



October 28, 2008

Ms. Amy Loprest  
Executive Director  
New York City Campaign Finance Board  
40 Rector Street  
New York, NY 10006

Dear Amy,

Citizens Union writes to you today to provide our feedback on the Campaign Finance Board's (Board) proposed guidelines outlining how the campaign finance program (Program) will be operated as a result of the extension of term limits to three, four-year terms. Given the Board's record of being a good steward on the operation of the Program, and the applicable law, and its track-record of working in a thorough and organized fashion, we are disappointed with the way the Board handled notice and comment on a change that will fundamentally impact all candidates who are running for office in 2009 and 2013. Soliciting public input and comment during the same two week timeframe in which the Council was considering the term limits legislation and – while the public's focus was distracted from considering the proposed guidelines – may not have been the ideal way to seek public input on this issue. That said, Citizens Union recognizes the need for clarity about how the Program will be conducted given the passage of the term limits legislation; however, the need for clarity does not justify the Board hastily completing the process due to claims of expediency. We recommend that the Board extend the comment period by at least another week and hold public hearings to discuss the guidelines to ensure that all interested parties are aware of the proposed changes and have had an opportunity to comment.

Substantively, Citizens Union is concerned that the expenditure proposals set forth in Group 1, Option A and Group 2 will unfairly advantage incumbents or other declared candidates in 2009 who decide to delay their candidacy for such office until 2013. By allowing these candidates to "freeze" their accounts without counting expenditures made prior to the date of the advisory opinion or January 12, 2010, as the case may be, the guidelines allow certain candidates to benefit from the name recognition and exposure to the targeted constituency that undeclared candidates or a candidate who at some later point decides to run in 2013 would not enjoy. This is an inequitable result. Instead, we believe that the process outlined in Group 1, Option B where the candidate would maintain their same committee for use in 2009, even if they were originally declared for a different office, is a more practical and equitable approach because it ensures a more level playing field with respect to contributions and expenditures for all candidates seeking the same office.

In light of the limited timeframe for public review and input on such a critical component of the operations of the Program, Citizens Union has only provided a brief synopsis of our comments on the proposed guidelines. If given more time, we, and other interested stakeholders and the public, would have been able to provide you with more comprehensive feedback. We reiterate our call to extend the comment period and to conduct public hearings on the proposed guidelines to ensure the Board obtains complete and thorough public input.

Please feel free to contact me or our Director of Public Policy and Advocacy, DeNora Getachew, at (212) 227-0342, ext. 24 if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Dick Dadey".

Dick Dadey  
Executive Director

Citizens Union of the City of New York  
299 Broadway, Suite 700 New York, NY 10007-1976  
phone 212-227-0342 • fax 212-227-0345 • [citizens@citizensunion.org](mailto:citizens@citizensunion.org) • [www.citizensunion.org](http://www.citizensunion.org)  
Peter J.W. Sherwin, Chair • Dick Dadey, Executive Director