

## Fair Elections for NY Update - June 22, 2013

### Netroots Nation: An Interview with Karen Scharff and Dan Cantor

[Two of the leaders of the Fair Elections Campaign in NYS were in San Jose on Saturday for the Netroots Nation gathering. Here's an abbreviated version of an interview they did there].

*Q. Let's start with a look at what is sometimes called the brutal facts. What's the latest with the Fair Elections campaign?*

**Dan Cantor:** It was an astonishing final few weeks. We lost, or at least we didn't yet win, and there's no sugar-coating that. We thought we could get it done this year, and executed a plan over the last year that put us within reach. But the bell tolled, and it's still the case the money boys won this round.

*Q. What happened in the legislative session for those not following the play-by-play?*

**Karen Scharff:** The Assembly passed their Fair Elections bill by 88 to 50. The fight shifted to the Senate, which is where we always knew we'd have the heavy lift. The Republicans dug in against us and the IDC, the Independent Democratic Conference, said they were with us and introduced a comprehensive bill but failed to do anything to move the legislation. We tried a very unusual parliamentary maneuver at the end – a hostile amendment introduced by the Senate Democrats to force a floor vote – and we lost by 2 votes. Very painful.

*Q. Why the hostile amendment?*

**Karen:** Because we couldn't get the Republican –Independent Democratic coalition government to put the bill on the floor. We weren't the only ones, in fact, in this dilemma. The agreement between the Senate Rs and the, shall we say, rogue Democrats meant that we were essentially boxed in. Every major progressive issue met the same fate at the end of session – no Senate vote.

*Q. Couldn't the Governor help?*

**Dan:** Yes. He did put forward a bill towards the end of session, but it's fair to say that he did not invest the political capital in this that we had hoped for. Certainly not early enough.

*Q. So the Republicans in the Senate killed you in the end?*

**Dan:** Not on their own. It's true that the Republican's refusal to budge was even worse than expected. But in the end we got killed by two Democrats who defected, and by the Independent Dems' refusal or inability to deliver on their oft-repeated promise to get this done in the Senate. We knew we didn't have the Rs, and our strategy at the end focused on getting all the Democrats. This task was made immeasurably harder – I mean *immeasurably* – by the R-IDC coalition, because it meant we could never control the narrative, or the legislative calendar and

rhythm. We spent months wrestling with the IDC culminating in civil disobedience outside Senator Klein's office with 21 arrests.

*Q: What about those two Democrats? What's the story with them?*

**Karen:** It was Malcolm Smith of Queens and Ruben Diaz from the Bronx. What they did was really a disservice to their own constituents, let alone the cause of democracy in America. They represent working-class and poor people who get the short end of the policy-making stick day-in and day-out, and this was a chance to change that. So, shame on both of them. Malcolm, who was with the IDC and is now under indictment, claims it was a mistake – that he didn't vote because he wasn't paying attention. Diaz says he doesn't like hostile amendments. And he has gone back and forth on the issue all year.

*Q: You're bumming me out. Anything positive here?*

**Karen:** Of course! This was an amazing campaign, start to finish. A lot of good organizational and even personal friendships were deepened over the last year, and that will pay dividends on this topic and others in the years to come. And we made an amazing amount of progress on the issue.

**Dan:** Remember, this is about the heaviest lift in politics. You're asking incumbent electeds – all of whom BY DEFINITION have succeeded in the system – to pass a new electoral financing regime that will result in the funding of their opponents' campaigns. That's a big damn change. The fact that we got as close as we did – and are in fact within striking distance still – the fact that we got as close as we did is testament both to the dedication of hundreds of people who worked on this, and to the importance of the issue. It's a topic whose time has come, period.

**Karen:** I want to second that point, and name some names. Brennan Center for Justice, Common Cause, Public Campaign, Center for Working Families and of course Friends of Democracy played central roles. The Piper and Proteus Funds made this all possible. The housing groups came in strong at the end, as did numerous grassroots, environmental, labor and civic organizations. There's another hundred I could name. This was a very exciting effort, and we hit our marks day in and day out.

*Q. Can you give us a few examples?*

**Karen:** First, we made Fair Elections one of the top 2 legislative issues -- along with the Women's Equality Agenda -- and kept it there until the very end. The reporters started cynical, but didn't end that way, as they all said to us repeatedly some version of -- "I would've never believed it, but you guys have put this public financing thing front and center."

We also made it impossible for the Governor and legislature to pass a compromise bill that did not include public funding of elections. Early on, the Albany wisdom was that they'd pass some minor reforms and call it a day. After the scandals it seemed like there might be some new bribery laws and that would be it. We made that impossible. We also forced the IDC -- and this

is little short of astonishing – to come out with a comprehensive bill, and they felt so much pressure from the campaign that in the end they voted for the Senate Dems hostile amendment.

**Dan:** Don't forget the Rs. Despite the Senate Republican leaders' dead-set opposition, our two main Republican targets – targets of in-district organizing, canvassing, earned media and paid communications -- that they felt obligated to spend their own money on direct mail, paid phones and consultants to counter our attack. One of the two has now committed to support the Governor's campaign finance reform bill. Probably a phony promise, but interesting that he felt obliged to say it.

*Q. So where does that leave us? A lot of people were hoping that a victory in NY would help the entire money-in-politics movement nationally? Is there a silver lining here?*

**Dan:** Actually, yes. And we're not spinning. By the end, the Governor's commitment to getting something done on corruption – and Fair Elections was part of that – by the end his commitment got a lot deeper. He announced last week that he will create a Moreland Act commission to further investigate the campaign finance system and recommend legislation by Jan 1, 2014. The Commission will hold public hearings and open its investigations to the public. Done right, it could produce a huge amount of momentum for passage of legislation early in the next session.

*Q. What do you think is the path to victory now?*

**Karen:** We need to get Fair Elections in the budget in 2014. We saw this year all the barriers to getting a floor vote in the Senate. If it's in the budget, it is much more difficult for the Senate to block it, and it forces them to the negotiating table with the Governor and Assembly. With a recommendation from the Moreland Commission in January, the timing is perfect for the Governor to put it in his proposed budget in late January.

*Q. What do you think we'll need to do to make that happen, and to get the legislature to go along?*

**Dan:** More of the same. The campaign has fully established the urgency of the issue. Polling revealed broad public support. Moreland will reinforce all of that so it feels as if we start on third base, so to speak, even as we know the final 90 feet will be hard. Piper raised a lot of dough in 2012-13 for this – \$1.4 million on the c3 side, almost \$1 million on the c4 side and FOD did about the same on the hard-money front – but we won't need quite such large sums next year. We just need to use the Moreland Commission process to keep up the momentum, escalate the attention on Senators throughout the fall, and then bring it home during the budget season.

*Q: I hate to even ask this, but what if the Governor does not put it in the budget?*

**Karen:** Then it's all about the 2014 elections. We started this round of the campaign by electing Cece Tkaczyk to the Senate, against all odds. The combined efforts of Friends of Democracy, Working Families, Citizen Action and CWA in that campaign put Fair Elections on the map. If we don't win in the 2014 legislative session, then it's back to the voters. We have to

re-elect Cece, and beat at least two other Senators. Then we'll have the votes, and we'll likely have a senate leadership that will be on our side.

*Q: So, it seems that you are not giving up.*

**Dan:** We'd like to, but our children will never forgive us if we do.

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