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Transcription results:

S1 00:00 So our format type would be three questions. What are the principles and elements of a good US election system and also here in New York? What are the biggest problems? And what are our biggest opportunities? We'll be talking through the lens of New York as well as the federal lens. Tom will be speaking to you at times and our speakers are the experts in different versions of that. My goal is to say as little as possible from here on out and just guide these truly all-star experts that we've gathered together. Before we start, I'll ask them to introduce themselves very briefly, maybe 30 seconds, a little more if you need it. And Ann's going to be dropping out a little bit early tonight because she's got to get back to Washington for a meeting in the morning. It's not because she can't sit next to Jim anymore [laughter].

S2 00:41 Thank you very much. It's great to see you all. I'm Ann Ravel and I'm the Commissioner on the Federal Election Commission. [inaudible]

S3 00:53 Thank you. I'm Jim Bopp, I'm a lawyer in Indiana. I've been a campaign finance lawyer for 40 years. I brought more than 150 first amendment challenges to campaign finance, blogs, suing the SEC about two dozen times, and we have a big one pending right now, and about 40 space. And 13 of my cases have been decided on the merits by the US Supreme Court and one, including [?] Citizen trial.

S4 01:31 Trevor Potter. I'm president of the Campaign Legal Center, a non-profit in Washington that works on campaign finance and election issues. I'm the former chairman of the Federal Election Commission. Jim and I have linked up on opposite sides of a range of cases. Some I've won, some he's won, and we're both wondering what the future holds for us.

S5 01:57 [inaudible] I'm Richard Briffault. I teach at Columbia Law School. The areas I teach are the political process, legal campaign finance, voting rights, redistricting. I also happen to serve as the chair of the city's Conflicts of Interest Board. And I was also on the ill-fated New York State Moreland Act Commission to Investigate Public Corruption.

S6 02:20 Hi everyone, my name is Jon Reznick. I'm the founder of Competitive Advantage Research, which is my small civic tech political research shop where we basically aerosol out this campaign finance data and spray it back in politicians' faces [laughter].

S7 02:38 My name is Gustavo Rivera. I apologize for the voice, because last night I won a primary and then I did karaoke afterwards [laughter]. Not the best choice. [applause]

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I'm a state senator in the Boogie Down Bronx. Yeah, right, I'm sorry and I've been in the senate for six years and it is-- I'm very happy I'm [?] today. Like many other things, this stuff has always been, excuse me, [?] finance changes that we need, but also because last night, I beat my opponent of 61-30, whatever it was. And it was an opponent that got about \$750,000 from the [?] poured into the district from outside sources. All outside of New York, outside the Bronx. So I'm both very proud of that, but very proud of what a lot these folks have done to make sure that we change the systems overall [?].

S8 03:43

I'm Amy Loprest. I'm the executive director of the New York City Campaign Finance board and for you New York City residents, we run probably the best public financing system in the country. We matched public six to one funds, contributions from low dollar donors in New York City, and do outreach and education, and hear a lot in probably every single one of the issues that was questioned about today. So I'm really excited to talk about this.

S1 04:11

Wonderful. So, let's start with Ann and James. Maybe you can start us off with what are the principles and elements of a good election system? And after you go through the-- our members of the panel should just feel free to jump in, and we'll go for about 15 to 20 minutes on this.

S2 04:27

Well, first off, I think it's important to talk about what the focus of any of the rules and regulations for a continued [?] in our case, and in [?], and it's essentially to ensure trust in the government, and also to allow people to participate. And participation in my view isn't limited to voting. It's also running for office. I also think it needs to be transparent in the sense of providing information to the public so they can make good decisions when they vote, and also are able to [?] about that, which is to assure that there isn't any corruption in the system. That means, of course, not just the rules but that there's an enforcement of those rules.

S3 05:23

Well, I think the answer to that question would be to go back to basics. Our form of government was created in order to be self-governing. In other words, each of us was to govern ourselves, we would do that in two ways: by the freedom that we have in America to choose our own course in life, but secondly by electing representatives to a limited form of government to be authorized to do certain things on our behalf. Now, to guarantee the participation of citizens, we then have the First Amendment, which are the four indispensable Democratic freedoms. Without them citizens are not going to be able to effectively participate.

S3 06:05

And what are those four? There's speech, press, assembly, and the right to petition the government. So based upon that form of government, what we should look at is whether and how free is our system. How free are people able to participate without having government regulators overlooking them, enforcing laws against them, making them report to the government, and therefore stifling their participation? Well, we've got too much of that. We have hundreds of pages of federal laws. We have thousands of pages of federal regulations. More thousands of thousands of advisory opinions

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enforcing their actions, federal court decisions that mean you've got to hire a lawyer or an accountant to participate in politics. Number two is the purpose was to prevent government because you have incumbents passing laws that regulate the most important thing that they care about, which is their own election. You can guarantee that when they pass a law they're going to make sure it benefits them, and if they can even go father, they can get partisan benefit out of the law. So the first amendment was to prevent those two problems from affecting our system because otherwise it would drive people, participants away from the political system, and no question in my mind that that is the situation on that.

S4 07:39

I would agree with Jim that the premise of our system is a representational government and it is based on the ability of citizens to participate. For me, one of the problems we have today is barriers to citizen participation and a sense by many citizens who have been left out in the process. Whether it is that incumbent politicians are drawing their lines and redistricting so that you have the bizarre situation that members of Congress are choosing their voters, rather than voters choosing their members because they take fancy computers and decide who they want in their district to pick the people who will vote for or against them. Then you have simply the ability of citizens to participate in the process as registered voters, all the fights going on in a very old-fashioned system. Much of what we do today [?] goes back 200 years to when we were founded and we haven't updated a lot over the years.

S4 08:51

Whereas new democracies, following our advice, we send out-- our government sends out teams of people to tell you how to do it right. Look at the eastern European countries that were starting new democracies anew in the 1990s and they have automatic voter registration, so the governments job is to make sure citizens are registered and can vote. They have nonpartisan voting officials. They have raised the drawn lines that are nonpartisan, so it isn't a matter of which party is in power, you're choosing where those are. You have the ability of average citizens to participate through citizen funding, meaning that you don't just have billionaires talking to each other. You ought to have full disclosure of the sources of money. Our Supreme Court has said it's important for people to know who is speaking and funding that speech.

S4 09:53

And a lot of this we just don't have, partly because we have habits of doing things, and we haven't updated those habits. And partly because we have partisan deadlock, where one party or the other thinks it's to their advantage to leave things as they are, or make it difficult to vote, difficult to register. And those are things, I think, that we need to address to have a better system.

S5 10:18

Let me just pick up on a couple of Trevor's points. I know that the others talked more about campaign financing. I think that would be at the beginning, just the key things that enable people to convince voters. Because if you think about if the great arc of American history. Perhaps one of the greatest struggles was that to make sure [?] began in a society where the [?] was limited. And not just by gender and by race and [?] status but by wealth [laughter], [inaudible] by ability to pay taxes, pay land

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ownership and in some sense [?] significantly expanded the rights of suffrage, but still there are significant-- very [?] practical about the elections, and it is amazing that we're still [?] states [?] officials intentionally passing that measures [?]. We also, beyond the [?] these are beings litigated literally even as we speak. Beyond the level of this is just the difference that the administrative system does. We are [?] New York. New York is 48th or 49th out of the 50 states in charge of [?].

S5 11:30

Senator just won a big victory yesterday. His district probably has 300,00 people. I'd be surprised if [?] more than 10,000 people actually has their ballot in [?]. He won by about-- I was watching the poll on New York One last night, so he maybe had 10 or 12,000 votes cast in your district. His district probably has 150,000 adult citizens, if not more. And your primaries, the main election wins. Congratulations. So we have a system-- we have a truly [?] bipartisan [?] elections. Not Amy's agency, but a different one, which is staffed directly by the political parties which have no interest in making it easier for people to vote or actually reaching out to expand, to reduce and vet the practical marriage of them. So I'm sure we'll talk more about campaign finance reforming by gerrymandering and other things. In some sense, step one is actually making sure that the vote is legally and practically available to as many adult residences as we can do in the community.

S6 12:33

So to build on some of what the president was starting to get into, whether you're looking at Gustavo's race, or whether you're want to look in an assembly race, Sheldon Silver was federally convicted in a district of 150,000 people. The selector, as the group of people designated the actual winner, the women will be inaugurated, those were 2,600. Upstate near Rochester, New York - another assembly district - a dead man won. He is deceased, and he won. And that is because so few people participated, and honestly, those who did might not have read about-- and he died the week before. It was not as if this is something that happened earlier, it's actually a really unfortunate story. He won. And it was a primary, and in New York he actually is in primaries and the president already broken out the [?]. I don't have to repeat it, but my sense is once we're publishing that information, and have identified where the [?] elected power [?] stops, that's what we need to publish on, right on the [?].

S7 13:39

Before I was a Senator, I was an educator. I still teach college to this day. One of the things that I started to do as soon as I got elected was I started to do [?] classes at my district. A lot of that I was inspired by that man over there, Christopher Long. [applause] A man from social sciences at CUNY College and [?]. The end of the civics class, after I went through all [?] to what legislatures do, what [?] district. I tell folks these are fact, back in 2010, [?] was now in prison, in federal prison, and he is the highest-- the race that everyone's paying attention to [?]. If you don't or you've forgotten than I've done my job well.

S7 14:33

Back then, so I was the highest profile [?] in the entire state. I represent about 318,000 people now, back then it was 310,000, of that 220,000 were over 18, of that 150,000 over 18 and citizens, and of that 143,000 were registered to vote and of that 110,000 were registered as Democrats. So that proves us one problem right there, so

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if the primary is the election, the highest-- the race that everybody was paying attention to, 110,000 potential Democrats. 9,333 of them, 9,333 voters. That is 80%. Thank you mathematician person, yes. That is certainly an issue. When I think about the changes that we need to make, part of it goes towards making sure that people feel that government is trustworthy, that they can actually participate and engage, which brings us to campaign finance and I will talk much more about that. I want to flip it for a second, and talk about the perspective of some people who have a lot in the [?] as opposed to either policy-makers or somebody who's a regulator or [?]. The reason why I am an elected official of a marketing firm that wants full public financing of campaigns, there's a lot of reasons, but I will narrow it down to three.

S7 15:51

Number one. That the time that it takes to friggng raise money is ridiculous. Ridiculous. I got to run every two years, like in Congress. Most Congress members, there was as a matter of fact, it was Steve Israel, who was a Congress member who just retired, and part of the reason he was saying that, "I'm done with this raising money nonsense." He ain't going to do it anymore. So that's part of it, it's taking so much time.

S7 16:12

Number two. A lot of the people that I have to raise money off of, because I am not going to-- you and I aren't going to solve it. I have to make sure that you have donors. A lot of the people that I'm getting this money from are the same folks that I have to go to to talk about policy. And many of them are experts in policy. I want to be able to have a conversation with them about what needs to be done, whatever policy you could think of without having to ask them for money. They have valuable things to add to the conversation. I don't want [?].

S7 16:42

And which brings us to the third one. The third reason, which is the idea that anybody can look at anybody's filings and then make an accusation about what that person does in office based on money. Which is again certainly many of my colleagues unfortunately and sadly are certainly grouped by that. I've built a reputation on the last six years and that is not the case. Everybody knows that unless you're a freaking Walmart, I'll give you a meeting. You could always come to my office and you can talk about whatever you want. And I'm willing to agree to [?] based on the facts and based on the policy. And we'll go toe-to-toe and I'll ask many questions. And if I get the right answers, I will convince, I will make this [?]. But anybody can make the accusation against me. And I say to my colleagues, and we make our decision based on who gives us money. So for those three reasons, as an elected official, I want to change the system. But I certainly wouldn't give a lot [?] and the [?] certainly goes to trust. People have to trust that we are working for them and not-- meaning the constituents and the voters not [?].

S8 17:47

I can't echo that enough. I think really what Ann started with is I think when you talk about what's wrong with the electoral system today is really making sure that the people who are supposed to be running the government, elecng the people feel that they are part of the system, and that's a really, really important thing to think about. It's like everyone can vote, but very, very few people do vote. So, how you work, make

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sure that the systems are in place that it makes it easy for them to register, makes it easy for them to vote. But, also making sure that, obviously, there's no fraud, but really making sure that the systems are in place, that people want to vote, that they feel part of the system, that they feel that their vote matters, and that their government listens to them.

S8 18:39

And I think that one of the things that our program does in doing this small dollar matching funds, is we really encourage people to become part of the political process from the voter's side. There's the candidate's perspective, and we'll talk about that, but from the voter's side, it's like I give a \$10 contribution, it means something. It's \$70 to that candidate. The candidate now will listen to me, will talk to me. And also, we did a study with CUNY Graduate Center about the 2013 election, and we found an astounding fact that people who give contributions are three times more likely to vote. Now, that is in a democratic primary, and they didn't find a causal relationship, but that's a pretty powerful statistic that thinking about you become a small part of the democratic process by giving a small contribution, and then you feel invested in the process and then you go out and vote, and that is the type of thing that we want to encourage, making sure that the process supports the individual voter.

S1 19:45

A lot of similarities, any disharmony in terms of disagreements around the principles in--?

S5 19:51

Not necessarily disagreement but--

S1 19:51

Waiting for you to jump in too, Jim, because I know it's in there.

S5 19:55

And I wanted to do slightly, not disagree, but just there's something the gentleman - I forget the gentleman's name, this gentleman, yes - because I would certainly agree that there's a lot of rules, regulations, laws, et cetera, so your argument is we don't need any more of them. I think probably as even as the tax has been liberal, I would say that we probably don't need more, but we need better ones. And if we can have the idea that regulation by itself kind of steps on freedom certainly is an argument that we can have back and forth, but bottom line is that I do think that regulation is necessary, and we do need better ones, maybe not more, but certainly better.

S3 20:38

In 1964 as a sophomore in high school, and probably none one of you have been born yet but me. I like to say I organized my high school for Barry Goldwater because that was my first campaign that I really got active. And we had a town of 56,000 people, Terre Haute, Indiana where I still have my law firm. And there, when we came to the general election, there were actually three groups in this small Democrat blue collar town that had come together to support Barry Goldwater. One, of course, was the local Republican party. But there was two other groups of people that opened up a storefront, opened up a bank account, created a name Citizens for Goldwater, got some campaign literature and proceeded to support Goldwater in that election.

S3 21:34

Well, under modern campaign finance laws, those two citizens groups would have committed four federal criminal violations for what they did. And the result of the

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knowledge that people have, that if you create a group like that, you are going to have to go to the Federal Election Commission, notify them, you are going to have to do reports, and there are going to be all these rules and regulations, and there is nobody in your town that knows federal campaign finance law. So, what do you do? You don't do it? It is inconceivable today that in any town in the United States, there were two citizens groups that have come together. I am not talking about unions that can hire lawyers and accountants or big corporations, rich people. I am talking about everyday citizens creating a group. I am sure there is no town in the United States that created two groups to support Donald Trump in the general election, or to support Hillary Clinton in the general election, and that is because people know that they can get in trouble if they do that, so they don't do that.

S3 22:44

That is a huge cost. That is the cost of these regulations. That's the cost of having the federal government supervisor, and we have lost citizens participation in a massive scale because these groups that want to get together as citizens - guess what they're called in Washington? They're called outside groups. They're outside. They're not part of the process. They're outside of the process, so we've got to regulate them and make them disclose who's-- in other words, we've got to hold them in account for their participation in our political system so people don't do this. It's the wealthy, the well-connected, the big corporations, and big labor unions - yeah, they can all do this. But average citizens getting together, this is inconceivable, and that is a huge loss in our participation and our democracy, and only when we get to deregulation will citizens participation increase. The rest of these things that they've been talking about, "Kick in another 60 bucks because you gave a \$10 contribution." These are trivial and at the margins compared with the idea that people believe that they essentially either contribute, possibly vote, but basically stay on the sidelines because grassroots political organizing is you're trying to do. You know you have got to have a lawyer to do this and that is a big problem.

S4 24:19

I can see why Jim would want to think you have to have a lawyer as a good lawyer in the field.

S2 24:23

Yeah.

S4 24:24

But I would give you a couple--

S3 24:26

[?] would not have a good lawyer.

S4 24:28

But I can give you a couple of examples, in my small community in Virginia in every election cycle you have citizen groups that come up under state law not federal, but they are--

S3 24:37

Yeah I like Virginia is a lot better.

S4 24:39

So the other-- they all require registration of political communities before you spend money in reports. But citizens who are interested go ahead and do that. At the federal level the action that I was involved with I will admit, sort of dragged into it was Colberts Super PAC, Americans for a Better Tomorrow, Tomorrow, and people

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watched that and formed super PACs across the country. They went to the FEC website, they filled out the form, they had their super PAC. I don't think it is that citizens are afraid to be involved, it is that they are not sure their involvement makes any difference. That anyone is listening to them. That is the real issue here, and that goes to the whole idea that the first amendment as you pointed it out on the right to petition, is so the government will hear people. And I think we have a system now where the government is hearing the lobbyists and the billionaires and the Washington interest. And citizens feel they're getting left out of that equation.

S3 25:40

Don't you think is more systemic than that? I mean, one of the concepts of self-government was to have government be at the lowest possible level, starting with you. In other words, you having the maximum amount of freedom. And therefore, if you're going to have some government regulation, it needs to be at the lowest level. Well, as we're pushing all the power up to the federal government, certainly, people that are voting in the Bronx on whether or not to vote for this senator over here have got to be saying, "What possible effect will my vote have on my life?" Voting for somebody in Albany in New York, with all the power that they might have, when does the federal government, even more so running things? If towns and cities were actually doing these things at the lowest possible level and doing things that people could actually affect, then they would say, "Well, hey, maybe I can get something done." In our town, a lot more people vote than 10%. A lot more people.

S7 26:47

One thing very quickly, is that the fact is that the overwhelming majority of things that government legislates, they do at the local level. The constitution mix are very clear.

S3 26:59

Well, tell Obama that, would you, of the regulation.

S7 27:02

I will be sure [laughter] [crosstalk]. I've got to call Betty tomorrow to take care of it, don't worry about it. I'll tell Betty tomorrow. But the reality is, the overwhelming majority of things and you know your constitution very well, sir. So you know, article one section A of the constitution is very specific about the [?] power of the federal government. Everything else is the state. The civics classes that I referred to earlier, part of the conversation that I have in the middle of them is telling people, "These are the things that we - meaning not we, but me, I'm one of the people that does it - can legislate. Which is why you should care who I am. Care what we do. And actually participate in government." So, I just had to jump in there.

S? 27:39

[crosstalk].

S2 27:40

Let me just make a quick response to Mr. Bopp about the federal election commission. The reality is--

S3 27:53

I love the FEC.

S2 27:53

Yes, I know you do because we provide you with your income [laughter]. [applause]

S3 28:02

Wait, wait, we have a symbiotic relationship. They pass rules, I sue them. Okay?

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- S2 28:06 Right. Yeah. Well, actually we haven't passed a rule in about four years.
- S3 28:12 Well-- you're trying.
- S2 28:13 Yes, we are. But the reality is that the small grassroots groups never get penalized. What they do is work through our staff. They try to help them to comply with the rules. The rules are not all that complicated but there's a big effort on the part of the FEC to help people to comply with the law. What really counts here and I have to agree totally with you on this, what really counts, people care about transparency. They want to know who's behind campaigns and what Jim wants is total deregulation. Well, actually most of the people that we care about are the ones that are the dark money groups that are funneling money through LLCs or through 501(c)(4)s and (c)(6)s and don't want to disclose millions of dollars and many of them admit it. That's what the public cares about and that's what the FEC should be caring about. It's to make sure that we know who's trying to influence the vote and who's influencing public policy in this country and the public doesn't know that now. I mean we have essentially a bifurcated system of campaign finance where smaller committees yes, they disclose, candidates disclose, but the people who are spending all the money aren't disclosing when they should be.
- S1 29:55 Let me get one question from the audience and just do a quick thing here.
- S9 29:59 I think you answered most of what I was going to ask about because I feel that recently, in this past year, at least especially with the New York City political forum and a lot of the Meetup groups. There's been a lot of local Meetups and a lot of organizing, especially on social media, and so my question was around, is it you only have to file when there's money involved.
- S2 30:27 Yes.
- S9 30:26 Because if you look at social media, especially Reddit, Facebook, Twitter, there's been a lot of people talking, and a lot of people organizing around various political candidates. And so I guess that would have been my question, if you only have to register when there's money involved. So I would come back to the fact that, I don't think it's true that people aren't organizing. There are people organizing all over the country and talking and donating at low levels.
- S3 30:53 In the social media, the internet is exempt from FEC regulation. That is an example of a free freedom. You can do whatever you want on the internet, the only regulation--
- S4 31:09 Except spend money, when you have to report it.
- S3 31:11 The only regulation, that I was about ready to say [laughter], that you so kindly interrupted, is of course, if it's a paid advertisement by a campaign, then that campaign reports that, and of course, you've got to have a disclaimer on that. But beyond that, that is an example of freedom. Where people have come to understand that they can do whatever they want. Now Ann, bless your heart, wants to change that. She wants to regulate the internet. And there have been a number of people--

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- S2 31:50 Have you been watching Fox news?
- S3 31:52 I have been reading your stuff [laughter]. I have been reading your stuff, Ann [chuckles]. And there are others. And if Ann wants to change her mind and not do it now that's fine.
- S2 32:03 I need to answer that.
- S3 32:03 But, there are others who want to regulate the internet. This is an example of what I'm talking about. This is freedom versus areas that are regulated and I'm for the freedom model.
- S2 32:14 Right.
- S6 32:15 So I'm going to jump in before Jim makes the commissioner leave. And you spoke to [laughter]--
- S2 32:21 No, no, no.
- S6 32:22 Is the assumption that was made about 12 minutes ago that political engagement means financial engagement? I'm on this stage and I have never contributed to a politician, ever. I have done research on politicians. I have published news with bylines. I affect their day. But I don't have to write them a check. This guy, I spent about 900 hours volunteering on his campaign. I drove him around. We got meals together. I made some pictures. The picture of him in your program, I made that six years ago. You don't have to write a check. That is one speech act among many. I could show that I don't like a politician by burning them in effigy. That's also a speech act [laughter] that I would be free to make.
- S1 33:11 You mean their image, right? The image of them?
- S6 33:13 There's a guy-- I'm sorry?
- S1 33:14 Their image, not them [laughter]. Right?
- S6 33:16 Yeah. There's actually somebody who did this. You read about him in the news yesterday. He put up a thing of Trump and he hung an image of Hillary. You can engage without writing a check. And also to come at this from the other side, the New York City system matches your donations up to an amount. \$175, right? I actually took a look and I wanted to see if campaigns and donors were sensitive to that amount. That is if you saw that there is a lot of chunking or activity where just a lot of people are like, "Yeah. 175 matching funds." There isn't. The truth is that while a lot of people are brought in on small donorship and house parties, politicians are still in New York. They're raising money from people that have disposable income and they're raising it from as few people as possible because they need time for other things. They need to do their day job. They need to talk to voters. So they're responsive to institutions and to large donors. And there are plenty of small donors. I have seen the data. I have worked with Steve Romanowski and he's shown me some of it. It's incredible. But it still does not do the whole job of distinguishing. There's a lot of engagement we can

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do that is nonfinancial. Because the reason I have never made a contribution, I have time, not money.

S1 34:30

Ann, did you want to jump in?

S2 34:33

Well, I absolutely agree with you on the issue of volunteering. That's one way of engagement, but small donors are also a way as Amy mentioned of engagement. There're a lot of other ways, and the truth is-- I mean you're talking about-- I'll answer two things at once before I get to Jim. But I also think the question certainly voter suppression is an important issue and all of the other ways that it's difficult for people to vote, but I'll tell you I'm from California, and California, it's really easy to vote and people don't vote, still. I'm sure Matt can talk about the statistics. In 2014, the number of young people from the age of 18 to 24 who voted was 8%, 8%. And that caused a pundant to say, you have a greater likelihood if you're a young person in California to be arrested then to vote.

S2 35:45

I mean seriously, this is a serious, serious problem and we've got to get to the question of why. It's not a question of access entirely. There's probably a multitude of reasons, some economic but that's, in my view, the thing that we've got to be worried about and I personally like to talk about it as a crisis, because I think that is a crisis. Regarding the internet, yes, we know that one elected official started the internet and now I'm trying to terminate it. But actually I'm not trying to regulate the internet, I'm trying to assure that with the really positive aspects of technology and the internet and the ability to get out to lots of people like brigade does to get engagement, we also have to have transparency. We have to make sure that the people who are funding campaigns are doing it legally, we don't know that now.

S2 36:54

Seriously, there's all these money funneling through the internet that probably comes from foreign sources which is clearly illegal, and we know it, and we don't have the ability to get that information. And that's something, if there's a zoning issue in the city of New York, do you want foreign interests to be telling you who can build something next to you? No, probably not. That's a uniquely local issue and the law is clear that foreign interests can't be involved in any level of voting in this country, so that's my issue with the internet. I have never suggested one regulation in my entire time. I have said we need to talk to people, to technologists, to people who are thinking about this subject, and understand that issues of voting and issues of campaign finance are going to the internet. The campaigns are going to cell phones. They're going to Facebook and Twitter. We need to be able to understand how we can get the information that people deserve.

S1 38:17

Okay, we're going to change topics before I do a question from the audience. Back right, I got you. I'm going to drag out to you.

S10 38:25

Hi. This is for Ann, James, and Trevor. Anyway, this is exciting to be here. I've spent 527 money. I've spent a lot of money politically and state-level and everything, so it's kind of exciting, especially Mr. Bopp here. But my question is, having worked on 527s- - it was just rearranging the deck chairs, essentially, with Citizens United because

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great, so C4s now don't have to disclose anything due to the same actions. But, my argument is there always was money and always will be money and Citizens United's not going anywhere in my lifetime, it doesn't look like, unless there's radical change. So I mean that said isn't always going to trample any attempts at public finance? At least on the federal level, do you ever see going back or having a system where there is not dark money in it and there is not 520-- or even a 527. So like you know one of my programs was fully handwritten by three guys in 2004. And yeah I couldn't talk to the Kerry campaign but it didn't matter. And then it's not like you guys can actually enforce all the cases of coordination anyway. I mean you can coordinate, you just can't be too stupid about it. You can kind of get away with it anyway not that I know. Not anyway [laughter].

S3 39:41

What you are pointing to is there is a cause, there is a cause for the fact that we have all these Super PACs, that we had a lot of 527s and there's still some, we have C4 spending all on politics. The principle cause is contribution limit. Okay, like in the federal system is \$2,700. If somebody like a trial lawyer who makes millions is afraid that the Republicans are going to pass [?] reform, so he's prepared to spend \$50,000 on a federal raise, to influence a federal raise. Because he then want [?] reform. Well you tell him he can give \$2,700 to a candidate, he doesn't go home after that. He takes that other 43,000, 47,000, whatever it is.

S5 40:41

47,300, yes.

S3 40:41

Thank you [laughter]. The numbers man. Thank you. And he goes and finds someplace else to spend it. I mean, at least super PACs are transparent because they are federal packs or state packs. But, they could go to a 527 which is also transparent with reporting the IRS. They could go to a C4 with some significant restrictions and difficulties. So, in Indiana we do not have contribution limits to our state candidates. So, we have no super PACs. We don't have any super PACs. Can you imagine that? We have four groups that do independent spending and have been doing it for decades. The teacher's union, the manufacturers, the chamber, and over the last decade, the pro-school choice group have been doing independent spending of any significance at all.

S3 41:37

So, the principle cause of all this third-party spending, that everybody is complaining about transparency and lack of accountability - which I agree completely, that they are less transparent and less accountable - is contribution limits. So, they want to treat the cause. I mean, they want to treat the symptom, not the cause. The cause is these ridiculously low contribution limits. You cannot even buy Democrat congressmen for \$2,700 [laughter]. Okay? So, the anecdotal evidence is that it takes 99,000 in cold hard cash to buy Democrat - that was William Jefferson of New Orleans - he literally had 99,000 in cold hard cash in his freezer. Or, the non-partisan, bi-partisan Duke Cunningham, a Republican of San Diego, he was chairman of the Armed Services Committee. If you came in for an earmark he literally pulled out a menu, and say, "Well how much is your--? Okay \$50 million. Okay, that will be, the lowest price \$140,000."

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- S3 42:43 All right, so honestly if you've got somebody in power takes be bought with \$2,700, you have a much bigger problem than campaign finance is going to be able to deal with, all right? You've got somebody inherently corrupt they will find a way to get the money. And so these amounts are so low but they are then causing all the proliferation of all these groups which distorts our system, makes it less transparent and less accountable and they, rather than fixing the problem by raising contribution limits, they want to regulate this other speech.
- S6 43:23 So may I?
- S3 43:24 Making things worse.
- S1 43:26 One more comment and then we're going to change topics, so go ahead the last one.
- S6 43:28 So the last comment here, I'm going to get specific to New York anyway. In New York we have different schedules on the campaign finance records. These schedules indicate the type of entity that us the counter party to the political committee. For instance an individual donor, a corporate donor, or an institutional donor. And the truth is as long as we have anything other than individuals donating, individuals lose. It does not matter if there is an individual Cap at 2,700, 5,400 because the American Express financial services PAC represents more individuals than any of us or all of us together. And that's just to name one of which my brother was proudly a member, still is, is an employee there because he gets to see Charlie Cook speak every week.
- S6 44:10 So, the basic idea here is that whether these organizations are super PACs or whether they are other forms of accumulated interests in the form of unions, fiddling with the donor cap isn't actually going to change a thing because there's still the case that some people are more equal than others. This money is value-neutral but some people just have a lot of it and they will find their way in. And it is not because of a low cap that they do because American Express financial services PAC still is not an individual subject to the individual donor cap.
- S4 44:42 I wanted to go back to the question because everyone was hearing all these comments about C3s and C4s and 527s and, unless you're all complete political junkies, the heart of the question is, isn't it always going to be possible to secretly get money into elections? Because the point of all those groups is you can give to them and they can spend money without anyone knowing where the money came from. Jim says that's because you have low contributions to candidates that they give to these outside groups, but the reality is super PACs have no contribution limits. You could give all the money to super PACs but they don't. They give to the dark money groups because super PACs, as Jim point out, report their donors. C3s, C4s, all these other groups don't. This goes back to the Supreme Court statement in the Citizens United case, that we shouldn't worry about corporate money flooding the system because it would be fully disclosed. People would know which corporations were paying for the ads.
- S3 45:49 Why don't they want to disclose?

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- S4 45:50 We don't because we have the dark money [crosstalk].
- S3 45:53 Why don't they [crosstalk]--
- S4 45:54 Many corporations don't want to disclose because they don't want to tell their shareholders what they're doing, or their customers who may not like it.
- S3 46:01 Do you think it has anything to do with the fact that politicians will attack them? Do you think it has anything to do with the fact that Nixon had an Enemies List and sic the IRS on those people? Does it have anything to do--?
- S4 46:12 [crosstalk] If you don't want to have people know who you are, then you don't have the land of the free and the home of the brave - as he put it - if you are afraid to stand up and say who you are when you're speaking politically.
- S3 46:25 And you don't care that politicians will punish people who support their opponents?
- S4 46:32 Because you haven't [crosstalk].
- S3 46:32 Honestly, Trevor, I've never heard you speak out on that. Ever. You've never said there's a balance. And I do think there's a balance between voter information on the one hand and the chill - the political activity, disclosure political activity - will have on the people's willingness to do it. In my town I lived on a street and people swore that because we had Democrat Mayors they never would pave our street. I think maybe there's some possible merit to that [chuckles].
- S1 47:06 We're going to have some more time to discuss these conflict points. I do want to change topics for a quick second. Professor Briffault and Amy, what do you see are the biggest problems that we're facing on our election system, particularly the lens of New York? You can reach to the federal level that we're dealing with today.
- S5 47:26 Maybe rephrase this slightly. We're talking about this as an elections dispute, but in some ways -- start thinking what Jim said about the groups that form Is not the real problem, it's the contributions [?]. The real problem I think is not the election system. It's the impact of the election system on the government system that comes after the election and that precedes the next election. Going back to what the senator said a few minutes ago about raising funds from people and also [?] policy, not corruptly. They're not putting money in your bank account. They're putting money into your election, or they might be, because they're interested in influencing your views about charter schools or about insurance regulation or about local land use regulation or whatever the many thousands of things that Albany has to deal with. They want to get on your good side, not illegally, not corruptly, not with the opponent you [?] a couple years ago, not by literally lining your pocket, but by helping you with your election. You need somebody to help your election because if nobody gives you money for your election, how can you campaign?
- S5 48:29 I do think that on some ways we might want to -- I think it's sexier to look at this like an elections problem, but in some ways, it's deeply a governance problem, and it's

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about how do we want to structure our elections so that we minimize the dysfunctions in government, not to produce the best government. I'm not that optimistic. It's how do we minimize the dysfunctions. One thing, and I think this is where part of the New York City campaign system comes in, is trying to reduce the impact of the campaign financing system as well as the gerrymandering system as well as limitations on the vote and the way in which they skew the operations of the government that comes after this election and then leads up to the next election.

S5 49:13

New York City, I think we have particular problems actually with the voting system, probably more than many other jurisdictions. We have an especially dysfunctional board of elections and especially dysfunctional administrative system for voting. We have more acute gerrymandering here than many other places. We have a better campaign finance system, albeit one which due to background laws, state and Supreme Court, is bound to be limited. That's where I see our problems is how do we think about the impact of the electoral system on governance and how do we write the rules for elections that way, to limit the kinds of pressure that the senator is under, pressures that is going to affect him whether he wants them to or not however hard he tries, and I suspect pretty successfully in your case, but not all your colleagues are going to be as successful as you are in resisting those pressures.

S8 50:05

I agree with Richard. I think that part of the issue is. And I think it's part of the reason why people are so disillusioned with the electoral system is because they don't feel that the government listens to them. So it is really they all are intertwined. It's if I am allowed - not me, because I don't have this kind of money. But if I could give \$50 million to help elect somebody, guess what? I gave you \$50 million to help elect you, I kind of expect you to do something for me. And even if I don't expect you to do something for me, everyone thinks that I expect you to do something for me. And so just having that kind of money flooding in to the electoral system corrupts what people think of their government and how-- they become cynical. And it's like I don't matter. Because yeah, I can vote, but I don't have the kind of money, I don't have kind of the influence. When that person is elected, I might want my streetlight fixed. Yes, I agree with senator Rivera that, absolutely, most of the issues that people deal with day-to-day are local issues. I want a pothole fixed. I want the streetlight on my corner because it's dangerous. I want them to put pedestrian medians in. All local issues. I think that people need to know that they're part of a system that counts to them.

S8 51:28

And I think that in New York City, it's part of our campaign-friendly system. It really does. It encourages people to run who aren't holding to big interest, because they can have this kind of money given to him from the government so they are able to run, we have more competitive elections, we have less people relying on big money. And we gave out \$36 million in public funds in the 2013 elections. There were \$16 million in spending in that election. But there are a lot of races where there is the person who won was well outspent with the independent spending because they were able to get their message through the public financing system. So I think really doing that and enforcing the law. I mean we didn't talk about that that much in the last round, but enforcing the law is important. I mean a friend over there who asked the question

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about coordination, I mean it is a difficult thing to enforce. New York City has pretty stringent rules about that and the candidates know that we enforce them. I think someone else maybe Richard or Trevor talked about having a non-partisan election system which is really an important part of making sure that the election systems are fair. I think that having a non-partisan board has really helped the city's board be much more effective than some other regulatory agencies across the country.

S1 52:54

In the spirit of finding the cause versus the symptom, do we think we understand the problem?

S6 53:01

I'm researching the problem, I've got a couple 100 million lines of records. I query this to say okay what is the dollar acquisition costs of a campaign? What are they buying? How much of it is alcohol, as far as seeing what are? No that was, this is what got my start. I put up pie charts of how much politicians in the New York City system - using your logo and your data until Mac called me up and said don't use our logo - how much they were spending on alcohol, so people could see yeah, there's a matching fund system, it's great, anyone can get involved, they're throwing parties. And that's not all they're doing, they're doing real work, they're getting elected, they do the job. But the idea being we don't actually know what's going on in there, as I've talked to you about this, what incentives they are reacting to on either side of their ledger. And there is a lot of interesting narrative there that I could talk about for an hour if I was the only one here. But basically I would say this is a problem with so much data, and that's actually where I go in in building the tools that allow me to ask some question of 100 million records at once. So I can say this is actually the distribution within the population of what these people are doing. So I don't understand the problem yet. I'm still building tools to try to get there.

S1 54:10

Any big problems we're missing before we move to the brighter side [laughter]?

S5 54:14

Just to underscore two things, one is Ann's point earlier which is it's not all just purely legal or political or structural. There is just-- what explains the lack of engagement is just a hard question. And I think it's not just statistical, it's not just data, but it's broader than that and maybe it's starting in other countries, and it's not just-- it occurs at the local level. I mean just to respond to what Jim said before, universal pre-k was done at the local level. Affordable housing issues have been at the local level, common core or not, is state and local. These are not federal issues. There's tons of important local issues, just-- whether a new high-rise goes up across the street is going to be a local issue.

S5 54:50

There are really important local issues, some people do get engaged with them but it's- and you're all engaged, and so we always have these conversations with the wrong people [laughter], because the people who are here, you're all doing it, it's sort of everybody else. So to that point - and then just to maybe just remake the point I made before - it's not that this other stuff that I was talking about is illegal or corrupt in the formal sense. It's not the bribes. We have laws on bribes, we actually catch people who commit bribes, some of them lose their seats like Speaker Silver, some of

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them go to prison, you know, that part is actually-- well he may never get to-- we'll see about that later [chuckles]. But some of that stuff we can get, it's the more subtle and pervasive influence of the system of raising the money to be spent in the elections.

S5 55:40

It's like the plant that tilts towards the sun. You put your plant in the window, it tilts towards the sun. The sun in this case is the donors, or the funders, and it's kind of inevitable. If that's where the sun is, that's where the plant is going to lean. The case for public funding, and it's got its issues and its problems and its inadequacies, is in fact it created a different song, and to have like sun coming through different-- and it's another-- sort of like Star Wars or something, it's science fiction. But to have, to change the tropism and to have the people lean, the candidates lean in a different direction, or at least not in the direction of the sun that's been pulling them.

S4 56:19

I would agree with Richard that I think one of the problems if you look at a series of polling, a longitudinal poll over a period of time, is that Americans are growing more cynical about their government. If you look at polls done 30 years ago, the percentage of Americans who said, "What I think doesn't matter because members of Congress are bought and sold by the wealthy and the special interests." was down at 25% and it's now up, it's 78%. There's a real change there. And if that's how people feel, they are less likely to be involved.

S4 56:57

I think there's a different aspect of that and that is the talk about low turnout particularly in local elections, primaries, and so forth. The big turnout in this country is going to be every four years in a high-volume presidential election, which everyone is talking about, has been talking about for months. You can't pick up the paper or listen to anything without hearing about it. The opposite end of the spectrum is the local elections for school board or sheriff or indeed a party primary in a big city where you hope your friends and neighbors know about it but it is not something that every press entity is covering all the time. And how it is that in those local elections we can get people to focus on it and know there's even an election, or who the candidates are, I think is a challenge.

S4 57:49

They occasionally say that too much of a good thing is not necessarily a good thing and we, as a country, have more elections than almost anyone else does. We do elections almost every year, you have off-year and on-year, and you have the presidential years and then the off-year for congress, and what we learn is the more elections you have, the odder the timing is, the early primaries, the late primaries, the run-offs after the primaries. The voting pool gets tired or doesn't get engaged and doesn't participate. So you end up with a really small group of citizens who are making those decisions, even though, as many people have pointed out, in a way those local elections have a much more direct effect on your lives than who you vote for for president.

S5 58:37

Just one little thing, New York set the [?] on too many elections this year [laughter]. We had three different primary days this year. There were three different party

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primary days in New York. This is-- we had a presidential primary in April, we had congressional primaries in June and we had the state legislative primaries in September. This is truly nuts.

S2 58:56

Plus some districts had special elections. Some people who voted, who will have voted five times.

S8 59:04

I was going to talk about that, I mean, New York State has a particularly bad [chuckles] electoral system, as Richard brought up. The laws are very antiquated. It was very well-covered how, in New York City, at the presidential primary, how many people were disenfranchised. They went to the polls. They weren't able to vote. There was some incompetence from the Board of Elections. But, a lot of that is-- you have to change your party registration. You would have had to change it by October of 2015 in order to be able to vote in the party primary in 2016, so take note. If you want to vote in the primaries next year, October, again, is the [chuckles] deadline to change your primary date. We brought some voter registration forms, if you're interested in registering to vote for the November election, if you're not registered, or if you're interested in changing your party designation for the mayoral elections next year. But, at the Campaign Finance Department, we've been involved in organizing and lobbying the state to try and change some of these laws through a campaign program called Vote Better NY--

S7 60:22

I'm a co-sponsor on all of them, by the way [chuckles].

S8 60:24

And they're very common-sense. [applause] Not really-- most people from other states would think, "Well, those seem kind of like no-brainer type things [chuckles]. One of them is the Voter-Friendly Ballot Act, which says maybe you should spend some time with graphic designers to have a ballot that people can actually read. You know, that kind of thing. There was one election where elderly people were like, "I need a magnifying glass to be able to read the information on this ballot." So those kind of really common sense, early-- online voter registration - which is an important thing that many, many states already have - early voting, which a lot of states have to allow people more flexibility. The polls are open in New York city a long time, from 6:00 AM to 9:00 PM, but having more days because guess what? People go to work. You forgot that it was election day. You got to work, someone tells you. You see our beautiful I Voted sticker on somebody's lapel, but you're working, and so you don't get home in time to vote. So having more days will allow you that opportunity. I think it's just things like that really making it easier for people to be able to get out and vote.

S1 61:44

Ann before you go.

S2 61:44

Yeah, I want to raise an issue that hasn't been discussed, really. And I agree with you, Richard, about the impact of the money and the access that has influenced public policy. But there's another impact of money in politics, and that is it's very difficult for people of moderate means and for women, Hispanics, other minorities, African Americans to get elected in this country. And the reason is they do not have access to

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the money and so they're not able to either mount a campaign or even get into the campaign, to begin with. They're dissuaded from doing it because the need for money has been so high and there's money coming in from-- like super PAC money tends to go, it's mostly on the federal level anyway is about 90% white males who give to white males who have super PAC. So it's a real problem because what we're having is kind of a dual issue here. We're having people who aren't able to have influence on public policy and you can't have representatives who are representative of the country at large, and I think that's a real serious problem for this country.

- S1 63:16 Let's make sure you don't miss your train. We might take a question from the audience. We're going to go to last comment. [applause]
- S2 63:27 [inaudible].
- S11 63:32 Hi there, Thomas from MIC political forum. During the last election cycle, 2012, one of the major nominees from the party - which, he'll remain nameless - said the following, "Corporations, my friends, are people." Do you agree or disagree, Mr. Potter? That's a joke. The real question is this [laughter]. Citizens United decision has become this political litmus test, and you've had candidates who vowed to repeal their decision if they nominate a certain justices. How viable would that be to repeal that decision? Can you just lay out a scenario under which administration that could be repealed, and how the system would refer back to?
- S4 64:21 I think that Citizens United is a illogical and fatally flawed decision. And I think the court will revisit it and--
- S? 64:30 We can't hear you, speak up.
- S4 64:31 --change it. That mic stopped working, try this one. I think Citizens United was a mistake and flawed decision. And I think the court over time will revisit it and change their mind. The reason I think so is that I do think there's a substantial difference between individuals and corporations. When Governor Romney said, "Corporations are people, my friend," that was shorthand for a view that says corporations are made up of people. And it is the CEO or other executives who as individuals are deciding what to do with those corporate resources of that corporation's money, technically belongs to shareholders, and somewhere down the line, those are going to be individuals. So, it was an idea by some of the justices that if individuals can spend money in politics why shouldn't they be able to do so through the corporate form. But, you know, as someone who filed briefs on the opposite side of that case, I thought there were many good arguments that said corporations are different than individuals and can be treated differently. They have a perpetual life which alas we don't have. They have different tax systems. They have a government charter to exist in the first place. And all of those--
- S7 65:47 If you prick them, do they bleed [laughter]?
- S4 65:50 All of those individuals in those corporations had their own individual First Amendment rights already. So, the CEO could talk, and endorse candidates as CEO.

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They had special rights to spend money as through their pacts. So, I think the system we had before Citizens United was a more logical one, and I thought consistent with the First Amendment which does not treat all speakers the same. I'll be happy to pass that on.

S? 66:22

Sure, sure. I am sure.

S4 66:25

If we can say foreign corporations can't give in, foreign people can't participate, then we are saying Congress gets to draw the lines between speakers, and I would draw the line saying individuals and citizens and voters should be participating and not artificial entities. And I do think the answer to your question is that over time the court will come around and rethink that. [applause]

S3 66:50

Thank you. Well before you clap, let me defend my decision [laughter] because you want to have both sides here for a second. There's two reasons why the decision was correct. First, the first amendment does not protect - like the 14th and others - the rights of people or citizens or whatever. It says Congress shall make no law abridging the freedom of speech. So there's nothing about persons or citizens in there. It protects an activity - speech - regardless of who is the speaker. So the first amendment protection extends to anybody or anything or in any word that you can speak. So that's the first thing.

S3 67:37

Now the second thing-- you know, I think it's fine that rich people participate in politics but I don't think they should be the only people that get to participate. You know, rich people can spend their own money. If we had Trevor's world - where only individuals had the freedom of speech - then of course, rich people, since they have the money, will go spend the money themselves. And you can't stop them. How about the rest of us? How about you and me? How do we participate? We pool our resources. We give money to a labor union, an advocacy group. We pool our resources because we don't have the money. And once the money is pooled, we then speak.

S3 68:28

That is why the first amendment protects the right of association for political purposes. It's to protect the right of you and me to pool our resources. Now, when people decide to pool their resources, then they have choices of the structure they use. It could be a labor union, it could be a not-for-profit corporation, that all these advocacy groups are not-for-profit corporations. Because they don't want their own resources to be on the hook for the spending of the group. Only what they contribute to the group is on the hook. So, in Trevor's world, it's only the rich people that get to participate. In Citizens United world, all of us get to participate by pooling our resources [laughter].

S7 69:18

Can I just make a third point. Just to--

S1 69:20

Hold on, let me just-- I want to just make sure we don't run out of time and there'll be some time for extra points. There's a lot going on. I appreciate audience reactions. It's fine and understandable. We haven't engaged you enough. I know there are a couple

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quick questions. I'm going to get one more and then we're going to go to the opportunities there so we don't end on a sour note and we can stay afterwards and keep chatting.

S12 69:43

Good evening. I don't want to be the guy who stands up here and makes a speech, so I'm going to try to keep it as brief as possible. I've been an elected official on a very local level. I'm a journalist who covers elections, and I'm currently involved with a project to try to engage young, Latino millennials to get them to register and vote across the country, so I have a pretty broad perspective on this. I listen to you talk about freedom, and I listen to some others talk about the need for government regulation, and the word that I haven't heard yet is responsibility. I know this may sound a little bit idealistic and altruistic, but as a very local elected official, what I found was that people, as soon as I was elected, then people looked at me, "Oh, you're the man. You're going to take the responsibility off of all of us. You're the one who has to vote. We don't have to."

S12 70:50

I think that there is a sense in our local communities and across the country that people, they don't want to vote. They have opinions. They express them on Facebook and Twitter and Instagram all the time, but they don't want to go into that voting booth and pull the lever or push the hanging chad or whatever it is, and there's a disconnect. So why is it that people have strong opinions and they express them everyday, but they don't want to go and make that commitment. And to me, that's the central issue here. How do we connect those pieces and also look at it in the wider context of all the other systems in our country that are not working well?

S8 71:39

I think you're right. I think people do need to-- there is some personal responsibility there. I think though that what I was talking about before is that making easier for people to go to vote will help people. I think one thing that I really like the idea that Senator Rivera gives these civic lessons in his district, because I think that people don't really understand. I think some people don't understand. I think part of it is they don't really understand. You're bombarded about the presidential campaign. That's why the turnout is high in those elections. You see it all the time, "Oh the president. I know who the president is." And I think that most people couldn't tell you who their city councilman is or their congressperson. I think that that kind of civics education for young people is really really important and kind of lacking in the public schools today.

S7 72:36

Two thoughts, one is [?]. You can have mandatory voting, as Australia does. It's actually a small fine for not voting. Hardly anybody ever has to pay the fine because the concept of mandatory voting actually leads people to vote. Second possibility, you go to vote, you get a lottery ticket [laughter]. It would be illegal now because it would be treated as vote buying. But you could actually have a system of universal lottery tickets. Everybody who votes gets a lottery ticket.

S1 73:04

Time is not our friend anymore and we're running out of it. Before we end, what up here do you think are the biggest opportunities - I'm going to first direct this to

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Senator Rivera, and then also I'd like Trevor to weigh in - what are the biggest opportunities for our electoral system as you see and as you see developing in our country and in New York?

S7 73:25

A big part of how I see my job - and I try to [?] these civics classes to explain it to folks in my district - is to make the connection of what it is the government actually does. To give a sense to people of what it is that why they should care who I am, who the other 62 senators in the state of New York are, who the other 150 members of the Assembly are, what are the decisions that we make, what do we do. I think that the biggest opportunity right now because we're having the conversation about reform, we're having the conversation about government being better, being more responsive, because we're having the conversation about money and politics and what it means, I would feel that probably the biggest opportunities to educate the folks that are disengaged at this point. It is a challenge that I take on every single day in my district. Unlike my predecessor, who by the way as a quick parenthesis, my predecessor is in federal prison. His predecessor just got home from federal prison, and his predecessor also went to prison. We're talking about engagement and the idea that--

S? 74:37

[inaudible] [laughter].

S7 74:39

Do you know how low the bar is? Just don't get indicted and you'll be all right, and I've been there six years and the only times I visited prison has been in my official capacity. Anyway, but the idea of that engagement it's part of I believe that anybody who is here, who is already engaged, it is your responsibility and your obligation to get other people engaged. To get other people to understand what government does, understand why it is important for us to engage in government. The bottom line is whether you like it or not, whether you know who we are or not, whether you vote or not, we still make decisions that impact your life every single day. Part of the obligation that we have as engaged people, and there's the opportunity--

S1 75:20

Half an hour.

S7 75:22

Part of the obligation that we have as engaged people is to engage other folks and to get them to really participate, and not only voting but coming to things like this, educating other people, giving some money, doing like this guy did in my campaign and busting his ass for 900 hours, really?

S6 75:38

Something like that.

S7 75:39

Oh, my god. [?] So I believe that's probably the-- certainly for the people in this room, and anyone who might be watching and what have you, it is to engage others. To kind of get them in, let them know what does government do, why should you care about it, and then give them options as to what they can actually do to engage.

S4 76:00

I think our system of government-- the point about citizen responsibility is a really key one because our system of government, a representational government, only works if citizens are involved, and voting, and holding their representatives accountable. That's

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the freedom we have is to select our representatives, to pay attention to them, to vote them out if we don't like them. And if you have a system where very few people are participating in most of the elections, then you lose credibility. So you can look at it and say, "Is that because they think people are bought, that they don't have influence, they're not being heard?" You can try to address those, but somehow you have to get citizens back into the process.

S4 76:53

I loved the lottery idea. I'm sitting here in my brain thinking, "Well, we could have one ticket each congressional district, you could have one for each senate race." If the country is not paying attention to policy but is willing to go and pay attention to elections because their bribed, that maybe worth doing. But we've had tonight a whole series of suggestions, of ways we could improve our system, in terms of voter registration, non-partisanship, campaign finance, deregulation, whatever these are we're not dealing with them as a country. New York has had a terrible election system for years, it usually takes a court case for a judge says, "You can't do whatever X or Y extreme thing you're doing that prevents people from participating." But the parties then don't carry that ball, or elective officials don't in New York and across the country. So it's not that we don't have ideas and ways to improve the system, it's that we're not acting on them and so making this a priority and saying, "We really need to look at how to make voting more accessible, more efficient, more appealing," are things I think we need to do and concentrate on as a country to make the rest of it work.

S3 78:16

Thank you. I think we have some wonderful opportunities to actually get a grip over what the problems is and what the solution is. What we have heard is - and Trevor's right - over the last 50 years, there's certainly been no improvement in the way people view top politicians as being corrupt, and in fact, over the last few years, decade or so, the view has gotten worse. And what that has demonstrated is the two huge campaign finance laws that were passed in '74 and 2010 that resulted in thousands of pages of regulations and laws, is an utter failure because it was being sold with the idea that it would create trust, and of course, the trust is-- we have less trust now than we've had in a long time.

S2 79:08

Secondly we have found out - and we've had testimonials here - about the fact that money doesn't buy elections. I mean if money bought elections, governor Bush, Jeb Bush would be the nominee of the Republican party. You remember a year and a half ago he and super PAC raised \$125 million. And way more than anybody else was able to martial and they end up with basically zero delegates.

S2 79:38

And of course they've been talking about their own particular races or what is happening in New York the [?] races et cetera. It is just simply a big canard, false statement that money buys elections. There's many more factors that go into it. But there is a problem with all of these regulations, and the other thing we've heard is also true that there's not enough information. People don't know who their congressman is. They don't know who-- I mean how many in your district knew that you were the state senator [laughter]. And you would want and hope that many more

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would know who you are, what your voting record is and all of that, because you're representing them. But the fact is, the people have a-- you know, they would know way more about the latest thing that one of the Kardashians are doing than who's the Vice President of the United States.

S2 80:30

So we have a big lack of information and knowledge about the political system. The good news and the opportunity is getting more money in politics. Super PAC's and Citizens United's decision has resulted in more money in politics. That's a good thing. We need more information. Raising contribution limits. Almost 20 states over the last two election cycles have raised or eliminated their contribution limits. And that's a good thing. More money to the candidates that are going to office, more money in the system, a more accountable system because you can actually vote against-- you know, you can't vote against the super PAC, but you sure can somebody, you know, a state senator who received that money that you don't think is a good thing. More accountability, more transparency, more money in politics. It's a failed experiment. It's time to give it up. It's time to try the first amendment again and we're going to be a lot better off, I think. And that's the opportunity.

S1 81:34

Last comment, Professor Briffault.

S5 81:37

the New Yorkers-- is this one working? The new Yorkers in the room have an unusual opportunity actually to change. In one year and two months, in November of 2017, there'll be on the ballot for all New Yorkers the question "Should there be a state constitutional convention?" This was Thomas Jefferson's idea, that every 20 years the people should be able to remake their constitution and through some oddity of wisdom in 1846 our constitution makers in New York put it in our constitution. The last several times it's been voted down. In '57, and '77, and '97 the people said no. Maybe because they didn't think the constitution needed fixing, maybe they didn't think it would succeed. One more shot. 2017, there is the chance that things like changing the board of elections, adopting campaign finance regulation, adopting ethics reforms, adopting non-partisan redistricting commission, and anything else that you think might improve the political process that you don't think is going to come out of the state legislature. In part because it hasn't until now. You have a shot.

S5 82:41

Now, it's a big shot. Many people will be against it. Lots of people are quite satisfied with the status quo. And even if it passes, in some ways the bigger challenge will be the election the year after to select delegates to this convention. Hopefully everybody in this room will run, as the way of a check - and the senator too - as an offset to the traditional elected officials who often dominate these conventions, which is why they don't always get created. But, you're talking about opportunities, people in New York actually have an unusual opportunity next year to begin a process of changing the fundamental rules in New York State. Think about it. Think about between now and, not this November, next November. Whether you think it's a good idea and if you do, talk to your friends and neighbors. And if it should actually pass that we have this convention, some of you should run for delegate.

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S1 83:34

Thank you. We're out of time. I want to thank the panel and the experts. Please, on behalf [inaudible].[applause] For everyone who didn't get their questions answered up here, just rest assured knowing that I also did not get called on, so I did not get to ask my questions [chuckles] so, you're in good company. But that being said, we do encourage you to head over to impactny.org. You can hit us up on Twitter, LinkedIn, Facebook, grab us on the way out. We would love for you guys to get involved just past tonight and continue the conversation. I'm just going to finish by asking you to do one thing and that is vote. Not only in your federal, state, and local elections, also, more importantly obviously in our Impact exit poll [chuckles]. This will give you a chance not only to give us an idea of what you want to see in future forums in terms of topics, but it will also give us a sense for how we did - a scorecard for us - and generate some interesting data that we can share with you following up from the event. So please do give sli.do one last shot here. Let us know what you want to talk about next time, and we really do hope that we see you there. Let's finish off with a last round of applause for the audience and our panel. Thank you. [applause]