



NEW YORK STATE SENATOR

Zellnor Myrie

## In Testimony, Senator Myrie Tells Public Financing Commission to Leave Fusion Voting Alone

JONATHAN TIMM September 12, 2019

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BROOKLYN -- The Chair of the New York State Senate Elections Committee, Senator Zellnor Y. Myrie, has submitted testimony to the Public Finance Reform Commission, arguing that fusion voting is not within the bounds of its authority.

“There is no credible nexus between creating a public financing system and fusion voting,” Senator Myrie’s testimony says. “Any attempt to link public financing and fusion voting leaves the commission open to criticism that the inclusion of fusion voting is at best a political act, and, at worst, a political act of retribution.”

“There is a time and place for a robust discussion about fusion voting,” Senator Myrie continues in his testimony. “We have certainly arrived at that time. This commission is just as certainly not the place.”

The legislature created the commission as part of the state budget earlier this year with the mandate of developing a statewide public financing system. But last month, the commission motioned to include fusion voting -- the system which allows candidates to appear on multiple party lines on the ballot -- as part of its agenda.

Senator Myrie's full testimony is below.

"I would first like to thank the members of the commission for agreeing to seize the historic opportunity to fundamentally change New York's campaign finance system. As you know, this past legislative session, the state legislature, along with Governor Cuomo, ushered through a series of long overdue voting and campaign reforms that will impact millions of New Yorkers for years to come. These reforms were a direct response to the mandate of the voters of this great state when they empowered the majorities in both houses of the state legislature. Instituting an effective and thorough public financing system would be a continuation of this effort.

"I am certain that every member of this commission desires a campaign finance system that reduces the outsized influence of money in politics, increases the voice of everyday New Yorkers, and encourages candidates to engage a diverse source of donations. I am also certain that each member of the commission expects a public financing system that protects the public fisc, and, through sensible and fair enforcement, does not discourage participation.

"Because I believe the merits of these underlying principles are clear -- the attraction of more women, people of color, and non-wealthy candidates; the reduction of special-interest driven policy; and the broadening of voter participation, among other things -- I will not dwell on their merits and instead spend the balance of my testimony on how they can be best implemented.

"Before I address implementation, however, I would like to convey my grave concern regarding what I deem to be a misplaced and potentially unconstitutional focus of the commission: fusion voting.

“Reasonable minds can disagree on the value of fusion voting. Those of us who support it -- and I count myself in that group -- view it as a necessary extension of our democracy that affords voters greater options of political expression. Those who oppose express, among other things, concerns about ballot cluster, fraudulent ballot access, and voter confusion. Both views deserve a full airing and, as Chair of the Elections Committee in the State Senate, I stand ready to facilitate such discussion.

“That discussion, however, cannot and should not occur through this commission. First, there is no credible nexus between creating a public financing system and fusion voting. It was not the legislature’s intent to draw a nexus either; on March 31st of this year, during the legislative debate creating this commission, I made this clear in an exchange with Senator Brian Kavanaugh:

“Senator Kavanaugh: My question is about this part XXX which is about the establishment of a commission to create a voluntary public financing system for statewide and state legislative public offices. And there’s been a lot of talk today, Senator Myrie, in other contexts about whether this language would in fact authorize this commission to make other changes in the law that are unrelated to public financing, and I just don’t read it that way, and I’m wondering if Senator Myrie could comment. So the language that people are concerned about is Part J of Section II which is a long list of things that the commission would be asked to do in the context of creating a public financing system. And then there’s Section III which says the commission shall limit its recommendations to a public financing program that has the total maximum annual fiscal cost of no more than \$100 million dollars. So I wonder if, do you read this as permitting this commission to make laws that would become enacted laws upon its recommendation unless the legislature were to effectively void them? Do you read it as allowing that commission to make recommendations beyond what’s necessary to create a public financing system?

“Senator Myrie: Mr. President, through you, I do not read it as such. Section II of Part XXX says the commission shall specifically determine and identify all details and components reasonably related to the administration of the public financing program. That section is then followed by ten subsections that mention public financing explicitly or implicitly by referring to it as “the program.” Section J then says “rules and definitions governing,” followed by a number of phrases that may have been interpreted to say that this has jurisdiction outside of public financing but I think collectively, the ten subsections combined with section II and the following section that says it must limit its recommendations to the public financing program, do not allow for this commission to examine things outside of public financing. “When it mentions political party qualifications, or multiple party candidate nominations, it is as it pertains to public financing. For example, if there is an individual who wants to run on multiple party lines, should they be allowed to take advantage of the public financing system? So It is my belief that the intent of this commission and the intent of this legislation is to determine how best to institute a public financing system in the state of New York.

“Second, given the tenuous connection between fusion voting and public financing of elections, any attempt to link the two leaves the commission open to criticism that the inclusion of fusion voting is at best a political act, and, at worst, a political act of retribution.

“There is a time and place for a robust discussion about fusion voting. We have certainly arrived at that time. This commission is just as certainly not the place.

“Now, regarding the implementation of a public financing system that would truly transform our current system.

“Earlier this year, the Elections Committee held a hearing on the public financing of elections and received testimony from numerous experts, advocates, and government entities. We

were joined by 18 of my colleagues in the Senate and Assembly, many of whom questioned the witnesses on the merits of a potential program (including members who previously served under New York City's public financing system). This hearing, along with many additional hours of research and discussion with colleagues, experts, and everyday New Yorkers have made it clear that a truly transformative public financing must, at the very least, include:

A 6-to-1 matching system that encourages candidates to pursue small donors.

Lower contribution limits to bring New York in line with most other states and encourage participation in the small donor matching system.

A fair and equitable enforcement system that prioritizes assisting candidates in compliance over punishment.

"In order to truly level the playing field, it is also imperative that the voluntary system apply to all statewide, legislative, and district attorney candidates.

"To guard the public fisc, the system should establish qualifying thresholds that demonstrate real community support. It should also not make those qualifying thresholds prohibitively high.

"The decision to run for office should not be premised on how many wealthy people you know or which PACs you have access to. Your ability to stay in office should not depend on special interest groups you've helped or big money donors who helped you get there. Public service should be about just that, the public. A public financing system, one that truly reduces the influence of big money in politics, will help restore that commitment to the public we serve.

“It is my hope that this commission will take that commitment seriously.”

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