



2012 QUESTIONNAIRE FOR CANDIDATES FOR NEW YORK STATE LEGISLATURE

Citizens Union would appreciate your response to the following questionnaire related to policy issues facing New York State and our interest in reforming state government. 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 September 13th Primary Election, and our “Endorsed Candidates” for the November 6th General Election.

If you seek our support, we would also need to schedule an interview with you as part of the evaluation process. We will not automatically schedule an interview with you if you return this questionnaire, as we prioritize competitive races and resources constrain us from evaluating all races. Please contact us if you wish to be interviewed.

We plan to make responses to this questionnaire public on our website, Voters Directory and other appropriate venues. We thank you very much for your response.

Candidate Name: Brian Kavanagh

Age: 45

Campaign Address: PO Box 3374, Church Street Station, New York, NY 10003-3374

Campaign Telephone Number: 347-450-0546

Fax: () _____

Party Affiliation(s): D/WFP

Campaign Manager: laura@briankavanagh.org

Website & Email: www.briankavanagh.org; brian@briankavanagh.org

Education: Public School 48, Saint Sylvester School, Regis High School, Princeton University (BA, Politics), NYU Law School (JD)

Occupation/Employer (or years in currently held elected office): Member of the Assembly for 5½ years.

Previous Offices, Campaigns and Community/Civic Involvement: See attached bio.

Are you willing to be interviewed by CU’s Local Candidates Committee? YES

(Please note: Citizens Union can grant its “Endorsed Candidate” rating only to candidates we have interviewed.)

Have you completed requisite campaign finance filings? YES

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 second passage of the constitutional amendment (S.6698/A.9526 of 2012) creating an independent redistricting commission with appointees split evenly between the majority and minority parties?	<u>Support*</u>
2. 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*
3. 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?	<u>Support*</u>
4. 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?	<u>Support*</u>
5. What is your position on automatically granting New Yorkers on parole the ability to vote?	<u>Support</u>
6. What is your position on amending the constitution to allow for Election Day Registration?	<u>Support*</u>
7. What is your position on amending the constitution to allow for no-excuse absentee voting?	<u>Support*</u>
8. What is your position on instituting early voting in New York State to allow voters to cast their votes at more convenient times?	<u>Support</u>
9. What is your position on redesigning the ballot to ensure that voters are able to clearly read candidates’ names, titles of offices, designations and ballot questions; that instructions are clear and accurate; that bilingual ballots are required; and that the ballot is able to split races between multiple pages?	<u>Support*</u>
10. What is your position on reforming the special election process, creating a nonpartisan special election for state legislative vacancies, as proposed by A.1369/S.26?	<u>Support</u>
11. What is your position regarding automatic voter registration in which voter registration information of individuals who consent to be registered is provided electronically to the Board of Elections, and address information is automatically updated?	<u>Support*</u>

CAMPAIGN FINANCE REFORM

12. What is your position on establishing a matching public financing system for state legislative and statewide races similar to the New York City model?	<u>Support</u>
13. What is your position on lowering campaign contribution limits for legislative and statewide candidates for public office?	<u>Support*</u>
14. What is your position on restricting campaign contributions from registered lobbyists, placement agents and those who do business with the state?	<u>Support*</u>
15. What is your position on limiting or banning campaign contributions from corporations, LLCs, and LLPs? (Note: such entities would be able to form separate political action committees due to constitutional issues regarding freedom of speech.)	Support/Oppose*
16. What is your position on closing “soft money” loopholes such as limiting transfers from party committees to candidates or other committees to twice the limit set on individual contributors and limiting contributions to party committees, including housekeeping accounts, to the same ceiling placed on candidates?	Support/Oppose*
17. What is your position on requiring candidates to include full name, home address, and employer/business name for each contribution and bundler?	<u>Support*</u>

CAMPAIGN FINANCE REFORM (CONTINUED)

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?	<u>Support</u>
19. What is your position on stricter requirements on the use of campaign contributions for non-campaign related activity, such as personal use?	<u>Support</u>
20. What is your position on improving disclosure of independent expenditures such as requiring disclosure of electioneering activities and linking expenditures to candidates targeted?	<u>Support</u>
21. What is your position on limiting the ability of candidates to accumulate "war chests" and then transferring funds raised in one race to another?	<u>Support</u>
22. What is your position on creating an enforcement entity independent of the State Board of Elections to oversee campaign finance laws?	<u>Support/Oppose*</u>

JUDICIAL REFORM

23. What is your position on a merit-based appointment system through creation of a commission for the selection of judges in all of New York's trial courts?	<u>Support</u>
24. What is your position simplifying and modernizing the state's court system by consolidating the nine trial courts into a two-tiered system?	<u>Support/Oppose*</u>

ETHICS REFORM

25. What is your position on empowering the Attorney General to investigate and prosecute cases involving public corruption, including serious election law malfeasance?	<u>Support</u>
26. What is your position on amending the State Constitution to extend pension forfeiture, subject to due process safeguards, to all public officers and legislators who have been convicted of felonies, building on the 2011 ethics reforms which only apply to future state employees?	<u>Support/Oppose*</u>

BUDGET REFORM

27. 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?	<u>Support</u>
28. 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?	<u>Support*</u>
29. What is your position on the use of Generally Accepted Accounting Principles (GAAP) rather than cash accounting for the state budget?	<u>Support</u>
30. What is your position on distributing member item allocations equally among all legislators and requiring for greater accountability as expressed in S. 7007/A10116?	<u>Support</u>
31. What is your position on incorporating the use of performance budgeting and outcome measurement to promote the more rational appropriation of state funds?	<u>Support</u>
32. What is your position on instituting a later start date for the state fiscal year?	<u>Support*</u>
33. What is your position on limiting the ability of the governor to enact policy changes governing the use of resources in appropriation bills by requiring that such bills be consistent with existing law or proposed changes in separate legislation?	<u>Support</u>

ADDITIONAL REFORM

34. What is your position on increasing public access to information by reforming the Freedom of Information and Open Meetings Laws to enhance transparency, as well as the creation of tools such as open data portals to ease public access to information?	<u>Support*</u>
35. What is your position on enactment of legislative rules reform to strengthen rank-and-file members' roles in the legislative process and create more equity between members?	<u>Support</u>

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.

ELECTION REFORM

Re Question 1: I support 2nd passage of the constitutional amendment creating an independent redistricting commission, and voted for 1st passage, but it's no substitute for the reforms we should have achieved this year and I was disappointed that CU and others reneged on last year's pledge to reject another decade of gerrymandered districts. I voted against this year's redistricting.

Re Question 2: Before supporting or opposing a plan to restructure the State Board of Elections' governance, I'd need to understand the proposed alternative. I have a bill with Senator Squadron that would allow qualifications other than bipartisan parity to be considered in appointments of board members and staff of boards of elections at the state and local level.

Re Question 4: I support the Assembly bill that would amend state law to limit the ability of a mayor-appointed charter revision commission to "bump" other local charter amendments from appearing on the ballot. I know CU has opposed this legislation in the past, suggesting the change instead should be accomplished by changing the city charter. I wouldn't oppose a charter change, but I think changing the state law is appropriate.

Re Question 6: I've introduced legislation that would initiate a constitutional amendment to allow for Election Day registration.

Re Question 7: I've introduced legislation that would initiate a constitutional amendment to allow for no-excuse absentee voting.

Re Question 8: The legislation I mentioned in response to question 7 would also allow the legislature to institute early voting.

Re Question 9: I've introduced legislation, the Voter Friendly Ballot Act, which would substantially improve ballot design. The bill passed the Assembly in June and I still hope we can get agreement among the Senate and the Governor's office.

Re Question 11: Senator Gianaris and I have introduced the Voter Empowerment Act, which would reform and streamline the voter registration process, including permitting voter registration and address changes to be transmitted electronically, with voter consent, to the Board of Elections.

CAMPAIGN FINANCE REFORM

Re Question 13: I support lowering campaign contribution limits for legislative and statewide candidates for public office. I believe the amount should be comparable to the federal limits (currently \$2500); I've introduced legislation with Senator Squadron that would enact this, and I personally adhere voluntarily to a \$2500 limit for my reelection campaigns.

Re Question 14: I've introduced various bills that would restrict campaign contributions from registered lobbyists, placement agents, and those who do business with the state.

Re Question 15: I don't think it's necessary to ban contributions from corporations, LLCs, and LLPs, and it may not be constitutional to do so. The key is to close the massive loophole that LLCs in particular represent, by ensuring that contributions from these entities are attributable to the individuals and entities controlling them, and subject to the aggregate limits applicable to those individuals and entities. I've introduced legislation that would accomplish this.

Re Question 16: I generally favor closing "soft money" loopholes. I'd have to think more about the hypothetical limits proposed in question 16.

Re Question 17: I’ve introduced several bills that would enhance disclosure, including a bill that was voted out of committee this year, that would increase identifying data required of contributions and bundlers.

Re Question 22: We need better enforcement of campaign finance laws, and we need to State board of elections to function more effectively with greater resources; I’m not sure it’s necessary or desirable to separate the two and create a distinct enforcement entity.

JUDICIAL REFORM

Re Question 24: I’d have to see details and understand the issue better before taking a position on a plan to restructure the court system.

ETHICS REFORM

Re Question 26: I would probably support amending the State Constitution to extend pension forfeiture, as an option to be imposed by courts, to all public officers and legislators who have been convicted of felonies related to their duties, but I think this is not nearly as important as many other critical reforms we should be working on.

BUDGET REFORM

Re Question 28: I’ve introduced legislation that would establish an independent budget office.

Re Question 32: I’ve introduced legislation with Senator Krueger that would institute a later start date for the state fiscal year. I think this is a difficult but important reform.

ADDITIONAL REFORM

Re Question 34: I’ve introduced various bills that would increase public access to information by reforming the FOIL and Open Meetings Law, and promote proactive disclosure. I think a big priority should be to ensure that the Open Meetings Law applies to “advisory” bodies even if they don’t have final say on government policy, and I have a bill that would accomplish this.

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

In addition to evaluating their stances on the issues above, Citizens Union will assess incumbents on how well they kept the promises they made to voters during the previous election.

As an elected official who is seeking re-election,

- a. what were the top five promises you made to your constituents when you ran for your current seat and what progress has been made in keeping those promises, and
- b. what are the top five promises you are making to the voters during this campaign?

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

TOP FIVE CAMPAIGN PROMISES FROM 2010 AND ACTION ON THEM

I didn’t have much of a campaign in 2010, so didn’t make campaign promises as such. My goals then were not very different from my current goals, listed below. I’d be happy to discuss any of these issues during the interview.

TOP FIVE 2012 CAMPAIGN PROMISES OR GOALS

1. Ensure that people in our communities have the opportunity to live in housing that is affordable, well maintained, and safe and secure—including residents of rent regulated and public housing.
2. Protect and enhance our environment, particularly by reducing New York’s contribution to climate change, limiting exposure to toxins, advocating for improved access to the waterfront and open spaces, and promoting public subways and buses and other environmentally friendly modes of transit.
3. Reform State government and make it more responsive to the needs of ordinary New Yorkers by making the electoral, legislative, and budgetary processes more open, fair, and accountable (and enacting some of the reforms identified above).
4. Reduce illegal gun violence and promote public safety.
5. Promote economic and social justice and a more humane society.

**Please return to: Citizens Union, Local Candidates Committee
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via fax to 212.227.0345 or via email to policy@citizensunion.org
Call us at 212-227-0342 with any questions.**