MEMO

To: Allies and Friends
From: David Donnelly, Public Campaign Action Fund
Date: April 1, 2014
RE: What happened in New York

Despite significant efforts by many, a substantive reform of New York’s campaign finance laws will have to wait for another day. Many state organizations deserve tremendous credit for carrying out this campaign over several years to build to this point, including Citizen Action New York, Working Families Organization, Brennan Center for Justice, Common Cause New York, and the whole Fair Elections for New York campaign.

Yesterday, at the end of highly-charged negotiations on the state budget, Governor Cuomo and state legislative leaders failed to adopt comprehensive public financing of elections, resisting intense pressure on them by reform and progressive groups and their members, the state’s media, and national leaders. As with any legislative matter there is much blame to be spread around, but in this instance, I believe Governor Cuomo deserves the lion’s share of it.

What the legislature and Governor eventually included in the budget was a tightening of anti-bribery laws, some increased oversight of elections, and a pilot program to publicly finance one statewide race – Comptroller – in 2014. The pilot program is designed to fail given that the primary election is just five months away and the agency asked to implement it has a track record of dysfunction and incompetence. In exchange for this weak tea package, the Governor gave up substantial leverage in agreeing to shutter the Moreland Commission to Investigate Public Corruption.

The Governor’s abdication of leadership has been noted far and wide. Yet it’s more than an abdication. In obsessively driving for an on-time budget, Governor Cuomo and his office actively worked to both spoil and shut down negotiations that may have led to a more comprehensive result. He actively attempted – and will likely continue to attempt – to splinter coalition partners from one another. (His inability to do so should be recognized as a win for the campaign’s solidarity.) At the end of the day yesterday, he made an ephemeral pledge to reformers to continue to work for a better result. It is nearly impossible to take these promises seriously given how he acted over the past few weeks and how quickly he gave up the leverage both the budget and the Moreland Commission placed in his hands. A leader who truly wants reform wouldn’t have given one of these leverage points up, let alone both.
It also should be noted that legislative leadership – particularly in the Senate – is not without blame. The Co-Leader of the State Senate, Jeff Klein, has promised to move ahead with negotiations on a more comprehensive bill, but when he had the maximum ability to bring everyone to the table by preventing an on-time state budget, he wilted under pressure from the Governor and his Republican counterpart, Senate Co-Leader Dean Skelos.

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Where do we go from here? There will be a more comprehensive plan emerging from state organizations in New York. In the meantime, here are three thoughts.

1) **We have achieved much and there is a strong foundation for further efforts.** No one is credibly trumpeting this as a win. Well, no one but the Governor. But this deal is known as a bad deal because of the work of organizations in New York in successfully setting the bar of what is needed at comprehensive reform for all state offices, and because they have conducted an aggressive campaign in the media and in districts around the state. That the good government and progressive community were unified on the first point didn’t happen by accident, and this common-ground work must continue if another round of negotiations emerges. The second point – the ability to carry out aggressive campaigns – is a sign of mature, strong organizations that deserve ongoing support.

2) **This is an accountability moment.** The Governor is highly vulnerable to charges that he’s sold out reform for a pittance. He campaigned on the issue in 2010, has reiterated his support in every State of the State Address, and has filed comprehensive legislation. An accountability effort in the media is a key ingredient of any successful effort ahead.

3) **Some elements of the campaign must continue full-speed ahead on electoral strategies.** It’s not for everyone, but if there’s one lesson that emerged over the past few years and was made clear in the past few days in Albany, it’s that the political consequences of inaction weigh heavily in all the key players’ calculations from the Governor to the co-leaders of the Senate. Keeping this pressure clear and present for decision-makers is the only thing that keeps the issue alive in the next few months if there is to be a legislative solution this year.

For those among us who want very tangible things to do and to ask others to do, the best thing that can be done is to blame the Governor for failing to achieve what would have been an historic victory. Framing what happened as the Governor’s failure in the press, in social media, and among influential individuals around the state and country is the single most important step moving forward today.

Let’s not sugarcoat it. We should feel disappointment. I certainly do. We should also acknowledge that each of the groups involved in this effort executed and implemented a campaign at the highest levels and have nothing to regret. We undoubtedly made
mistakes along the way. This campaign was declared dead many more times than I care to think about, but still the advocates persisted and laid everything on the line.

In doing so, the groundwork has been built for what will become a winning campaign. We all recognize that nothing that changes the fundamental structure of how and for whom government works ever comes easily or without setbacks. Even today, however, I am convinced that the work that has been done in New York over the past several years has built a strong foundation for an eventual historic breakthrough worth celebrating soon.

Many individuals, institutions, and funders (far too many to list) deserve tremendous thanks for all they’ve done to help carry out and build this campaign to date. Please know that my colleagues at Public Campaign and Public Campaign Action Fund truly appreciate each and every contribution of time, money, and political capital offered to the effort.

I’d be happy to hear any feedback about the campaign itself or discuss next steps. Email me at ddonnelly@campaignmoney.org or call me at 202-640-5592.