

**Supplemental Statement**  
**By Susan Lerner, Executive Director and Deanna Bitetti, Associate Director**  
**Common Cause/New York**  
**to the**  
**Campaign Finance Board of New York City**  
**Re: Charter Requirements for Disclosures of Independent Expenditures**

Common Cause/NY submits this additional testimony as a clarification of our position on the question of whether member to member communications should fall under reporting requirements for independent expenditures. Common Cause/NY does not believe that member to member communications should have to be disclosed as electioneering communications. We believe that member to member communications are to be encouraged. We are concerned with organized money and not organized people. We see it as a positive thing that people band together to develop positions on important public policy issues and convince others to support or oppose candidates or specific positions or legislation.

We support reporting and disclosure requirements for independent expenditures in order to help foster an informed electorate, not to limit the number of communications that attempt to influence voters. A persistent problem with independent expenditures is that frequently they are campaign communications, often backed by substantial resources that are designed to sway public opinion but not to provide voters with information to assess the credibility of the statements or arguments made, or to allow the targets of the attack a fair chance to respond.

We believe the first line of concern in addressing independent expenditures is to insure that their source is as transparent as possible, in order to allow voters to assess the credibility of the actual source of the claims made by the independent expenditure campaign. All too often, large independent expenditure campaigns are conducted in the name of an inoffensive committee, hiding the identity of the special interests bank-rolling the electioneering. Who wouldn't support Cute Puppies for My Favorite Cause Committee?

This is never a problem in member to member communications. Individuals who support NARAL Pro-Choice New York or the National Rifle Association, to cite arbitrarily chosen organizations that may or may not engage in electioneering, by becoming members are not confused as to the source of any communications about candidates or referenda they get from those organizations. In fact, they probably support those organizations in some part because of those activities. The same thing is true of member to member communications by unions, or by corporations to their shareholders. As dues paying members, union members are clearly not confused about who is communicating with them. In fact, union members who opt in to pay for their union dues to go towards political expenditures are in essence paying to have this information sent to them. Same thing goes for members of advocacy groups. Further, all union

and advocacy organization literature is generally already well branded and well labeled as coming from that particular committee or group.

Some local unions may have as many as 125,000 members, and could be a powerful force in influencing the outcome of elections. However we believe that the sheer numbers of individuals who receive a message does not automatically require that the communication should be reported as an independent expenditure. Common Cause/NY believes that a true democratic process actively encourages and welcomes the political participation of constituents and individuals, as all union members and members of advocacy organizations are, and is protected under the first amendment. The member recipients of the communications can judge for themselves how reliable and persuasive they are.

What Common Cause/NY is concerned about is that voters are provided with enough information about who is trying to influence them. Requiring reporting and disclosure of true independent expenditures increases the transparency in our city elections by providing voters with more information about persons and groups who spend money to influence the outcome of New York City elections in order that they can make informed decisions on who to vote for.

To this end, we believe that more than simply identifying the committee that pays for the expenditure is appropriate. We believe that all advertising and campaign literature disseminated by an independent expenditure committee should identify, by name, the three largest donors contributing \$25,000 or more to the committee. In this way, the public is assured that it knows the actual source of the communication.

Independent expenditures are problematic when they are communications that are heavily financed by unknown interests who use their financial power to warp our election discourse and prevent a multiplicity of reliable voices from being heard. Member to member communications simply do not provide such a threat.