



2010 QUESTIONNAIRE FOR CANDIDATES FOR NEW YORK STATE LEGISLATURE

Citizens Union would appreciate your response to the following questionnaire related to policy issues facing the State of New York and our interest in reforming how state government operates. Responses to these questions will be one of several factors Citizens Union will use to evaluate candidates who are running for office in order to determine our "Preferred Candidates" for the primary election and "Endorsed Candidates" for the general election. If you seek our support, we would also need to schedule an interview with you as part of the evaluation process.

We plan to make responses to this questionnaire public in our Voters Directory and other appropriate venues.

We thank you very much for your response.

Candidate Name: Gustavo Rivera Age: 34

Office to Which You Seek (Re) Election: Assembly/Senate District #: State Senate 33rd district

Campaign Address: 3224 Grand Concourse, Bronx, NY 10458

Campaign Telephone Number: (646) 450-5429 Fax: () N/A

Party Affiliation(s): Democrat Campaign Manager Name: Horacio Gutierrez

Website & Email: _____

Education: B.A. University of Puerto Rico; M.A. CUNY Graduate Center; ^{IN PROGRESS}

Occupation/Employer (or years in currently held elected office): See next question

Previous Offices, Campaigns and Community/Civic Involvement:

- Director of Outreach, Office of US Senator Kirsten Gillibrand, New York, NY April 2009 – May 2010
- Constituency Director, Florida, Obama for America, Tampa, FL, July 2008 – December 2008
- Consultant, SEIU Local 1199, New York, NY, February 2008 – June 2008
- Chief of Staff, Office of New York State Senator Andrea Stewart-Cousins, Yonkers, NY, January 2007 – September 2007
- Regional Director, Office of State Senate Democratic Leader, David A. Paterson, New York, NY, December 2003 – December 2006
- Deputy Field Director, Friends of Andrea Stewart-Cousins, Yonkers, NY, October 2006 – November 2006
- Deputy Field Director, John Sabini for State Senate, Queens, NY, August 2006 – September 2006
- Part Time Adjunct Lecturer, PACE University, New York, NY, September 2005 – Present

- Field Director, Bronx, New Yorkers for Ferrer 2005, Bronx, NY, October 2005 – November 2005
- Campaign Manager, People for Melissa Mark-Viverito 2005, New York, NY, August 2005 – September 2005
- Deputy Field Director, Friends of Andrea Stewart-Cousins, Yonkers, NY, October 2004 – November 2004
- Deputy Field Director, Serrano for State Senate, New York, NY, July 2004 – September 2004
- VP, Campaign Services, The PolIProd Group, Brooklyn, NY, May 2003 – January 2004
- Conference Consultant, PACE University, New York, NY, September 2003 – January 2004.
- Campaign Manager, Friends of Phillip Reed, New York, NY, June 2003 – November 2003

Are you willing to be interviewed by CU's Local Candidates Committee? YES X NO _____
 (Please note: Citizens Union can grant its "Preferred Candidate" and "Endorsed Candidate" rating only to candidates we have interviewed.)
 Have you completed requisite campaign finance filings? YES X NO _____

Signature of Candidate: _____ Date: _____

I. CANDIDATE QUESTIONS

Please state your position on the following reform measures. Specify whether you support or oppose each. You may elaborate in the space provided at the end or on additional paper.

ELECTION REFORM

1. What is your position on establishing by statute an Independent Legislative Redistricting Commission charged with drawing congressional and state legislative lines and removing the responsibility from the Legislature, through the passage of S.1614B/A.5279B ?	Support/Oppose See attached.
2. What is your position on a process where the legislature directly appoints the members of a districting commission, as in S.7881-A or S.7882-A, as an alternative to the independent commission referred to in Question 1?	Support/Oppose See attached.
3. What is your position on maintaining the current redistricting process in which legislative lines are drawn by the legislators with support and research from the New York State Task Force on Demographic Research and Reapportionment (LATFOR)?	Support/Oppose
4. What is your position on the adoption of stricter redistricting rules that would ensure that every district is: more equal in population (within 1% deviation from the mean), contiguous and compact, formed without regard for protecting an incumbent or political party, mindful of the need to keep neighborhoods intact, and not drawn to undermine racial, linguistic, and ethnic representation?	Support/Oppose
5. What is your position on restructuring the state Board of Elections and changing the administration of elections by amending the constitution to abolish the two-party system of governance and operation?	Support/Oppose See attached.
6. What is your position on making it easier for candidates to appear on the ballot by, for example, lowering signature requirements and utilizing less burdensome witness signature requirements?	Support/Oppose
7. What is your position on amending the Municipal Home Rule law to limit the ability of a mayor-appointed charter revision commission to "bump" other local charter amendments from appearing on the ballot?	Support/Oppose
8. What is your position on removing prisoner populations from the census counts for the purpose of redistricting and instead counting those populations in their	Support/Oppose

last known place of residence?	
9. What is your position on amending the constitution to allow for Election Day Registration?	Support/Oppose See attached.
10. What is your position on amending the constitution to allow for no-excuse absentee voting?	Support/Oppose

CAMPAIGN FINANCE REFORM

11. What is your position on lowering campaign contribution limits for legislative and statewide candidates for public office?	Support/Oppose See attached.
12. What is your position on establishing a system of public financing for state legislative and statewide races?	Support/Oppose
13. If you support public financing, what is your position on a system where public funds are awarded on a matching basis (similar in design and function to the New York City system) rather than a system of full public funding of campaigns?	Support/Oppose See attached.
14. What is your position on restricting campaign contributions from registered lobbyists and those who do business with the state?	Support/Oppose
15. What is your position on banning campaign contributions from corporations, LLCs, and LLPs, while still allowing such entities to form separate PACs?	Support/Oppose
16. What is your position on limiting transfers from party committees to candidates, or other committees, to twice the limit set on individual contributors and limiting contributions to party committees to the same ceiling placed on candidates?	Support/Oppose
17. What is your position on increasing disclosure and reporting of campaign contributions and expenditures by requiring candidates to include full name, home address, and employer/business name for each contribution?	Support/Oppose
18. What is your position on requiring that two periodic campaign finance reports be filed during the legislative session to reflect contributions given during the session?	Support/Oppose
19. What is your position on stricter requirements on the use of campaign contributions for non-campaign related activity, such as personal use?	Support/Oppose
20. What is your position on requiring disclosure of independent expenditure campaigns?	Support/Oppose

ETHICS REFORM

21. What is your position on changing the representation of the Commission on Public Integrity so no one elected official makes a majority of the appointments?	Support/Oppose
22. What is your position on expanding the jurisdiction of the newly formed Commission on Public Integrity to include legislative ethics violations, lobbying and campaign finance enforcement?	Support/Oppose

BUDGET REFORM

23. What is your position on requiring all budget documents, including budget bills and legislative additions, to be presented in a format that is organized into programmatic categories and facilitates public and legislative review?	Support/Oppose
24. What is your position on requiring the governor's budget submission to present the full scope of the state's financial obligations, including its public authorities?	Support/Oppose

25. What is your position on establishing an independent, nonpartisan budget office to provide revenue projections, display economic and policy analysis and require that the state engage in long term, multi-year budget planning?	Support/Oppose
26. What is your position on the use of Generally Accepted Accounting Principles (GAAP) rather than cash accounting for the state budget?	Support/Oppose
27. What is your position on requiring regular reporting of lump-sum appropriations and member items that includes detailed information on funds distributed, recipients, and remaining funds and bans on member item appropriations to organizations of which a close relative of the Member is on the staff or board.?	Support/Oppose
28. What is your position on distributing member item allocations equally amongst all legislators and requiring for greater accountability as expressed in S. 7007/A10116?	Support/Oppose
29. What is your position on incorporating the use of performance budgeting and outcome measurement to promote the more rational appropriation of state funds?	Support/Oppose See attached.
30. What is your position on instituting a later start date for the state fiscal year?	Support/Oppose
31. What is your position on mandating the use of conference committees in the legislative budget process?	Support/Oppose

ADDITIONAL REFORM

32. Do you support a system of selecting New York trial court judges through an appointment process in which candidates are recommended by citizens committees on the basis of merit?	Support/Oppose See attached
33. Do you support further reform of the Wicks Law, which requires New York State government entities to award separate prime contracts for the major components of a construction project?	Support/Oppose See Attached

Please use the space provided or a separate sheet of paper to elaborate on your positions on the above issues. You may also provide additional information on any actions that you have taken or plan to take to advance your positions on these issues.

First I want to thank the members of Citizens Union of New York for the work you have done for over a century in New York promoting citizen-centered politics, good government and clean elections. Your fight against corruption since the days of Tammany Hall has made you the premier watchdog organization in New York City. In my years of public service, I have done my best to adhere to the same principles Citizens Union rests upon by only working with and for progressive leaders who share those values.

In this race, I oppose an individual who has shown himself to be utterly incapable of hewing to those principles. Just two short years ago, Pedro Espada received the preference of Citizens Union. It is remarkable what one individual did to undermine that seal of approval in such a short time. It begins with not even living in the community he claims to represent, and ends with using his political office to enhance his own wealth and power at the expense of that community, with various unethical behaviors and two indictments in between.

For this reason, I seek the preference of Citizens Union in the race for the 33rd Senate District in the Bronx. I would be honored to receive your preference in this election – and I give you my word that, should I receive it, I will uphold the principles and policies outlined in this questionnaire.

Questions 1 and 2

In principle, I firmly believe in an independent, non-partisan re-districting commission that is called for by Senate bill 1614b which hews quite closely to the wonderful example of states like Iowa, which enacted such a law in the early 1980s, and Wisconsin, where a similar bill was introduced several years ago. Absent such a commission, we get what has happened in New York for years: politicians redrawing lines to get themselves re-elected, and parties redrawing lines in order to maintain their power. The outcome is bizarrely shaped districts, uncompetitive elections, and low voter turnout. When voters are cut out of the democratic process to the extent that such a system does, it is virtually inevitable that we get the type of corruption and back-door deal-making we've seen in Albany for years.

So I would support a bill like S.1614B as my first choice. If such a commission did not pass, I would support S. 7881-A or S.7882-A as alternatives because these bills are better than the system we have now and it would lead to an improvement in the way district lines are drawn in the state of New York. Ultimately, I firmly believe that we need to get politicians out of the business of redistricting – not because of corruption concerns, but because of the self-interest served by the outcome of such lines.

Question 5

The two-party system has serious flaws. It often leads to the “duopoly” cited by Micah Sifry in his excellent book Spoiling for a Fight. Once in power, political parties will rewrite the rules in order to maintain their hold on the political system. We see this time and again with laws governing ballot access, for instance. I am proud that New York is one of the very few states in the country which gives access to third parties through its fusion voting laws. We need to do more to open up the political system and lessen the hold of party machinery on the political process.

However, as someone who has taught political parties in a college classroom for 11 years, I also know that there are serious downsides to simply doing away with political parties. In democracy's history, mass political parties have been the only way by which the people with the fewest resources in society have been able to mobilize. Parties organize voters and help solve what is known in political science as the problem of “collective action.” They also serve to organize government in our federalist system where you have a separation of powers at all levels of government. Without parties, power tends to flow to the wealthiest citizens who can buy their way to elections. We know, for many reasons that have to do with both political ideology and process, the Republican Party is extremely weak in New York City. But it is no coincidence that Michael Bloomberg was able to capture the party by simply spending his way to their nomination and then to the mayoralty – three times.

I would have to see the proposed legislation before I sign on. We need to reform our political party system – but it must be the right kind of reform. I do know that non-partisan, “open” primaries have their own problems, with Louisiana as a prime example. The Jim Crow South taught us that a one-party state is more dangerous than a two-party state. There are no functional examples to judge what a no-party state would look like.

Question 9

I absolutely support it. It is no coincidence that in the nine states with such a law voter turnout is regularly higher than in other states.

Question 11

I would support doing so. But absent a move to some type of public campaign financing such a law could shut out certain candidates from running for office.

Question 13

If given the choice, I would prefer something similar to Maine's Clean Election Act where candidates receive public funds once they meet stated requirements. The matching fund system similar to what NYC has – or what Arizona had before the Supreme Court blocked it this past month – would be my second choice. The New York CFB does great work, but my experience has been that better funded candidates still have a great advantage. If the goal of campaign finance reform is to level the playing field, then full public funding is preferable to a system of matching funds.

The problem, of course, is the interpretation of the First Amendment by the Supreme Court beginning with *Buckley v. Valeo* and continuing right through to the *Citizens United* decision this past term. As long as the Supreme Court continues to rule that money and free speech are identical during campaigns, we will have the problem of the democratic process being undermined by those with the most financial resources.

I can attest to the fact that, as a first time candidate, I've spent way too many hours trying to raise funds when I could have been out talking to voters about issues. The need to raise money debilitates and distorts the democratic process in ways that public financing can help solve.

Question 29

In principle, I support performance-based budgeting. My support for any particular legislation would depend on the specific provisions of the bill. For example, I would not support a policy that tied teachers' pay raises exclusively to their students' standardized test scores. I believe government must be accountable to the taxpayers by demonstrating that governmental agencies have clearly defined targets and goals that they must meet in order to receive funding.

Question 32

In principle, I don't believe judges should be elected. Having judges stand for election has the potential to distort the very notion of impartiality that a judge is supposed to have. Most elected judges are good people who serve with distinction. But if the goal is to remove the judiciary from the political process as much as possible, removing judges from elections is a good place to start.

The question becomes: do you allow judges to be appointed by politicians for life similar to our federal judiciary? Or do you give the citizenry that power? In principle, I would support the latter because further removing politics from the judiciary is the right direction in which to go. I would have to see the language of such legislation to ensure that it meets the stated principles before supporting it.

Question 33

I support many of the anti-corruption principles behind Wick's Law. For example, I agree that we need to ensure that big contractors don't monopolize the bidding process and force workers to capitulate to lower wages or worker protections. I also agree that there should be a healthy bidding process in all government contracts and subcontracts.

However, since the law was written in 1912, reforms are needed to meet the demands of our twenty-first century economy and provide for an open and efficient bidding process for government contracts. I would

have to see the proposed legislation or reform. But they need to adhere to the principles of 1) anti-corruption and cronyism in contracting; 2) a competitive bidding system; 3) fair wages and labor protections for workers on all sites that are publicly funded.

CAMPAIGN PROMISES MADE TO VOTERS

As a candidate who presently does not hold elected office, CU is interested in knowing your top five campaign promises or goals you are making to the voters during this campaign for this position.

If elected, Citizens Union will use these promises or goals to evaluate your performance while in office, as well as, to evaluate your candidacy in the future.

We thank you very much for your response. Please feel free to use additional paper if the space provided is not sufficient.

TOP FIVE 2010 CAMPAIGN PROMISES OR GOALS

These are the five commitments I make to my community:

1. **Commitment to my constituents – I will serve my constituents to the best of my ability. That begins with living in the district, as I have done for the last ten years in a rent-stabilized apartment. I am committed to providing the best possible constituent service to my community. My legislative and district offices will help those who need it navigate the red tape of city, state and federal government. I've done this work as the Chief of Staff for State Senator Andrea Stewart-Cousins and as State Director of Outreach for US Senator Kirsten Gillibrand.**
2. **Commitment to be a full-time legislator – I believe that the NY State legislature should be a full-time job, and I commit to treat it as such. Accepting other employment can give the appearance of serving two masters, when the only master a legislator should serve is his constituency.**
3. **Commitment to good government – I will uphold the principles outlined here because I believe firmly that good government means sound public policy. This is what I've taught my students for over a decade as a faculty member for Somos El Futuro (We Are The Future) – the Model State Senate sponsored by CUNY and the Latino Task Force. Accountability, transparency, and reform will be hallmarks of my Senate career.**
4. **Commitment to civic literacy, participation and engagement amongst our youth - As an educator, I believe elected officials must do all they can to educate the public. I've done this for more than a decade through programs at Hunter College, Pace University and through the Justice Resource Center at Martin Luther King High School. I am committed to using my office to foster civic competency amongst our youth by bringing innovative programs to the schools in my district, the borough and throughout the city.**
5. **Commitment to sound public policy – After years of corruption, my Bronx community needs a Senator dedicated to creating opportunities that allow them to fulfill their potential. This means: job creation and responsible economic development; tenants rights and affordable housing through the reform of our housing laws; education reform that gives all of our children a stellar educational experience; and promoting healthcare so individuals can be productive members of society. I am committed to enacting all of these progressive policies.**