

Commissioner Henry Berger
Commissioner Mylan Denerstein
Commissioner Kimberly Galvin
Commissioner DeNora Getachew
Commissioner Jay Jacobs
Commissioner John Nonna
Commissioner David Previte
Commissioner Crystal Rodriguez
Commissioner Rosanna Vargas

October 23, 2019

Dear Commissioners:

As a public body subject to the Freedom of Information Law, we request that you release all data and communications that informed your vote on restricting matching to in-district donations.

Our groups are deeply troubled by the Commission's 5-4 vote at a public meeting yesterday to limit public funding to in-district contributions. We understand Professor Malbin will be analyzing whether such a system is feasible. We certainly have concerns, some of which were shared with the Commission yesterday before the vote.

Notably, the vote was a sudden about-face from one week ago when the Commission agreed it made sense to match out-of-district contributions, similar to the time-tested New York City program, which has been shown to meet the Commission's statutory goals, and followed the recommendations of our organizations. The sudden shift of those Commissioners appointed by Governor Cuomo and Speaker Heastie, along with the jointly-selected appointee, was deeply concerning.

The Commission has now appeared to take a haphazard and cavalier approach to policy making that does not appear to be deliberate, data-based decision-making. (In a moment of remarkable serendipity, Commissioner Jacobs embraced restricting public matching to in-district donations based on the public testimony of one individual.) Why vote to suddenly shift direction on a previously supported and proven-to-work policy, and *then* ask for expert analysis from Professor Malbin? This is why we are requesting from you the evidence used to make this decision. Without such evidence, it raises questions around the transparency of the Commission's decision-making process and whether behind-the-scenes political pressures are at play.

As you know, the goal of a public matching program is not simply to strengthen connections between candidates and their constituents, but to amplify the voice of small donors in choosing candidates that consider matters of statewide concern, and to reduce the reliance of candidates on big donors. It also must incentivize significant candidate participation in order to work. Encouraging small donor giving is a pillar of New York City's model system and a charge of the Commission.

In the few remaining weeks it has left, the Commission will have to make critical decisions in crafting a public financing system that works for all New Yorkers. Among the many important issues it must address is how to ensure the program is run by an independent, responsive and capable agency that will protect public funds and ensure the program runs effectively. We were troubled by the Board of Elections proposal presented at Tuesday's hearing, which would create a maze of bureaucracy while not adequately addressing impediments to addressing civil violations of election law. We hope that the Commission will address this and other questions by reviewing the evidence and materials presented by experts, and do so in as transparent a manner as possible.

As a reminder, we believe a model-for-the-nation public campaign financing program should:

- Be a permanent program launched by January 2022
- Cover primary and general elections
- Include at least a 6-to-1 match on small donations made by in-state and in-district donors
- Significantly lower contribution limits for all candidates, to be no higher than the federal limits
- Ensure qualifying thresholds enable incumbents and challengers with grassroots support to participate
- Create an independent enforcement agency that oversees campaign finance law for all candidates

Sincerely,

Fair Elections for New York Campaign, Core Members

Contact: Dave Palmer, campaign manager, dpalmer@fairelectionsny.org; (917)482-7251