



Testifying in Support of Small Donor Public Financing & in Opposition to a Fusion Ban

Thank you for testifying at the Public Campaign Financing Commission hearings. Each person will have 3 minutes to testify. Here are some top messages to cover in that short time.

TOP MESSAGES

- ⇒ In order to successfully amplify the voices of everyday New Yorkers in the political process, the commission must:
 - establish a permanent small donor public financing program (i.e., not a pilot program) for both primary and general elections.
 - create at least a 6-to-1 match on small donations
 - lower contribution limits (for participating and non-participating candidates)
 - include an independent enforcement unit
- ⇒ Do not focus on irrelevant distractions like attempting to eliminate fusion voting.
 - **[Note:** for those wishing to take a more pro-fusion stance, there is more below.]
- ⇒ This is crucially important to me (and/or the organization I represent) because _____, and we are counting on this commission to deliver the “model for the nation” program the Governor promised.

More Messaging Guidance

For those who would like more messaging ideas on New York’s big donor problem and why public financing is the best solution, you have the option of checking out the rest of this document. For those craving even more information, we recommend the [Brennan Center for Justice’s “The Case for Small Donor Public Financing in New York”](#).

Note: It appears the Commission may seek to modify or eliminate “fusion voting” -- the law enabling political parties to endorse candidates appearing on another party’s ballot line. This is problematic for a host of reasons. Therefore, we’ve included talking points on fusion voting, below. We encourage people to include these in their testimony.

Pro-Public Financing Arguments

- **New York has a big money problem.** In the 2018 election, the top 100 donors in New York gave more to candidates than all of the estimated 137,000 small donors combined. And it will surprise precisely no one that these major donors are overwhelmingly wealthy, white, and male compared to both low-dollar contributors and the voters as a whole. New York ranks among the worst states in the nation when it comes to small donors. Small donors made up the smallest source of funding to candidates in New York State’s

2018 election, with just 5 percent of all money raised by candidates coming from small donors.

- **New York has the highest contribution limits** of any state with limits. Individuals can give as much as \$69,700 to a candidate for statewide office, \$19,300 to a state Senate candidate, and \$9,400 to a state Assembly candidate in an election cycle. Individuals can contribute more to state candidates in New York than they can to federal candidates -- even presidential candidates -- for which the limit is \$5,600 per election cycle.
- Following the Supreme Court's *Citizens United* decision, small-donor matching funds remains the **most powerful solution** to counter the unlimited, secret money flowing into our elections.
- New York has a chance to create a **model for the nation** by becoming the first state since *Citizens United* to pass comprehensive campaign finance reform.
- Democracy reform is increasingly a part of the national conversation as Democratic presidential candidates campaign on reforms and the US House of Representatives introduced HR1, a comprehensive democracy reform bill including small donor public financing, as their first order of business and later passed it with 100% of Democrats in support. New York has an **opportunity to lead the way** by passing similar reforms into law.
- By matching small donations with public funding we can **amplify the voices of everyday New Yorkers** including women; of people of color; of the working and middle classes; and of any and all under-represented New Yorkers in the political process.
- With small donor matching, candidates can **focus on raising small donations from their constituents** instead of seeking large checks from special interests and out-of-district donors.
- Small donor public financing **gives everyday people the means to run for office** and represent their communities while relying on small donations instead of large checks. Unsurprisingly, candidates of color and women have less access to wealthy white donor pools. If we want our government to represent all of society, then we need a system that encourages people from all walks of life to consider serving in public office.
- Every one of the issues we care about is shaped by the outsized presence of big money. By changing the rules of our democracy and fighting for an Albany that works for all of us, not big donors, we can **create progress on popular issues New Yorkers care about**.
- Small donor public financing can **restore trust in our democracy** and reverse Albany's reputation for corruption and cronyism.
- Policy outcomes on everything including education, healthcare, housing, criminal justice, and more are shaped by money. Princeton Professor Martin Gilens and Northwestern Professor Benjamin I. Page found that "average citizens have little or no independent influence" on US policy while elites have "substantial" influence. **To tackle the biggest issues facing our state, we must fix our campaign finance system**, which favors the wealthy over everyday, working New Yorkers.
- Public financing **gives constituents a bigger voice** in the political process by incentivizing candidates to engage more in-district donors. To further strengthen the role of constituents in funding campaigns, a larger match for in-district donors, for example an 8-to-1 match (and 6-to-1 for others), can help further amplify the voice of constituents.

- Public financing has been shown to work across districts with differing demographics, including low-income and high-income districts, to amplify the voices of everyday constituents. New York City has some of the lowest and highest income districts in the state, and across the board candidates for city office who have the option to receive public financing rely on a broader and more diverse set of donors than their statewide counterparts.
- The Commission must establish a permanent small donor public financing program, not a temporary or pilot program. Do not repeat the failures of the past like the failed 2014 comptroller pilot public financing program. This Commission was set up to create a model for the nation public financing program, and we are counting on you to deliver.

Fusion Voting Is Irrelevant to Public Financing and a Distraction for the Commission

- The Commission should not alter or diminish fusion voting, which is wholly unrelated to public financing. Any assertion to the contrary is disingenuous.
- The Public Campaign Financing Commission was formed in response to a major public outcry to deal with the power of big money in New York State politics. There has been no such outcry to tamper with fusion.
- As the [Brennan Center made clear in March](#), there is no policy connection between public financing and fusion voting, and certainly no conflict between the two. Both Connecticut and New York City have strong public financing systems *and* fusion voting.
- The Commission has a few short months and apparently few staff/resources to accomplish its mandate of creating a strong public financing program. There is no time for distractions.
- The Public Financing Commission should be deeply concerned about being used for political purposes, and ought to focus its attention on its important policy goal -- public financing -- and avoid distractions.

Pro-Fusion Arguments

While the Fair Elections for New York campaign does not have position on fusion voting apart from deeming it a serious distraction that is irrelevant to the Commission's aims, many campaign supporters support fusion voting. If you support fusion voting, here are some talking points to consider.

- **Fusion is a constitutionally protected voting right.** Fusion has been part of New York's elections since before the Civil War. When powerful politicians have attempted to roll back our right to fusion voting three times over the last hundred years, the highest court in the state, the NYS Court of Appeals, blocked those efforts every time. **An unelected commission does not have the power to tamper with the constitutionally protected rights of fusion voting.**
 - That's why a group of citizens, elected officials, candidates, and party leaders have sued to prevent the Commission from taking any action to weaken to eliminate fusion. Put simply, the Commission has no right to trample on the Constitution. If they try to, it should be overturned.
- **Fusion is good for democracy.** Not everyone fits neatly into the Democratic or Republican party box. Citizens who support a "third" party still deserve the right to participate in politics in a meaningful and effective way. Fusion is that way. Fusion allows

third party members and supporters to vote without "spoiling" (helping elect their least-preferred candidate) or wasting their vote on a candidate with no chance of actually winning. Under the state's fusion system, voters can vote for a candidate who can actually win but also vote for that candidate on a party line whose values they want to support.

- **Banning fusion is contrary to the commission's goal: to strengthen our democracy.** The goal of this Commission is to strengthen and expand our democracy by establishing a system of low-dollar, public financing of elections and reduce the power of big money in politics. The goal of this Commission should NOT be to undermine or end New York's fusion voting system. Doing so would be a huge mistake -- and a huge step in the opposite direction that would only serve to weaken our democracy.
- **There is no public demand among the citizenry to ban or weaken our fusion voting system.** The Commission was formed in response to citizen activists calling for an end to big money dominance in New York State politics. There has been no such outcry to tamper with fusion. On the contrary, [17 New York members of Congress including Chuck Schumer, Kirsten Gillibrand and Alexandria Ocasio-Cortez](#); [US Senators Bernie Sanders and Elizabeth Warren](#); [19 national progressive organizations](#); [26 New York State Senators](#); and hundreds more local elected officials strongly support fusion voting.
- **Binding fusion to public financing is a politicization of the commission.** There is no public policy rationale for linking these two issues. The only reason for this surprise move is to force commissioners to go along with a political attack against fusion—and commissioners should be deeply concerned about being used for political purposes. Commissioners should decouple these matters as they are entirely separate, and any effort to significantly undermine fusion should be defeated on Constitutional grounds.