

**Testimony of
Nicole A. Gordon, Executive Director,
New York City Campaign Finance Board
July 21, 2003
before the New York City Charter Revision Commission**

My name is Nicole A. Gordon, and I am the Executive Director of the New York City Campaign Finance Board. I have been asked to provide you with some background on the Campaign Finance Program in New York City (the "Program") and to comment on proposals under consideration by the Charter Revision Commission (the "Commission" or "CRC") for non-partisan elections and how these elections might affect the successful administration of New York City's pioneer Campaign Finance Act. It is a pleasure to appear before this distinguished panel, which includes the former Chair of the Campaign Finance Board, Father Joseph O'Hare, and one of the other founding members of the Campaign Finance Board, Frank Macchiarola. Mr. Macchiarola was also the first Campaign Finance Board member to participate in the Program as a candidate for public office.

I would also like to thank Alan Gartner in particular for his courtesy as over the last few weeks he and I have exchanged information and thoughts on the issues before you.

At the outset, let me emphasize that the New York City Campaign Finance Board does not have and will not take a position on the wisdom of non-partisan elections for New York City per se. The Board does have a position about how non-partisan elections would affect the Campaign Finance Program, and the Board asks that you consider these carefully as you weigh the merits of any plan for non-partisan elections. In light of the City's record of success with the Program, the Board also asks that you proceed cautiously before putting before the voters any proposal that might threaten the Program's capacity to contain and equalize campaign spending.

The Board therefore welcomes this Commission's concern and the burden that it has taken on to "take care to ensure that a non-partisan system of elections, should it be adopted . . . , fully supports the City's Campaign Finance Program".¹

Consistent with this concern of the current Commission, it is noteworthy that every one of the Charter Revision Commissions convened since 1988 - - there have been five others - - has considered ballot questions that might implicate the operation of the New York City Campaign Finance Program. Not one of them adopted for possible public approval any change that could potentially weaken or undermine the Program's effectiveness

The Board's most pressing concern now is that non-partisan elections would open the door to unregulated "soft" money spending by political parties that would no longer be constrained by the provisions of state law or by the Board's rules.

I. Background/History

The voluntary Program, which applies to the offices of Mayor, Public Advocate, Comptroller, Borough President, and City Council member, offers candidates an opportunity to receive substantial public matching funds for small contributions received from New York City residents. In return, these candidates must abide by certain requirements which include:

- 1) Contribution limits;
- 2) Expenditure limits;
- 3) Detailed computerized disclosure of all campaign finance activity; and

4) Audit by the Board.

Matching funds are only available to those participants who also meet threshold requirements showing meaningful community support. The Program assists individual candidates, not parties.

It has contributed to the competitiveness and diversity of candidates for public office in New York City. For example, in 2001, during the most competitive races New York City has ever had, we saw as many as seven or eight candidates running in a single district and competitive campaigns in virtually every district for the primary and at every level of office.

As you know, the New York City Campaign Finance Act (the "Act") was enacted in the Administrative Code in February 1988, under the leadership of then-Mayor Edward I. Koch and then-Majority Leader, Peter F. Vallone. It consisted of a comprehensive program of campaign finance reform, including contribution limits, expenditure limits, detailed public disclosure of campaign finances, and the provision of public matching funds to qualified candidates choosing to join the voluntary Program. It was widely perceived even at that time as the most progressive campaign finance reform in the country.

This legislation was largely a response to the municipal scandals of the 1980's, and the Campaign Finance Act was one of several ethics-in-government initiatives at the time. At first, Mayor Koch sought State legislation to provide for local campaign finance reform. When that effort failed, the City obtained an opinion from the Corporation Counsel and the State Attorney General that the City had the authority to enact an optional local campaign finance reform, and the legislation was thereafter passed by the City Council. The fact that New York City must operate against the backdrop of State Election Law as well as federal constitutional law has

¹ Letter of Alan Gartner to Nicole A. Gordon, July 9, 2003.

important implications and places heavy burdens on the local law (and is relevant to how the Program might operate in the context of non-partisan elections). This fact also places significant burdens on the Charter Revision Commission. The Commission's jurisdictional reach may not extend to the state or federal provisions that pose the greatest challenges to crafting a non-partisan system that protects the integrity of the Campaign Finance Program.

In Buckley v. Valeo, 424 U.S. 1 (1976), the Supreme Court held that government cannot impose expenditure limits on campaigns without providing a benefit -- like public matching funds -- to campaigns in return for their undertaking to give up First Amendment rights to spend limitlessly. Hence, New York City's reform, like all similar programs in the United States, operates as a voluntary system.

The Ravitch Commission in 1988 concluded that the Charter should be reserved for general guidelines as opposed to specifics in its treatment of campaign finance reform. The Ravitch Commission proposal was restricted to the following: (1) it elevated the Campaign Finance Board to a Charter agency, an important step to enhance its status and independence; (2) it charged that the Board must operate in a strictly non-partisan manner; (3) it repeated items taken from the local Act, defining the Board and its structure and powers but leaving to local law the determination of the detailed requirements of "any voluntary system of campaign finance reform"; (4) it included provisions to protect the integrity of the Public Fund from which matching amounts are disbursed to candidates; and (5) it added an important mandate to those already created under the Act: a voter education mandate including publication of the Voter Guide.

It is important to note that the Ravitch Commission provisions, which were approved by

almost 80% of those voting in November 1988, included nothing inconsistent with the details of the voluntary system as passed by the New York City Council.

In 1989, there were additional Charter amendments that affected the Campaign Finance Program, all of them supported by the Campaign Finance Board. These were primarily technical changes.

Charter Revision Commissions in 1998, 1999, 2001, and 2002 considered a number of Charter amendments that concerned the Campaign Finance Program. Several of these Commissions considered repeat issues, including non-partisan elections, assuring adequate funding for the Program, the roles of the Public Advocate and borough presidents, the line of mayoral succession, and special elections to fill mayoral vacancies.

Against this backdrop, the practical results of the Program over the last fifteen years have been, generally speaking, gratifying. New York City's Program is the acknowledged leader in the nation among operating local reforms, and is recognized as such by editorial boards and practitioners in the field around the country. The comprehensive approach of the Program has resulted in:

- a) effective limits on contributions, particularly as compared with State law;
- b) meaningful restraints on spending, contributing to level playing fields in competitive races and to far more competitive elections than had been experienced before the Program went into effect;
- c) unprecedented, accurate, computerized disclosure of campaign finance information as well as information about candidates through the Voter Guide and

mandatory debates, for the public and the press;

d) an opportunity, for candidates who are not wealthy, do not have wealthy contributors, and who might otherwise not have had that opportunity, to run meaningful campaigns with the help of public matching funds. This is also a mechanism that effectively levels the playing field among serious candidates, and was clearly successful in the very competitive 2001 elections; and

e) an opportunity for small contributors, with the aid of the \$4-to-\$1 matching formula, to participate meaningfully in local campaigns. In 2001, we saw almost a doubling of the number of contributors to local campaigns.

Of course, the Program is not a complete answer to every concern about our political system or even our campaign finance system. It requires continued review. The Board is acutely aware of this from its almost 15 years of extensive data analysis, formal and informal communications with candidates, including surveys and hearings, and an appreciation of the intricacy and wide range of items brought to its attention through the experiences of day-to-day administration of the Program.

II. Non-Partisan Elections

The Board has considered how the CRC staff's proposal on non-partisan elections might affect the Campaign Finance Program, and it is in the area of political party spending that we would raise the greatest concerns.

The Board has no position on any aspects of Charter Revision other than those relating to the Campaign Finance Program. With respect to campaign financing, the Board is raising some

questions that would have ramifications for the Campaign Finance Program and is offering information that may be relevant to the Charter Revision Commission. The questions the Board has attempted to answer include:

- Will non-partisan elections open the door to unregulated “soft” money spending by parties inconsistent with the Program’s goals?
- What is the evidence in New York City (and other jurisdictions) that this might happen?
- To what degree will the Charter Revision Commission’s goals of greater candidate and voter participation, including minority participation, be implicated if the effectiveness of the Campaign Finance Program is altered by non-partisan elections?
- What costs and other implications arise for Campaign Finance Act mandates, including the Voter Guide and Debates?

A. "Soft" Money in New York City

The Campaign Finance Act subjects political party spending on behalf of participating candidates to the same contribution limits that apply to other contributors.² The Board first addressed this subject formally in a 1991 advisory opinion, which concluded that a party organization's expenditures on behalf of a party nominee who is a Program participant (as opposed to generic party-building expenditures) were presumptively subject to the Act's contribution and spending limits. The conclusions reached in that early opinion were critical in

² Volunteer work whether through a party or otherwise is not considered a contribution to campaigns.

facilitating the subsequent expeditious resolution of a complaint in 1993 that a mayoral campaign had received a large in-kind contribution from a State party organization.

After the 1993 election experience, the Board studied the issue of the role of political party spending in the City elections covered by the Campaign Finance Act and published a paper entitled Party Favors in 1995. This paper recommended a number of changes, particularly in State Election Law, which have never been enacted and which the Board continues to support. These include substantial reductions in contribution limits for giving to political parties and much more detailed disclosure and accounting by parties for their expenditures generally and particularly their spending on local candidates. I hope you will refer to our paper on Party Favors for the details of the Board's findings and conclusions.

The Board has not over the years made any recommendations entailing additional City legislation or Charter amendments with respect to political parties, because it is State Election Law, not City legislation or the City Charter, that governs fundraising and spending by political parties. Under the current party primary system, the parties are prohibited by State law from spending to support specific candidates during the primary period. (See New York State Election Law ' 2-126.) In contrast, the Supreme Court has ruled that parties have a constitutional right to endorse (and thus presumably to spend for) candidates in non-partisan elections. (See Eu v. San Francisco County Democratic Central Committee, 489 U.S. 214 (1989).) It would thus appear that non-partisan primary elections could open the door to unlimited party spending during the primary period, when it is now prohibited. Indeed, non-partisan primaries would create a strong incentive for parties to spend heavily in the primary period to guarantee representation for the party - - although not denominated as such - - on the general election ballot.

The Board has already adopted regulations, in light of Supreme Court rulings recognizing broad First Amendment protections for parties, that go about as far as the Board believes is constitutionally appropriate to restrict party spending during the general election period within the confines of the New York City Campaign Finance Program. These regulations presume that political party spending on behalf of the party's nominee is the equivalent of spending by the nominee and therefore counts against the nominee's spending limit. The Board's rules place the burden on the candidate to show that candidate-specific political party spending should not be charged as a contribution to and expenditure by the candidate. To date, these regulations, together with other factors, appear to have restrained political party activity in local elections to a high degree. At least, the Board received no complaints during the 2001 or 1997 elections regarding political party spending.

The most notable instance of party spending in an election under the Program was raised in 1993 - - that is, Democratic party spending specifically supporting the Dinkins campaign. A complaint was filed, and the Board heard arguments, but the matter was mooted when the Dinkins campaign reimbursed the Democratic party for the questioned spending, which was valued at about \$250,000. A claim that Republican party spending was undertaken on behalf of the Giuliani campaign in 1993 also led to a reimbursement of the Republican Party by the Giuliani campaign.³ We saw with these cases that there is an incentive for political parties to spend on behalf of their nominees and that they will (understandably) attempt to do so outside

³ We looked at the 11 non-partisan special elections for City Council that have been conducted since 1990 to learn whether party spending had any significant role. We are unaware of what role party spending might have played in these elections. No complaints about party spending were received for these elections. The party spending that has been attempted and that we are institutionally aware of in New York City to date has occurred almost entirely at the mayoral level. In Los Angeles, discussed below, there has been significant party spending on mayoral and on

the reach of the New York City Campaign Finance Program.

With respect to the general election period, non-partisan general elections could make it more difficult -- if not impossible -- for the Board to enforce its current regulations under which inquiry into "soft money" issues is triggered by party spending in the general election period for the candidate who is the party nominee. The Board's presumption that party spending during the general election on behalf of the party's nominee is not independent has a basis both in fact and in theory. Whether such a presumption could withstand challenge in a non-partisan election context is an open question (at best).⁴ These are matters of serious concern not only because unregulated party spending would tilt the "level playing field" created by the Program's expenditure limits, but also because State Law contribution limits for the parties are extraordinarily lax, and disclosure of party spending even more so. Rather than controlling "soft money" in the form of party spending, it seems likely that non-partisan elections could lead both to significant political party spending, and to contributions to local candidates that are effectively funneled through the parties. This raises questions for the Charter Revision Commission:

(1) How can the Charter limit or control party spending on behalf of candidates participating in the New York City Program consistent with State law?

(2) Can Charter Revision Commission changes be conditioned on State law changes in contribution limits to parties?

Where now the party organizations play a role largely through offering up volunteers, a network, and expertise in petitioning and ballot access, the question arises whether the

Council races.

⁴ As far as we are aware, no jurisdiction that has non-partisan elections has attempted to presume a link between party spending and the party's nominees' spending for purposes of compliance with a matching funds program.

opportunity to support candidates monetarily would overwhelm the other forms of assistance. In fact, ironically, if non-partisan elections are adopted and party spending is no longer restrained by the State law governing partisan primaries or by the Board's presumption in the general election, the parties could wield more - - rather than less - - influence over elections, at least through spending.

The only obvious responses we see to "independent" party spending would be lifting expenditure limits when "independent" party expenditures rise to a certain level or giving more in public funds to the candidate against whom the spending is directed. In Los Angeles, lifting of expenditure limits in response to independent spending has now become so routine that the Los Angeles campaign finance program is severely compromised. Lifting the spending limits also carries with it many difficulties, such as leaving the Board to determine when an "independent" expenditure is sufficiently clearly directed against a candidate that the candidate's spending limit should be lifted. Making more public funds available would be an alternative that, of course, comes with an unidentifiable additional cost to the public, and more importantly, often does not fully address the possible imbalances. (In some cases, for example, the independent spending has come too late in the election cycle - - sometimes just a day or two before the election - - to permit public funds to be distributed in time to redress the imbalance.)

Finally, the Supreme Court has before it the McCain-Feingold legislation. It is believed by many that, if the restrictions on soft money spending contained in McCain-Feingold are upheld, the soft money that to date has gone to federal campaigns will now find its way to state and local parties. Thus, the state parties in New York and the other states may well be beneficiaries of the tightening of federal rules, yielding more soft money for the state parties that in turn will affect local races.

Our Board has not identified viable mechanisms under the First Amendment to control party spending in a non-partisan context, nor does the Charter Revision Commission's staff report address this. Thus, a question for the Commission is: **How might Charter Revision address party spending consistent with the First Amendment?**

B. The Los Angeles Experience

Los Angeles is the one jurisdiction that has non-partisan elections and a campaign finance program that is of even remotely comparable size to New York City's. The differences between New York City, with its long history and culture of partisan politics, its vigorous Campaign Finance Program, its large population, and the details of its form of local government, makes comparisons with other jurisdictions very difficult.⁵ Nonetheless, for what it is worth, the experience of Los Angeles confirms that in a context of non-partisan elections, party "soft" money will appear—at times in substantial sums.

⁵ Los Angeles has had non-partisan elections for almost 100 years. It has had a campaign finance system in place since 1990. Historically, the parties have played a minor role in Los Angeles elections, unlike the case in New York City. In two recent elections, nonetheless, uncontrolled "soft" party money played a role in Los Angeles that by New York City standards is significant. In 1993, the Democratic party spent approximately \$200,000 on behalf of a mayoral candidate, or about 65% of all independent spending that year for all offices. In 2001, the Democratic party spent \$535,000 on the mayoral election. An additional \$100,000 went to other candidates from the Democratic party.

The current experience in Los Angeles is also different from that of New York in that Los Angeles has experienced significant independent spending, which has not been present to the same degree in New York City.

Moreover, independent spending generally in Los Angeles has threatened the integrity of the Los Angeles system. Some independent spending does occur in New York City. (See "A Statute of Liberty: How New York City's Campaign Finance Law is Changing the Face of Local Elections," Center for Governmental Studies report, 2003, pp. 42-50. It is not quantified, not well understood, and the extent of it is probably not so great, given the small numbers of candidates who have complained about it to the Board. (The term "independent spending" is also sometimes erroneously applied to volunteer work, which does not count toward contribution or expenditure limits.)

The increase in independent expenditures in Los Angeles has filtered down into the races for City Council and other citywide offices. In 1999 and 2001, independent expenditures exceeding \$50,000 in support of Los Angeles City Council candidates lifted the expenditure limits for four races. Since 1993, independent spending on Council races in Los Angeles has risen steadily, and in recent years rapidly. Independent expenditures have risen from just over \$15,000 in the 1993 Council races to nearly \$470,000 in 2001. About one-sixth of all independent expenditures in Los Angeles are now on behalf of City Council candidates. "Eleven Years of Reform: Many Successes, More to be Done," Center for Governmental Studies report, 2001, pp. 12-13.

It is worth noting that in Los Angeles, parties must file disclosure statements with the Los Angeles Ethics Commission, which administers the Los Angeles program. So at least the Los Angeles voter can track party spending “on line”. In New York City, we have no jurisdiction to require the political party committees to file disclosure statements with the Campaign Finance Board. If party spending is not linked (as it is now by Board rule) with a party nominee, candidates will have no recourse from the Board. As a result, the public will not easily find out what political parties might be spending on behalf of local candidates.

A question for the Charter Revision Commission, in this context, is:

Can the Charter require disclosure by the parties of spending on behalf of local candidates?

C. Other Jurisdictions

We looked at the six other jurisdictions that the CRC staff identified as having both non-partisan elections and campaign finance programs. We found a pattern of unregulated and often undisclosed independent spending, some unidentified portion of which was party spending. There is insufficient data to determine what impact independent spending has on campaign financing at this time. We concluded that no meaningful information could be gleaned from this exercise.

D. Charter Revision/Campaign Finance Goals.

Among the goals the Charter Revision Commission is addressing are candidate and voter participation, including minority participation. The Campaign Finance Program’s goals and the

goals of the Charter Revision Commission described in the staff report coincide. The Campaign Finance Program has been successful in furthering these goals.

Since the Program first went into effect in 1988 - - in the context of partisan elections - - New York City has seen:

- Its first black mayor, black Comptroller, and black female borough president of Queens
- a Republican mayor who was elected twice as a participant in the Program
- its first Dominican, Caribbean-American, and Asian-American City Council members
- continued minority and female representation at all levels of office
- two incumbent mayors who were unseated by challengers where both the mayors and their challengers were Program participants
- vigorous competition among candidates at all levels of office, including among minority and immigrant groups, such as the Russian community in Brooklyn.

The combined effects of term limits and a new generous matching rate spurred unparalleled activity in the 2001 elections. In 2001, 353 candidates joined the New York City Campaign Finance Program to run for office. Approximately \$42 million was disbursed to about 200 candidates who ran vigorous campaigns. The number of contributors to campaigns - - a proxy for involved voters - - doubled for the 2001 elections. I refer you to the Board's post-election report, "An Election Interrupted . . . An Election Transformed", for a full description of the 2001 campaigns under the Program.

Studies we are aware of, as well as anecdotal evidence, show significant, increased

minority representation in New York City government since 1988.⁶ A number of factors, including the Charter Revision of 1989 and New York City's changing demographics, have clearly contributed to these results, but certainly the existence of the Program was a major influence. It seems, then, that the Program has substantially furthered the goals described by the Charter Revision Commission. A question for the Commission is: **Will the Program's record of success in helping to increase candidate and contributor participation be maintained if the election structure is altered?**

F. Other Possible Effects of CRC Staff Recommendations

Other issues raised by the Charter Revision Commission staff report are not of central concern in the way that the issue of party spending is. But the Board notes the following for the record:

1. Costs

The prospect of non-partisan elections raises many possible scenarios, any of which might move the costs of the Program in different directions. It is virtually certain that the "bonus" situation⁷ will be triggered more frequently and will affect more candidates than under the current system. For example, if the 2001 mayoral election had been run as a nonpartisan election (with the same candidates), the increased cost in public funds paid for the mayoral race alone would have been over \$2 million, because the bonus would have been triggered for additional candidates in a non-partisan primary. At the same time, limiting the general election

⁶ See, for example "Funding Our Own Democracy: A Study of the Effects of Public Funding on Minority Candidates and Voters", by Hector J. Preciado, Academy Fellow Greenlining Institute, Summer 2002, at pp. 1, 15-17; "A Statute of Liberty: How New York City's Campaign Finance Law is Changing the Face of Local Elections", by Paul S. Ryan, Political Reform Project Director, Center for Governmental Studies, 2003 at pp. 18-21; Anecdotal information from candidates and from organizations such as ACORN, Citizen Action of New York, and the Working Families Party, confirm that minority candidates have been very much assisted by the Campaign Finance Program. See also "An Election Interrupted", at pp. 11-18.

⁷ A "bonus" situation occurs when candidates who participate in the Program are faced by high-spending non-participants. When this happens, participants can receive more in public matching funds and have their expenditure limits lifted.

to only two candidates would not appreciably decrease the cost of the Program because in most instances only two candidates receive public funds for the general election in the current partisan system.

2. Voter Guide

The staff recommendations raise several issues that would implicate the production, cost, and usefulness of the Voter Guide.

October Primary: An October date for the nonpartisan primary would be too late for producing and mailing a subsequent Guide (no matter what the format) that contained accurate information about candidates advancing to the general election. Currently, the general election Voter Guide goes to the printer approximately one week after the primary election in September. Even then, the general election Guide must include all the candidates for some primary races that are too close to call as of the printing deadline, when the Board of Elections has not been able to certify results quickly. An October date would not permit the general election Guides both to reflect October primary election results and to arrive at voters' homes before the general election.

Mailing a "postcard" indicating primary election winners rather than a full-scale Voter

Guide: Although common sense would suggest that it is less expensive to mail a postcard than a booklet, this turns out not to be the case. Standard A mail, used to mail the Voter Guide, applies the same rate to a postcard as it does to the pamphlet we currently produce. A switch to First Class mail would drive the cost of postage up. Only the cost of printing would decrease. Savings from printing postcards would be more than offset by the costs of mailing the primary election Guide to an additional 800,000 households having voters eligible to vote in a non-partisan primary. In addition, the Board is mandated to produce a Voter Guide covering local ballot

proposals. For six of the last seven years, one or more local ballot proposals have triggered production of the Voter Guide even in so-called “off years” in which there are no scheduled municipal office races. Thus, the Board may with some frequency be obligated to produce a “traditional” Guide for the general election even with non-partisan elections, separate from the proposed postcard mailing after the primary election. This would result in a net increase of approximately \$1.3 million over current costs.

More Information, Not Less: The goal of the Voter Guide is voter education. A major change in the election process strongly suggests a need for more voter education, not less. It is unlikely that voters, even those accustomed to primary voting, will retain a pamphlet received in September or October to refresh their memories in November about the candidates and the issues.

First Amendment Issues: The Commission’s staff’s report recommends for consideration the removal of all party references in Voter Guide statements. A ban on party references would be difficult to administer and almost certainly subject to legal challenge under the First Amendment. The Board does not now edit candidate submissions, many of which contain references to party affiliation, party office, or political club participation. Were the Board to take on the task of editing out all references to party affiliation, or of working with candidates to “correct” their submissions, the Guide would likely be delayed and undoubtedly the costs of producing it would rise. Regardless what approach the Board undertook to meet such a prohibition on candidates’ statements, the rejection of these statements due to party references would raise serious First Amendment concerns and would certainly be challenged.

3. Date of Primary

The Board has always favored an earlier primary and has recommended a June primary. For purposes both of giving out public funding that will be meaningful for the candidates and getting information to the voters, the Board has supported a longer, not shorter, period for the General Election campaign.

4. Changes throughout the Campaign Finance Act

A change to non-partisan elections or a change in the date of the primary election would also have technical implications for many provisions of the Campaign Finance Act. These changes also raise policy questions. What contribution limits should apply? Should public funds be offered on a different basis, such as flat grants? Would the Act's expenditure limits make sense for a new structure or for a shortened general election period? How would disclosure statement deadlines coincide with State law requirements? These and other questions would have to be addressed after any Charter change to ensure that the Program's requirements are appropriate.

5. Debates

The Debate Law would not easily accommodate a non-partisan election structure for the primary period. The debate program in Los Angeles has been acknowledged even by the agency that oversees that program to be essentially unworkable because of the large numbers of candidates. See The Debate Debate.⁸ Even now, in the context of partisan elections, the numbers of "marginal" candidates included in the debates have diminished the value of an otherwise valuable program, and of course as the numbers increase, the harder it becomes to conduct a manageable debate (or to apply objective criteria to limit the numbers of those included in the debates).

The Board looks forward to continued discussion and examination of the questions whether and how non-partisan elections can be structured in a manner that fully supports the City's Campaign Finance Program.

Finally, the Board has asked that I leave you with the following thought. We in New York City have been fortunate to have in place a Campaign Finance Program that has served as a model for other jurisdictions. This Program has been widely recognized to be the most progressive, effective, working program in the country and very likely will remain at the forefront for the foreseeable future. The Board's message, as it has been in the past, is: First, do no harm. Even well-intentioned efforts can, unwittingly, undo good that has already been established. Therefore we urge you to study carefully all the potential harmful effects that changes in the structure of New York City elections might have on the Campaign Finance Program.

We thank you for considering the matters raised by the Board as you evaluate the desirability and effectiveness of possible Charter revision as it affects campaign finance reform.

⁸ The Debate Debate, New York City Campaign Finance Board report, 1994.