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COMMON CAUSE
Holding Power Accountable

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Reform Day 2006: Join Us!

On Tuesday, May 9th, New Yorkers from all across the state will converge on Albany to demand real reform of state government today. We hope that you will be one of them!



Letter from the Executive Director

Making Your Votes Count Before, During and After the Election

By: Rachel Leon

As the Abramoff scandal continues to rock the nation and make ethics a front burner issue in Washington, here in New York we are working to ensure that reform stays front and center for the upcoming 2006 elections.

This newsletter highlights our work on reform in recent months, all of it in service of our mission to make your vote count *before, during and after* elections.

Those of you who have been receiving our newsletter for years may notice some changes. In order to better communicate what we've been up to in all of the various arenas in which we work, we've redesigned our newsletter to make it clearer, fresher and more focused. We hope you like the new design – as we continue to improve it, we hope that you'll call or write us with your suggestions for further improvements.

The first section of the newsletter focuses on our efforts to make your votes count *before* elections. This effort includes our campaigns on issues like redistricting and campaign finance reform that help to level the playing field and make sure that elections are fair and competitive. Featured in this section is our new research examining the current state of campaign financing in

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New York and reforms we've proposed.

Also in the first section is an important update on our legal victory overturning the undemocratic method of selecting Supreme Court justices in our state - a concrete example of our efforts to ensure that voters have a real choice in elections!

The second section highlights our work to make your vote count *during* elections, including articles on our efforts to salvage the increasingly muddled implementation of new voting laws in our state, with an important update on the Department of Justice suing our state for non-compliance with the federal Help America Vote Act.

The final section looks at efforts we've undertaken to make sure your vote continues to count *after* elections. This section features our new ethics package, which seeks to strengthen our ethics laws to make elected officials accountable to you after you elect them!

As always, we've included some news on our office, including two sad goodbyes to our former Board Chair and a truly exceptional volunteer, as well as a welcome to two new Board Co-Chairs and a new employee. It's been an exciting, productive couple of months for us, and we hope you enjoy reading about them!

MAKING YOUR VOTE COUNT BEFORE THE ELECTION

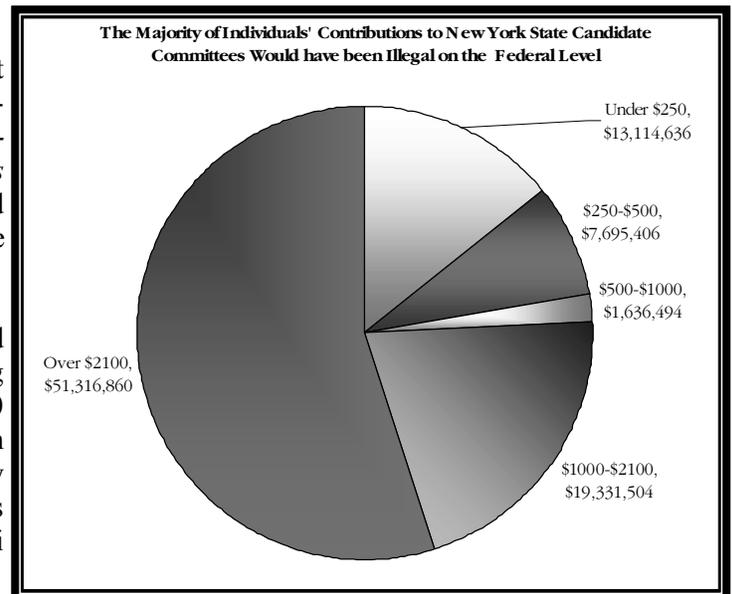
Learn More About CC/NY's Work to Make Your Vote Count Before You Go to the Polls!

CC/NY Releases New Report on NY's Deplorable Campaign Finance System

By Liam Arbetman

In early March, Common Cause/ NY released a new report that examines the state of New York State's campaign finance system. The report, *The \$2,100 Club: What New York State Campaigns Cost, How Much Those Costs are Rising and Who's Footing the Bill*, reinforces what many people already suspected to be true: that the campaign finance system in New York State is broken and in need of dramatic reform.

Successful electoral campaigns in New York are expensive and are getting more so. Adjusted for inflation, the cost of a winning gubernatorial campaign increased six fold since between 1990 and 2004. And the data suggests that this trend will continue in 2006. The leading gubernatorial fundraiser to date, Attorney General Eliot Spitzer, has both more money in bank and has spent more money as of January 15, 2006 than Governor Pataki had at the same point in 2002.



These high cost campaigns are being funded, in large part, by special interests and a small, elite group of New Yorkers. Common Cause/NY estimates that in the 2004 legislative election cycle, less than 1% of New York's adult population made a direct contribution to a candidate or party committee. Furthermore, those who do contribute give in amounts that are well outside of the means of the rest of us. 55% of the funds raised from individual donors come via checks written for more than \$2,100—the federal individual contribution limit!

As with many areas of government reform, New York is behind the times when it comes to campaign finance reform. Candidates for President, Senate and the House of Representatives may receive only \$2,100 per individual donor. They may also get an additional \$2,100 for a primary election, for a total of \$4,200. On the state level, candidates for Governor, State Senate and State Assembly can receive a total of \$50,100, \$13,900 and \$6,800, respectively, for the primary

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and general elections combined. That means that an individual can give almost twelve times more to a gubernatorial candidate than to a presidential contender! Additionally, an individual can give only \$25,000 to a national party committee but \$84,400 to a state party committee.

Individual contribution limits aren't the only area where New York State lags behind the federal government. In 2002, Congress acted to ban soft money on the federal level. However, soft money still is a hard reality in New York State politics. Since 1999, over \$47 million in soft money donations has been received by New York State party committees. During that same time period, fifty-six checks were written to party committees in amounts of \$100,000 or more!

Furthermore, New York State still allows direct corporate contributions. In contrast, both New York City and the federal government have acted to end the corrupting influence of these contributions. Even more troubling is the fact that while New York State has a \$5,000 limit on corporate contributions, each subsidiary of a corporation is subject its own separate limit, allowing some wily businesses to skirt the intent of the law by giving \$5,000 from each of their subsidiaries.

The combination of sky limits, legal loopholes and soft money allows some people to give tremendous amounts of money to state-level candidates. For example, real estate developer Leonard Litwin, his wife, his company, Glenwood Management and multiple parking garages owned by Litwin have together contributed \$841,280 to state-level campaigns. These funds have come via personal, corporate and soft money donations since 1999. Astonishingly, \$72,000 was donated through thirteen different corporate entities controlled by Mr. Litwin.

As candidates feel increasing pressure to raise more to run a successful campaign, individuals like Mr. Litwin grow in importance while the rest of us are pushed ever more to the sidelines of our democracy.

What Can be Done?: Reign in the Cost of Campaigns, Enact Public Financing

The rising cost of campaigns is driven mostly by the usual suspects - in 2002 the two greatest categories of expenses in the gubernatorial race were TV and radio ads - but our report also highlighted some *unusual* suspects. In the 2004 legislative elections, payments in the nebulous "other" category represented the single greatest expense for candidates.

This fact points to the pervasive practice of state-level candidates using their campaign funds for things that stretch the definition of "campaign expense" beyond any plausible limit. For example, we found that Senator Marty Connor spent over \$70,000 of his campaign funds on purchases related to a car that he also bought with campaign funds.

Your help is needed to reign in the costs of New York State elections and curb the influence of moneyed special interests. Please contact your legislators and tell them to support a ban on soft money, a reduction in New York's sky-high contribution limits, closure of the legal entities loophole, an end to fundraisers near the Capitol during the legislative session, improved disclosure and enforcement, a ban on candidates putting campaign contributions to personal use, *and, most importantly, public financing of elections.*

A Major Victory: Undemocratic Method of Selecting Supreme Court Justices Overturned

By: Megan Quattlebaum

On January 27th, U.S. District Judge John Gleeson ruled that it was unconstitutional for New York State Supreme Court judges to reach the ballot through nomination conventions, a system that county party leaders have long controlled with an iron fist to ensure their selections rise to the bench.

The Brennan Center for Justice at NYU School of Law, together with pro bono counsel, Arnold & Porter LLP, argued that New York's unique convention system – used by the political parties to select their judicial nominees – deprives New Yorkers of their right to cast a meaningful vote for trial court judges. Common Cause/NY was a plaintiff in the case.

In its decision, the Court enjoined the State from using the existing judicial convention system to nominate candidates for Supreme Court Justice. "Until the New York legislature enacts another electoral scheme," the Court ordered, "such nominations shall be made by primary election." The ruling granted voters relief from a system that gives party bosses virtually complete

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control over the selection process and is an election in name only.

At issue in the lawsuit was New York's uniquely closed judicial nominating conventions. Of the 33 states that elect judges to their trial courts of general jurisdiction in contestable elections, New York is the only one that nominates candidates through a convention system. The system effectively allows party leaders to handpick their party's nominees by controlling who becomes a delegate to the convention. The number of signatures that a prospective judicial candidate must obtain from every assembly district is so large that it is virtually impossible for anyone to collect them all without party support.

Under Gleeson's ruling, without a successful appeal, the State Legislature will either have to set parameters for a judicial primary or replace it with an alternate system. Subsequent to his ruling, however, the Judge issued a stay, which will allow the current system to stay in place for the upcoming elections. Gleeson made this move in response to arguments that there was not enough time to implement the ruling before the 2006 elections.

Gleeson wrote in a 77-page opinion that it had become impossible for judicial candidates to win a nomination without the support of major party bosses. And since a single party wins virtually every election in a given district, nominations are equivalent to appointments, undermining the constitutional democratic process, he wrote.

"Basically, voters were shut out. New York was the only state that did elections this way," said Rachel Leon, executive director of Common Cause NY, one of the good government groups that brought the suit. "I think the first thing we needed to do was get party bosses out of the leadership chair...Democracy was not being served by the current system."

Now, Common Cause/NY is actively advocating for the adoption by the legislature of a reworked system. This might take the shape of publicly financed judicial elections (ideally with the judicial district lines redrawn) or a form of merit selection for justices. Either way, this ruling provides New Yorkers will a new opening to help create a better, more democratic process for selecting Supreme Court Justices, and allows us to contemplate a system in which candidates can run without the blessing of party bosses and voters can have a meaningful voice in the selection process.



REFORM LOBBY DAY ARTICLE WILL CONTINUE HERE, INCL. PICS FROM LAST YEAR..

MAKING YOUR VOTE COUNT DURING THE ELECTION

Learn More About CC/NY's Work to Make Your Vote Count At the Polls!

The Election Reform Morass: Who's Looking out for the Voters?

By: Kathryn Kyle

As anticipated, the Department of Justice (DOJ) has filed a lawsuit against the State of New York for failure to comply with the Help America Vote Act (HAVA). In order to ensure that this lawsuit does not negate all of the prior progress made in terms of election reform, Common Cause/NY is intervening in the lawsuit with a number of other civic groups. Executive Director Rachel Leon states, "The important question now is not who to blame for the failure but how do we move forward in a way that is most helpful and least harmful to New York voters."

For years, Common Cause/NY and other civic groups have been criticizing our state for delays and dysfunction in implementing HAVA. Along the way, we won some important victories in state legislation, including a requirement that any new voting machine for our state be equipped with a voter verified paper audit trail and safeguards that will prevent our new statewide voter registration database from being used to disenfranchise voters.

As DOJ proceeds with legal action to force our state to comply with federal law, we worry that any agreement that the State Board of Elections makes with the Department may actually negate these and other victories by forcing our state to accept an untested and not fully accessible machine.

Common Cause/NY is taking action to help preserve the victories we've won and to defend the interests of our state's voters in this increasingly difficult situation. Our priorities, and those of the coalition of civic and disabilities groups of which we are a part, include securing the protections guaranteed to New Yorkers under current state law. We believe that it is also essential for the court to mandate that members of the disability, voting rights, security and language minority voting communities be given the right to monitor and sign on to any consent decree agreed to by the Board of Elections and DOJ or any order handed down by the court.

Additionally, we strongly feel that any relief granted by the court should provide for a uniform and equal voting system for voters across the state and any voting technologies selected must comply with the Election Assistance Commission's 2005 voting technology guidelines and provide voters with disabilities full access as mandated by the Americans with Disabilities Act. Any voting system introduced at the polls must satisfy strict security standards and this intervention should not cost New York their access to HAVA funds, which would further hinder efforts toward implementation.

The implementation of HAVA should ultimately serve to enhance democracy in our state, and it is important to recognize the importance of careful and public review of any implementation plan. In attempting to hasten implementation, it is unacceptable for the state to sacrifice security checks and access for citizens with disabilities and it is unacceptable for the state to move forward without an adequate degree of citizen input.

It is important to remember that HAVA is about the voters and their right to a secure and accessible means of voting. If this priority falls to the wayside as a result of the DOJ's lawsuit, a hastened or incomplete implementation would lead to the antithesis of what the original legislation intended, muffling the voices of the citizens of New York State.

MAKING YOUR VOTE COUNT AFTER THE ELECTION

Learn More About CC/NY's Work to Make Your Vote Count Once Elected Officials Are in Office!

Common Cause/NY and Other Civic Groups Advocate Ethics Overhaul

By: Megan Quattlebaum

Scandals surrounding the corrupt practices of lobbyist Jack Abramoff – who recently pleaded guilty to fraud, tax evasion, and conspiracy to bribe public officials – continue to rock Washington. Meanwhile, this year has already seen numerous reports of practices by New York State lawmakers that show the need for stricter ethics regulations.

In just a few examples, Common Cause/NY research showed that State Senator Marty Connor has spent over \$70,000 of his campaign funds on purchases related to a car that he also bought with campaign funds. It was publicly reported that State Senator and candidate for Lieutenant Governor David Patterson plans to use his campaign funds to reimburse a casino developer for a \$4,500 flight he took on the developer's private jet. And former Islip Town Supervisor Pete McGowan was forced to resign his post in the wake of a scandal surrounding his use of campaign funds to pay for such personal expenses as a trip to Ireland, gas for his boat, and more than \$5,000 for spa treatments and facials.

Clearly, ethics is at the top of the list of items that require immediate attention in our state. To that end, Common Cause/NY and other civic groups this year proposed a comprehensive package of reforms to hold our lawmakers accountable to the public that elected them.

Calling for a “radical overhaul” of New York State's ethics laws, a coalition of civic groups urged Governor Pataki and New York's legislative leaders to embrace a package of reforms unveiled on February 1, 2006. Common Cause/NY, the Brennan Center for Justice at NYU School of Law, the League of Women Voters/N.Y.S. and the New York Public Interest Research Group (NYPIRG) released an analysis of New York's laws regulating ethics and lobbying. The groups also proposed a reform package for New York based on reforms adopted by other states.

In a letter to the Governor and the leaders of both the Senate and Assembly, the groups urged action on their proposal to close numerous current loopholes, expand the reach of existing ethics rules without burdening public officials with needless paperwork, and strengthen ethics enforcement.

The proposal would: establish an independent state ethics commission with jurisdiction over statewide elected officials, state officers and employees, state legislators, and legislative employees; limit contributions from public contractors and lobbyists to end the “pay-to-play” practices of Albany; ban gifts to elected officials, state officers or employees, and candidates for those offices, with limited exceptions for *de minimis* items; and strengthen the ban on the use of campaign contributions for personal use, among other reforms.

Already, numerous editorial boards across the state – including the *New York Times*, *The Buffalo News*, *The Journal News* and *Newsday* – have echoed our call for ethics reforms to be a top priority this year. Furthermore, thousands of you, our members, took action online or via phone to let the chairs of the Senate and Assembly Ethics Committees as well as the legislative leaders know that ethics reform is a priority for New Yorkers. If you haven't yet taken this action, you can do so by visiting www.commoncause.org/reformnyethics.

Partially as a result of our efforts, we've seen some movement toward the enactment on a ban on gifts from lobbyists to lawmakers. The State Lobby Commission is considering tightening its rules regulating gifts, and lawmakers have expressed some interest in this proposal. Nevertheless, a gift ban is not enough – we need comprehensive ethics reform for our state!

For more information on how YOU can help to advance these new reforms or to read a full report on our state's inadequate ethics laws, please visit www.commoncause.org/ny today!

OTHER CC/NY NEWS

Welcomes, Farewells, and other Offices News

Common Cause/NY Welcomes New Board Co-Chairs



Common Cause/NY is extremely pleased to welcome our two recently elected Board Co-Chairs, Beth Hershenhart and Tom Bergdall. Tom and Beth bring wonderful new energy and vision as well as a wealth of experience to our organization.

Citizens have grown apathetic, and I think Common Cause can make a huge difference in getting people to take back their own government by advocating legislative change that opens up the process and encourages participation and involvement by citizens.

-Beth

Beth is the CEO of a campaign and communications consulting firm with offices in New York, Washington DC and San Francisco. She has been a part of the electoral and political process for over twenty years, serving as Director of the New York State Assembly Speaker's regional offices on Long Island, managing campaigns for local, statewide and national candidates, as well as serving as a volunteer for campaigns and policy issues. She is the former President of the Capital Region chapter of the National Women's Political Caucus.

Tom Bergdall is Senior Vice President and General Counsel for Health First Inc. Tom has extensive experience in govern-

ment, having served in various positions within the New York City Law Department's Office of the Corporation Counsel. He was assigned to serve as Executive Director of the Mayor's Management Advisory Task Force in 1991 and 1992, a public/private/labor blue ribbon panel charged to develop proposals for structural balance of New York City's budget. Tom also served as First Deputy Administrator; General Counsel and Deputy Commissioner of the New York City Human Resources Administration, Department of Social Services.



"More than ever before, the influence of corporate contributions, media concentration, and divisive partisanship is threatening the very concept of grassroots democracy. The challenge confronting Common Cause is to tackle these 'big issues' with creative strategies which are designed to win."

-Tom



Edna with Bill Clinton at the 2006 I Love an Ethical NY Awards Reception

Common Cause/NY Bids a Fond Farewell to Volunteer Edna Gooding

Staff at the Common Cause/NY bids a fond farewell to retiring volunteer office manager Edna Gooding.

Edna has been with Common Cause/NY for over 12 years and has served as a volunteer in many different capacities - most recently as a receptionist and helping with accounts. She will be remembered fondly by all for her cheerful and engaging personality. Always ready with an amusing anecdote, Edna brought a smile to the faces of everyone who passed through our doors. She plans to rest and spend more time with family and friends in her home state of South Carolina.

No words can express our gratitude to her for her years of devoted service and for the joy she brought to our hearts. Edna will forever be an integral part of our Common Cause family. She will be dearly missed!

Common Cause/NY Welcomes New Research Associate

CC/NY would like you to join us in welcoming a new addition to our team here in NY, Liam Arbetman. Liam began work with CC/NY in January as our new Research Associate. Before coming to CC/NY, Liam worked as Assistant to the Legislative Director and Office Manager at NYPIRG in Albany. While with NYPIRG, Liam co-authored over a half dozen reports on good government and consumer protection issues, organized lobby days in support of higher education funding and government reform legislation, and much more. Before that, he held two other positions also with NYPIRG.

We are very glad to have Liam joining our staff. You can already see the great results of his work by reading through the article on our new report on campaign finance in New York State!

Back page—will include cut out response form for reform day