

## *QUESTIONS AND ANSWERS ABOUT "REAL" FINANCE REFORM*

Q. Why do we propose a bill, and why now?

A. Voters of this state overwhelmingly voted for reform in 2006, but almost no reform has come. It is long past time for state leaders to keep their promises instead of posturing. We offer a bill to set a standard of real reform and prod leaders to finally enact a real reform law. We do so now while there's still time to reach agreement before adjournment, and so voters will know heading into 2008 elections where their leaders stand on real reform.

Q. Why is an independent Office of Campaign Finance Enforcement necessary?

A. Real reform means ending the partisan Board of Elections' blind-eye culture that almost never investigates or penalizes campaign finance violations. For that reason, the Board of Elections must have no role in enforcing campaign finance law. Instead, an Office of Campaign Finance Enforcement -- staffed in much the same nonpartisan way that Court of Appeals judges are selected, and empowered to investigate and enforce without Board of Elections control -- can shelter enforcement from outside taint. Only that way can voters be confident that campaign laws are fairly and rigorously enforced.

Q. Why are backup Attorney General powers and cooperation with the Commission on Public Integrity necessary?

A. Albany's shameful enforcement record shows that a system with only one enforcement agency can invite failure. To ensure rigorous and fair enforcement, the Attorney General needs concurrent power to investigate violations and backup power to prosecute campaign finance crimes if the Office of Campaign Finance Enforcement fails to do so. Drawing on the lesson of Project Sunlight, cooperation between Office and the Commission on Public Integrity is essential to create, for the first time, a no-loophole web of lobbying, ethics and elections enforcement

Q. Why is automatic collection of civil penalties necessary?

A. The best enforcement system deters violations before they occur. Current law instead invites violations by giving no incentive to follow the laws: late filings and other key "omissions" can be cured without penalty, and penalties can be assessed only by burdensome court action that almost never happens. The Commission on Public Integrity (former Lobbying Commission) offers a better model: automatic fines for civil violations, with penalties rising with the experience of the filer and the severity of the offense. That way, the law would help enforce itself, fairly for all, and violations would be less likely to occur.

Q. Why are random compliance audits necessary?

A. The best enforcement system deters violation. That's why the the Commission on Public Integrity randomly audits lobbyist filings, with a blind-selection system overseen by outside auditors to ensure fairness. Candidates and campaign committees need the same system as lobbyists who contribute to them.

Q. Why tie contribution rules to federal law?

A. New York's contribution caps are a joke: they are far higher than U.S. Senate and presidential candidates can accept. If New York's U.S. senators can campaign on \$2,300 contribution caps, with LLC and corporate contributions banned, then so can New York's state-level candidates. Nothing less than the fair, objective and reasonable standard of federal law would be real reform for New York.

Q. Why create felony crimes for serious violations?

A. Substantial and intentional violations of campaign finance law are offenses against the public trust and corrupt our democracy. As such, persons convicted of these crimes should be stripped from public office, lose law licenses and be denied other public privileges for which their conduct disqualifies them.

Q. Why automatically disclose violations on the Internet?

A. Sunlight is the best antiseptic. Prompt publicity would deter violations and, when they occur, voters have a right to know about them immediately so that voters can consider compliance when they cast their ballots.

Q. Why ban anonymous political ads?

A. Political advertising is a core First Amendment right and vital to robust public debate, but voters should have a right to consider not only the content of ads but also their source. Anonymous ads entice secret evasion of contribution caps and false smears: they are bad for democracy and must be banned, just as Congress has done for federal elections.