



Candidate Questionnaire
 Local Candidates Committee
 NYS Elections 2018

Citizens Union appreciates your response to the following questionnaire related to policy issues facing New York State, and our interest in reforming state government. **Please return the questionnaire to us as soon as possible, and no later than September 14th.** Responses to these questions will be one of several factors Citizens Union uses to evaluate candidates running for New York State Comptroller, and to issue an endorsement in the General Election. Please feel free to affix any additional information such as a résumé, campaign brochure, or issue statements.

If you seek our support, we will also need to schedule an interview with you as part of the evaluation process. **Please contact us if you wish to be interviewed.**

We plan to make responses to this questionnaire public on our website, printed voters directory, and other appropriate venues.

We thank you very much for your response.

Biographical Information

Candidate Name: Thomas P. DiNapoli
 Party Affiliation(s): Dem, WFP, WEP, IND, RER Age: 64
 Education: New School MA, Hofstra BA
 Office Sought/District: Comptroller - NYS
 Occupation/Employer: Comptroller

Previous Offices, Campaigns and Community/Civic Involvement: NYS Assembly 87-07
Mineola School Board of Trustees 72-82

(Please feel free to affix any additional information such as a résumé, campaign brochure, or issue statements.)

Campaign Contact Information

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I. AFFIRMATIONS

Have you completed required campaign finance filings? YES / NO
 Are you willing to be interviewed by CU's Local Candidates Committee? YES / NO

(Please note: Interviews are prerequisites for Citizens Union endorsements.)

Signature of Candidate: Tom DiNapoli will come separately Date:



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II. CANDIDATE QUESTIONS

1. What reforms do you think are necessary to promote a timelier, more transparent, and more accountable budget process? What is your view of applying GAAP (Generally Accepted Accounting Principles) to the state's budget? What is your position on the creation of an Independent budget office?

I have proposed a Fiscal Reform package which would change the way the State budgets by opening up the process, ensuring greater public disclosure of the decision making, and bringing transparency and accountability to spending and debt, especially with respect to public authorities, which have long operated in the shadows.

My reform proposals, which would restore voter control over State debt, prohibit discretionary lump sum appropriations, bring more accountability to public authority spending done on behalf of the State, and require objective criteria and clear, public processes for distribution of State resources, would help ensure a cost-effective allocation of funds, restore New Yorkers' confidence that resources are allocated on the merits, and maximize the benefit of publicly funded programs and services. I have called for requiring deposits to the State's rainy day reserves in times of budget surplus to help mitigate the need for damaging spending cuts and tax increases, or the use of fiscal gimmicks during challenging times.

I support moving toward GAAP based budgeting.

I believe an independent budget office may be duplicative with a fully empowered Office of the State Comptroller, and have been fighting to restore the oversight and independent review that the Governor and the Legislature curtailed.

2. Do you believe that the current balance of power between the governor and the legislature in the budget process is appropriate? What steps do you believe are necessary, if any, to change this balance? Do you support instituting a later start date to the state fiscal year to allow for more deliberation by the legislature?

Although the State Constitution and court cases (Silver v. Pataki) provides the Governor with significant authority over the State Budget, including responsibility for advancing an Executive Budget and line-item veto power over the Enacted Budget, the Legislature also has major responsibilities and power in shaping the State Budget. The time during which the Legislature deliberates the Budget is a key point when the public and interested parties are able to get an understanding of the Budget proposals and how such proposals may impact them financially and programmatically. I have called for reforms to make the budget process more transparent, deliberative and open to the public, including requiring the

Division of the Budget to provide a preliminary impact assessment and description of revisions that occurred between the Executive Budget and the final budget agreement, before final passage.

In recent years, I raised concerns in my State Budget reports about proposals that could erode the Legislature's role in allocating State spending. These include proposals to allow the Governor to change the amount of spending after enactment, to change the stated purpose or planned use of some spending, and to reallocate spending to other State agencies and public authorities. I believe these actions diminish important checks and balances, work against transparency and accountability to the public, and should not be included in the Budget. It is incumbent on the Legislature to preserve, protect and utilize their role and responsibility in the allocation of State spending.

I believe there are other mechanisms available to the Legislature to foster a more significant role as a body in the budget process. The Legislature's Joint Budget Conference subcommittee process was designed in part to provide public disclosure and deliberation of budget negotiations, but the Legislature does not take full advantage of this open process and major budget and policy decisions have mostly been negotiated behind closed doors and at the 11th hour.

I have been supportive of changing the start date of the State fiscal year to later in the year.

- 3. Do you support measures to limit the role of money in elections and politics, such as substantially reducing contribution limits and/or instituting a matching public campaign financing system at the state level? If elected, would you set an example on campaign finance reform by voluntarily limiting the size of campaign contributions you receive by an amount significantly less than the current limit, should reforms not be enacted?**

Yes, I support measures to limit the role of money in elections and politics. I have fought for campaign finance reform and public financing of campaigns for many years. As Comptroller, I have set an example on campaign finance reform by barring investment firms seeking to do business from contributing to State Comptroller campaigns. I also advocated for the Securities and Exchange Commission to make this an industry standard. In addition, one of my first actions as Comptroller was to push for public financing legislation for the Comptroller's race. This proposal would have limited contributions from individuals, capped campaign spending for the Comptroller's race, and provided matching funds.

I strongly believe that to strengthen the political process, we need to open it up and encourage New Yorkers from all walks of life to run for office. I support public campaign financing for statewide and legislative elections.

- 4. What steps do you believe need to be taken to ensure better ethical conduct of state elected official and public officers, both within the Office of the New York State Comptroller and generally within state government? How can the Office of the NYS Comptroller use its powers to deter corruption in state government?**

When I first became Comptroller, I took immediate steps to update policies and controls to enhance and codify ethics, transparency and accountability standards, especially with regard to pension fund management.

I have advanced procurement reform legislation that I believe would improve oversight and accountability with regard to contracts. My Procurement Integrity Act would restore contract oversight

stripped from the Comptroller's Office on certain SUNY and CUNY contracts and centralized contracts. It would strengthen ethics requirements in contracting and prohibit contracting through non-profit entities to circumvent approvals and reviews that apply to state agencies unless authorized by law. Together with the Database of Deals legislation, these two initiatives would address many of the issues revealed in the corruption trials. The Senate passed both and I will continue to advocate for their passage in the Assembly.

I have also stepped up our investigative collaboration with law enforcement to hold those who steal public funds accountable. Since 2011, these efforts, including the Task Force on Public Integrity between the Comptroller and Attorney General offices, have produced more than \$50 million in restitution and dozens of arrests of corrupt officials.

Whether through proposing reforms or fully utilizing the powers of the office, as Chief Fiscal Officer of the State, I will work to advance an agenda to improve ethics in government.

5. **What steps, if any, should be taken to promote greater transparency and accountability of our state's public authorities? How would your office partner with the Authorities Budget Office to ensure the state's authorities are operating efficiently and in the public interest?**

Since becoming Comptroller, I have issued numerous reports and audits of public authorities. Hundreds of millions of dollars are being spent annually by authorities with insufficient oversight. My fiscal and procurement reform proposals would bring greater accountability to public authorities by subjecting the procurements and spending they do on behalf of the State to the same oversight as State agencies, and ban public authority backdoor borrowing. I also believe we need to address authority board member terms, to ensure they are clear and limited, to avoid the problems we see with holdovers on boards.

In partnership with the Authorities Budget Office, we jointly manage and operate the Public Authorities Reporting Information System. We work collaboratively to provide oversight of public authorities, coordinate audit and reporting efforts, and ensure the public has access to timely and comprehensive information on the State's public authorities. I have made public authority revenue, spending, and debt data, which had never been visible to the public before, available through my Open Book NY initiative.

While continuing the fight for much-needed public authority reform, I will continue to look for ways to bring more oversight and transparency to public authorities.

6. **Currently, at least \$12.7 billion of state budget funds are in appropriations without adequate spending criteria or oversight, notably in spending pots controlled by the legislature and in large lump-sum appropriations in UDC and other budget lines. Would you favor a requirement that spending from all such funds be publicly identified, including a description of which vendors/contractors are paid what out of each such budget line? Do you have other recommendations for improving transparency in this area?**

I have strongly objected to the expanded use of lump sum appropriations in recent years, and the lack of transparency and accountability surrounding the use of these funds. I support greater disclosure of such spending, including specific information about the vendors and contractors paid from each budget line. Currently, for non-lump sum, lined-out State agency spending, I make detailed spending information available through my Open Book initiative. I firmly believe taxpayers have the right to know where and how every one of their dollars is being spent.

My fiscal reform proposal would increase oversight of all public authority spending done on behalf of the State and ban the use of lump sum appropriations. It would require that any funds not allocated through either a statutory formula or lined-out recipient be allocated through a competitive process with clear, measurable, and objective criteria. My proposal would also require the Division of the Budget to report on how all such funds were allocated, including the process used, the scoring of projects, and the amounts spent by project.

- 7. What are your views regarding the fiscal health and forecast for New York State, both in the private and public sectors? How would you use the power of the office to promote a fiscally sound future for New York State?**

As State Comptroller I closely monitor and report on the fiscal position of New York State, on both a cash and GAAP basis. I also issue annual and periodic reports on various sectors and components of New York's economy, including Wall Street and the financial sector, agriculture, high tech, and small businesses, as well as regional economic snapshots. I provide this information to help inform policy makers and the public about the State's fiscal health and the risks that threaten it. I created the Fiscal Stress Monitoring System to provide local governments and all New Yorkers with objective analysis of local data to help them better identify and address the budgetary challenges they face.

The State ended its 2017-18 fiscal year with a General Fund balance of \$9.4 billion, up \$1.7 billion from a year earlier, as a result of factors including strong Personal Income Tax revenues late in the year, unanticipated monetary settlements and lower-than-expected spending. Despite this, no deposits were made to the State's statutory rainy day reserves, which I consider a missed opportunity to better prepare for economic downturns or catastrophic events. I also have identified the State's out-year gaps and structural imbalance as issues that need to be addressed.

I have identified the increased financial risks for the State and for New York households related to changes coming out of Washington. The federal tax changes enacted by Congress and the President last December will have a mixed impact in New York, likely increasing federal liability for many taxpayers. In addition, some leaders in Washington continue to call for other changes that could hurt New York, particularly in the area of access to health care and related costs. Federal funds make up more than one out of every three dollars in the State Budget, and the threatened federal cuts may jeopardize essential services. I will continue to analyze and report on developments in all these areas.

- 8. What are the key areas in state government, local government, and in school districts that you have identified where New York State can realize significant fiscal savings? How would you use the Office of the NYS Comptroller to help achieve those savings?**

One of the chief responsibilities of the Comptroller's Office is to audit State agencies, public authorities, and public programs, as well as local governments and school districts, to ensure that the public's money is protected and wisely used. These audits help establish whether our tax dollars are being spent effectively and whether government officials are doing all they can to eliminate resource waste and prevent and detect fraud. This, in turn, helps promote transparency and accountability in New York State government, which benefits each and every one of us. Since becoming Comptroller, I have identified billions of dollars in waste and misuse of taxpayer dollars.

For example, my school district audits help ensure that our schools are operating effectively and efficiently, and provide assistance when improvements are needed. For example, audits have identified the problem of excess fund balance and stranded reserves as opportunities for cost savings. Other audits have identified hundreds of millions of dollars in Medicaid waste and savings, to help keep the cost of this program down to ensure its availability for the millions of New Yorkers who rely on it for health care.

In addition to issuing reports with audit findings, we issue recommendations on what changes or improvements should be made to improve program effectiveness and achieve savings.

9. **What is the current role of the comptroller in reviewing government contracts? What changes would you make to the state comptroller's role with respect to contracts?**

For more than 100 years, the State Comptroller's pre-audit review of contracts has worked effectively to prevent procurement errors and abuses. As Comptroller, I review and approve contracts for State agencies and certain contracts for State public authorities, providing critical checks and balances to ensure the best value for taxpayer dollars. Staff examines contracts for construction projects, grants, consultants, commodities, concessions, professional services, intergovernmental agreements, leases, and land purchases and sales. As part of its examination, the audit staff ensure that the method used to select the contractor complies with applicable statutory, regulatory, and policy requirements and that the selection was made in a fair manner. By reviewing contracts before they are awarded, our Office uncovers significant fiscal and integrity issues.

As I mentioned, I have advanced comprehensive procurement reform legislation to increase independent oversight of contracts, make procurement requirements uniform, and toughen ethics and transparency laws. These reforms include: restoring the Comptroller's independent oversight of SUNY and CUNY contracts, as well as the State's centralized contracts; prohibiting the use of not-for-profits to bypass procurement laws and transparency; requiring State public authorities to follow the same procurement requirements as State agencies; requiring Comptroller review and approval of SUNY Research Foundation contracts over \$1 million; creating tougher ethics requirements and penalties for those who abuse the procurement process; and increasing transparency to ensure a level playing field for all potential vendors.

10. **What is your view on continuing the office's current executive order that prohibits the New York State Common Retirement Fund from doing business with investment advisors who have made political contributions to the state comptroller, and which bans involvement of placement agents, paid intermediaries, and registered lobbyists in investments with the fund? How have this and other pension reforms changed the process of selecting investment managers? Have they helped or hurt the overall investment performance? Are there any other measures that should be instituted to avoid conflicts of interest regarding firms that may have interactions with the Comptroller's Office or pension funds?**

I am fully committed to adhering to the reforms I have put in place to improve the operations of the pension fund, and have fought to have them codified into law to protect the Fund well into the future. To this end, on August 21, 2018, legislation I have pushed for since 2011 on placement agents was signed into law (A.3137/S.4761) by Governor Cuomo.

To increase transparency and internal controls, I implemented the recommendations of our Pension Fund Task Force. I banned the use of placement agents, lobbyists or paid intermediaries from investment decisions, revitalized our investment and real estate advisory committees, established an independent audit committee and instituted increased public reporting of transactions and performance. I engaged the first independent fiduciary and conflict of interest review of fund operations.

In addition, I barred investment firms who make political contributions to the State Comptroller from doing business with the Fund and provided a leading voice in getting the Securities and Exchange Commission to impose tough new rules on “pay to play” to prevent improper influence on investment decisions.

As a result, the Fund’s focus is where it should be—on investment and performance. New York is the third largest state pension fund in the nation. Our investment return for last year was 11.35%. Most significant is that New York has one of the best-funded plans in America. Our plan is currently funded at 98%. That result is due to our diversified portfolio and asset allocation, as well as the fiscal discipline to meet required contributions. The challenge is to continue this course as we move forward.

My top priority when taking office was to restore the reputation and integrity of the Office of the State Comptroller, including the Common Retirement Fund. We took immediate steps to set new policies and controls to enhance and codify ethics, transparency and accountability standards. With the creation of the Pension Fund Task Force in 2007, which resulted in the implementation of several additional reforms, I engaged the first independent fiduciary and conflict of interest review of the Fund’s operations, which resulted in two independent fiduciary reviews. These initiatives help identify potential areas for change and improve our administration of the Fund.

11. Since you took office what changes have you made to improve the performance of the pension fund and how has the focus on climate change, limits on political spending, and diversity and non-discrimination (as outlined on your website) helped or hurt the overall investment performance? Do you believe any further changes should be made?

I have been successful in my goal of returning the Fund’s focus to where it should be – on the investment and performance of the pension fund. In the past several years, the three major rating agencies (Moody’s S&P Global, and Fitch) have each separately cited the well-funded State pension fund as a fiscal strength of the State, and entities such as the Pew Charitable Trust have ranked the Fund as one of the best funded in the nation.

As Trustee of the Fund, I am bound by the fiduciary duty to act prudently to ensure the secure retirement of the more than one million members and retirees of the New York State and Local Retirement System. Consistent with this duty, I have been a global leader in addressing the investment risks and opportunities presented by climate change, which I consider to be one of the greatest threats to the Fund’s investments, the economy, and society. I have invested in climate solutions and have held fossil fuel companies accountable.

As a responsible investor, I use the most effective strategies at my disposal to reduce risks to the Fund’s investments, and any decision to restrict or sell investments must benefit the Fund, and must be based on the prudent advice of investment professionals. Corporate engagement, including efforts related to

diversity and non-discrimination, political spending, and executive compensation, is an important part of these strategies. I believe such efforts enhance the sustainability of our Fund and do not compromise long term performance.

12. What is your view regarding the establishment of an independent board to help the comptroller oversee investments rather than maintaining the comptroller as the sole trustee?

I prefer the current structure to having a politically appointed board controlled by the Governor and the Legislature.

The sole fiduciary model, with an independently elected Comptroller accountable to the people as trustee, has served our State well over many years. The track record of comptrollers to stop efforts by governors and legislatures to deliberately underfund the plan is part of why New York has traditionally been one of the best-funded systems in the nation.

With appropriate transparency and accountability, as addressed in the reforms I instituted in the aftermath of the Hevesi scandal, the sole fiduciary model is an effective structure to oversee our pension fund. In addition, I have relied on our Investment Advisory Committee, Real Estate Committee, and Audit Committee to provide independent input on investment and operations.

13. What changes, if any, need to be made to the pension fund in order to ensure that it is able to meet future liabilities which are expected to grow at a high rate?

A strong pension fund means the retirement benefits of more than one million New Yorkers continues to be safe and secure. I never forget the real people and real families who depend on these pensions being there for their retirement. That's why I oppose any effort to replace our defined benefit retirement plan.

On a continuous basis, we aim for the best risk-adjusted returns. Our well-funded status is a result of our investment approach that capitalizes on market opportunities and weathers market ups and downs. Our scale enables us to manage assets in-house at lower cost, negotiate for lower fees, and build strategic relationships with the best external managers. Our asset allocation is the single largest driver of our performance and risk profile, and is updated at defined intervals through a rigorous process to reflect changing market conditions and long-term views and is subject to a disciplined rebalancing process to ensure strong returns.

Liabilities are expected to grow, but at a predictable rate. The Retirement System, and the conservative actuarial method in particular, ensure that the System is well funded and will meet its obligations. The uncertainty of the markets is always a challenge but I have recruited a capable team of investment professionals to continue to position the New York pension fund as one that meets our investment goals in a responsible and accountable way. Moving forward, we will continue to review our asset allocation and our long term assumed rate of return.

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

III. CAMPAIGN PROMISES MADE TO VOTERS (PAST AND CURRENT)

In addition to evaluating their stances on the issues above, Citizens Union will assess candidates on the commitments they are making to voters during the campaign. For candidates who have held elected office before, we will also evaluate them on how well they kept the promises they made to voters in the past.

As a candidate who has held an elected office other than the one for which you are running,

- a. what are the top five promises or goals you are making to the voters during this campaign, and,
- b. since 2014, what have been your top five campaign promises or goals and what progress has been made in keeping those promises?

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

TOP FIVE 2018 CAMPAIGN PROMISES OR GOALS

1. Continued Effective Management of the State Pension Fund. Effective stewardship of the New York State Common Retirement Fund will continue to be a top priority. Because of my team's effective management, the Fund is recognized as being one of the strongest and best-funded plans in the country. I will never lose sight of the fact that a strong pension fund is critical for the retirement security of the more than one million New Yorkers who are part of the system. I will continue to advocate for retirement security for all New Yorkers.

2. Fight Public Corruption and Root Out Waste, Fraud and Abuse of Taxpayer Resources. As the State's Chief Fiscal Officer, I will continue to root out corruption and hold unethical officials accountable, making sure that individuals who attempt to enrich themselves at the taxpayers' expense will be investigated and prosecuted. My team of auditors and investigators will aggressively follow the money at all levels of government. We are moving forward with assessing how new data analytics tools will enhance this oversight. I will continue my partnerships with the Attorney General's Office on our anti-corruption initiative, and our cooperative work with U.S. Attorneys' offices and local District Attorneys, all of which have resulted in the recoupment of millions of dollars and arrests of State and local officials, heads of not-for-profit institutions, and State contractors. I will continue to build on these initiatives.

3. Improve Accountability and Transparency of State Government. It has been a priority of mine to reform the Comptroller's Office, and find ways to make it more open and transparent. As part of that effort, we opened up the books on State government through my Open Book New York initiative, which brought unprecedented transparency to State spending, contracts, public authority data, and local government data, allowing all New Yorkers to easily see where their tax dollars go, and I will continue to build on this initiative.

4. Fight for Reform. My package of procurement reforms would increase the independent oversight of State contracts, prohibit the use of not-for-profits to bypass procurement laws and transparency, subject public authority contracts to the same requirements and scrutiny as State agency contracts, and create tougher ethics requirements and penalties for those who abuse the procurement process. My fiscal reform package would open up the budget process, eliminate discretionary lump sum appropriations, increase oversight of public authority spending on behalf of the State, make the state budget more understandable and transparent, boost the state's "rainy day" reserve funds to better

prepare for economic downturns and disasters, promote more responsible debt practices, and create a comprehensive capital planning process.

5. Provide Robust Oversight of Local Governments and School Districts. In addition to ongoing audit efforts of local governments and school districts, we will continue to enhance our Fiscal Stress Monitoring early warning system for local governments and school districts to help them better plan and prepare for the fiscal challenges they face.

TOP FIVE CAMPAIGN PROMISES SINCE 2014 AND ACTION ON THEM

1. Effective Management of the State Pension Fund. Since taking office, I have sought to establish our state's pension fund as a leader in transparency, ethics and effectiveness, and, as previously described, have transformed the management and operations of the pension fund. An independent fiduciary and conflict of interest review of the Common Retirement Fund affirmed these efforts in a 2016 report, commending the Fund for its strong policies and ethical management, stating that my office "maintains a very high level of ethical, professional and conflict of interest standards." The first independent review, released in 2013, commended my reforms.

2. Fight Public Corruption and Root Out Waste, Fraud and Abuse of Taxpayer Resources. I have held those who rip off taxpayers accountable, sending a clear message that individuals who attempt to enrich themselves at the taxpayer's expense will be investigated and prosecuted. I have identified billions of dollars in waste, fraud and abuse in State and local government spending through my audits, investigations and other efforts, and have identified opportunities to achieve millions of dollars in savings. I prioritized this effort by bolstering our audits and investigations of State and local government spending and procurement.

3. Improve Accountability and Transparency of State Government. Since I became Comptroller, I made it a priority to reform the Office and make it more open and transparent. As part of that effort, we opened up the books on State government through my Open Book New York initiative, which brought unprecedented transparency to state spending, contracts, public authority data, and local government data, allowing all New Yorkers to easily see where their tax dollars go. In addition, we have established monthly monitoring of revenue and spending, quarterly updates on revenue trends, and annual independent analysis of the Executive and Enacted State Budgets. We have improved the State's central accounting system, the Statewide Financial System (SFS), to make it more cost-effective and efficient in its management of State spending and related controls.

4. Advocate for Reform. My placement agent ban was signed into law in 2018, ensuring the Common Retirement Fund will be protected well into the future. My procurement reform legislation was passed by the Senate and strongly advocated for by good government groups. I also advanced a package of fiscal reforms to open up the budget process, eliminate discretionary lump sum appropriations, make the State budget more understandable and transparent, boost the State's "rainy day" reserve funds to better prepare for economic downturns and disasters, promote more responsible debt practices, and create a comprehensive capital planning process.

5. Provide Robust Oversight of Local Governments and School Districts. I have conducted audits of local governments and school districts. Under my watch, the Comptroller's Office conducted a school

accountability initiative which involved auditing all school districts and BOCES in the State over a five year period. When my auditors found widespread fraud by special education providers, we pursued an initiative to audit them. I expanded my office's efforts to provide training, budget tools, management guides, and best practices reports to help local governments maintain and improve sound management conditions. I created an early warning system for local governments and school districts with fiscal problems to provide valuable information to allow a deliberate, long-term and strategic approach to managing local finances. In early 2018 we implemented system enhancements which were developed with direct input from local government and school district officials. The changes provide local officials with more helpful, easy-to-understand information to help them address specific challenges facing their communities.

IV. ETHICAL REPRESENTATION OF CONSTITUENTS

Citizens Union believes that all New Yorkers deserve to be represented by officials who work for the public interest and honor the public trust. With the corruption conviction of recent legislative leaders, we seek to endorse a candidate who will demonstrate that she/he will honor the full commitment of the oath of office, and always represent the public interest above all else.

Please tell us how you have and would continue to conduct the political affairs of this office in an upright manner, and maintain the public trust.

As an independently elected official, I am proud to be known for my integrity and independence. I have dedicated my career in public service to making government more accountable and transparent for the people. There is much more work to do, and I will continue to use the power and duties of the Comptroller's Office to advance the public interest and earn the trust and confidence of New Yorkers.