, as well as garbage collection, mowing, snow plowing, and basic repairs and upkeep. Parks staff are tasked with cleaning a park for as long and as often as it takes to make it clean and safe for the public. The agency has rigorous standards for cleanliness, safety, and cleaning frequency. To ensure these standards are met, every park receives monthly inspections by the sector's supervisors, as well as at least two random audit inspections per year by highly-trained inspectors from the independently-administered Parks Inspection Program.

DOT also continued working throughout the pandemic to do its part to keep the city clean. DOT Arterial maintenance employees work daily in all five boroughs to sweep roadways, pick up bulk debris, clear catch basins, repair attenuators, guiderails and fences, and fill potholes. Since the beginning of the City Cleanup Corps program, DOT has engaged dozens of Corps members to support its Arterial maintenance program. Corps members worked along major arterial corridors and adjacent areas, including exit ramps, center medians, shoulder areas, and more, and to date have removed over 2,000 cubic yards of debris. In addition, over 100 Cleanup Corps members supported operations, sanitation, and horticultural needs at 22 Open Street locations through DOT's contract with The Horticultural Society of New York, providing support in areas that were the hardest hit by COVID and have low existing partner capacity. Through the OneNYC Plaza Equity Program, DOT continued to work with its Plaza Partners to provide maintenance and operational support at 32 plazas in under-resourced neighborhoods.

All 8.8 million New Yorkers, as well as the millions of visitors and commuters, have a role to play in keeping our city clean. Litter and trash does not just magically appear on city streets – each piece, bag, or pile has a person associated with it—someone who tossed it on the ground, dumped it on the corner, or threw it out a car window. As we recover and move along toward a post-COVID New York City, we ask all New Yorkers to do the right thing: Don't litter. Use litter baskets properly. Clean up after your pet. Move your car for alternate side parking. Sweep the sidewalk in front of your home or business. And if you see a litter condition that needs attention, please let us know by calling 311.

Intro. 2409 would delineate jurisdiction over various city properties for cleaning and maintenance purposes. In short, the bill assigns responsibility for arterial highways including on- and off-ramps to DOT, for parks and planted areas to Parks, and for all other areas, including center malls, underpasses, overpasses, step streets and dead ends, to DSNY. The bill also provides that any governmental body or agency having jurisdiction over a subway, railway or other developed property clean alongside such property. This provision would apply to state or federal agencies and authorities, including the MTA, Port Authority, and Amtrak. The bill also requires each city agency to develop a web application to track the agency's progress in cleaning its properties.

The bill largely codifies assignments created in a memorandum issued by Deputy Mayor for Operations Nathan Leventhal during the Koch Administration in 1983. Known as the "Leventhal Memorandum," this document has for nearly four decades served as the basis for how the cleaning of these properties is distributed amongst the agencies. However, our approach to public spaces has changed over time, particularly with the expansion of public plazas and bicycle, pedestrian, and transit infrastructure in the last decade. With these changes comes the need for flexibility and continuous improvement in the management of public space.

The Administration has a strong commitment to the vibrancy and cleanliness of our public spaces. When there is an issue in a particular location, we are committed to working together to find solutions to address the problem, rather than pointing fingers or passing the buck. Each of the agencies represented here today shares your goal of keeping our city clean and improving the quality of life for New Yorkers in every neighborhood.

The Administration understands the impetus for this legislation and agrees with the intention of more clearly defining cleaning responsibilities for all manner of public properties and infrastructure across the city. We have some concerns that the strict and inflexible assignment of such responsibilities in the Administrative Code may preclude future improvement in the public realm and may not account for new categories of public spaces yet to be deployed in New York City. We look forward to further discussions with the Council about the City's cleaning and maintenance programs. Once again, we remain committed to keeping our City – and all of our public spaces – healthy, safe and clean.

We look forward to working with the Council to discuss these matters further and would now be happy to answer any questions you may have.

November 29, 2021

STATEMENT IN OPPOSITION

TO INT. 2429 (Yeager)

Proposing Changes in the Budget Process for the New York City Campaign Finance Board

Nicole A. Gordon

(Founding Executive Director of the NYC Campaign Finance Board)

Intro. 2429 would delete the City Charter's provisions that protect the New York City Campaign Finance Board's power to require that its own budget assessment be included in the Mayor's Executive Budget. This is an affront to our City. I urge you to vote "No".

I am privileged to have been the founding Executive Director of the New York Campaign Finance Board, a position I held for almost 18 years. The NYCCFB is known nationally and internationally as a model in the field of campaign finance reform. Its reputation rests on its independence, particularly in its audit and enforcement actions.

The current Charter provision is vital to the independence of the NYCCFB, and the proposed change, if adopted, will irreparably damage the CFB's capacity to remain independent and to carry out its oversight responsibilities to protect the public fisc.

A. Mistaken Premise of the Proposed Legislation

In the sponsor's statement during the Stated Meeting at which Int. 2429 was introduced, he asserted that the Council has no opportunity to change the CFB' budget or hold a hearing about it or ask the Board questions about its budget.

(See Hearing Transcript, Oct. 7, 2021 at

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5161512&GUID=367D65A0-6E2F-41FB-B149-6BA037C6710B&Options=&Search=>)

The sponsor additionally claims there is "zero" oversight.

As everyone knows, however, the Mayor's Executive budget is altered all the time in the course of negotiations between the Mayor and the City Council. The Government Operations and Finance Committees have oversight, meeting separately or together, and can request any information they want to about the CFB budget. The Council indeed has the same power of oversight of the CFB budget as it

has for the various Mayoral and other City agencies. I recall attending and responding to questions and requests for information at Council oversight hearings as often as four times a year, when Council Committees set times for the CFB to appear.

The supposed premise of the proposed legislation has no basis.

B. Substance of Proposed Legislation a Major Threat to CFB Independence and Operations, especially for Audit and Enforcement

Current law provides for an 8-1 match in taxpayer funds for eligible campaign contributions made to candidates participating in the NYC Campaign Finance Program. Thus, for example, a candidate who receives a qualifying \$200 private contribution will receive another \$1,600 in taxpayer funds. The incentive and potential for fraud to receive these extraordinarily generous matching funds are obvious, and history shows that some will in fact attempt to benefit illegally from the matching formula. Indeed, local candidates have been convicted on criminal charges for this reason.

The integrity of the Program depends on holding candidates accountable to the public. This accountability is accomplished through the CFB's thorough auditing of candidates' campaign finances.

If the CFB's own budget estimates are not required to be included in the Mayor's Executive Budget, then the CFB's budget will be subject in the first instance to the Mayor's whim. Whoever is Mayor has an obvious personal conflict of interest with respect to evaluating the operations and needs of the CFB, whether the Mayor is or is not, or has been or not, a candidate participating in the Program. At best, under the proposed law, the CFB will have to petition the Mayor and "negotiate" for what is represented by the Mayor to be the CFB's needs in the Mayor's Executive Budget.

I have been on the receiving end of pressure from different mayors during the time I served as Executive Director, and I know firsthand how dangerous to the integrity of the Campaign Finance Board mayors' power and influence can be.

The current provision does not entirely protect the CFB's independence (the best provisions for protecting independent agencies' independence have a fixed calculation of their budgets that cannot be altered), but at the very least the current provision puts the public on formal notice of what the CFB has calculated for what it needs. After the CFB's figure is included in the Mayor's Executive budget, the Mayor negotiates with the City Council) to arrive at a final figure. Under current law, the public and the press can review that figure and compare it with what the CFB has calculated in a transparent, formal process.

Candidates in the program do not routinely welcome an audit—who does? But audits are absolutely necessary to the CFB's ability to conduct its enforcement responsibilities.

This new provision is an invitation to provide inadequate funding for the CFB. This is the way that other campaign finance programs in other states have been effectively destroyed. Inadequate funding, in

particular, compromises the audit process. Without strong oversight, the great pioneering reform that is the Campaign Finance Program would simply become a false promise to the voters, and a target for unscrupulous actors, at a cost of millions of public dollars in every local election.

C. Proposed Legislation Cannot Amend this Provision of the City Charter

The existing provision governing submission of the CFB budget in the Mayor's Executive Budget was passed by the voters of the City of New York via ballot referendum. The City Council does not have the the authority to change it by way of the proposed legislation.

There is no plausible reason to take away the CFB's Charter authority to have its own budget needs included in the Mayor's Executive Budget except to 1) make it simple to reduce the CFB's budget in a way that will be kept out of public view, so that 2) the CFB's independence and enforcement powers, and other operations, are compromised.

I strongly urge the NYC City Council to demonstrate its own commitment to the independence of the CFB by rejecting this anti-reform proposal.

Sincerely,

Nicole A. Gordon

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Testimony by the Arab-American Family Support Center

Committee on Governmental Operations

Council Member Fernando Cabrera, Chair

Introduction 1927 – Expanding the collection of certain demographic data by city agencies

November 29, 2021

Good afternoon, Chair Cabrera and members of the committee. I want to begin by thanking the Committee on Governmental Operations and the New York City Council for inviting community-based organizations to testify on behalf of Introduction 1937, expanding demographic data collected to include data on gender identity and sexual orientation in addition to more expansive data on race, ethnicity, and languages spoken already provided for in the existing Local Law 126. My name is Farah Salam, and I am the Priority Areas Specialist for the Arab-American Family Support Center. I am honored to testify alongside the Coalition for Asian-American Children and Families on behalf of immigrants and refugees throughout New York City.

At the Arab-American Family Support Center (AAFSC), we have dedicated ourselves to creating inclusive safe havens for immigrant and refugee communities. We promote well-being, prevent violence, and prepare families to learn, work, and succeed. Our organization serves all who are in need, but with over 27 years of experience, we have gained cultural and linguistic competency serving New York's growing AMEMSA (Arab, Middle Eastern, Muslim, and South Asian) communities. Our staff speak 32 languages – including Arabic, Bangla, Russian, Spanish, and Urdu – enabling us to serve populations that mainstream providers struggle to reach.

AMEMSA populations face a nexus of challenges. Many immigrants from the AMEMSA community endured conflict in their countries of origin and struggle with the negative psychological and social effects of lingering trauma. In New York City, immigrant community members continue to experience hostility and discrimination and must overcome linguistic and cultural barriers to access information, services, and support. Against this backdrop of hardship and isolation, COVID-19 exacerbated these already precarious circumstances, as low-income AMEMSA immigrant and refugee communities endured the social, physical, and economic impact of the pandemic disproportionately.

Despite the unique linguistic, ethnic, and racial characteristics of AMEMSA populations, very little data exists to capture our communities' needs and concerns. In traditional data collection activities, including the U.S. Census, response categories do not allow individuals to accurately and appropriately self-identify in the racial/ethnic category that aligns with their sense of identity. As a result, an entire population is rendered invisible, and communities are left unable to access sufficient data about themselves to drive informed advocacy and decision-making. At the Arab-American Family Support Center, we are working to address this gap through the AAFSC Research Institute, which conducts culturally and linguistically-competent research within our communities that ensures our voices are not left out of conversations such as those pertaining to the impact of COVID-19, community health needs, and the nature of housing instability in New York City.

Through our work adapting data collection activities to appropriately capture AMEMSA populations, AAFSC strives to codify best practices that ensure data is a source of power for vulnerable communities fighting for access and equity. In so doing, we understand the critical need for government agencies to join us in elevating their data collection and data transparency standards to ensure communities can see themselves accurately represented in government data and can readily access this information to improve community health, well-being, and prosperity. AAFSC strongly recommends standardizing and expanding response criteria for ancestry and primary language to encompass a range of responses reflective of NYC's diverse population. To ensure all individuals – including those with limited English proficiency – have a voice in government demographic data, we recommend that New York City agencies adopt the highest standards of language accessibility by

offering data collection forms translated in the top 30 languages spoken in New York City and provide adequate translation support for those who have limited literacy skills in their preferred language. We recommend that all forms capture the reason or reasons an individual sought services from the city agency, which enables communities to gather meaningful information about their needs and the ways in which government agencies are (or are not) addressing those needs. To ensure data collection is comprehensive and standardized, leaving no significant gaps in a community's understanding of their needs, we recommend that further enforcement be implemented such that all city agencies adopt these standardized forms and documentation processes and report their data appropriately into a centralized location for public release. Finally, we recommend that publicly released data from city agencies be presented in a format that is accessible to users from a range of data literacy levels and is accompanied by easily accessible training materials that makes this important resource directly available to the communities we serve.

As a learning organization, AAFSC uses data and research to inform our service delivery approach and monitor the constantly evolving needs of vulnerable immigrant communities. Without data, the needs and concerns of these communities are rendered invisible. New York City has an opportunity to pave the way for a new set of standards in data disaggregation, inclusivity, and transparency, and, in so doing, empower communities to use this data for good.

Thank you for this opportunity to testify. As always, the Arab-American Family Support Center stands ready to work with you in ensuring that all New Yorkers have a voice in our city's data.



Organization: Coalition for Asian American Children and Families (CACF)

Name: Lloyd Feng

Position: Policy Coordinator

CACF Testimony on Int 1937

Thank you, Chair Cabrera and the Committee on Governmental Operations for including our testimony on Int 1937 today, and bill sponsor CM Dromm for his tireless championing of the data disaggregation cause. My name is Lloyd Feng, Policy Coordinator at the Coalition for Asian American Children and Families (CACF). For 35 years, CACF has led the fight in New York City for improved and equitable policies, systems, and services to support those most marginalized in the Asian American Pacific Islander (AAPI) communities. We are a member organization with over 70 AAPI-led organizational members and partners serving the AAPI community, which is the fastest growing population in NYC, comprising up to 18% of the city's total population.

Unfortunately, since Local Law 126 entered the City Charter in 2016, the implementation of data disaggregation at city agencies as mandated by the law has fallen far short of what the law originally intended to achieve. It is thus imperative for City Council to strengthen the current data disaggregation law to ensure that city agencies collect data on communities that have for far too long been rendered invisible to policymakers, denying communities the resources and recognition they have long needed.

We are heartened by Int 1937 being discussed today that would:

1. expand the number of city agencies required to implement data disaggregation to include all city agencies;
2. specify form questions that track multiracial background, sexual orientation, and gender identity; and
3. clarify how city agencies should proceed when a form is identified as either within or outside the city agency's authority to directly amend.



In addition to the proposed changes already in Int 1937, CACF would like to offer recommendations focused on three areas:

1. Form development,
2. Data collection/form administration, and
3. Data publication

In the form development phase, we propose that the Committee incorporate the following changes:

- 1. Define an inclusive and standardized criteria for deciding which “top 30 largest ancestry group and language spoken categories” appear in city agency forms so that even when populations fluctuate and ancestry groups and languages spoken technically are no longer ‘top 30,’ such categories remain specified on the forms.**
 - a. In Section 1 i. 2. (a), we recommend more specific language regarding "at least the top 30 largest ancestry groups and languages spoken in the city of New York based on data from the United States census bureau." In addition to this line, we recommend specifying that "top 30" be defined as a group passing a minimum percentage threshold. Moreover, should the list of top 30 largest ancestry groups and/or the list of top 30 most spoken languages in NYC vary from year to year and some groups no longer meet the pre-established threshold, no currently listed ancestry group/language selection should be removed from the list on forms. This way, more people are more likely to be precisely captured by the forms.
- 2. Ensure the highest standards of language accessibility by offering such forms in at least the top 30 language groups spoken in NYC are available in electronic and paper format across city agencies and that competent translators and/or timely translation services are available for city residents to use when filling out such forms.**
 - a. In Section 1 i. 2. (a), we recommend specific language ensuring language accessibility of the form in terms of making clear that forms in the top 30 language groups in NYC as defined above are available for respondents to fill out electronically and in-person. We also recommend specific language ensuring language access in the form of in-person translators or virtual translators available at in-person sites where the forms are administered. A standardized FAQ across the top 30 language groups may be useful.
- 3. Ensure forms include questions that ask and record the reason(s) for which the respondent originally contacted the city agency.**



- a. We recommend including specific language that demands city agencies and offices also ask questions and release data regarding the reason that the respondent originally sought out the city agency or office. Currently, demographic data collected, even if it were complete, would not be so helpful because the data would solely be a snapshot of a single moment in time. If the law were amended to include language that ensured that the forms also tracked the services/needs requested of the respondent, we would all have a better understanding of the needs of different demographic groups and be able to track them over time.

In the data collection/form administration phase, we recommend the following:

- 1. Develop clear benchmarks for when intentional data collection/form administration efforts in each city agency should occur.**
 - a. We recommend specific language in the legislation stipulating when during the year and how frequently the city agencies should administer such forms. For instance, currently, the DOE administers its form only when families register and enroll their child in a new school, which is not regularly enough at all for the data collected to be useful in tracking changing needs in our community over time. The DOE should instead administer these forms regularly and at multiple points in each year. All city agencies should identify when and how often their forms should be administered within a year.
- 2. Stipulate proper training for agency employees/volunteers involved in form administration, grounded in cultural humility and in meeting our communities where they are.**
 - a. Language concerning the training program designated in Section 1 k. 3. (a) needs to include substantive components that will train relevant administrators of the form to engage and build trust with individuals of varying ability to comprehend English. The training program should also include stipulations providing for not only culturally equipped translators, but also translators who truly understand the content and context of what they are translating. For instance, there are cases in which translators are available, but they are not properly trained to translate medical jargon to patients whose command of English is low and who already may feel scared or worried given natural uncertainty and anxiety over a medical issue.



In the data publication phase, we recommend the following:

- 1. Mandate specific deadlines during each year by which city agencies must have collected such data and when the Office of Operations must release such data to the public.**
 - a. In Section j. 3, Int 1937 currently specifies that any city agency or office release data collected from the prior year annually. We recommend more specific language regarding timing so that city agencies and offices release their data by a certain date during the year. This way, the data collected can even be released around the same time each year and will thus be much easier for the public to find.
- 2. Mandate that the Office of Operations present the data collected in a format and with tools that are easy for the public's diverse end users to use.**
 - a. In Section j. 3 and k. 5, we recommend specific language that stipulates releasing the data collected by all agencies in a standardized, easy-to-read, easy-to-use format. It should contain dropdowns and data tools that are as intuitive as possible for the diverse set of end users in order to maximize the accessibility and utility of the data collected. Additionally, we recommend specific language that includes training for the public introducing the data and how to use the data tools.

Finally, I would like to remind Committee members that although we may have data disaggregation in City law, the fight for better data now lies in how well the City implements data disaggregation in the work of city agencies. The ongoing Covid pandemic has revealed the critical importance of accurate, timely data for all communities and the severe—and in too many circumstances even deadly—consequences of the lack thereof. As you may already be aware, aggregated AAPI data perpetuates the model minority myth and masks immense disparities not only *between* different ethnic communities, but also *within* ethnic communities. The lack of data disaggregation has especially made it unnecessarily challenging to identify and quantify needs within communities of Middle Eastern, Arab, Central Asian, Southeast Asian, and South Asian ancestry. With more accurate data on all these different communities, policymakers will be able to more effectively allocate the city's resources to communities whose needs have often been inadequately addressed or completely ignored. Communities, equipped with better data, will also be able to better advocate and quantify policy and funding needs from the city.



It is clear that the vast majority of AAPI communities stands to benefit immensely from the implementation of data disaggregation. But there is a small, vocal minority of voices, predominantly Chinese immigrant, that opposes data disaggregation. I would like to remind Councilmembers that this opposition is by no means reflective of the Chinese immigrant community, let alone the AAPI community's position on data disaggregation. The opposition claims that data disaggregation will fracture the unity of the AAPI community in its ability to rally for one another and for shared interests. But oftentimes without data disaggregation, what is considered 'shared interests' among AAPI becomes conflated with the interests of the most populous and vocal subset of our communities, which is the Chinese American community. As such, many other needs in the culturally and socioeconomically diverse and disparate AAPI communities—like those of South Asian, Southeast Asian, Middle Eastern, Pacific Islander, low-income groups among others—are forgotten. Instead of being a divider of our communities, data disaggregation can actually strengthen the AAPI communities' ability to advocate together. By enabling us to accurately assess needs between and within our communities for the first time, we can then advocate for one another's needs, especially those most vulnerable in our communities.

We must implement data disaggregation properly beginning with a robust, comprehensive revision bill that compels city agencies to effectively implement the policy or otherwise, risk perpetuating the cycle of neglect and lack of understanding that continues to harm our communities. Our AAPI community needs more champions in the City Council to ensure consistent accountability for the Mayor's Office of Operations and city agencies tasked with implementation of data disaggregation.

Thank you so much to Chair Cabrera and the Committee for your time today. We at CACF are happy to help as you determine how best to craft the revision bill so that city agencies can collect better data on who they serve and thus, better serve all New Yorkers.



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www.CIDNY.org

Center for Independence of the Disabled, NY

November 29, 2021

Hearing: A Local Law to amend the New York City charter and the administrative code of the city of New York, in relation to video voter guides

Committee on Governmental Operations

Monica Bartley
Community Outreach Organizer

**MEMORANDUM IN SUPPORT
Intro 2438-2021**

The Center for Independence of the Disabled, NY (CIDNY) is a leading advocate for New Yorkers of all ages and with all types of disabilities. CIDNY's goal is to ensure full integration, independence, and equal opportunity for all people with disabilities by removing barriers to the social, economic, cultural, and civic life of the community. Part of CIDNY's mission is to ensure the full participation of individuals with disabilities in the electoral process and to encourage those who are eligible to do so.

Some members of the disability community do not participate in the electoral process because they are not fully informed about the process. Voters who are deaf and hard of hearing are left behind as they lack information about candidates, ballot proposals, and other related information. It is evident throughout the electoral system as ASL interpreters are not available at poll sites, and the Poll workers cannot communicate effectively with voters who are deaf. Sometimes the language on the ballot is hard to understand for those who use primarily American Sign Language. Without equal access to information, some voters are excluded from the process.

CIDNY fully supports this bill which requires the Campaign Finance Board to publish video voter guides in English, American Sign Language, and the top six official languages spoken by the population of New York City. In addition, including captions for each such language, for each candidate for local elections would broaden the scope and reach of the electoral platform to include people who lack proficiency with the English language.

Re:

The publication of video voter guides with captions and ASL interpretation would benefit people in the disability population. In particular, people who are deaf or hard of hearing, blind, visually impaired, and people with cognitive issues. Both sign language interpretation and captioning are necessary to appropriately include the Deaf and hard of hearing in politics and civic life. Some people may prefer one over the other or need to draw from both for full comprehension. In addition, it would be helpful if candidates are given the option to provide an audio description so people who are blind can visualize the person. The introduction of video voter guides would improve public awareness of the candidates, ballot proposals, so citizens can make informed decisions on their candidates of choice.

CIDNY supports the Law to amend the New York City charter and the administrative code of the City of New York, concerning video voter guides. CIDNY seeks that the New York City Council sign Intro 2438-2021 into Law.



MEMORANDUM OF CONDITIONAL SUPPORT

Intro. 2453-2021

A Local Law to amend the administrative code of the city of New York, in relation to increasing expenditure limits in response to independent expenditures exceeding certain thresholds

November 29, 2021

Summary of Provisions

Int 2453-2021 (Lander) would lift the spending limit for candidates who participate in the voluntary campaign finance program and face high-spending independent spenders (IE) in their elections. If an IE spends half of the allowed spending limit in a race, that limit would be raised by 50%. If an IE spends more than three times the spending limit, then the limit would be entirely removed in that race.

Statement of Conditional Support

This bill aims to strengthen New York City's robust public campaign finance system by allowing candidates to defend themselves from unfettered outside money flowing into their race. A similar spending limit relief already exists for participating candidates who face high-spending competitors that choose not to participate in the campaign finance program. Extending that relief to cases with high IE spending is a reasonable response to new challenges facing our campaign finance system, and it would help to level the playing field in campaign spending.

However, Citizens Union has reservations with how Int. 2453 is currently drafted, and we believe it could lead to unintended and unfair consequences. The bill would provide the spending limit relief to all participant candidates in a race, including the ones who are benefiting from ("supported" by) the high-spending IEs. That would not help in leveling the spending playing field. We recommend the bill be amended to limit the relief only to candidates not supported by IEs. In addition, data suggests the new relief could apply to dozens of races. Council Members should consider the consequences of this change to the city's campaign finance system before moving the bill forward.

Details of Position

Candidates who receive public campaign funding through the City's voluntary matching funds program must adhere to certain limits and restrictions, including a cap on the total amount of dollars they can spend. That limit puts participating candidates at a disadvantage when facing candidates who choose not to take part in the program, as the latter are allowed to raise and spend at will. To level the playing field, city law (§3-706(3)) provides relief for such participating candidates by gradually raising the spending limit.

However, participating candidates are also placed at a disadvantage when outside IEs spend money on their race. Such IEs are not bound by city or state limits, and their involvement in local races can be impactful, particularly in down-ballot primary races where winners are often decided by hundreds of

votes. The amount of dollars IEs spend on municipal elections has increased significantly in the last decade: IEs spent \$15.9 million in the 2013 cycle and over \$40m in the 2021 cycle.¹ It is safe to assume that IE spending would continue to grow in NYC. The next city election in 2023 will likely be more vulnerable to outside spending since it will be an off-year, low turnout election where only city council races are on the ballot.

Citizens Union supports extending the spending limit relief to candidates who base their campaign on small donors and who face high spending independent expenditures. This would allow such candidates to access more funds to respond to outside spending. A similar recommendation was also included in the CFB's 2017 post-election report.²

However, Citizens Union has several reservations that we think should be addressed before the bill is moved forward.

First, **the bill would allow the candidates benefiting from high-spending IEs to utilize the spending limit relief, thus defeating the purpose of leveling the playing field in that race.** As it is currently drafted, the bill provides the spending limit relief to every “participating candidate and limited participating candidate in such election,” which would include participating candidates supported by high-spending IEs. In fact, if this provision had existed in the 2021 election cycle, the ten City Council candidates who received the most money from IEs would have also had their spending limit raised by half. This mechanism would not reduce the spending gap between candidates.

Citizens Union believes that only participating candidates who are “defending” from high-spending IEs should be afforded the spending limit relief and not candidates benefiting from it, similar to the existing provision in §3-706(3). **To correct that loophole, Citizens Union suggests amending the bill to say that “such expenditure limit applicable to such participating candidate and limited participating candidate who is not supported by independent expenditures in such election as determined by the Campaign Finance Board shall be increased.”** If such condition cannot be legally implemented, Citizens Union recommends not to approve this bill before another mechanism to achieve the same goal is developed.

Second, **the new relief mechanism proposed by this bill could potentially apply to dozens of races.** Based on data retrieved from the Campaign Finance Board database, IE spending surpassed half of the spending limit in 25 races this year – the mayoral race and 24 City Council races.³ In other words, if this provision had been in place, the spending limit would have been altered for most competitive Council races. This would amount to a de-facto change of spending limit in the city’s campaign finance program, and could incentivize candidates to seek the support of IEs. To note, the existing spending limit relief, which applies to cases where non-participants raise half or more of the spending limit, is utilized much less often because only a small number of candidates are non-participants.⁴ In 2021, it was raised in only a handful of cases, including in the mayoral race.

¹ However, almost all of that increase occurred in the mayoral race (\$23m of the \$24m increase in IE spending). Based on NYCCFB Independent Expenditure Summary Report.

² http://nyccfb.info/pdf/2017_Post-Election_Report_2.pdf

³ The spending limit for council races was \$190,000. The races that had an aggregated IE spending of over \$95,000 were: Council Districts 1, 5, 7, 10, 11, 14, 15, 16, 19, 20, 23, 25, 26, 27, 29, 30, 32, 35, 36, 37, 39, 48, 49, 50. IE spending did not reach half the spending limit in the Public Advocate, Comptroller, and borough presidents races.

⁴ More than 85% of the candidates in the 2021 cycle chose to participate in the program and limit their campaign spending, according to Campaign Finance Board data. <http://www.nyccfb.info/follow-the-money/candidates/>

Citizens Union recommends the Council consider the impact of this provision on the city's campaign finance program, both in terms of its fiscal implications and the programmatic need to support implementation by the Campaign Finance Board. More data should be collected on its how it might affect campaign behavior.

Third, assessing IE spending across different candidates and races could prove more difficult under Ranked Choice Voting. IE campaigns could include more than one candidate in their material. Determining whether a spending is in support or in opposition of a candidate would require new considerations. Citizens Union suggest the council seeks clarifications on the interaction between this proposed bill and Ranked Choice Voting.



MEMORANDUM OF SUPPORT

Intro. 1901-2020

A Local Law to amend the New York city charter, in relation to requiring disclosure of the identity of contributors to entities making independent expenditures in support of or in opposition to any municipal ballot proposal or referendum

November 29, 2021

Summary of provisions

Int 1901-2020 (Lander) would require independent expenditure entities (IEs) that spend money on municipal ballot proposal elections to disclose certain donors in the same manner IEs that spend money on city offices are required to do. These include the funding sources of IEs that spend more than \$50,000, the owners, officers, and board members of IEs, and a “paid for by” disclosure, with names of donors, on campaign material.

Statement of Support

This bill would strengthen New York City’s robust campaign finance system by expanding disclosure requirements for independent spenders to campaigns for municipal ballot. Similar disclosure rules in elections for city offices have helped voters learn who is funding campaigns and reduced the effect of “dark money” in our city. Extending these rules to ballot proposal campaigns is a reasonable response to new challenges facing our campaign finance system. Citizens Union notes certain parts of the bill’s language should be changed before approval.

Details of Position

New York City has some of the strictest disclosure rules in the country concerning unlimited outside spending. Under City Charter Section 1052(a)(15), every independent spender must disclose how much they have spent, what they have spent money on, and whether it was in support of or in opposition to a candidate or ballot initiative. However, contribution and donor disclosure are not as strict when it comes to ballot initiatives. IEs that spend money on ballot initiatives are exempt from disclosing most of their donors and funding sources. They are not required to post “paid for by” notices on their campaign material, as other IEs do.

The results of the November vote on statewide ballot proposals have demonstrated the significant impact that big-money spending can have on a referendum. According to news reports, 3 million dollars were spent on an opposition campaign through one political party’s “housekeeping” account, funded by one individual billionaire.¹ Popular voting reforms were ultimately rejected on the ballot.

¹ Why New Yorkers Rejected Ballot Proposals on Voting and Redistricting, New York Times, 11/03/21
<https://www.nytimes.com/2021/11/03/nyregion/ny-ballot-measures.html>; Billionaire funded barrage of ads against ballot

Independent expenditures have been involved in the last few municipal ballot proposals as well. In 2018, voters were asked to vote on three ballot questions. Independent expenditures spent a total of \$125,659 on supporting and opposing the questions, but only \$1,241 was reported as contributions. In 2019, five questions were on the ballot. Independent expenditures supporting and opposing the questions totaled \$1,279,388, yet \$0 of contributions were reported.² Clearly, the amount of outside money making its way into our city elections is on the rise.

Citizens Union supported some of the above-mentioned ballot proposals and opposed others. But no matter what one's position on those questions might be, **New York voters have a right to know who is funding the campaigns to convince them to vote one way or another. Independent expenditures should disclose their source of funding when spending on ballot proposals.**

However, Citizens Union notes that the current bill deletes the words "in any covered election" from City Charter Section 1052(a)(15)(b). This change could be interpreted to mean that disclosure rules apply to non-city elections, which are not under the jurisdiction of the City Charter. The Council should redraft that section before moving the bill forward.

questions, Times Union, 11/12/21 <https://www.timesunion.com/state/article/Billionaire-funded-barrage-of-ads-against-ballot-16616524.php>

² NYCCFB Independent Expenditure Summary data for 2019 and 2018.



December 2, 2021

Submitted electronically to testimony@council.nyc.gov.

Fernando Cabrera, Chair
Committee on Governmental Operations
New York City Council

Dear Chair Cabrera and Members of the Committee:

Campaign Legal Center (“CLC”) respectfully submits this written testimony to the Committee on Governmental Operations to oppose Int. No. 2429, which would undermine the effectiveness of the New York City Campaign Finance Board (“CFB”) and jeopardize the continued success of the City’s matching funds program.

CLC is a nonpartisan, nonprofit organization that advances democracy through law at the federal, state, and local levels. Since its founding in 2002, CLC has participated in every major campaign finance case before the U.S. Supreme Court, and in numerous other federal and state court proceedings. Our work promotes every American’s right to a responsive and transparent democratic system.

CLC is a longtime proponent of public financing for state and local election campaigns, and New York City’s voluntary matching funds program is one of the nation’s leading public financing systems. Empirical and scholarly research demonstrates that the City’s program has continually broadened political participation across the City’s diverse neighborhoods, empowered more people to run for local office, and amplified the voices of everyday New Yorkers in the electoral process.¹

A crucial component to the longstanding success of the City’s matching funds program has been the CFB itself, the independent, nonpartisan agency charged with administration and civil enforcement of the City’s campaign finance laws.² Since the matching funds program first launched in the 1989 election cycle, the CFB has overseen multiple iterations of the program with remarkable proficiency, helping “to reduce improper influence” and “enhance public confidence in local government,” as Council intended when it originally

¹ See, e.g., Michael J. Malbin & Michael Parrott, *Small Donor Empowerment Depends on the Details: Comparing Matching Fund Programs in New York and Los Angeles*, 15 THE FORUM 219 (2017), <https://www.degruyter.com/document/doi/10.1515/for-2017-0015/html>; ANTHONY CORRADO, PROMOTING SMALL DONOR DEMOCRACY: THE VALUE OF PUBLIC MATCHING PROGRAMS, COMMITTEE FOR ECON. DEVELOPMENT (2013), <https://www.ced.org/pdf/Promoting-Small-Donor-Democracy.pdf>; ELISABETH GENN ET AL., DONOR DIVERSITY THROUGH PUBLIC MATCHING FUNDS, BRENNAN CTR. (2012), https://www.brennancenter.org/sites/default/files/legacy/publications/DonorDiversityReport_WEB.PDF

² See N.Y.C. Charter ch. 46, § 1052.

designed the program more than thirty years ago.³ Consequently, over the years the CFB has earned a national reputation as “the gold standard in terms of administering a complex and well-regarded system of public campaign finance.”⁴

Although appropriations for the matching funds program are separate from the CFB’s annual budget requests,⁵ the program’s continued viability is inextricably linked to the CFB’s capacity to administer it. Public financing depends on comprehensive administrative oversight, including the provision of ample resources and services that allow candidates to participate in these programs without having to hire attorneys or specialized staff to meet their basic compliance duties.⁶ Effective oversight and enforcement are also critical to protecting the public fisc and ensuring that participating candidates are complying with the program’s requirements.

By eliminating the CFB’s budgetary independence, Int. No. 2429 would threaten the agency’s ability to provide the administrative services and resources necessary to meet the needs of the City’s candidates and voters through the matching funds program. The legislation would also weaken the ability of the CFB to enforce other provisions of the city code more generally, including its contribution limits, disclosure requirements, and restrictions on persons having business dealings with the city,⁷ all of which help to ensure the integrity of the City’s elections and political processes. And the legislation would remove a key procedural safeguard that insulates the CFB’s operations from external political and fiscal pressures, potentially creating conflicts of interest in the City’s budget process as the CFB directly regulates the campaign activities of elected officials in the City, including the Mayor.

The CFB is the public body best positioned to determine its budgetary needs to carry out the City’s campaign finance laws and the City’s renowned matching funds program. We strongly urge this Committee to reject Int. No. 2429.

Respectfully,

/s/ Austin Graham
Austin Graham
Legal Counsel

/s/ Patrick Llewellyn
Patrick Llewellyn
Director, State Campaign Finance

³ N.Y.C. Local Law No. 8 of 1988, § 1. *See also* ANGELA MIGALLY & SUSAN LISS, BRENNAN CTR., SMALL DONOR MATCHING FUNDS: THE NYC ELECTION EXPERIENCE 3–4 (2010), https://www.brennancenter.org/sites/default/files/2019-08/Report_Small-Donor-Matching-Funds-NYC-Experience.pdf.

⁴ Frederick A.O. Schwarz, Jr., *Let Campaign Finance Board Do Its Job*, N.Y. LAW JOURNAL (Dec. 11, 2014), <https://www.law.com/newyorklawjournal/almID/1202678617243/Let-Campaign-Finance-Board-Do-Its-Job/?mcode=1380566249891&curindex=0/&slreturn=20211023123223>.

⁵ *See* N.Y.C. Admin. Code § 3-709(3).

⁶ BRENNAN CTR., THE CASE FOR SMALL DONOR PUBLIC FINANCING IN NEW YORK STATE at 5 (2019), <https://www.brennancenter.org/sites/default/files/2019-08/Report%2BCaseforPublicFinancingNY.pdf>.

⁷ *See* N.Y.C. Admin. Code § 3-703(1-a), (1-b).

Written Testimony on behalf of Common Cause New York before the New York City Governmental Operations Committee Hearing

November 29th, 2021

Common Cause New York has been a longtime champion of robust public financing for elections, increased transparency in money in politics and civic engagement. It is our position that only some of the bills before today's committee hearing support these overarching goals.

Common Cause supports Int. 1901 (Lander)

Int. 1901 (Lander) increases transparency and instills greater public confidence in ballot proposal campaigns. While they are not exceedingly commonplace, Common Cause New York has opened one local ballot campaign committee in the last two years and applauds any moves that enhance the disclosure of donors and expenditures to the general public. We also fully support the enhanced transparency requirements through the inclusion of “paid for by” and “top three donors” disclosures on any public-facing communications and/or in any direct voter contact.

Common Cause does not support Int. 2438 (Rosenthal) as currently drafted

This bill should be amended to de-couple participation in the video voter guide as a prerequisite for matching funds and the timeline for script submission should be in the election year.

Common Cause opposes Int. 2429 (Yeager)

Too often, mayors and council members are inclined to play politics with agency budgets and it is with that acknowledgement, voters approved a change¹ to the New York City Campaign Finance Board's (NYCCFB) budget process in 1998.² This change protected the budget of the CFB from political retribution or interference in the annual budgeting process.

The New York City Campaign Finance Board (NYCCFB) is not without its faults. However, Int 2429 is a blatant, bad faith power grab that will dilute the independence of the CFB and, more than likely, hamper its ability to administer the city's public financing program.

¹ [Ballot language before voters](#), November 1998.

² [THE 1998 ELECTIONS: NEW YORK STATE – THE BALLOT QUESTION: Mayor's Campaign Finance Plan Is Approved](#), November 4, 1998.

It is not hard to imagine a scenario where the mayor or council members would seek to punitively modify the CFB's budget request during an election year and therefore place a thumb on the scale as an incumbency protection measure, thus undermining faith in our elections and governance.

Common Cause opposes Int. 2453 (Lander)

Common Cause/NY believes that the recent increase in matching funds program obviates the need for relief from the spending limit engendered by Independent Expenditure spending. While Independent Expenditure (IE) spending has undoubtedly increased since the last competitive municipal election cycle in New York City, [our IE and candidate expenditure analysis of the most recent primary election cycle](#)³, demonstrates candidates are well-equipped to combat IE spending. We found that under current expenditure guidance, despite an increase in IE spending, very few participating candidates hit the expenditure threshold and they handily outspent IEs in individual races.

Provision 6 (a) of Int. 2453 too low for CCNY to support and would simply serve to undercut both the spirit and the letter of New York City's public financing program. Our analysis shows this would pave the way for unnecessary increased candidate spending in our municipal elections. It is also clear that the IE expenditure relief would only serve to favor candidates who are prolific fundraisers and disadvantage those who are not.

Accordingly, we oppose Int. 2453 and hope that it will not advance.

Common Cause New York takes no position on Int. 1937, Int. 2409 and Int 2459.

Thank you for allowing us to submit written testimony for this hearing. Please contact Sarah Goff, Deputy Director Common Cause New York at sgoff@commoncause.org with any questions or comments.

Common Cause New York is a nonpartisan citizens' lobby and a leading force in the battle for honest and accountable government. Common Cause fights to strengthen public participation and faith in our institutions of self-government and to ensure that government and political processes serve the general interest, and not simply the special interests. Consonant with our overall mission we have consistently worked to improve accessibility, accuracy, transparency, and verifiability in our democratic process at the city, state and national level.

³ Our analysis solely focused on IE and candidate expenditures from January 1, 2021 - June 22, 2021 as the general election is less competitive for most races.



ADVANCING OUR
COMMUNITY

Chinese-American Planning Council
Testimony Before the Committee on Governmental Operations
Council Member Fernando Cabrera, Chair
Introduction 1937 - Data Disaggregation Revision Bill
November 29, 2021

Thank you to Chair Cabrera and the members of the Governmental Operations Committee for convening this important hearing. The mission of the Chinese-American Planning Council (CPC) is to promote social and economic empowerment of Chinese American, immigrant, and low-income communities. CPC was founded in 1965 as a grassroots, community-based organization in response to the end of the Chinese Exclusion years and the passing of the Immigration Reform Act of 1965. We thank you for this opportunity to testify on the importance of data disaggregation and what it would mean to the growing Asian Pacific American (APA) population in New York City.

The APA population in New York City is incredibly diverse, ranging from a variety of ethnicities, cultures, religions, and languages and as we've seen in recent census data, APA communities are the fastest growing population in New York City, representing at least 15% of the general population. In fact, the greater New York metropolitan area is home to the largest ethnic Chinese population outside of Asia and is the largest metropolitan APA population in the nation. Social service organizations like CPC know first hand how integral data disaggregation is to accurately addressing the needs of rapidly growing APA communities across the city. Without disaggregated data, our communities continue to be stuck in a cycle of invisibility and marginalization which has only been intensified during the COVID-19 pandemic. There is an urgent need for accurate and comprehensive data collection, dissemination, and utilization as it relates to the pandemic, especially around the health and economic impacts disaggregated by race, ethnicity, ethnic sub-group, sex, and age to help organizations begin to address the growing health and economic disparities in New York City. For example, just last year we saw firsthand how many of our community members were unable to obtain culturally competent food support or received important health and safety materials that were not translated into the languages used by the most vulnerable communities. The work of addressing these issues were then passed along to social service organizations, mutual aid groups, and houses of worship. While there have been efforts on the City level towards ensuring that data is disaggregated, there are still some shortcomings that need to be addressed which should be included in the revision bill.

First, we urge the City to expand demographic data collected to include data on gender identity and sexual orientation in addition to more expansive data on race, ethnicity, and languages spoken already provided for in the existing Local Law 126. The data we have seen on COVID-19 shows what all of the organizations serving communities of color already knew, that our communities are being hit harder by the pandemic, a result of systemic inequalities in our healthcare system that long predate COVID-19, but are now being laid bare. However the data does not capture the experiences of community members in the shadows- immigrants, Limited English Proficient New Yorkers, the uninsured, and more. CPC serves over 60,000 AAPI, low-income, and immigrant communities every year. Disaggregated data would allow social service organizations like ours to better understand the needs of our community members and to better cater our services to meet those demands. Most importantly, it would show the City the disproportionate care that marginalized communities continue to receive and allow for meaningful policy changes.

We also recommend that there be a clear definition on the inclusive and standardized criteria for deciding which ancestry group and language spoken categories appear in city agency forms. According to Local Law 126, "at least the top 30 largest ancestry groups and languages spoken in the city of New York based on data from the United States census bureau." "Top 30" should be defined as a group surpassing a minimum percentage threshold. Given that the list of top 30 largest ancestry groups and/or languages spoken in NYC differ from year to year, we recommend that no currently listed ancestry group/language selection be removed from the list on forms as more people would be more likely to be accurately captured by the forms.

Given the lack of language accessible materials surrounding the COVID-19 pandemic and relief programs, our community members have turned to social service organizations like ours to receive accurate and in-language information. We have heard directly from community members about the struggles they have in filling out forms that would allow them to access resources and programs due to the language barrier. Throughout the pandemic, many of our community members who have limited English proficiency (LEP) have been victims to misinformation and lacked access to the most recent and pressing updates on how to receive their benefits or the changing guidelines/rules. It is crucial that this revision bill ensures the highest standards of language accessibility by offering such forms in at least the top 30 language groups spoken in NYC in electronic and paper format across city agencies. The bill should include specific language that refers to language access in the form of in-person translators or virtual translators at the site in which the forms are administered. We must ensure that every New Yorker has access to these emergency resources, no matter what language they use.

We ask that the revision bill include specific guidelines for public education and community outreach with respect to educating community members on the importance of completing forms



ADVANCING OUR COMMUNITY

and surveys related to data disaggregation. There should be information widely available in-language to our community members to increase the awareness of the importance of data disaggregation and how that translates to more resources for our communities. By making this information accessible to the community at large, it encourages people to fill out demographic questions and empowers them to advocate that their communities be represented. Finally, we urge the City Council to mandate that the Mayor's Office of Data Analytics (MODA) present the data collected in a format and with tools that are easy for the public to use. Social service agencies like CPC greatly benefit from accessing crucial data about our communities which helps us better serve community members as well as advocate for their needs.

We thank you for your time and we hope that you consider these recommendations and include them in the revision bill to ensure that our marginalized communities are represented in this crucial data moving forward.



**TESTIMONY OF CESAR Z. RUIZ, EQUAL JUSTICE WORKS LEGAL FELLOW
SPONSORED BY THE LAVAN-HARRIS FAMILY**

**NEW YORK CITY GOVERNMENTAL OPERATIONS COMMITTEE PUBLIC
HEARING ON INTRO. 2438: ADDITION OF VIDEO VOTER GUIDES**

NOVEMBER 29TH, 2021

I. Introduction

Greetings Chairperson Cabrera, and council members of the Committee for Governmental Operations and thank you for the opportunity to testify before you. My name is Cesar Z. Ruiz, and I am an Equal Justice Works Legal Fellow (Sponsored by the Lavan-Harris Family) at LatinoJustice PRLDEF working on voting rights and redistricting.

LatinoJustice PRLDEF is a Latino civil rights organization dedicated to protecting the rights of Latino community members across the nation. Since its inception in 1972, we have worked tirelessly to ensure that Latinos have equitable and full participatory access in our country's electoral franchise system. It is in support of those ideals that I appear today to state LatinoJustice's support of Intro. 2438 and identifying several key concerns that need to be considered in its adoption.

II. Bill Overview

Intro 2438 would require the Campaign Finance Board to publish video voter guides in English, American Sign Language, and the top six limited English proficiency languages spoken by the population of New York City, including captions for each such language, for each candidate for local elections. This bill would also require candidates to participate in the video



voter guides in order to receive matching funds for local elections through New York City's Campaign Finance Program.

III. Rationale For Support

We support this measure with the understanding that video messaging is an effective¹ tool to engage prospective voters. New York City's Ranked Choice Voting ("RCV") educational campaign and use of videos² in that effort serve as a gleaming example of the power of video messaging, as 95% of voters found their RCV ballot simple to complete³, and 78% of New Yorkers said they understood RCV extremely or very well⁴. Furthermore, we understand this measure to be an effective tool for engaging ethnic and language minority groups as large percentages⁵ of those polled when voting stated that they understood RCV and found their ballots simple to complete. Given these findings it is clear that video messaging can help fully inform current and prospective voters in a way that allows them to be an active and engaged participant in the electoral process. We thus commend the council on its efforts to expand voter participation through Intro. 2438.

IV. Recommendations

While we support the core of this proposed bill, we want to highlight a few areas of concern that we urge the council to consider in its deliberations:

¹ See http://readme.readmedia.com/RANK-THE-VOTE-NYC-RELEASES-EDISON-RESEARCH-EXIT-POLL-ON-THE-ELECTION/17989282?utm_source=newswire&utm_medium=email&utm_campaign=media_pr_emails

² See <https://www.youtube.com/channel/UCkOr8NIB-fKP0DH0q7658Og>

³ See http://readme.readmedia.com/RANK-THE-VOTE-NYC-RELEASES-EDISON-RESEARCH-EXIT-POLL-ON-THE-ELECTION/17989282?utm_source=newswire&utm_medium=email&utm_campaign=media_pr_emails

⁴ *Id.*

⁵ *Id.*



First, although the bill proposes that the New York City Campaign Finance Board would publish the material online, we urge adoption of language which would also require that the Voter Guide videos to be advertised on local media channels and other forms of advertisement such as digital media. The idea that this voter educational information would only be available if individuals can/have access to the internet would contravene the bill's intent of expanding accessibility and voter education. LatinoJustice thus urges the adoption of language that would create access in a meaningful way to all voters, particularly Spanish dominant voters where language access issues historically even here in NYC have prevented them from fully exercising their right to vote.

Second, we also urge the adoption of language that would create a more robust process of outreach to language minority community members and community-based organizations to derive effective and comprehensive messaging regarding the paper and video voter guides to effectively inform language minority voters of what precisely is on the ballot. As the recent failures of ballot proposals 1, 3, and 4 to pass, there are serious deficiencies in the development of effective messaging which in turn disparately impact language minority communities.

A recent Spectrum 1 news reports⁶ that a striking 13% of New Yorkers left ballot proposal # 1 blank. That number increases as we assess the impact particularly on boroughs with higher proportions of language minority group members. For example, Bronx County, where Latinos form a majority of the population at 54.8%⁷, we saw that 26% of voters⁸ left ballot proposal # 1 blank. The disparity shown here demonstrates a lack of effective messaging aimed

⁶ <https://spectrumlocalnews.com/nys/capital-region/decision-2021/2021/11/03/new-york-2021-ballot-proposals-results>

⁷ <https://www.ny1.com/nyc/all-boroughs/local-politics/2021/10/13/hispanics-closing-in-on-whites-as-new-york-city-s-largest-racial-group>

⁸ *Supra.* at 6.



at language minority group members and an overall failure to create materials that engage them in a way that allows them to effectively cast their vote.

Meaningfully creating access for language minority group members means developing effective resources which addresses their perspective and interest in the ballot. Amending the bill to require a process that engages community members in the production of the paper and video voter guides will ensure that these resources increase access by allowing language minority group members and advocacy groups to define areas of need and how those needs can be effectively addressed in that process. A few examples⁹ of ways language minority community members can be engaged include:

- Written and oral surveys produced in conjunction with paper and video voter guides aimed at language minority groups assessing messaging, clarity, and quality of translations provided.
- Focus group testing assessing messaging, clarity, and quality of translations provided.
- Language access voter education trainings and events provided in multiple languages assessing language access issues and gaps in services provided by NYCCFB.

In conjunction with the above-mentioned point around messaging and clarity, we urge limiting the use of hyper technical terminology in messaging and focusing on accessible language that community members can meaningfully understand. We commend the city in its efforts to engage voters but recognize that there are significant gaps in collective voter understanding and comprehension which can have the effect of alienating voters - the confusing language and messaging of Ballot Proposal # 1 being a chief example of how voters can be

⁹ A model for this type of engagement can be found at: <https://www.graphicadvocacy.org/>





disengaged. Creating and implementing accessible language increases transparency, limits confusion and enhances access. Thus, we urge the council to consider this in its review of Intro. 2438.

Lastly, we are urging for the adoption of language that would create a program of continuous voter education through video and paper voter guides for new eligible voters on a rolling basis. Currently, NYC Votes publishes an online Voter Guide for every city election. By expanding those efforts beyond the current level would greatly increase access ensuring that new voters are consistently engaged and aware of upcoming elections, as well as how they can participate.

V. Conclusion

Again, I would like to commend the council on its efforts to make our elections as accessible as possible to all and hope that the suggested amendments we proffer produce a significant improvement in the way our electoral systems engage with marginalized and often forgotten members of our community. Wishing you all a safe, happy and healthy holiday season.

Sincerely,

Cesar Z. Ruiz

LatinoJustice PRLDEF, Equal Justice Works Legal Fellow (Sponsored by the Lavan-Harris Family)

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**Testimony of the New York Civil Liberties Union
before
The New York City Council Committee on Governmental Operations
opposing
Int. 2429-2021, in relation to the budget of the campaign finance board
Monday, November 29, 2021**

The New York Civil Liberties Union (NYCLU) is grateful for the opportunity to submit the following testimony in opposition to Int. 2429-2021, in relation to the budget of the campaign finance board.

The NYCLU, the New York State affiliate of the American Civil Liberties Union, is a not-for-profit, nonpartisan organization with eight offices across the state and over 190,000 members and supporters. The NYCLU defends and promotes the fundamental principles and values embodied in the Bill of Rights, the U.S. Constitution, and the New York Constitution, through an integrated program of litigation, legislative advocacy, public education and community organizing. The NYCLU has long been engaged in the fight to ensure that every New Yorker can enjoy democratic, transparent, inclusive and accountable governance.

The independence of the New York City Campaign Finance Board is central to its role in ensuring the health of our city's democracy. Int. 2429 would reduce that independence. The NYCLU opposes this legislation and urges councilmembers to withdraw their sponsorship.

The New York City Campaign Finance Board (CFB) is an agency that strengthens our city's democracy by making our political processes more equitable and inclusive. The CFB conducts and publishes valuable, non-partisan research and data about who's registered, who's voting, and where. That research helps policymakers and civic groups develop evidence-based methods to improve political participation, including addressing registration and turnout disparities on the basis of age, geography,

language-minority status, and race. The CFB's research is user-written. It is accessible through clearly-written reports and interactive tools that any member of the public can use.

The CFB provides valuable non-partisan voter education materials that have a broad reach. The CFB enhances voter choice by providing valuable non-partisan services to ensure that candidates who want to participate in the public financing program are able to do so in a manner that complies with the law. The work of the CFB fundamentally serves and enhances New York City voters' ability to cast a ballot for the candidate of their choice.

The CFB's independence fundamentally serves the electorate of the City of New York by allowing the CFB to provide services that are critical to improving diversity, equity, and inclusion in political participation with minimal interference by incumbent elected officials. In any democratic electoral process, incumbent elected officials can at times have personal interests and incentives that do not align perfectly with, or may even be at odds with, their charge to provide for and protect a healthy democracy in the work of governance. Broadly, incumbent elected officials may have a discernable interest in preserving the electorate that put them in office and keeping insurgent candidates off the ballot. Expanding political participation – whether by increasing voter participation or by increasing candidate participation – can be viewed as a threat to the re-election of prospects of incumbent elected officials. In order to see how incumbent elected officials may benefit from keeping eligible citizens out of the political marketplace, one only need to look to the critical voting rights bills that have stalled at the federal level, or to state-level voter suppression bills around the country,

The CFB's independence – a charter provision ratified by the voters of the City of New York – makes it less susceptible to capture by incumbent elected officials who may be hostile to its pro-voter mission. The NYCLU is encouraged that many councilmembers in this hearing and beyond have expressed their support for the CFB's mission.

Some councilmembers have also expressed a desire to exert more oversight over CFB. Current law provides the council with substantial oversight over the CFB and its activities, including over the CFB's budget. To some extent, Int. 2429 would codify oversight that the Council has already successfully exercised over CFB, or could exercise upon request – including the abilities to call the CFB to testify during the preliminary budget process and to require the CFB to provide its budget to the Council at the same time it provides its budget to the mayor. But Int. 2429 would go further to diminish the CFB's independence, by repealing the Mayor's obligation under the City Charter to present the CFB's budget to the Council without revision.

Under current law, the mayor's office is not deprived of the opportunity to engage in some oversight of CFB budget. The law provides the Mayor the opportunity to offer recommendations on the CFB budget that the council may consider in exerting its own oversight over the CFB. But giving the Mayor authority to simply revise the CFB budget decreases transparency and might improperly invite an incumbent elected official whose political goals may conflict with the CFB's mission to interfere with the carriage of CFB's mission.

Making the public comb through the preliminary, executive, and adopted budgets to determine whether there have been any revisions to the CFB's budget, and which actor is responsible for them, cannot be thought of as increasing transparency. To the extent the Council wishes to direct the CFB to take on more responsibility or to increase the quantity and quality of its services, the Council is empowered to do so, and other introduced bills are offered to accomplish those objectives.¹

The Council need not – and must not – compromise the CFB's charter-bound mission and independence in its reach for accountability and oversight. The NYCLU appreciates the opportunity to weigh in and urges councilmembers to reconsider this misguided legislation.

¹ See, e.g., Int. 2438-2021, in relation to video voter guides.



**Testimony to the City Council Governmental Operations Committee
Opposing Passage of Int. 2429 of 2021,
Supporting Int. 1901 of 2020**

November 29, 2021

Good morning Chair Cabrera and members of the Governmental Operations committee. My name is Tom Speaker, and I am a Policy Analyst at Reinvent Albany, a watchdog organization that advocates for open and accountable government. Today we are testifying on Int. 2429 of 2021 and Int. 1901 of 2020.

Opposition to Intro 2429 (Yeger) – Changing NYC Campaign Finance Board Budget Process

We are one of 27 groups that strongly oppose Intro 2429. We believe this bill would undermine the independence and effectiveness of the nationally recognized New York City Campaign Finance Board (CFB), and weaken democracy in NYC.

I will highlight two points from the joint memo of opposition that we have submitted to the Council. First, the CFB is currently effectively allowed to set its own budget to prevent interference from the very elected officials that the agency oversees. The New York City Charter says that the Mayor shall include the CFB's requested funds in the executive budget "without revision." This bill would remove that requirement.

When this provision was approved in 1998 by NYC voters as part of a ballot proposal, the Charter Revision Commission's report explicitly stated that this "independent budgeting" would help protect the CFB from political meddling. In Hawaii, Maine, and many other states, campaign finance boards without an independent budget have seen their funding streams cut or threatened. If Intro 2429 passes, we expect Councilmembers or Mayors with an axe to grind to try to squeeze the CFB the same way.

Second, as the public matching program has expanded, the New York City Council has become increasingly diverse and more reflective of the NYC electorate. Last year's primary elections were the first in which candidates could receive an 8-to-1 match on donations. And next year's City Council will be the first in which 61% of the Councilmembers are women (up from 27%), and 67% are people of color (up from 51%).

We believe Intro 2429 is bad policy. If you approve it, this law would damage a NYC campaign finance system that is an extraordinary success and national model and that has steadily improved over time.

If it ain't broke, don't break it. Please vote NO on Intro 2429.

Support for Intro 1901 (Lander) – More Transparency for Independent Expenditures

Reinvent Albany does support Int. 1901 of 2020 (Lander), which would allow the public to see who is funding independent expenditures to pass or defeat NYC ballot proposals and referendums. NYC needs more transparency in our elections, particularly as dark money spending continues to increase both in the City and across the country.

Thank you for allowing me to testify. I welcome any questions you may have.

**Reinvent Albany
Citizens Union
Common Cause New York
Alliance of Families for Justice • Brennan Center for Justice
Center for Popular Democracy • Citizen Action of New York
Downstate New York ADAPT • Elmont Cultural Center
Empire State Indivisible • Fair Elections New York
Greater New York Council of the Blind • IndivisibleWeStand UWS
Inwood Indivisible • League of Women Voters of New York City
Long Island Progressive Coalition • Make the Road New York
MinKwon Center for Community Action
New York Civic Engagement Table • New York Civil Liberties Union
New York Communities for Change • NY Indivisible
NYPIRG • New York Working Families Party • Rise and Resist
SMART Legislation • Stand Up America**

MEMORANDUM OF OPPOSITION

[Int. 2429 \(Yeager\)](#)

Changes Budget Process for New York City Campaign Finance Board

November 26, 2021

TITLE OF BILL

A local law to amend the New York City Charter, in relation to the budget of the Campaign Finance Board.

SUMMARY OF PROVISIONS

Section 1 changes the deadline for the Campaign Finance Board (CFB) to submit an estimate of its financial needs from March 10th to February 10th. The board must also submit its estimate to the City Council, in addition to the mayor. The bill also removes the requirement that the Mayor include this estimate in the executive budget.

Section 2 states that the bill takes effect immediately.

STATEMENT OF OPPOSITION

Our groups strongly oppose this bill because we believe the process for budgeting and funding the CFB has clearly worked well for decades. New Yorkers benefit when the CFB is a strong institution, independent from the political pressures of the day. This bill is a counter-productive attempt to reduce the CFB's independence and effectiveness.

New York City’s campaign finance program is a national model. Last year’s election was the first in which candidates could receive 88% of their campaign funds from the City’s small donor matching program (up from 55%), as an alternative to large private donations. As the program has expanded, the City Council has become increasingly reflective of New York City. The incoming City Council will be the most diverse in NYC history, with 61% of City Council members being women (up from 27%), and 67% of Councilmembers being people of color (up from 51%).^{1 2}

The program has also empowered small donors. Analyses of 2021 NYC primary elections spending found that small donors made up a larger portion of campaign contributions than in any prior election.³ We believe that the matching system builds public trust and reduces the risk of undue influence by special interests.

Int. 2429 could threaten what the program has achieved. The CFB serves an essential role in keeping New York City’s elections fair and open, and the agency’s independence from political pressure is inherent to its ability to pursue this mission. This independence is a result of nonpartisan, well-respected appointments to the board, and of legal provisions that protect the board from politicization. Top among those is the unique budgetary protection that prohibits the mayor from modifying the CFB’s proposed budget behind closed doors, which the current proposal seeks to revoke:

*The mayor shall include such estimates in the executive budget without revision, but with such recommendations as the mayor may deem proper. Upon inclusion in the executive budget, the budget submitted by the campaign finance board shall be adopted pursuant to such provisions of chapter ten of this charter as are applicable to the operating budget of the council.*⁴

This important provision was added to the City Charter by a vote of the people of New York following a recommendation of the 1998 Charter Revision Commission. In fact, the 1998 Commission specifically considered that the Campaign Finance Board is “vulnerable to political pressure [in the area of] the adoption of its budget” and recommended this budgetary protection be implemented to prevent such threat.⁵ That provision is only afforded to the CFB and City Council and has not been given to other agencies since. However, the Commission did provide the City Council with the power to

¹<https://www.brennancenter.org/our-work/research-reports/small-donor-public-financing-plays-role-electing-most-diverse-new-york>

²<https://www.salon.com/2021/11/19/want-some-good-news-women-won-a-majority-on-the-ny-city-council/>

³<https://readsludge.com/2021/07/19/small-donors-hit-record-highs-in-new-york-citys-public-campaign-financing-program/>

⁴ Subdivision c of section 1052 of the New York city charter.

⁵ https://www1.nyc.gov/assets/charter/downloads/pdf/1998_final_report.pdf

increase or decrease the CFB's final budget, and gave the Mayor the option to recommend changes to the agency's budget. This provision, which is still in place today, provides an adequate fiscal check on the CFB.

Our groups do not see any reason to change this decades-old legal arrangement, which has served New Yorkers well. The need to maintain the Campaign Finance Board's independence is more important than ever given the increasing flow of outside money into our city's elections.

Further, the last few years have seen the city move towards *more* independent budgeting for independent government bodies, not less. The 2019 Charter Revision Commission recommended enacting guaranteed independent budgets for the Public Advocate, the five Borough Presidents, and the Civilian Complaint Review Board (CCRB). In doing so, the Commission acknowledged the importance of keeping budgets insulated as a tool to maintain operational independence. These proposals were approved by a large majority of voters.

Several programs without independent budgets have seen their programs threatened or discontinued, such as in Maine⁶ and Hawaii.⁷ While the CFB's budget can already be amended later in the process, removing the requirement that the Mayor include the Board's initial estimates in the executive budget increases the risk that the program will be inadequately funded.

To date, the City's campaign finance system has been an extraordinary success for democracy and diversity, and the 2019 changes were a major step forward. Int. 2429 would be a step back. It would change an important charter provision that was added by the voters over twenty years ago, by a City Council only weeks before it concludes its term. We urge the Council not to pass the bill.

⁶<https://bangordailynews.com/2018/07/17/opinion/dont-like-clean-elections-try-to-change-the-law-dont-hold-funding-hostage/>

⁷<https://reinventalbany.org/wp-content/uploads/2019/09/Sept-18-2019-RA-Testimony-to-Public-Financing-Comm-Enforcement.pdf>