



New York City Campaign Finance Board

40 Rector Street, 7th Floor, New York, NY 10006

tel. 212.306.7100 fax 212.306.7143

www.nyccfb.info info@nyccfb.info

Testimony of Amy Loprest Executive Director, New York City Campaign Finance Board

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Good afternoon, Chair Brewer and members of the committee. My name is Amy Loprest, Executive Director of the New York City Campaign Finance Board. With me today are Sue Ellen Dodell, General Counsel, and Eric Friedman, Director of External Affairs.

Thank you for the opportunity to testify here today. With a Presidential election approaching, the rules and mechanics of voting and election administration have given rise to heated discussion both in New York and across the nation. Several states have spent this year discussing and enacting legislation to restrict Americans' access to the ballot box. Some have rolled back hard-won early voting laws. Others have imposed new voter ID requirements.

That's why I'm so pleased we are here today discussing legislation that aims to make it easier for New Yorkers to vote, to provide them the information they need to participate in a meaningful way, and to embrace new technology that could further enhance the role of small-dollar contributors in City elections.

Voter education has always been a significant part of the CFB's mandate under the City Charter. The Board's responsibilities were expanded in 2010 to encompass a broader mission to "promote and encourage voter registration and voting by all residents of New York City who are eligible to vote." The Charter requires us to coordinate the activities of

City agencies in service of that mission, and it directs the CFB to monitor voter registration and voting in New York City.

A few of the bills you will consider today will have a direct impact on our work, and I'd like to focus on those.

Intro 769: Expanding the City's Voter Guide

Since the inception of the Campaign Finance Board, the Charter has required the CFB to print and mail a multi-lingual, non-partisan Voter Guide to every household with a registered voter. The Guide is published for each regularly scheduled City primary and general election, and it covers the same offices as the public matching funds program—City Council, borough president, comptroller, public advocate, and mayor—as well as City ballot proposals.

Every candidate, whether or not they seek public matching funds, can provide the CFB with basic information about their background and their platform. The Guide presents each candidate with the opportunity to speak with voters, free of charge, and it gives every voter access to basic information about their choices. We know that voters value the Guide—research conducted in 2004 found that nearly 70 percent of registered voters read the Guide, and 89 percent of respondents in a survey answered that the City should continue to publish the Guide.

We support efforts to expand access to information about candidates and elections. Still, it is important to note that this basic, important resource comes at a significant cost to the City. The Board mailed nearly 3 million Guides before the 2009 primary elections, and nearly 4.3 million before the general. With a new requirement to publish the Guide in a fifth language, we project the cost for designing, translating, printing, and mailing the Guides for the primary and general elections in 2013 will be nearly \$8 million.

If Intro 769 were to become law, New York's disjointed election calendar would require at least three city-wide Guides during even-numbered years: one for federal primaries in June, another for state primaries in September, and a third for the general election in November. Every four years, there would be a fourth Guide for New York's presidential primaries. In the general elections, these new Guides would cover the full range of elected officials on the ballot, from President of the United States on down to delegates for judicial conventions and partisan offices like district leader. This would require considerable additional expense to print and mail the Guide, as well as additional staff to gather information from candidates and produce the Guide three out of every four years.

There are potential ways to mitigate some portion of the costs associated with the new requirement. As the Board proposed in its 2009 post-election report, the bill allows voters with reliable access to the Internet to "opt out" of receiving a printed Guide in the mail, and instead receive an email notification to view the Guide online when it is available. One important step towards helping accomplish a seamless "opt-out" option: we would urge that the Board of Elections consider changes to the voter registration forms to collect voters' email addresses for this purpose, as well as voters' language preferences.

For this year we have produced online-only Guides for the federal and state primary elections, and will publish an online Guide for the general election later this week. These online guides include links to information available elsewhere, including candidate's websites and social media feeds, maps of the districts, and other non-partisan sources. The online guide also links to the on-line poll-site finder and sample ballot provided through the City Board of Elections, as well as the State Board of Elections' voter registration look-up.

A broader, more flexible mandate for the federal and state election years would allow us to expand our efforts to provide vital information about elections, while allowing for the ability to manage the additional costs more efficiently.

Intro 613: Providing Email Notifications to New York City Voters

Intro 613, which would require the CFB to send email notifications of election dates and deadlines to registered voters, is a worthwhile proposal. In fact, we instituted a program of e-mail outreach to voters and potential voters earlier this year.

It is no surprise New Yorkers were confused about where and when to vote this year. Redistricting shifted the political boundaries. Including April's presidential primary, New York City will have conducted four elections in the space of eight months.

NYC Votes! is the CFB's non-partisan voter registration and civic engagement campaign. Through *NYC Votes!*, we have issued email reminders about each of these upcoming elections. At every one of its public events and registration drives, our Voter Assistance staff has distributed Voter Pledge cards to collect emails and mobile phone numbers for the purpose of issuing election reminders. We collect addresses through our website as well, and we provide reminders of the registration deadlines and election dates through Twitter (@nycvotes) and Facebook (facebook.com/nycvotes). We've brought copies of our Voter Pledge cards with us, and we urge you to promote this effort to your constituents and help us get the word out.

Our work in this area leads us to suggest some changes to the bill. We would suggest that the bill provide some flexibility with regard to the timing and frequency of the notifications. Potential voters who are bombarded with repeated notifications may choose to ignore them, or unsubscribe. To ensure these messages have the greatest impact, we would seek to expand our notification program to include links to voter education material, or to send messages through other media, like text messages. We would again urge modifications to the voter registration form to collect voters' email addresses for this purpose.

Intro 764: Allowing Political Contributions by Text Message

The central goal of New York City's public campaign financing program is to encourage candidates to build their campaigns with small contributions from average New Yorkers, and decrease their reliance on large, special interest contributions. Our matching funds program is considered a model for reform because it succeeds at bringing more small-dollar contributors into New York City elections, from every neighborhood across the five boroughs.

Intro 764 seeks to make it even easier for candidates to reach those small-dollar contributors, by enabling campaigns to accept contributions by text message. Americans have used their mobile phones to make small contributions to charities for almost ten years, but the practice was widely adopted in the wake of the earthquake that struck Haiti in 2010. In response to an appeal from the Red Cross, Americans gave more than \$30 million via their mobile phones in the space of ten days—all of it in \$10 contributions.

The Red Cross appeal, and others like it, worked because mobile donations are quick, easy, and convenient. Text message contributions have the potential to bring the same ease and convenience to political engagement. California and Maryland have approved text message contributions for state candidates. The Federal Election Commission has allowed their use, and both major-party presidential candidates have adopted the technology for their own campaigns.

In New York City, text message contributions clearly have the potential to further emphasize the role of small-dollar contributions in our campaign finance system.

We have followed the evolution of this technology with interest. We have reviewed the opinions issued by the Federal Election Commission approving its use, and we have begun to consider whether a system to accept contributions by text message can indeed be consistent with the Campaign Finance Act.

There is a significant challenge that separates those systems that have adopted text-message contributions and ours in New York City—small-dollar contributions in our system are matched with public funds. To be matched, contributions must come from individuals who reside in New York City; campaigns must provide information about the contributor; the information must be properly documented; the contributions must be reported on the campaign’s disclosure filings; and the contributions must otherwise be compliant with the requirements of the Act—including the limits on the size and source of contributions.

Foremost in our consideration is whether a system of text message contributions can provide a reasonable level of certainty that these conditions are met. We look forward to working with the Council to explore these issues more thoroughly.

Other Legislation

I would like to comment briefly on a few of the other bills under consideration.

Intro 760 should help us better track the efforts of those City agencies charged with providing voter registration forms to their client populations under Local Law 29 of 2000, by requiring each to distribute forms with agency-specific codes. Our Voter Assistance staff has worked closely with those agencies to incorporate voter information into their everyday interactions with the public. We’ve helped conduct voter registration drives, and provided spotlights for placement on agency websites. With improved ways to track voter registration forms distributed by the agencies, we can better evaluate the effectiveness of these efforts, and better recommend ways our partners can improve their voter registration programs.

Intro 728 would require the Department of Education to provide public school parents with voter registration forms along with school enrollment forms. The DOE has been a

good partner in our Voter Assistance efforts, and the bill should enhance and supplement their existing outreach.

While we include poll worker recruitment as part of our voter registration drives, recruiting a sufficient number of qualified poll workers continues to be a challenge for the Board of Elections. **Intro 721** should help provide a larger pool of qualified poll workers for Election Day.

I'd like to thank you again for the opportunity to testify today, and we welcome any questions you may have.