

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Monday, April 20, 2020 9:40 AM
To: 'records.access@exec.ny.gov'; 'foil@nysenate.gov'; 'marillar@nyassembly.gov'; 'Theresa Klein-Franke'; 'FOIL'
Subject: FOIL/records request: Public Campaign Financing & Election Commission -- cost, archived records, correction to its Dec. 1, 2019 report

TO: Records Access Officers – Governor, Senate, Assembly, & Comptroller

Pursuant to Public Officers Law VI ("Freedom of Information"), Senate Rule XIV ("Freedom of Information"), and Assembly Rule VIII ("Public Access to Records"), this is to request records identifying the cost of the Public Campaign Financing & Election Commission, established by Part XXX of Chapter 59 of the Laws of 2019 – exclusive of litigation costs.

Additionally, inasmuch as the Commission's website: <https://campaignfinancereform.ny.gov/> does not post the Commission's records, other than its December 1, 2019 report and the videos of its hearings and meetings, please advise where and in what format they are archived and how they may be publicly accessed. This specifically includes the materials handed up by witnesses testifying at the Commission's hearings, such as myself, or otherwise furnished by members of the public. In that regard, the written statement of Commissioner David Previte, at page 68 of the report, refers to the Commission's receipt of "thousands of emails and other written correspondence from the public, elected officials, political parties, and good government groups".

On that subject, please note that the Commission's one-sentence summary of my three-minute testimony at its September 10, 2019 hearing, appearing at page 97 of the report (at p. 97), is erroneous in stating: "Elena Sassower from the Center for Judicial Accountability supports a public campaign finance system, but believes that the Legislature should ratify such a system." The video of what I stated establishes this – and I have transcribed it, as follows:

"My name is Elena Sassower. I am director and co-founder of a non-profit, non-partisan citizens' organization called Center for Judicial Accountability.

Public campaign financing might be the next best thing since sliced bread. However, how you are going about it is unconstitutional. To see so many legislators come before you today is obscene because it is their responsibility to deliberate, to hear from the public, to ask opinions of experts, and to make the evaluation and enact the legislation. There is no excuse – and this is the 2019 legislative session when, supposedly, we have a full-time legislature, fully-functional, because they have gotten their committee-based pay raises.

I have handed up to you a sheet which examines what has happened in the 2019 legislative session. There is a Senate Elections Committee and there is an Assembly Committee on Election Law. Neither of them had any bill on comprehensive campaign finance, public finance. There were two bills in the Senate Elections Committee. One was on district attorney and supreme court justices -- public campaign financing for their campaigns. And the other was for public campaign financing for constitutional convention delegates – which is not going to be for another 18 years. Neither of those bills moved out of committee. They were not even discussed in committee. They sat in

committee. There was no bar to the Senators deliberating, discussing, holding hearings on those bills and introducing the Governor's bill, which didn't belong as part of the budget. But, in any event, the same scenario is in the Assembly, as well. The bills for public campaign financing, there were two, limited to the attorney general race. Fusion -- no bills, okay. There was a hearing held on March 20th, by the Senate, with participation by Assembly members on public campaign financing and small donors. They had no bill. The hearing went for 4-1/2 hours.

Beeper. (speaker's microphone shut off)

I have handed up materials. You can see there is a lawsuit challenge to all that has been going on, involving the budget and these commissions, now at the Court of Appeals. You should be asking the experts as to their constitutional opinion as to the constitutionality of what's been going on. Thank you." (VIDEO, part 2, at 15 minutes: <https://campaignfinancereform.ny.gov/event/new-york-city-public-hearing-meeting>).

The referred-to materials, substantiating my testimony -- which I am seen handing up before beginning my testimony -- were:

1. my letter to the editor, "**A Call for Scholarship, Civic Engagement & Amicus Curiae Before the NYCOA**", published in the August 21, 2019 New York Law Journal;
2. CJA's \$16,770 paid ad "**Where Do You Go When Judges Break the Law?**", published on the Op-Ed page of the October 26, 1994 New York Times -- reprinted in the November 1, 1994 New York Law Journal, as a \$2,280 paid ad (at p. 9);
3. CJA's \$3,077 paid ad "**Restraining 'Liars in the Courtroom' and on the Public Payroll**", published in the August 27, 1997 New York Law Journal (at pp. 3-4);
4. **hand-out of the Senate & Assembly Election Committees in the 2019 Legislative Session;**
5. **CJA's August 21, 2013 letter to Governor Cuomo** -- "RE: Achieving BOTH a Properly Functioning Legislature & the Public Trust Act (Program Bill #3) -- the *Sine Qua Non* for 'Government Working' & 'Working for the People'".

These were handed up in nine collated sets, one for each of the nine Commissioners.

Please confirm that this e-mail will be placed with the Commission's records as a correcting accompaniment to its December 1, 2019 report -- or advise as to how such correction may properly be made.

Thank you.

Elena Sassower, Director
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