

## CENTER for JUDICIAL ACCOUNTABILITY, INC.

Post Office Box 8101  
White Plains, New York 10602

Tel. (914)421-1200

E-Mail: [mail@judgewatch.org](mailto:mail@judgewatch.org)  
Website: [www.judgewatch.org](http://www.judgewatch.org)

BY E-MAIL

June 10, 2019

TO: FOIL/Records Access Officers of the Governor, Senate & Assembly  
Executive Chamber Record Access Officer Valerie Lubanko  
Secretary of the Senate Alejandra Paulino  
Assembly Records Access Officer Robin Marilla

FROM: Elena Sassower, Director/Center for Judicial Accountability, Inc. (CJA)

RE: FOIL/Records Request: "Public Campaign Financing and Election Commission" –  
Part XXX of Revenue Budget Bill #S.1509-C/A.2009-C  
(Chapter 59, Part XXX, of the Laws of 2019)

More than two months ago, the Legislature and Governor enacted into law Revenue Budget Bill #S.1509-C/A.2009-C, which became Chapter 59 of the Laws of 2019. Its Part XXX "established a public campaign financing and election commission" (§1(a)), whose report with "force of law" recommendations is required "by December 1, 2019" (§5).

This is to request<sup>1</sup> all publicly-available records establishing that the Commission has been fully appointed (§1(b) and is operational – and, specifically:

- (1) records of Governor Andrew Cuomo's appointment of two commissioners – especially letters of appointment and public announcements or press releases with respect thereto;
- (2) records of Senate Majority Leader Andrea Stewart-Cousins' appointment of two commissioners – especially letters of appointment and public announcements or press releases with respect thereto;
- (3) records of Assembly Speaker Carl Heastie's appointment of two commissioners – especially letters of appointment and public announcements or press releases with respect thereto;

---

<sup>1</sup> Pursuant to Public Officers Law Article VI [Freedom of Information Law (F.O.I.L.)], Senate Rule XIV ["Freedom of Information"], Assembly Rule VIII ["Public Access to Records"].

- (4) records of Senate Minority Leader John Flanagan's appointment of one commissioner – especially a letter of appointment and public announcement or press release with respect thereto;
- (5) records of Assembly Minority Leader Brian Kolb's appointment of one commissioner – especially a letter of appointment and public announcement or press release with respect thereto;
- (6) records of appointment by Governor Cuomo, Senate Majority Stewart-Cousins, Assembly Speaker Heastie of a ninth commissioner – especially a letter of appointment and public announcement or press release with respect thereto;
- (7) records of the Commission's funding, staffing, office address, phone number, e-mail, and website for discharging its statutory duties.

For your convenience, a copy of Part XXX is enclosed.

Pursuant to Public Officers Law §89.3, your response is required "within five business days" of receipt of this request. I would appreciate if you e-mailed it to me at [elena@judgewatch.org](mailto:elena@judgewatch.org).

Thank you.

Enclosure

cc: The Public & Press, on its Behalf



1 cle 7-B of the judiciary law, section 169 of the executive law, and  
2 sections 5 and 5-a of the legislative law, unless modified or abrogated  
3 by statute prior to April first of the year as to which such determi-  
4 nation applies to judicial compensation and January first of the year as  
5 to which such determination applies to legislative and executive compen-  
6 sation.

7 § 2. This act shall take effect immediately.

8

#### PART WWW

9 Section 1. Section 17 of part F of chapter 60 of the laws of 2015,  
10 constituting the infrastructure investment act, as amended by section 14  
11 of part RRR of chapter 59 of the laws of 2017, is amended to read as  
12 follows:

13 § 17. This act shall take effect immediately and shall expire and be  
14 deemed repealed [4] 6 years after such date, provided that, projects  
15 with requests for qualifications issued prior to such repeal shall be  
16 permitted to continue under this act notwithstanding such repeal.

17 § 2. Section 12 of part H of chapter 58 of the laws of 2016, consti-  
18 tuting the transformational economic development infrastructure and  
19 revitalization projects act, is amended to read as follows:

20 § 12. This act shall take effect immediately and shall expire and be  
21 deemed repealed [3] 5 years after such date, provided that, projects  
22 with requests for qualifications issued prior to such repeal shall be  
23 permitted to continue under this act notwithstanding such repeal.

24 § 3. This act shall take effect immediately.

25

#### PART XXX

26 Section 1. (a) Establishment of commission. The state shall establish  
27 a system of voluntary public campaign financing for statewide and state  
28 legislative public offices. There is hereby established a public  
29 campaign financing and election commission to examine, evaluate and make  
30 recommendations for new laws with respect to how the State should imple-  
31 ment such a system of voluntary public campaign financing for state  
32 legislative and statewide public offices, and what the parameters of  
33 such a program should be. The commission shall make its recommendations  
34 in furtherance of the goals of incentivizing candidates to solicit small  
35 contributions, reducing the pressure on candidates to spend inordinate  
36 amounts of time raising large contributions for their campaigns, and  
37 encouraging qualified candidates to run for office. The commission shall  
38 also review and recommend changes to certain aspects of the state  
39 election law as detailed herein. The commission's report is due by  
40 December 1, 2019 and shall have the full effect of law unless modified  
41 or abrogated by statute prior to December 22, 2019.

42 (b) Members of commission. The commission shall be comprised of nine  
43 members, two of which shall be appointed by the governor, two of which  
44 shall be appointed by the senate majority leader, two of which shall be  
45 appointed by the speaker of the assembly, one of which shall be  
46 appointed by the senate minority leader, and one of which shall be  
47 appointed by the assembly minority leader. The governor, senate majority  
48 leader, and speaker of the assembly shall jointly appoint a ninth member  
49 to serve on the commission. The commission shall not be fully consti-  
50 tuted without the appointment of the ninth member. There shall be no  
51 chairperson appointed, and the commission shall be governed by a majori-  
52 ty vote, and at all times the commission shall act with a quorum.



1 2. The commission shall specifically determine and identify all  
2 details and components reasonably related to administration of a public  
3 financing program, and shall also specifically determine and identify  
4 new election laws in the following areas:

5 (a) ratio of public matching funds to small contributions;

6 (b) limits on total receipt of public funds depending on the office  
7 sought by a candidate under the program, including geographic differ-  
8 ences in such limits, if any;

9 (c) candidate eligibility thresholds for the program;

10 (d) contribution limits applicable to candidates participating in the  
11 program;

12 (e) eligible uses of matchable contributions and public funds;  
13 contributions to participating candidates above the matchable portion  
14 shall be governed by election law § 14-130;

15 (f) related conditions of compliance with the program;

16 (g) an appropriate state agency to oversee administration and enforce-  
17 ment of the program, or recommendation of a new agency if the commission  
18 deems such recommendation appropriate;

19 (h) resources necessary to administer and enforce the program;

20 (i) effective date of the program;

21 (j) rules and definitions governing: candidates' eligibility for  
22 public financing; political party qualifications; multiple party candi-  
23 date nominations and/or designations; and civil violations of public  
24 financing rules.

25 3. The commission shall limit its recommendations to a public financ-  
26 ing program that has a total maximum annual fiscal cost of no more than  
27 100 million dollars.

28 4. (a) The commission shall only meet within the state and must hold  
29 at least one hearing at which the public will be afforded an opportunity  
30 to provide comments. The commission may hold additional public hearings  
31 as it deems necessary. Such additional hearings, if any, may allow for  
32 an opportunity to provide public comments.

33 (b) The members of the commission shall receive no compensation for  
34 their services but shall be allowed their actual and necessary expenses  
35 incurred in the performance of their duties hereunder. Nothing contained  
36 herein shall prohibit a member of the commission from receiving his or  
37 her salary earned by reason of their state employee position.

38 (c) No member of the commission shall be disqualified from holding any  
39 other public office or public employment, nor shall he or she forfeit  
40 any such public office or public employment by reason of his or her  
41 appointment pursuant to this section, notwithstanding the provisions of  
42 any general, special or local law, regulation, ordinance or city char-  
43 ter. No person who holds a party position shall be prohibited or  
44 disqualified from serving as a member of the commission.

45 (d) To the maximum extent feasible, the commission shall be entitled  
46 to request and receive and shall utilize and be provided with such  
47 facilities, resources and data of any court, department, division,  
48 board, bureau, commission, agency or public authority of the state or  
49 any political subdivision thereof as it may reasonably request to prop-  
50 erly carry out its powers and duties pursuant to this act.

51 (e) The commission may request, and shall receive, reasonable assist-  
52 ance from state agency personnel as is necessary for the performance of  
53 its function, including legal guidance as is necessary from legislative  
54 and executive counsel.





1 5. The commission shall make a report to the governor and the legisla-  
2 ture of its findings, conclusions, determinations and recommendations  
3 and shall submit such report by December 1, 2019.

4 Any findings, conclusions, determinations and recommendations in the  
5 report must be adopted by a majority vote of the commission. Each member  
6 of the commission shall report their vote and describe their reasoning  
7 for their determination.

8 The commission may report recommendations supported by a majority.  
9 Each recommendation made to implement a determination pursuant to this  
10 act shall have the force of law, and shall supersede, where appropriate,  
11 inconsistent provisions of the election law, unless modified or abrogat-  
12 ed by statute prior to December 22, 2019.

13 § 2. If any clause, sentence, subdivision, paragraph, section or part  
14 of this act be adjudged by any court of competent jurisdiction to be  
15 invalid, such judgment shall not affect, impair or invalidate the  
16 remainder thereof, but shall be confined in its operation to the clause,  
17 sentence, subdivision, paragraph, section or part thereof directly  
18 involved in the controversy in which such judgment shall have been  
19 rendered.

20 § 3. This act shall take effect immediately. While any recommendation  
21 contained within the commission's final report that is made to implement  
22 a determination pursuant to this act shall remain law, the commission  
23 itself, as created herein, shall expire and be deemed repealed on and  
24 after December 31, 2019.

25 PART YYY

26 Section 1. Paragraph e of subdivision 1 of section 211-d of the educa-  
27 tion law, as amended by section 1 of part CCC of chapter 59 of the laws  
28 of 2018, is amended to read as follows:

29 e. Notwithstanding paragraphs a and b of this subdivision, a school  
30 district that submitted a contract for excellence for the two thousand  
31 eight--two thousand nine school year shall submit a contract for excel-  
32 lence for the two thousand nine--two thousand ten school year in  
33 conformity with the requirements of subparagraph (vi) of paragraph a of  
34 subdivision two of this section unless all schools in the district are  
35 identified as in good standing and provided further that, a school  
36 district that submitted a contract for excellence for the two thousand  
37 nine--two thousand ten school year, unless all schools in the district  
38 are identified as in good standing, shall submit a contract for excel-  
39 lence for the two thousand eleven--two thousand twelve school year which  
40 shall, notwithstanding the requirements of subparagraph (vi) of para-  
41 graph a of subdivision two of this section, provide for the expenditure  
42 of an amount which shall be not less than the product of the amount  
43 approved by the commissioner in the contract for excellence for the two  
44 thousand nine--two thousand ten school year, multiplied by the  
45 district's gap elimination adjustment percentage and provided further  
46 that, a school district that submitted a contract for excellence for the  
47 two thousand eleven--two thousand twelve school year, unless all schools  
48 in the district are identified as in good standing, shall submit a  
49 contract for excellence for the two thousand twelve--two thousand thir-  
50 teen school year which shall, notwithstanding the requirements of  
51 subparagraph (vi) of paragraph a of subdivision two of this section,  
52 provide for the expenditure of an amount which shall be not less than  
53 the amount approved by the commissioner in the contract for excellence  
54 for the two thousand eleven--two thousand twelve school year and

