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Joseph P. Parkes, S.J.
Chairman
NYC Campaign Finance Board
40 Rector Street, 6th Floor
New York, NY 10006

Dear Chairman Parkes,

The following is testimony given by Alex Zablocki, former candidate for NYC Public Advocate, on December 1, 2009, at the Post-Election Hearing. Please include these remarks in the official record:

Good afternoon. My name is Alex Zablocki and this past election cycle I had the honor of running for Public Advocate on the Republican line. Before I begin, I would like to thank the Campaign Finance Board, including the chair, board members and the staff, for holding this hearing today. While I truly believe we have one of the best campaign finance programs in the country, I am here today to discuss what I experienced during my 16-month run for New York City Public Advocate and suggest ways to make our campaign finance program even better.

This past election cycle my campaign spent roughly \$19,000, raised in small contributions from a little over 200 individuals and I did not receive matching funds. I consider this a great accomplishment for myself and my team, especially since I ran a citywide race with a registration edge against me of 6 to 1. Compared to the winner of the Democratic run-off, Bill de Blasio, I was directly outspent \$215-to-\$1. Certainly, this was inequitable. In the race for Public Advocate, \$11 million was spent in total, \$6 million in public funds and I received roughly 156,000 votes, or 17%, in the general election.

While I tried to raise enough money to meet the matching threshold, I chose to focus on meeting voters instead. The monumental task of raising \$125,000 in small contributions as a first time candidate seemed nearly impossible, especially as a Republican in a Democratic city, and I felt that if I focused all my time on fundraising, I wouldn't be focusing on the voters and issues. What further led me to this choice was the fact that small contributions, and even my own contribution, would be continuously flagged by the auditors at the CFB. For instance, a contribution I gave in my own name, in the form of a check, was bounced back to the campaign because the photocopy was said not to be dark enough though we contested it to be clearly legible. In another instance, myself and my treasurer were told that a contribution card that was filled out for \$40 appeared to be filled out in two different pens. Though we disagreed, we had this corrected twice and continually it was bounced back, for months, until we finally made the contribution "unmatched" and we weren't questioned again. Often times, we felt that "pen strokes" and differences in handwriting caused contribution cards to get questioned. Running a citywide campaign is hard enough but to keep going back to contributors to have cards resigned

for small \$10 or \$20 contributions, didn't make sense and we quickly found it easier to focus our efforts elsewhere. Furthermore, the comment codes given by the CFB are vague and often times we found ourselves on the phone with our auditor or liaison to get further explanation as to why a contribution was being questioned. This was discouraging to our fundraising operation. While the auditors at the CFB are just doing their job the **first suggestion I would make is that the auditors be required to give a detailed explanation as to why a contribution is being questioned** so that a campaign doesn't have to call the CFB about each questioned contribution.

Secondly, in order to qualify for matching funds for Public Advocate, a minimum of 500 contributions are required at \$175 each, from donors within New York City and a total of \$125,000 must be raised. While I do believe the requirement of 500 individual contributions at \$175 is fair, the total amount raised, at \$125,000, should have been lowered to reflect the new maximum matching contribution set by the City Council a few years ago. 500 contributors at \$250 each would equal \$125,000, but it would take a minimum of 715 individual contributions, at the maximum of \$175, to reach \$125,000. This \$125,000 limit is also used to determine eligibility to debate, which I will discuss later. I believe that the office of Public Advocate is unique; it should attract more candidates that aren't established politicians and could be first time candidates. \$125,000 is a limit that is set too high for candidates like myself and when the law was changed increasing matching funds and lowering the maximum match per contribution, the threshold on total fundraising should have been lowered as well. **The campaign finance law should be amended to lower the minimum threshold to receive matching funds, to the amount of \$87,500, for Public Advocate** (500 contributors multiplied by \$175). Lowering this limit will allow more candidates, like myself, to receive matching funds and compete against well financed, established elected officials that have met the higher thresholds in the past. Making elections more competitive should be the goal with any reforms at the CFB.

Thirdly, I have great concern over a law (Intro 564) that was passed in the City Council in 2005. This law exempts unions from the same affiliation standards as corporate contributions. As you are aware, corporate, partnership and LLC contributions are prohibited under campaign finance law, but unions and PAC's are not held to the same standard. This law should have never passed. Therefore, in order to level the playing field among all candidates and reduce the amount of special interest money in city elections, **I suggest the campaign finance law be amended to prohibit all contributions from organizations, including union and PAC money, from the campaigning finance program.**

Fourthly, in 2004, the City Council passed Intro 124-A, after Mayor Michael Bloomberg vetoed the legislation, which dramatically changed the structure of the campaign finance law. While many of these reforms are warranted, I do believe the action of the City Council helped lead to lower turnout at the polls and less debate over this past election. While it didn't affect me directly, Intro 124-A eliminated one of the two required citywide run-off debates. Since the inception of the Campaign Finance program, the CFB had required two debates for citywide office if there was a run-off. I firmly believe that one debate is not enough, especially after millions of dollars in public money is used to fund these run-offs, not only through matching funds but also the Board of Elections. Further proof that more debate was needed was the fact that only 6-7% of eligible voters exercised their right to vote in the run-off. Former candidate for Public Advocate, Mark Green, commented to the Daily News that with such low voter turnout, the election was more of a "private selection" than a "popular election" and he was right. Debate was stifled during the run-off and **the Campaign Finance Board should push to require two mandatory debates in any run-off scenario.** Secondly, Intro 124-A placed a financial requirement on debates. Elections are all about debate; debate equals democracy. Placing a financial requirement on debate goes against everything the campaign finance program is about. Since inception, the campaign finance program in New York City did not require a certain

amount of money to be raised or spent in order to participate in the first mandatory citywide debate. However, in 2004, the City Council changed that, placing a requirement of \$25,000 to be raised and spent (20% of the minimum threshold for matching funds) by a candidate in order to participate in the first debate for Public Advocate. At the time it was argued that this would strengthen the debate program by including only the most qualified candidates, but as we saw this past election cycle, it eliminated debate. If the threshold limits are decreased to \$87,500, as suggested above, then the new requirement to debate would be \$17,500 – and I would have qualified. While this will open the debate program to more candidates, I don't believe it is the right approach. The real test qualifying a legitimate candidate is the fact that they make it on the ballot and stay on the ballot. For instance, my campaign filed 30,000 petition signatures qualifying my candidacy, nearly 10,000 more than Mayor Bloomberg filed. Doesn't that qualify me as a legitimate candidate? While Bill de Blasio appeared in three televised debates and used public money to run television commercials, I was denied the same right. **The law (§ 3-709.5) must be amended; money should not dictate whether or not someone is a qualified candidate. If the CFB does believe the first required debate should have a requirement to participate, new regulations should look at a candidates party support, petition signatures and fundraising. I will state for the record, however, that I believe that current law should be repealed and all candidates should be allowed to participate in debate, with no requirements other than being a candidate. We must end the entry fee required to debate.**

Fifthly, I would like the Board to consider an amendment to the campaign finance law that would prohibit a campaign from using public funds to pay for violations issued by any government entity. One specific example were the actions by the committee "Friends of Bill de Blasio – 2009", which, from September 12, 2009 to September 25, 2009, received eight parking violations. On October 8, 2009, the committee used campaign funds, possibly taxpayer money, to pay \$380 for parking violations to the NYC Department of Finance, as the table shows below:

INV. DATE	DATE	NAME	AMOUNT	EXPLAIN
09/12/2009	10/08/2009	NYC Department of Finance	\$92	parking ticket
09/16/2009	10/08/2009	NYC Department of Finance	\$77	parking ticket
09/30/2009	10/08/2009	NYC Department of Finance	\$45	parking ticket
09/28/2009	10/08/2009	NYC Department of Finance	\$42	parking ticket
09/29/2009	10/08/2009	NYC Department of Finance	\$34	parking ticket
09/29/2009	10/08/2009	NYC Department of Finance	\$34	parking ticket
09/24/2009	10/08/2009	NYC Department of Finance	\$29	parking ticket
09/25/2009	10/08/2009	NYC Department of Finance	\$29	parking ticket
			\$380	

While this may be legal under current campaign finance law, it is wrong, and should stop immediately. We have all heard of the term, robbing from Peter to pay Paul – that is what is going on here. If a campaign is issued a violation, segregated money should be used to pay these violations or they should be paid personally. Taxpayer money should not be used to pay for ones illegal activity.

Finally, I would like the Campaign Finance Board to review the following suggestions as possible amendments to the campaign finance law in an effort to end "pay-to-play" politics:

1. Make it illegal for a campaign of any current elected official to accept contributions from directors, board members, officers or managers of any organization that has received over \$2,500 in City funds as a result of the efforts of the elected official (i.e. City Council discretionary money).
2. Make it illegal for directors, board members, officers or managers of any organization that has received over \$2,500 in City funds as a result of the efforts of any current elected official to act as an "intermediary," as defined by the NYC Campaign Finance Board, on behalf of said elected official's campaign.

3. Make it illegal for a campaign of any current elected official to accept contributions in excess of \$400 per election cycle from lobbyists hired by any organization that has received over \$2,500 in City funds as a result of the efforts of the elected official.

Over the next four years, the Campaign Finance Board should consider work closely with the Voter Assistance Commission to create a "Guide to Running for Office" and a non-profit, non-partisan, ballot access center. As we saw with the last elections, voter turnout and participation is the lowest in a generation. Both entities should work to make the Video Voter guide more equitable, showing videos of all candidates at all times, regardless of party affiliation and the Voter Guide should be printed in alphabetical order after the run-off to avoid confusion by voters.

As I stated when I started my testimony, I truly believe we have one of the best campaign finance programs in the country. This past election cycle has been one of the most rewarding experiences of my life. I know I spoke about ways we can make the campaign finance program work better today, but often times we don't talk about what works and why it works so well. The campaign finance program is a wonderful program and I would like to personally thank my liaison, Selene Mendoza, for her work and her guidance to my treasurer and myself over the past 16-months. I will take any questions.



Alex Zablocki
Former Candidate
NYC Public Advocate
Committee: Alex Zablocki for New York

Cc: Art Chang, Board Member
Richard J. Davis, Board Member
Katheryn C. Patterson, Board Member
Mark S. Piazza, Board Member