

**Written Testimony of Marina Pino, Counsel  
Elections and Government Program  
Brennan Center for Justice at NYU School of Law<sup>1</sup>**

**Before the New York City Council Committee on Governmental Operations  
RE: Resolution No. 189-A 2024 (Ung) and Small Donor Public Campaign Financing  
December 4, 2024**

The Brennan Center for Justice welcomes the opportunity to write in support of Resolution 189-A 2024 and efforts to strengthen oversight of New York City’s public campaign financing program. For nearly 30 years, the Brennan Center’s nonpartisan expertise has informed policies that protect and expand democracy at the state, local, and federal levels, including pro-voter efforts to improve voter turnout and reforms to address the outsize role of wealth in politics.

Our testimony will first address why a state constitutional amendment moving city elections to even years is essential to strengthening our local democracy. It will then discuss ongoing efforts to strengthen the city’s public financing program and offer suggestions for additional improvements.

**Resolution 189-A 2024**

The average voter turnout in New York City mayoral elections over the past twenty years is just 29.5 percent. That’s significantly lower than the turnout rates in even-numbered year elections.<sup>2</sup> An inclusive democracy demands that all eligible voters have a say in the decisions that affect their everyday lives, but such dismal turnout in city elections frustrates its possibility.

Moving local elections to even-numbered years can help tackle this problem. This well-tested policy can increase voter turnout, promote a more representative electorate, and reduce election administration costs. The New York State Legislature has already begun the work to

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<sup>1</sup> The Brennan Center is a nonpartisan public policy and law institute that focuses on the fundamental issues of democracy and justice. The opinions expressed in this testimony are only those of the Brennan Center and do not necessarily reflect the opinions of the NYU School of Law.

<sup>2</sup> New York City Campaign Finance Board, *2022-2023 Voter Analysis Report*, April 28, 2023, 90–91, [https://www.nycffb.info/pdf/2022-2023\\_VoterAnalysisReport.pdf](https://www.nycffb.info/pdf/2022-2023_VoterAnalysisReport.pdf).

move some local elections to even years.<sup>3</sup> Now, the New York City Council is rightly calling on the Legislature to initiate the constitutional amendment process – which includes approval by two consecutive legislatures and a voter-approved ballot measure – to extend this reform to New York City elections.

Virtually all academic studies on this reform have found that elections in odd-numbered years significantly depress voter turnout.<sup>4</sup> New York City is no exception. Turnout in the city’s last mayoral general election hit a historic low of 23.3 percent in 2021.<sup>5</sup>

Elections in odd-numbered years also disproportionately impact voter participation for those who have historically faced barriers to the ballot box, including voters of color and young voters. Case in point: in 2023, just 12.8 percent of eligible New York City voters participated in the general election where all City Council members and two statewide ballot questions appeared on the ballot.<sup>6</sup> That included only 6.1 percent of young voters and an even lower rate for voters of color in certain neighborhoods.<sup>7</sup>

Aligning city elections with even-numbered year elections can move New York City closer to a true participatory democracy that gives all eligible voters, including young voters and voters of

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<sup>3</sup> New York State Governor Kathy Hochul, “Governor Hochul Signs Voting Rights Legislation to Expand Access to the Ballot Box and Improve Voter Participation,” December 22, 2023, <https://www.governor.ny.gov/news/governor-hochul-signs-voting-rights-legislation-expand-access-ballot-box-and-improve-voter>. Recent litigation is frustrating this law’s timely implementation, which was set to go into full effect on January 1, 2025. See Joshua Solomon, “N.Y. Law Moving Local Elections to Even Years Challenged,” *Times Union*, April 2, 2024, <https://www.timesunion.com/state/article/n-y-law-moving-local-elections-even-years-19379629.php>; and Luke Parsnow, “Judge Rules New York’s New Even-Year Election Law Violates State Constitution,” *Spectrum News 1*, October 8, 2024, <https://spectrumlocalnews.com/nys/central-ny/politics/2024/10/08/judge-rules-new-york-s-new-even-year-election-law-is-unconstitutional>. Defendant Onondaga County Board of Elections Commissioner filed appeal on November 7, 2024.

<sup>4</sup> Zoltan L. Hajnal, Vladimir Kogan, and G. Agustin Markarian, “Who Votes: City Election Timing and Voter Composition,” *American Political Science Review* 116, no. 1 (February 2022): 374–83, <https://www.cambridge.org/core/journals/american-political-science-review/article/abs/who-votes-city-election-timing-and-voter-composition/39CE6B9F0E906228F695248C874COC36>; Justin de Benedictis-Kessner and Christopher Warshaw, “The Electoral and Policy Effects of Election Timing in City and County Government,” Harvard Kennedy School, December 23, 2023, <https://www.hks.harvard.edu/publications/electoral-and-policy-effects-election-timing-city-and-county-government>; Melissa Marschall and John Lappie, “Turnout in Local Elections: Is Timing Really Everything?,” *Election Law Journal: Rules, Politics, and Policy* 17, no. 3 (September 2018): 221–33, <https://www.liebertpub.com/doi/10.1089/elj.2017.0462>; and Zoltan L. Hajnal, *America’s Uneven Democracy: Race, Turnout, and Representation in City Politics* (Cambridge University Press, 2012), <https://www.cambridge.org/core/books/americas-uneven-democracy/F7F07D16DF4AE060B09589BDF72892E4>.

<sup>5</sup> New York City Campaign Finance Board, *2021-2022 Voter Analysis Report*, April 29, 2022, 2, [https://www.nycffb.info/pdf/2021-2022\\_VoterAnalysisReport.pdf](https://www.nycffb.info/pdf/2021-2022_VoterAnalysisReport.pdf).

<sup>6</sup> Brigid Bergin, “What if NYC’s Mayoral Election Was this Year? Experts Say More People Would Vote in It,” *Gothamist*, April 29, 2024, [https://gothamist.com/news/what-if-nycs-mayoral-election-was-this-year-experts-say-more-people-would-vote-in-it?utm\\_medium=social&utm\\_source=facebook&utm\\_campaign=shared\\_facebook](https://gothamist.com/news/what-if-nycs-mayoral-election-was-this-year-experts-say-more-people-would-vote-in-it?utm_medium=social&utm_source=facebook&utm_campaign=shared_facebook).

<sup>7</sup> New York City Campaign Finance Board, *2023 Voter Analysis Report*, April 29, 2024, 18, [https://www.nycffb.info/pdf/2023\\_VoterAnalysisReport.pdf](https://www.nycffb.info/pdf/2023_VoterAnalysisReport.pdf).

color, a better chance of being included. Experience from jurisdictions across the country, including cities like Los Angeles, Austin, and Baltimore, bears out this conclusion. These cities, and others, saw such gains in turnout among these demographic groups after shifting their elections to even years.<sup>8</sup> And research shows that California cities that have moved local elections to even-numbered years have seen turnout among younger voters nearly double, along with substantial gains in turnout among Hispanic and Asian American voters.<sup>9</sup>

With a shift to even-numbered year elections, New York City stands to also reduce election administration costs and minimize fatigue among election administration staff. Indeed, the Independent Budget Office recently reported that the city could save an estimated \$42 million every other year.<sup>10</sup> This finding is significant, as New York City Board of Elections data reveals that the 2021 mayoral primary and general elections cost approximately \$60 million.<sup>11</sup> By consolidating elections, city election officials can instead focus their resources in odd-numbered years on other critical tasks, including voter registration, recruitment and training, and equipment tests, which would help mitigate the delays that many voters experienced across the city in 2024.<sup>12</sup>

This policy also has strong public support. A recent survey of likely New York City voters found that a large majority support moving city elections to even-numbered years.<sup>13</sup> This finding is consistent across demographics, including race, age, and gender, and the city's five boroughs.<sup>14</sup>

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<sup>8</sup> Citizens Union, *Moving Municipal Elections to Even-Numbered Years*, December 2022, [https://citizensunion.org/wp-content/uploads/2023/01/Moving-Municipal-Elections-to-Even-Numbered-Years-Citizens-Union-report\\_FINAL.pdf](https://citizensunion.org/wp-content/uploads/2023/01/Moving-Municipal-Elections-to-Even-Numbered-Years-Citizens-Union-report_FINAL.pdf).

<sup>9</sup> Hajnal, Kogan, and Markarian, "Who Votes," 377–79; and Citizens Union, *Moving Municipal Elections to Even-Numbered Years*, 40–41.

<sup>10</sup> Annie McDonough, "Independent Budget Office: Holding All Elections on Even Years Would Save NYC Millions," *City & State New York*, August 15, 2024, <https://www.cityandstateny.com/policy/2024/08/independent-budget-office-holding-all-elections-even-years-would-save-nyc-millions/398851/#:~:text=New%20York%20City%20could%20save%20an%20estimated%20%2442,report%20from%20the%20city%E2%80%99s%20Independent%20Budget%20Office%20found.>

<sup>11</sup> Citizens Union, *Moving Municipal Elections to Even-Numbered Years*, 44.

<sup>12</sup> See New York City Campaign Finance Board, "2022-2023 Voter Analysis Report," 93 ("Consolidating elections would mean the City BOE would spend less on running elections year to year and concentrate on delivering crucial election services in dedicated election years.").

<sup>13</sup> Jesse Am, "Polling NYC: Survey Analysis of 2025 Likely Mayoral Voters on Politics, Crimes, Migrants, and Electoral Reform," Manhattan Institute, April 18, 2024, <https://manhattan.institute/article/polling-nyc-survey-analysis-of-2025-likely-mayoral-voters>.

<sup>14</sup> Manhattan Institute, "Slide Deck: Polling NYC: Survey Analysis of 2025 Likely Mayoral Voters on Politics, Crimes, Migrants, and Electoral Reform," 63–64, last accessed December 3, 2024, <https://media4.manhattan-institute.org/wp-content/uploads/Polling-NYC-Slide-Deck.pdf>.

The city-based results align with statewide polling which has found voters across party lines support this reform as one that is “good for New York.”<sup>15</sup>

By passing this Resolution, the City Council will make a strong and clear statement that it remains committed to giving underrepresented New Yorkers a more meaningful voice in their elections and government. Further, the Resolution will demonstrate city lawmakers, like their constituents, support the Legislature initiating the constitutional amendment process to move city elections to even-numbered years without delay.

### **Preparations for the 2025 Election: Public Campaign Financing**

We commend the City Council for its continued efforts to further strengthen New York City’s small donor matching funds program. For more than 35 years, the voluntary program has stood as a national model for reducing the distorting influence of private wealth in the political process. Since its inception, the program has delivered critical benefits to New York City voters, from significantly reducing corruption in city government, to making small contributions from everyday residents the most important source of campaign fundraising, to playing a role in electing the most demographically representative and diverse City Council in the city’s history.

While the program has been of tremendous benefit to New York City voters, recent allegations of abuse, most notably those outlined in the federal indictment of Mayor Eric Adams, must be addressed. If proven to have occurred, such conduct is an affront to the millions of New York City voters that the system was designed to serve. We commend the City Council and the New York City Campaign Finance Board (CFB) for their ongoing work to assess the most prudent ways to strengthen the program’s controls to deter fraud on the program.

As a start, we support the CFB’s amended rules, adopted in November 2024.<sup>16</sup> In particular, we support the amendment making a campaign’s failure to timely provide requested documents to the CFB mandatory grounds for nonpayment of public funds, with certain reasonable exceptions.<sup>17</sup> The rule ensures that candidates participating in public financing cannot ignore agency inquiries without consequence, while also affording meaningful due process and the ability to correct mistakes. This approach accounts for the reality that campaigns with fewer

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<sup>15</sup> Siena College Research Institute, “NYers Oppose Using SUNY Dorms to Temporarily House New Migrants to New York, 54-33%; Oppose Relocating Migrants from NYC to Housing in Other Counties that is Paid for by NYC, 46-50%,” June 28, 2023, <https://scri.siena.edu/2023/06/28/nyers-oppose-using-suny-dorms-to-temporarily-house-new-migrants-to-new-york-54-33-oppose-relocating-migrants-from-nyc-to-housing-in-other-counties-that-is-paid-for-by-nyc-46-40/>.

<sup>16</sup> New York City Campaign Finance Board, “Notice of Final Rules,” November 14, 2024, <https://www.nycffb.info/media/2136/notice-of-final-rules-vfinal-11142024-website-version.pdf> (amending Chapter 52 of the Rules of the City of New York).

<sup>17</sup> New York City Campaign Finance Board, “Notice of Final Rules,” November 14, 2024, 10 <https://www.nycffb.info/media/2136/notice-of-final-rules-vfinal-11142024-website-version.pdf> (amending 52 NYCRR § 3-01(d)).

resources may not be able to afford the same types of professional assistance accessible to campaigns of greater means, and mistakes can happen. The loss of a matching funds payment can be far more devastating – or even fatal – to lesser-resourced campaigns.

As the CFB prepares for the 2025 election, it must continue to assess its internal practices to safeguard the program against misuse. One basic measure the agency should take is to provide clearer notice to donors that straw donations are illegal.<sup>18</sup> The CFB currently requires certain donors to sign a contribution card that states, “I understand that state law requires that a contribution be in my name and be from my own funds” and affirm that they have not been reimbursed.<sup>19</sup> This language should be sharpened to explicitly put donors on notice that it is illegal to give someone else’s money and that doing so can carry penalties. The CFB should also make plain in its candidate handbook that campaigns may not accept contributions made in another person’s name. Other jurisdictions, including New York State, include such language in their educational materials for campaigns.<sup>20</sup>

In addition, the CFB should continue its efforts to ensure timelier post-election audits. The agency has received significant criticism for its persistent delays in this important aspect of program regulation.<sup>21</sup> We commend the agency for recently exploring technology solutions to augment its auditing process.<sup>22</sup> The CFB should continue to assess how it can make the auditing process more efficient while still guaranteeing a thorough and fair review for every campaign.

To be sure, these recommendations are not exhaustive. We are glad to assist the Council as it considers further reforms and continues to exercise its oversight functions.

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<sup>18</sup> See Joanna Zdanys and Marina Pino, “Public Campaign Financing and the Indictment of NYC Mayor Eric Adams,” Brennan Center for Justice, October 3, 2024, <https://www.brennancenter.org/our-work/research-reports/public-campaign-financing-andindictment-nyc-mayor-eric-adams>.

<sup>19</sup> New York City Campaign Finance Board, “Contribution Card,” August 11, 2022, [https://www.nycfcfb.info/PDF/templates/contribution\\_english.pdf](https://www.nycfcfb.info/PDF/templates/contribution_english.pdf).

<sup>20</sup> New York State Public Campaign Finance Board, “New York State Public Campaign Finance Handbook,” 29, December 1, 2023, <https://pcfb.ny.gov/system/files/documents/2023/12/pcfb-handbook-final-accessible-and-secured-12012023.pdf>.

<sup>21</sup> Brigid Bergin, “Meet NYC’s New Campaign Finance Watchdog, Arriving Amid Probe into Mayor Adams’ Campaign,” *Gothamist*, March 27, 2024, <https://gothamist.com/news/amid-adams-fundraising-probe-new-campaign-finance-watchdog-head-charts-path-forward>.

<sup>22</sup> New York City Campaign Finance Board, “Testimony of Paul Seamus Ryan, Executive Director of the New York City Campaign Finance Board to the New York City Council Committee on Governmental Operations Committee,” June 14, 2024, <https://www.nycfcfb.info/media/testimony/testimony-of-paul-seamus-ryan-executive-director-of-the-new-york-city-campaign-finance-board-to-the-new-york-city-council-committee-on-governmental-operations-committee/>.

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The Brennan Center commends the City Council for taking up these important issues and stands ready to assist this body in its continued work to build a more inclusive and informed democracy for all New Yorkers.