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at the Joint Legislative Budget Hearing
Concerning Local Government Officials/General Government**

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The Brennan Center for Justice at New York University School of Law¹ appreciates the opportunity to testify in support of funding for New York’s small donor public financing program and other key voting and elections reforms in the FY 2026 state budget. For thirty years, the Brennan Center’s nonpartisan expertise has informed policies that protect and expand democracy at the state, local, and federal levels.

The Brennan Center commends this Legislature for its continued leadership in fostering a stronger and more inclusive democracy. In 2024, New York State completed the first run of the Public Campaign Finance Program you enacted, which gave everyday voters a far more significant stake in legislative candidates’ fundraising. You also delivered important legislation last year requiring transparency when political communications use AI-generated deepfakes, helping voters identify deceptive political content before casting their ballots. These gains build on other critical measures you have enacted in recent years, including the John R. Lewis Voting Rights Act of New York (NY VRA), automatic voter registration (AVR), early voting, and online voter registration (OVR).

These reforms stand in stark contrast to persistent dysfunction and lack of progress at the federal level that have come into ever sharper relief in the last election cycle. Take the influence of private wealth in politics. Since the Supreme Court decided *Citizens United v. Federal Election Commission* fifteen years ago, super PACs funded by just a handful of the wealthiest donors have fueled campaigns, eclipsing small donations from everyday Americans.² This spending took on an unprecedented role in the 2024 federal elections, with just one group – backed by the world’s richest person – helping run a presidential campaign.³

¹ The Brennan Center is a nonpartisan public policy and law institute that focuses on the fundamental issues of democracy and justice and for thirty years has studied, litigated, and developed policy solutions regarding money in politics, voting, and election administration. The opinions expressed in this testimony are only those of the Brennan Center and do not necessarily reflect the opinions of the NYU School of Law.

² Daniel I. Weiner and Tim Lau, “Citizens United Explained,” Brennan Center for Justice, last updated January 29, 2025, <https://www.brennancenter.org/our-work/research-reports/citizens-united-explained>.

³ Marina Pino and Julia Fishman, “Fifteen Years Later, *Citizens United* Defined the 2024 Election,” Brennan Center for Justice, January 14, 2025, <https://www.brennancenter.org/our-work/research-reports/fifteen-years-later-citizens-united-defined-2024-election>.

New York showed the rest of the country a powerful alternative with the first run of its small donor public financing program. Before public financing was available, New York elections were funded by a small cohort of donors giving vast sums. That is no longer the case. Last year, access to public matching funds shifted many legislative candidates' fundraising toward constituents making modest contributions. And participation by candidates and small donors alike demonstrated widespread enthusiasm for the reform.

But the work is not done. Across the country, the 2024 elections showed that the need to fortify our election systems and rebuild confidence in the democratic process remains urgent. In Georgia, the State Election Board pushed through a series of voting rule changes that, had they not been halted, would have significantly burdened election workers and stoked doubts about election results.⁴ Ballots were set on fire and damaged in drop boxes and a Postal Service mailbox in three states just before Election Day.⁵ And bomb threats targeted polling places and election offices across the country, including five battleground states.⁶ Many of these threats originated from Russian email domains, according to the FBI.⁷ At the same time, big money took on a new and more ominous role in the presidential and key congressional races.⁸ Less prominently, but still of critical importance, at least 10 states enacted regressive voting laws which impeded access to the franchise.⁹

Your continued investment in the reforms you enacted can help deliver the inclusive and responsive government New Yorkers deserve. We urge you to ensure that the final FY 2026 budget provides the resources needed to cement the state's position as a national leader in protecting and strengthening democracy.

I. With Full Funding, the Public Campaign Finance Program Can Keep Delivering Benefits to New Yorkers.

New York State's small donor Public Campaign Finance Program is the strongest reform enacted anywhere in the country to respond to *Citizens United's* corrosive impact on American democracy. When this body enacted the historic program in 2020, it vowed to make the government more accountable to all New York voters, "regardless of wealth or position."¹⁰ Our forthcoming analysis of New York candidates' 2024 fundraising shows the program is already

⁴ See Gowri Ramachandran and Marina Pino, "Georgia's State Election Board Could Undermine Election Transparency," Brennan Center for Justice, August 23, 2024, <https://www.brennancenter.org/our-work/analysis-opinion/georgias-state-election-board-could-undermine-election-transparency>.

⁵ Lisa Hagan, "Ballots set on fire in three states as Election Day approaches," NPR, October 28, 2024, <https://www.npr.org/2024/10/28/nx-s1-5168404/oregon-washington-arizona-ballots-drop-boxes-fires>.

⁶ Tom Winter et al., "Hoax bomb threats made to dozens of polling locations in swing states," *NBC News*, November 5, 2024, <https://www.nbcnews.com/politics/2024-election/hoax-bomb-threats-made-dozens-polling-locations-swing-states-rcna178889>.

⁷ FBI, "FBI Statement on Bomb Threats to Polling Locations," November 5, 2024, <https://www.fbi.gov/news/press-releases/fbi-statement-on-bomb-threats-to-polling-locations>.

⁸ Michael Waldman, "Money's Control Over Politics Has Never Been Greater," Brennan Center for Justice, January 14, 2025, <https://www.brennancenter.org/our-work/analysis-opinion/moneys-control-over-politics-has-never-been-greater>.

⁹ Brennan Center for Justice, "Voting Laws Roundup: 2024 in Review," January 15, 2025, <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-2024-review>.

¹⁰ N.Y. Elec. Law § 14-200.

delivering on that promise for voters of our state.

The Brennan Center strongly supports the Executive Budget's appropriation of \$114.5 million for FY 2026, including \$14.5 million for program administration and \$100 million for matching funds.¹¹ In doing so, we join our partners representing voting, civil rights, labor, and good government groups who call on our state leaders to ensure that the program receives full funding.¹² We urge you to include this amount in your one-house budgets and the final state budget, to show New York is committed to a democracy that is responsive to the needs of everyday constituents rather than the wealthy few.

The program you delivered includes time-tested aspects of longstanding public financing programs while adding features that respond to campaign realities in the era of super PACs. To address the declining political power of in-district constituents, the program includes a progressively tiered match for legislative campaign contributions, providing the greatest match to the smallest donations.¹³ And by matching in-district donations only, at meaningful levels, the program boosts the voices of local residents against outside spenders and aligns candidates' campaigning for votes with their fundraising.¹⁴ At the same time, participating candidates face no limit on total fundraising and spending, should some campaigns' needs exceed allowable matching funds.

Our analysis of the program's first cycle shows that this program already has transformed the state's campaign finance landscape for legislative candidates and small donors alike. The program rewarded those who ran campaigns rooted in their own communities, freeing them from dependence on the very wealthiest donors. In 2024, legislative campaigns took in almost half their funding from donors giving \$250 or less and public funds, up from only 12 percent of candidates' total fundraising in the 2020 and 2022 legislative elections.¹⁵ District residents drove this increase in small money: 45 percent of candidates' funding in 2024 was attributable to in-district small donors when including matching funds.¹⁶ At the same time, the share of money coming from large donors of \$1,000 or more and entities like PACs and corporations (which typically flow from outside candidates' districts) decreased from 70 and 72 percent of candidates' funding in 2020 and 2022, respectively, to 38 percent in 2024.¹⁷

¹¹ New York State Division of the Budget, *Our New York, Our Future: FY 2026 Executive Budget Briefing Book*, <https://www.budget.ny.gov/pubs/archive/fy26/ex/book/briefingbook.pdf>.

¹² Fair Elections for New York coalition (@FairElectionsNY), X, January 28, 2025, <https://x.com/FairElectionsNY/status/1884329127601385642>.

¹³ Ian Vandewalker, Brendan Glavin, and Michael Malbin, *Analysis Shows Amplification of Small Donors Under New NY State Public Financing Program*, Brennan Center for Justice and OpenSecrets, January 30, 2023, <https://www.brennancenter.org/our-work/research-reports/analysis-shows-amplification-small-donors-under-new-ny-state-public>.

¹⁴ Nirali Vyas, Chisun Lee, and Joanna Zdanys, *The Constituent-Engagement Effect of Small Donor Public Financing: A Statistical Comparison of City Council (2017) and State Assembly (2018) Fundraising in New York City*, Brennan Center for Justice, September 9, 2019, 1, 7, <https://www.brennancenter.org/our-work/research-reports/constituent-engagement-effect-small-donor-public-financing-statistical>.

¹⁵ Research on file with the Brennan Center for Justice for forthcoming publication.

¹⁶ Research on file with the Brennan Center for Justice for forthcoming publication.

¹⁷ Research on file with the Brennan Center for Justice for forthcoming publication.

This shift in fundraising occurred in all corners of the state. Three hundred and twenty-eight legislative candidates across the political spectrum enrolled, accounting for more than three-quarters of all legislative districts.¹⁸ Of these campaigns, the Public Campaign Finance Board (PCFB) ultimately issued matching funds to 192 candidates, covering 70 assembly districts and 37 senate districts.¹⁹ And importantly, candidates in lower-income districts participated and fundraised at rates that kept pace with districts with wealthier constituents.²⁰

The program also had a remarkable impact on participation from small donors. In 2024, legislative candidates received twice as many small-dollar in-district contributions (50,838) as in 2022 (19,829), and almost twice as many as those in 2020 (26,014).²¹ This increase is a remarkable improvement, given the state’s typical pattern of extremely low rates of civic engagement.²² And while small donors’ behavior changed dramatically, other types of donors decreased by about a quarter, demonstrating that the program is already working to bring more everyday New Yorkers into the political process.²³

Critically, and contrary to some critics’ predictions, independent expenditures did not undercut the program’s successful rollout. The vast majority of independent expenditures were concentrated in just 10 percent of districts. Notably, publicly financed candidates facing such outside spending still ran viable campaigns. districts that outside groups targeted. And many won their races despite independent expenditures funding their opposition.

Together, these findings show the program is already improving New York’s democracy in significant ways. As national experts on public financing who advise on the implementation of programs across the country, we have reason to believe participation in the program from candidates and donors will continue to grow. Candidates have already started opting in for the 2026 election cycle, including legislative candidates who participated in the program last year and statewide candidates who can receive public matching funds for the first time.²⁴

Full funding of \$114.5 million in this year’s budget will ensure the program can keep delivering benefits to everyday New Yorkers. The \$14.5 million for administrative needs will enable the agency to support staff and implement a user-friendly online platform – both of which will help campaigns access the program and comply with rules in future cycles. A strengthened platform can foster greater compliance with rules, provide notice of potential violations, and save the PCFB time and resources for other crucial components of its work to run and enforce the program. The \$100 million for matching funds will give candidates and small donors confidence in the program’s future ahead of the first statewide cycle. With this investment, New York’s program can continue to provide a much-needed antidote to the outsized influence and political power of

¹⁸ Research on file with the Brennan Center for Justice for forthcoming publication.

¹⁹ Research on file with the Brennan Center for Justice for forthcoming publication.

²⁰ Research on file with the Brennan Center for Justice for forthcoming publication.

²¹ Research on file with the Brennan Center for Justice for forthcoming publication.

²² See Vandewalker, Galvin, and Malbin, *Analysis Shows Amplification of Small Donors Under New NY State Public Financing Program*.

²³ Research on file with the Brennan Center for Justice for forthcoming publication.

²⁴ Public Campaign Finance Board, “Public Campaign Finance Candidate List,” accessed January 28, 2025, <https://publicreporting.elections.ny.gov/PCFBCandidateRegList/PCFBCandidateRegList>.

the very wealthiest donors in elections elsewhere.

II. Local Boards of Elections Need Reliable Resources to Keep Elections Fair, Safe, and Secure.

New York’s local boards of elections (BOEs) worked tirelessly through the 2024 election cycle to serve voters in a consequential presidential election. Many BOEs did so with insufficient support. As election officials across the state begin preparing for the next cycle, this Legislature must set them up for success by ensuring they have the equipment, trained staff, and resources that they need. This body must invest in election administration and ameliorate the overreliance on county-level funding that leaves too many local BOEs operating with stark disparities in resources.²⁵

As in past years, the Brennan Center supports the bipartisan requests from New York’s local election officials for more state funding. The Executive Budget includes important funding to support local BOEs this coming fiscal year, including nearly \$14.7 million in reappropriations for upgrades to electronic pollbooks and a new appropriation of \$5 million for pre-paid postage to facilitate ballot return. We urge you to go further to support these offices as they prepare for the next election cycles.

Our research shows that additional state operational funding of \$65 million – \$5 per voter – would bring New York’s spending per registered voter in line with similarly large and diverse states that better support local election administrators.²⁶ Such funding can replace aging and outdated voting machines across the state. Security experts generally agree that the expected lifespan of voting equipment purchased after 2000 is close to 10 years.²⁷ In 2026, 38 of New York’s 62 counties will be using polling place voting equipment that is at least 15 years old.²⁸ We know election officials often have difficulty finding machines that can run outdated software, and according to cybersecurity expert Jeremy Epstein, “From a security perspective, old software is riskier, because new methods of attack are constantly being developed, and older software is likely to be vulnerable.”²⁹

Despite this clear need, local election administrators across the state raised significant concerns about their funding needs in last year’s cycle. One local election official reported that his county

²⁵ See Derek Tisler et al., *How to Fix Election Administration in New York State*, Brennan Center for Justice, December 15, 2021, 15, <https://www.brennancenter.org/our-work/policy-solutions/how-fix-election-administration-new-york-state>.

²⁶ Tisler et al., *How to Fix Election Administration in New York State*, 6, 16 (noting that Delaware covers the full cost of administering elections, Colorado covers the full cost of elections when only a state issue or question is on the ballot and partial costs for other elections when state issues and questions are on the ballot, and Michigan reimburses local jurisdictions for the necessary costs to run presidential primaries).

²⁷ Lawrence Norden and Christopher Famighetti, *America’s Voting Machines at Risk*, Brennan Center for Justice, September 15, 2014, <https://www.brennancenter.org/our-work/research-reports/americas-voting-machines-risk>.

²⁸ Verified Voting, “Verifier – New York State,” accessed January 28, 2025, <https://verifiedvoting.org/verifier/#mode/navigate/map/fieldedEquip/mapType/ppEquip/year/2024/state/36>.

²⁹ Ruby Edlin, Megan Maier, and Warren Stewart, “Costs for Replacing Voting Equipment in 2024,” Brennan Center for Justice, February 7, 2024, <https://www.brennancenter.org/our-work/analysis-opinion/costs-replacing-voting-equipment-2024>.

budget was “artificially low” because it failed to include funding for a second primary.³⁰ Another noted that “[t]he need for poll site supplies and office supplies really skyrocketed.”³¹ And several counties shared they did not pay for any additional physical security systems beyond those offered by local sheriff’s offices and the state police.³² As election officials nationwide continue to report experiencing threats, harassment, or abuse for doing their jobs,³³ including numerous instances just before Election Day last year,³⁴ the need for additional support is ever-more important.

Along with proper budget resources, our leaders must enact legislation to improve professionalism, transparency, and accountability at our local boards of elections. For too long, New York has lagged other states in voter service, and election administration scandals too frequently make headline news.³⁵ We applaud the Senate for passing two bills to improve election administration at the beginning of this session.³⁶ These bills are part of a larger package that directly respond to a 2021 Senate investigation, reinforced by findings from nonpartisan expert research, which revealed the need for commonsense reforms across the state’s BOEs.³⁷ Together, the package will address resource gaps prevalent among BOEs, enhance training for BOE leadership and staff, and prioritize accountability, professionalism, and transparency among local commissioners.³⁸ We urge the Senate and Assembly to pass the remaining bills, and the governor to sign them, without delay.

³⁰ Emilie Munson, “N.Y. counties expected this year’s election to cost \$343M. Here’s a breakdown,” *Times Union*, November 24, 2024, <https://www.timesunion.com/capitol/article/much-2024-election-cost-taxpayers-new-york-19926389.php>.

³¹ Munson, “N.Y. counties expected this year’s election to cost \$343M. Here’s a breakdown.”

³² Munson, “N.Y. counties expected this year’s election to cost \$343M. Here’s a breakdown.”

³³ Brennan Center for Justice, *Local Election Officials Survey – May 2024*, May 1, 2024, 9, 28, <https://www.brennancenter.org/our-work/research-reports/local-election-officials-survey-may-2024> (nationwide survey of local election officials revealing 38 percent of local election officials have experienced threats, harassment or abuse, and more than three quarters of local election officials feel their budgets need to grow to keep up with their administration and security needs).

³⁴ Glenn Thrush et al., “Election Officials Face Torrent of Threats as Nov. 5 Looms,” *New York Times*, October 25, 2024, <https://www.nytimes.com/2024/10/25/us/politics/election-officials-workers-threats.html>.

³⁵ See Tisler, et al., *How to Fix Election Administration in New York State*; Joanna Zdanys et al., *How to Fix the New York City Board of Elections*, Brennan Center for Justice, September 9, 2021, <https://www.brennancenter.org/our-work/policy-solutions/how-fix-new-york-city-board-elections>; see also Tom Magnarelli, “After 2020 election ‘failure,’ Oneida County elections commissioners resign,” *WRVO Public Media*, February 16, 2021, <https://www.wrvo.org/politics-and-government/2021-02-16/after-2020-election-failure-oneida-county-elections-commissioners-resign>; *New York Times* Editorial Board, “The N.Y.C. Elections Board is a Disaster. This Is the Last Straw,” *New York Times*, June 30, 2021, <https://www.nytimes.com/2021/06/30/opinion/nyc-mayor-election-boe-votes.html>; Jeff Coltin, “Reports of broken scanners, long lines on Election Day,” *City & State*, November 6, 2018, <https://www.cityandstateny.com/politics/2018/11/reports-of-broken-scanners-long-lines-on-election-day/177966/>.

³⁶ New York State Senate, “Senate Advances Reforms to Protect Election Integrity and Support Election Workers,” January 13, 2025, <https://www.nysenate.gov/newsroom/press-releases/2025/senate-advances-reforms-protect-election-integrity-and-support>.

³⁷ New York State Senate Elections Committee, *Report and Findings of the New York State Senate Elections Committee*, November 15, 2021, https://www.nysenate.gov/sites/default/files/press-release/attachment/alex1115_vfinal.pdf; Zdanys et al., *How to Fix the New York City Board of Elections*; Tisler et al., *How to Fix Election Administration in New York State*.

³⁸ Brennan Center for Justice, “Memorandum in Support of 2023 Legislative Package to Improve Election Administration in New York State,” May 18, 2023, <https://www.brennancenter.org/our-work/research-reports/memorandum-support-2023-legislative-package-improve-election>.

III. The Legislature Must Provide Resources to Implement Voting Reforms.

The Brennan Center also urges this Legislature to ensure that the FY 2026 budget amply supports the full range of voting reforms that you have already delivered. That includes the NY VRA, which restores and strengthens legal protections against race-based voter discrimination that have been stripped away by the Supreme Court, and the Dr. John L. Flateau Voting Rights and Elections Database of New York. The Brennan Center strongly supports the Executive Budget's appropriation of \$2.5 million to support the database, which will enable voters, lawmakers, and election administrators to make evidence-based decisions to ensure equitable voting access for New Yorkers.

We also support the Executive Budget's reappropriation of funds for the implementation of Automatic Voter Registration (AVR) and the Online Voter Registration (OVR) platform that will enable state agencies to easily enroll voters. The implementation of AVR at the DMV is now more than two years overdue. If properly implemented, AVR could result in an increase of as many as 1.1 million registered voters across the state, reducing a significant barrier to the ballot box. We urge you to ensure that the State Board of Elections has the funding it needs to implement this important reform as this Legislature intended when it passed AVR into law in 2020.

We applaud your continued efforts to strengthen New York's democracy. Providing ample funding for the state's transformative small donor public financing program, local boards of elections across the state, and vital voting reforms including the NY VRA and AVR, is essential to delivering on these achievements. This body should also pursue other democracy-strengthening initiatives without delay. That includes legislation that would begin the process to move city elections to even-numbered years; strengthen and supplement existing anti-intimidation laws by creating civil liability for individuals who intimidate election workers; and allow New York to join the Electronic Registration Information Center (ERIC).

The Brennan Center stands ready to be of service as the Legislature pursues commonsense reforms to empower New Yorkers to more meaningfully participate in the political process.