

CAMPAIGN FINANCE REFORM AND ELECTION DAY REGISTRATION

Change the way electoral campaigns are funded and conducted

CAMPAIGN FINANCE REFORM

New York State's disgraceful system has long been criticized by independent researchers and the public at large. Indefensibly high contribution "limits," coupled with disgracefully inadequate disclosure requirements and nonexistent enforcement, create a system that cries out for change.

Action:

1. Lawmakers must pass comprehensive campaign finance reforms.
2. Allow new voters the opportunity to register and vote on Election Day.

Biggest problems with New York's campaign finance law.

1. **Soft money.** Unlike at the national level, New York State allows donations of an unlimited amount to "housekeeping" accounts.
2. **Sky-high campaign contribution limits.** Individuals are allowed to contribute \$84,400 annually to political parties; \$33,900 to statewide candidates for a general election (plus \$16,200 for a primary); \$8,500 to state senate candidates for a general election (plus \$5,400 for a primary); and \$3,400 to assembly candidates for a general election (plus \$3,400 for a primary). Candidates for President of the United States of America can only receive contributions of \$2,100 (and an additional \$2,100 for the primary).
3. **Transfers from one political committee to another.** On top of the sky-high contribution "limits," political parties are able to undermine existing contribution limits by transferring donations of unlimited size from their accounts to the candidates of their choice.
4. **Campaign fundraising during the legislative session.** Unlike 28 states, New York imposes no additional restrictions on campaign fundraising during the legislative session, nor does it impose any unique limitations on lobbyists' involvement in campaign activities.
5. **Limited disclosure.** Unlike federal law, contributors do not have to disclose the names of their employers or even the names of those who actually delivered the contributions (a.k.a. "bundlers").
6. **Poor enforcement.** New York State's Board of Elections is under-funded and limited by law in its ability to punish election law scofflaws.
7. **Use campaign contributions for "personal" uses.** New York's vague prohibition on the use of campaign funds for personal use has resulted in the use of such funds for non-campaign related expenditures like junkets, country club memberships, flowers, and leased cars. The law must be tightened to clearly prohibit such uses.
8. **Heavy reliance on special interests for elections funds and the extreme difficulties for challengers to raise money.** New York's combination of huge contribution limits and the commonplace practice of incumbents holding fundraisers near the Capitol during session promotes a heavy reliance on those with the financial resources to fund elections – typically special interests with business before government.

Recommendation: Enact comprehensive campaign finance reform. The Legislature and Governor should overhaul New York's existing campaign finance law to address all the problems listed above. At the very least, sky-high contribution limits need to be lowered dramatically, disclosure needs to be improved, and a voluntary system of public financing should be created. Public financing is the best way to achieve many desired goals of campaign finance law—reduce corruption, encourage greater voter and candidate participation, and increase the time candidates can spend interacting with voters and fulfilling official responsibilities. Numerous reform proposals have been introduced but have, for the most part, stagnated in legislative purgatory. Assembly Speaker Sheldon Silver has introduced legislation that would create a voluntary system of partial public financing modeled after the New York City system. However, that bill needs significant improvements and lacks a senate sponsor. Senate Minority Leader David Paterson and Assemblymember Felix Ortiz have introduced legislation that would create a system of full public financing, modeled after the successful programs used in Maine and Arizona and recently passed in Connecticut. Even Governor Pataki has a modest reform proposal that would fix many of the loopholes and reduce the sky-high contribution limits, though it fails to create any form of public financing. The Senate majority has failed to take any action to enact or even introduce legislation to improve campaign finance in New York. The Legislature and the Governor need to make campaign finance reform a priority and work together to pass effective legislation.

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ELECTION DAY REGISTRTAION

The Problem – New York State suffers from low voter turnout.

Historically, New York has had one of the worst voter turnouts of any state in the nation. In the recent 2004 election, a paltry 45.8% of the voting age population turned out at the polls – one of the five worst state turnouts. This turnout stands in stark contrast to the rest of the country. The national average voter turnout was 52.3%.

How Does Election Day Registration Help Voter Turnout?

Voters are most likely to “tune in” to candidates’ campaigns as Election Day nears. However, a state like New York requires that voters register no later than 25 days before an election. In the most recent election, the Presidential debates had not ended by New York’s registration deadline. So, just as some citizens become interested in an election and may wish to vote, they are prohibited from doing so due to New York’s voter registration deadline.

New York State is not alone with such a deadline, but according to a recent analysis, states with shorter registration deadlines tend to have higher voter turnouts than states with longer ones¹. And states that allow voters the option of registering and voting on Election Day tend to have the highest voter turnouts. States that allow Election Day Registration (EDR) averaged 69% turnout, while states without EDR averaged 51%.

How Would EDR Work In New York?

Under a proposal before the New York State legislature (A.1598 and A.6354), eligible citizens who are not registered would be allowed to register at polling places on Election Day. Once their identification is verified, the voter would be eligible to vote on the voting machine. If their identification cannot be verified, the individual can vote by affidavit or provisional ballot, pending later verification of their residency and eligibility to vote.

Do Other States Allow EDR?

Yes. The states of Idaho, Maine, Minnesota, New Hampshire, Wisconsin, and Wyoming allow voters the option of registering and voting on Election Day. As mentioned earlier, these states tend to have higher voter turnouts. In fact, Maine, Minnesota, New Hampshire and Wisconsin – all EDR states – had the nation’s highest turnouts in the 2004 election.

What Is The Likely Impact of EDR on New York State Elections?

There would likely be a higher voter turnout, particularly from first-time voters (those with the least voting experience). A recent report estimated that a system of EDR would increase voter registration and turnout, especially among young voters and traditionally disenfranchised populations². According to the report, under EDR, New York could see: state turnout rate increase by as much as 8.6 percentage points; a 12.3% increase in voter turnout by 18-25 year olds; an 11% increase in voter turnout by Latinos; and, an 8.7% increase for African Americans.

EDR would also dramatically reduce the number of paper ballots (affidavit and provisional) that are too often the source of controversy and litigation when determining the winners of tightly contested elections.

What About Voter Fraud?

There has been no evidence of serious problems in the states that currently allow EDR. In addition, under the legislation and under HAVA, voters would be required to present identification as part of the registration process.

¹ Liam Arbetmam, Miriam Kramer, Jose Vila, “Expanding the Franchise,” NYPIRG. April 2004

² R.M. Alvarez, J. Nagler, C. H. Wilson (2004), “Making Voting Easier: Election Day Registration in New York,” Demos: A Network for Ideas and Action. (<http://www.demos-usa.org/pub486.cfm>)