

# 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)

January 21, 2025

TO: NYS Commission on Legislative, Judicial & Executive Compensation

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

RE: FOIL Request – The 2<sup>nd</sup> Phase of the Commission on Legislative, Judicial & Executive Compensation: “Documents distributed to the Commissioners” for their June 27, 2024 Meeting

The [Commission’s webpage for its June 27, 2024 first meeting on legislative and executive compensation](#) posts “Documents distributed to Commissioners”. However, at the meeting itself ([VIDEO](#), [Transcript](#)), there was ZERO mention of any of these documents, other than the [“Resolution on Videoconferencing”](#) and [“Videoconferencing procedures”](#) – and these were voted on, without discussion.

Apart from the so-called “Media Advisory”, which, when opened is a [“Notice of Meeting” dated May 21, 2024](#), there is a posted [“E-mail to Commissioners”](#), dated January 29, 2024, from someone named “Gene”, presumably Chair Fahey, using the e-mail address of his administrative assistant, “Christine D. Paz”, and *cc’ing* Mindy Jeng, the Commission’s counsel. Entitled “State Elected Officials Compensation”, it itemizes five documents being forwarded and e-mailed – and these are seemingly the six that are posted by the Commission’s webpage for the meeting :

- [“Executive Branch salaries from Book of States 2021”](#), a 1-page chart on which is a handwritten notation: “The Book of States **2021** p. 134 Table 4:11”, listing, for each of the 50 states, the salaries for governors, lieutenant governors, attorneys general, comptroller. The **2021** salary of New York’s comptroller is incorrectly listed as “190,000”.
- [“Overview prepared by Council of State Governments”](#), a 4-page print-out of the [Council of State Governments](#) entitled “State Executive Salaries: Regional and State-level Comparisons”, from **January 20, 2023**, stating, with bold: “At the state-level, **New York** has the highest gubernatorial salary at \$250,000...” (at p. 2); “**New York** has the highest lieutenant governor salary at \$220,000...” and for attorney general, “**New York** has the highest salary at \$220,000...” (at p. 3),<sup>1</sup> These three facts are underlined by hand. Not underlined is the “Data notes” (at p. 4), most importantly the first stating: “**Annual salaries reported do not include benefits and other compensation for selected state officeholders....**” (underlining added);

---

<sup>1</sup> As for “treasurer”, it indicates “the highest salary”, in 2022, as “**Tennessee** at \$222,252”. [New York’s comptroller salary, in 2022, was \$220,000, which is what it had been since 2021].

- [“Salary charts for statewide elected officials”](#), 9 pages of salary charts, whose compiler is not identified, furnishing, for each of the 50 states, salaries of the governors, lieutenant governors, and attorneys general from 2016 to 2023, whose source is identified as “Book of States-Salaries from 2022-2016 (Last Updated October 25, 2023) and Ballotpedia – 2023 Salaries”. For the treasurers/comptroller, it furnishes salaries only for 2023, incorrectly identifying the New York comptroller’s salary as “\$210,000”, identifying the “Source: Ballotpedia”;
- [“Individual information for each state’s executive salaries”](#), a 190-page printout from Ballotpedia, which is more than “executive salaries” for each of the 50 states – being salaries of “state government”, starting with “Legislator salaries”, including “Per diem”. Each state’s “Median household income” is included, as is the U.S. median household income, identified as \$53,889. The entry for New York (at pp. 125-129) starts out by identifying the 2023 “Legislator salaries” as “\$142,000/year” and states, with respect to “Per diem”: **“The exact amount members receive for per diem is unknown.”** (bold added). The salary of Comptroller DiNapoli is incorrectly listed as \$210,000. New York’s “Median household income” is listed as \$59,269, the “Source” of which is identified as “U.S. Census Bureau, ‘American Community Survey’ (5-year estimates 2010-2015)”;
- [“2022 Legislative compensation”](#), a 13-page printout from the [National Council of State Legislatures](#) (NCSL), as “Updated July 12, 2022”, prefaced by the following:

“Annually, NCSL collects legislative salary, **mileage reimbursement and per diem** information from all 50 states. In 2022, NCSL also collected data from Washington D.C. and the territories. This information is presented in the table below.

**Every other year, NCSL conducts a broader survey on legislative compensation, including information on office supplies and benefits. This more extensive survey was last completed in 2021.”**  
(bold added).

The 2022 data for New York, on the 6<sup>th</sup> page of the printout states:

“Base Salary” \$110,000

“Mileage (cents per mile)”: “58.5/mile. Tied to federal rate.”

“Session Per Diem Rate”: “For non-overnight travel: \$61/day.  
For overnight stays: \$183/day.”

- [“2023 Legislative compensation”](#), a 21-page printouts from NCSL, as “Updated August 11, 2023”, prefaced by the following:

“Legislative compensation varies across legislatures. The lowest annual state legislator salary in 2023 was \$100 and the highest annual state legislator salary in 2023 was \$142,000. In 2023, the average annual base salary for a state legislator was \$43,494. This represents a 6% increase in average annual legislator base salary since 2022. **However, salary is only one component of legislator compensation. Each year, NCSL collects data from all 50 states, the U.S. territories, and Washington D.C. on legislative salaries and per diems. This year, NCSL conducted a broader survey to learn more about additional compensation for legislative leaders, insurance and retirement benefits, and office and staffing allowances in additional (sic) to regular compensation. *The tables linked to below provide nationwide data for each of these categories.***” (bold and italics added).

The print-out provides no indicated links “for each of these categories”, but is limited to “Base Salary”, “Mileage (cents per mile)”, and “Per Diem”, with the data for New York, on the 14<sup>th</sup> page of the printout, stating, for 2023:

“Base Salary”: “\$142,000”

“Mileage (cents per mile)”: “65.5 cents per mile.

Mileage reimbursement is tied to the federal rate.”

“**Session Per Diem Rate**”: “**Members receive per diem, amount not available**”. (bold added).

An annotating “[viii]” for New York states:

“Data about legislator salary was obtained from news media. Data about legislator mileage reimbursement and per diem was obtained from the Office of New York State Comptroller Guide to Financial Operations Section XIII.4C and Senate Guidelines on Per Diem”.

Beneath the last annotation are links from which the other categories of compensation may be accessed – and, when accessed, show the following for New York:

“[2023 Legislative Compensation: Additional Compensation for Senate Leadership](#)”  
p. 2: New York “No data available.”

“[2023 Legislative Compensation: Additional Compensation for House Leadership](#)”  
p. 2: New York “No data available.”

[“2023 Legislative Compensation: Insurance Benefits”](#)

p. 2: New York “No data available”

[“2023 Legislative Compensation: Retirement Benefits”](#)

p. 6: New York “No information”

[“2023 Legislative Compensation and Travel Expense Allowances”](#)

p. 14: New York – providing the same information as above, excepting the annotating “[viii]” contains three live hyperlinks, as follows:

“Data about legislator salary was obtained from [news media](#). Data about legislator mileage reimbursement and per diem was obtained from the Office of New York State Comptroller Guide to Financial Operations Section [XIII.4C](#) and [Senate Guidelines on Per Diem](#)”.

[“2023 Legislative Compensation: Office and Staffing”](#)

p. 2: New York – “No data available.”

Not only were the above documents not discussed, nor even mentioned, at the Commission’s June 27, 2024 meeting ([VIDEO](#), [Transcript](#)), but, likewise, at the Commission’s October 10, 2024 hearing ([VIDEO](#), [Transcript](#)), November 7, 2024 meeting ([VIDEO](#), [Transcript](#)), and November 14, 2024 meeting ([VIDEO](#), [Transcript](#)). Nor was there any mention or discussion of their included and not-included statistical figures.

Pursuant to FOIL, this is to request records reflecting any discussion by the commissioners and/or by Commission Counsel Jeng concerning the “Documents distributed to Commissioners” for the June 27, 2024 meeting, consisting mainly of the [January 27, 2024 e-mail from “Gene”](#) and the information thereby furnished and not furnished.

Thank you.

s/Elena Sassower