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# Toward a Renewed Spirit of Reform

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## Articles

### **Toward a Renewed Spirit of Reform\***

**Robert Abrams\*\***

I appreciate this opportunity to speak to you as I complete my years of service as Attorney General.

In the weeks since I announced my return to private life, I've looked back over my years as an elected official, reflecting on my time as an Assemblyman, as Bronx Borough President and, for the last fifteen years, as Attorney General of the State of New York. It's been a wonderful period in my life, rich with the satisfaction that comes from public service. It is a pursuit that I highly recommend for all or part of your careers.

As I leave I am deeply troubled by increasing signs of voter alienation, which has led to a lack of popular participation in the electoral process. The current system alienates voters and discourages potential candidates. Because campaigns cost so much, many citizens think that elected officials listen only to the powerful special interests who help elect them to public of-

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\* This article has been adapted from a speech given by former Attorney General Robert Abrams at Pace University School of Law on November 23, 1993.

\*\* Since leaving the office of Attorney General, Mr. Abrams has become a partner at the law firm of Stroock & Stroock & Lavan.

ficie. They believe that elected officials attend to the concerns of the few at the expense of the many.

The current system also alienates potential candidates who feel that they are unable to raise the vast sums necessary to elect them without going through the demeaning begging process required to raise these resources. People are further alienated and angry because of a rigid registration process that makes voting difficult, if not impossible.<sup>1</sup> Finally, it is scandalous to see arcane ballot access rules preventing so many of our citizens from being on ballots in what should be competitive primaries or general elections.<sup>2</sup> The result is the situation in

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1. See, e.g., N.Y. ELEC. LAW §§ 5-100 to 712 (McKinney 1978 & Supp. 1993).

In the absence of a court order directing that an individual be allowed to vote, registration is required prior to voting in New York State. N.Y. ELEC. LAW § 5-100. There are three basic qualifications for voter registration in New York: citizenship, age and residency. N.Y. ELEC. LAW § 5-102(1). A potential voter must be a citizen of the United States; eighteen years of age or older on the day of the election in which he intends to vote; and he must be a resident of New York State and the county, city or village in which he intends to vote for a minimum of thirty days preceding the election. *Id.* Furthermore, a voter must register at least twenty-five days prior to the election. N.Y. ELEC. LAW § 5-201(3).

Courts and the State Attorney General's Office have been called upon to decide such registration issues as the effect of temporary absences from the state of one's claimed residence. See 48 N.Y. Dep't R. 209 (1933) (Informal Opinion of the Attorney General) (asserting that an absence necessitated by a spouse's ill health, even if prolonged, need not affect one's residence, as residence is dependant upon intention coupled with conduct.) *But see* 45 N.Y. Dep't R. 117 (1932) (Informal Opinion of the Attorney General) (stating that establishing a temporary residence in another state in order to obtain a divorce necessitates re-establishing New York residency in order to vote in the State).

The application of New York's age requirement has also resulted in technical registration procedures. An otherwise qualified seventeen year old may register if she will be eighteen on or before the day of the election. 1973 INF. OP. N.Y. ATT'Y GEN. 80, 82. For purposes of voter registration and voting, however, one becomes of age the day prior to the anniversary of her birth. See 1897 OP. N.Y. ATT'Y GEN. 301.

2. Ballot access is controlled by N.Y. ELEC. LAW §§ 6-100 to 166 (McKinney 1978 & Supp. 1993).

Many petitions to place a candidate's name on the ballot fail due to non-compliance with the rules. Compliance with the material requirements is strictly construed because the purpose of the petition is to assure adequate opportunity for inspection and judicial review. *Contessa v. McCarthy*, 40 N.Y.2d 629, 357 N.E.2d 968, 389 N.Y.S.2d 312 (1976). Legal battles have raged over misdated petitions; petitions in which signatories' names did not comport with their legal names; and petitions including technically incorrect election districts. See *Hall v. Heffernan*, 295 N.Y. 599, 64 N.E.2d 291 (1945). Ballots have also failed for use of the prospective voters' election districts rather than street addresses. *Lerner v. Cohen*, 262 N.Y. 450, 187 N.E. 635 (1933).

which we now find ourselves—many New Yorkers are so cynical and alienated that they feel it does not matter who they vote for.

To start, let me compare for you my first campaign with my last. My first campaign for the New York State Assembly was twenty-eight years ago, in 1965, which I fear was before many of you were born. During that campaign I raised a total of \$2,200. I spent eighteen or twenty hours a day on the street, crisscrossing the neighborhoods of my Assembly District in the Bronx. I was at subways before dawn, in the parks and senior citizen centers during the day, at coffee klatches in evenings, at movie theaters after midnight as people were leaving, going anywhere and everywhere to meet voters. There was no money for polling, radio or TV ads, direct mail, not even for the shopping bags that advertised the candidate's name, a staple in my old neighborhood. The people in my district heard my message directly and in the most personal way.

Twenty-seven years later in 1992, I ran for the United States Senate. I raised \$6.5 million.<sup>3</sup> I spent six to eight hours a day at my campaign headquarters, on the phone with potential contributors, asking for support. When I left there, it was often to go to one or two fundraisers. To get my message out, I held press conferences and hoped voters would get an accurate description of my message from the day's newspaper stories and television and radio ads.

Having had time to reflect on both campaigns, I think I can say with certainty that the first was eminently more satisfying than the last, a feeling due only in part to the respective outcomes. The 1965 campaign was the type that allows candidates to hear people's concerns. It also draws people into the system, instead of alienating them from it. It invites participation, rather than discouraging it. It makes people feel that they have a real stake not only in the electoral *process* but in the *result* as well. It is this type of involvement and commitment to democratic principles that is at the foundation of my vision of what constitutes "good government."

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3. *FEC Reports: Senate Candidates*, CONG. Q. WKLY. REP., Mar. 20, 1993, at 692.

Over the years the growing influence of money and the mass media in the electoral process has served to alienate people from a system that depends on their participation for its success. While there have been some reforms in the political process over the years, voters today seem more disillusioned than ever. To give you some idea of the bleak situation in which we find ourselves, I cite some statistics. In 1992 there were over thirteen million New Yorkers eligible to vote.<sup>4</sup> Only nine million, however, registered and less than seven million actually went to the polls to vote, and that was in an election for our next president.<sup>5</sup> This dismal turnout rate—51% of the voting age population<sup>6</sup>—ranked New York 41st in the United States, which is actually *down* from our 1988 rank of 37th.<sup>7</sup> Anyone wanting further evidence of popular disaffection need only listen to some of the radio talk shows, or look at the nationwide move towards term limits.<sup>8</sup> There can be no more convincing evidence that a large segment of the public is disengaged from our political system. I believe this is because the current system seems almost designed to perpetuate voter alienation. It is the barriers to greater participation that we must break down in order to allow and encourage greater citizen involvement.

The changes that have been made already are laudable, but represent only a beginning. When I went to the Assembly in 1965, I was part of a group committed to “reforming the process.” In 1965, there were no direct statewide primaries—giving the power of nomination to the people for such important offices as Governor, Attorney General, Comptroller, and U.S. Senator. Voting hours for primaries in many parts of the State were kept to a minimum to keep the power away from the vot-

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4. RICHARD M. SCAMMON & ALICE V. MCGILLIVRAY, *AMERICA VOTES 20, A HANDBOOK OF CONTEMPORARY AMERICAN ELECTION STATISTICS* 9 (1993).

5. *Id.*

6. *Id.*

7. Memorandum from Attorney General's Legislative Program in support of concurrent resolution of the Senate and Assembly proposing an amendment to section 5 of article 2 of the constitution at 2 (1994) (on file with PACE LAW REVIEW).

8. See, e.g., Dan Balz & Richard Morin, *A Tide of Pessimism and Political Powerlessness Rises*, WASH. POST, Nov. 3, 1991, at A1; Adam Clymer, *1992 CAMPAIGN: With Ingredients for Revolt, Illinois May Lead Way in Anti-Incumbent Vote*, N.Y. TIMES, Jan. 20, 1992, at A14; *Term Limits Drive the Talented Out of Politics*, N.Y. TIMES, Oct. 31, 1993, § 4, at 16.

ers.<sup>9</sup> For example, I upset the Bronx machine in a primary where people were given only a few hours to vote. People responded. They got involved. They carried petitions putting candidates on the ballot to challenge long-term incumbents. They challenged the right of back room bosses to hand-pick candidates for the major offices in this state. They went into the streets to vigorously campaign and debate.

We corrected some of those abuses, taking on the party bosses and other entrenched special interests, and the system improved. We created an open primary process for statewide elected posts. We ended the undemocratic rule that absentee ballots were not allowed in primaries. We compelled direct election of local party leaders. We increased the hours for voting in primaries. More people participated, both as voters and as candidates. Unfortunately, the alienation people experienced in the mid-60s has returned as we enter the mid-90s. The cause today is not party bosses rigging the system but money overwhelming it. What we need is a RENEWED SPIRIT OF REFORM, attacking today's abuses. One that acknowledges the progress we've made but that builds on it and continues the work until the job is done.

There are three major areas that must be included in any serious discussion of electoral process reform: campaign finance, voter registration and ballot access.<sup>10</sup> "Campaign finance reform" is a term very much in vogue these days. Almost everyone agrees that the current system does not serve the public interest.<sup>11</sup> There is, however, little agreement on the elements of any reform package and even less on the specifics of any changes. Let me first define what I mean by "campaign finance reform" and then offer my proposals for change.

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9. Currently, polls must be open from 6:00 a.m. to 9:00 p.m. in New York City, Nassau, Suffolk, Westchester, Rockland, Orange, Ulster and Erie Counties for a primary election. Other New York State polling places must be open from noon to 9:00 p.m. N.Y. ELEC. LAW § 8-100(2) (McKinney 1978 & Supp. 1993). For general and most other elections, polls must be open from 6:00 a.m. to 9:00 p.m. statewide. *Id.*

10. Current statutory provisions regarding these subjects are found in N.Y. ELEC. LAW §§ 14-100 to 128, §§ 5-100 to 712 and §§ 6-100 to 166, respectively.

11. Julian Palmer, *Put Campaign Reform on the Voters' Plate*, NEWSDAY, June 18, 1993, at 69.

I believe campaign finance reform must include the following: limits on campaign contributions, limits on campaign expenditures and public financing of campaigns.

While there already are so-called limits on contributions, they remain so high that they do little to address the concerns that led to the need for limits in the first place. Currently, the limit on individual contributions to candidates running for statewide office in New York is \$37,000.<sup>12</sup> The limit on contributions to political parties is \$62,500.<sup>13</sup> The limit on the amount an individual can contribute in the aggregate in a single year is \$150,000.<sup>14</sup> I suggest that these limits are way too high and directly feed the perception that money unduly influences the decisions of those in politics.

While it is a perception, largely incorrect in my view, that money influences decisions, it is a reality that money influences elections.<sup>15</sup> Sadly, this influence has never been stronger. To measure its impact, you just need look at the contributions received by election winners and losers. Those candidates with a financial advantage win far more often than they lose.<sup>16</sup> This creates the impression that elective office can be bought.<sup>17</sup> We must revamp the financing system, and remove any doubt about the legitimacy of the process, as a first step toward restoring the public's confidence in the means by which candidates seek office. We must place on campaign contributions *real* limits — limits that would effectively stop attempts at influence peddling and that would ultimately benefit candidates, contributors, and the public.

For candidates, eliminating large contributions would greatly reduce questions relating to their integrity due to acceptance of large contributions.

For contributors, the current system, with its appearance that large contributions result in special treatment, almost compels those in the private sector to offer financial support.

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12. N.Y. ELEC. LAW § 14-114(1)(a).

13. N.Y. ELEC. LAW § 14-114(10)(a).

14. N.Y. ELEC. LAW § 14-114(8).

15. *Cf.* Dionne, *supra* note 11 and accompanying text.

16. Jamin Raskin & John Bonifaz, *Equal Protection and the Wealthy Primary*, 11 YALE L. & POL'Y REV. 273, 289 (1993).

17. *Id.* at 274-75.

For the public, large contributions raise suspicion among voters about the motives, decisions and integrity of those in public office.<sup>18</sup> A substantially lower limit would not carry with it the presumption in the mind of the public that there must be a *quid pro quo*.<sup>19</sup> This lower limit, which would certainly be given by many more contributors than give the current limit, would also address the argument that money buys access.

Another component of our RENEWED SPIRIT OF REFORM must be limits on the amount of money a candidate can spend during a campaign. Many of you may know that the Supreme Court has said that expenditure limits are generally unconstitutional absent participation in a public financing system.<sup>20</sup> The absence of limits forces candidates to raise as much money as possible to finance media campaigns. The sky is the limit and the races get more and more expensive each year.<sup>21</sup>

Virtually unlimited spending also discourages lesser known but highly qualified candidates from entering a race. Leveling the playing field would allow candidates to mount an effective campaign and voters to examine the substance of each candidate's message without the distortions brought by unequal spending.

In addition to limits on contribution levels and campaign expenditures, the RENEWED SPIRIT OF REFORM must include public financing of campaigns. As used in presidential<sup>22</sup> and New York City<sup>23</sup> races, public financing is offered to candidates in return for an agreement to abide by campaign contribution and expenditure limits. Candidates who elect to participate receive matching funds, dollar for dollar, for each qualifying contribution they receive.

Public financing would serve a number of important functions. It would eliminate the appearance of impropriety that accompanies the large contributions candidates accept to finance campaigns. It would allow a greater number of candidates to

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18. See, e.g., Mark Green, *New York Forum: About the Senate Race — Sen. Mudhole?*, NEWSDAY, Nov. 5, 1992, at 64.

19. *Id.*

20. *Buckley v. Valeo*, 424 U.S. 1 (1976).

21. *1990 Congressional Election Spending Dips*, CONG. Q. ALMANAC 908 (1990).

22. 26 U.S.C. §§ 9001-9013 (1988).

23. N.Y. CITY ADMIN. CODE & CHARTER § 3-705 (1993).



participate in the political process, by ensuring that after showing certain threshold levels of public support, a candidate would have sufficient resources to communicate the campaign's message. Public financing actually increases the number of individual contributions as increasing numbers of people are drawn into what is perceived as a fairer system. The public funds candidates receive come without even a suggestion that there are strings attached — it is the public's money. Moreover, with matching public funds, the value of individual contributions is automatically doubled, which serves to increase participation as small contributors understand their hard earned dollars are having an impact.

In addition, and perhaps most importantly, public financing would permit candidates to spend their time studying issues and actually campaigning, rather than raising money. Ten years ago, I said that many candidates for public office spend 25% of their time raising money. Today, candidates have reported spending 70, 80 or even 90% of their campaign time fundraising. The time is required because of the spiraling cost of campaigns. During the 1971-72 federal election cycle, candidates for federal office spent a combined total of \$66 million.<sup>24</sup> By the 1991-92 cycle, that figure had risen to a staggering \$500 million.<sup>25</sup> Because of this, many talented and dedicated public servants, such as former Senator Tim Wirth from Colorado, have decided to retire from politics rather than undertake the daunting task of raising the millions necessary to run a successful campaign under today's rules.<sup>26</sup>

Let me give you an example from personal experience. I spent an insufferable amount of time raising money after I decided to run for the Senate last year. Unlike my opponent, I had a primary, so most of the money was spent before the general election campaign began.<sup>27</sup> As a result, for a solid week after I won my party's nomination, I sat in my office with lists of potential contributors and made telephone calls asking for sup-

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24. *Yes to Campaign Finance Reform*, WASH. POST, Jan. 3, 1993, at C6.

25. *Id.*

26. Sen. Tim Wirth, *Diary of a Dropout*, N.Y. TIMES, Aug. 9, 1992, § 6 (Magazine), at 16, 36.

27. Bob Keeler, *Election 92, U.S. Senate: His Winning Ways on Ropes, D'Amato Found Fighting Legs*, NEWSDAY, Nov. 5, 1992, at 7.

port.<sup>28</sup> Sometimes for ten hours a day. This was at the expense of getting my message out to the voters.<sup>29</sup>

As I said before, in my first race for the Assembly, I spent \$2,200.<sup>30</sup> That wouldn't buy a single thirty second television spot in the New York City market these days.<sup>31</sup> In my Senate race last year, I spent \$6.5 million.<sup>32</sup> Al D'Amato spent over \$11 million.<sup>33</sup> The necessity of raising money takes time away from what candidates ought to be doing.

The public is, I believe, ready for public financing.<sup>34</sup> It has been well-received, as evidenced by the failure of candidates who have not participated and lost, and who have been heavily criticized for opting not to participate in the program.<sup>35</sup>

Public financing of elections has been used, successfully in my view, in presidential contests since 1976<sup>36</sup> and recently in New York City contests.<sup>37</sup> A similar system could be used to finance New York State races.<sup>38</sup> The essential elements are these. First, the program would be optional — a candidate would have to choose to take part. Second, once such a decision was made, a candidate would have to satisfy certain minimum requirements in order to receive public funds. These minimum eligibility requirements would ensure that public funding did not become a lure for frivolous candidates. Third, once a candidate was eligible, any qualifying contribution would be matched dollar for dollar by public funds, up to a maximum of \$500 for any single contribution. Finally, if a candidate faced an opponent who chose not to accept public financing (and thereby be

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28. See, e.g., *supra* text accompanying note 3.

29. See *supra* text accompanying note 3.

30. See *supra* text accompanying notes 2 and 3.

31. John Riley & Elizabeth Wasserman, *Money Machine*, NEWSDAY, Oct. 22, 1992, at 121.

32. *FEC Reports: Senate Candidates*, *supra* note 3.

33. Raskin & Bonifaz, *supra* note 16, at 288. See also Lawrence C. Levy, *Viewpoints*, NEWSDAY (Nassau & Suffolk), Oct. 22, 1992, at 113 (referring to Alfonso D'Amato's \$11 million war chest).

34. See *supra* text accompanying note 11.

35. William Bunch, *Campaign '93: Public Funding Wins Converts*, NEWSDAY, May 3, 1993, at 23. See also *Andrew Stein's Lesson*, N.Y. TIMES, May 29, 1993, § 1, at 18 (criticizing Andrew Stein for not opting to participate in the voluntary system of public financing).

36. 26 U.S.C. § 9001 (1988).

37. See, e.g., Bunch, *supra* note 35 and accompanying text.

38. See generally 26 U.S.C. §§ 9001-9013 (1988).

bound by contribution and expenditure limits), the publicly funded candidate would receive an extra \$1 in public funds. Thus, the participating candidates would get \$2 in matchable contributions for every \$1 contributed. This is a powerful incentive to participate. The program would be funded by a check-off on state income tax returns, the same as the federal program.

Since I first entered public service, I have continually urged the State Legislature to pass a campaign finance reform law.<sup>39</sup> In 1992, the State Legislature passed, and the Governor signed into law, the Election Reform Act, placing the \$37,000 "limit" on campaign contributions.<sup>40</sup> I believe this limit was too high and did not support the bill. Last year, I stood with Assembly Speaker Saul Weprin and announced my support for an Assembly bill that contained more stringent limits and instituted public financing.<sup>41</sup> Unfortunately, the state Senate didn't pass the bill and the legislation died.<sup>42</sup> I continue to support the reforms in that legislation and am hopeful that as public sentiment shifts, prospects for its passage will improve.

While mandatory legislative reforms are ultimately the only means of addressing the shortcomings in the current system, I am heartened by recent voluntary steps taken by some of those whose involvement has been a source of concern.<sup>43</sup> Many Wall Street firms, which have traditionally been well-tapped sources of campaign funds, have said neither they nor any of their employees connected with Public Finance or Municipal Trading will make contributions to political candidates.<sup>44</sup> I applaud this step and believe the logic behind it is sound. Firms that sell municipal bonds profit directly from their relationship with a city or state and its elected officials.<sup>45</sup> Recent stories have made clear that when a financial institution makes a large political contribution and subsequently receives very profitable municipal bond underwriting business, the presumption is that

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39. See, e.g., N.Y.A. 7700, 215th Sess. (1993).

40. N.Y. ELEC. LAW § 14-114(1)(a).

41. N.Y.A. 7700, 215th Sess. (1993).

42. See N.Y.A. 7700, 215th Sess. (1993), (bill was referred to committee and never heard of again).

43. Robert Reno, *Reno At Large - The Bond Fiasco: A Good Study of How Things Work*, NEWSDAY, Oct. 20, 1993, at 46.

44. *Id.*

45. *Id.*

the two are related.<sup>46</sup> While I do not mean to suggest that there was any such *quid pro quo* in these recent cases, the public assumes there was and the entire process is therefore tainted.<sup>47</sup> More voluntary efforts like this would be welcome. Other industries or professions might contemplate such restrictions.

Some have suggested that true campaign finance reform has not been accomplished because it hasn't been demanded by the public. I disagree. Dwindling voter registration and voter turnout are the clearest signs I can imagine that voters are disgusted with the current system and would rather stay home. These signs of alienation are unmistakable and I hope that true reform can be passed to reverse this trend.

While finance reform is the most pressing issue, two others deserve serious attention. I believe we should ease the voter registration requirements.<sup>48</sup> Fully 30% of the people in New York who are eligible to vote fail to even register.<sup>49</sup> About 50% don't go to the polls even during presidential elections.<sup>50</sup> For many, the reason is the difficulty in registering and, in addition, the fact that registration in New York now closes twenty-five days prior to an election.<sup>51</sup> Easing the process and allowing same day voter registration would increase Election Day turnout.<sup>52</sup>

For these reasons, I proposed legislation to begin the process of amending the New York State Constitution to permit same day voter registration.<sup>53</sup> A non-registered voter could go to a polling place on election day and register on the spot.<sup>54</sup>

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46. *Id.*

47. *Id.*

48. See *supra* note 1.

49. See SCAMMON & MCGILLIVRAY, *supra* note 4, at 9; see also *supra* text accompanying note 4.

50. See SCAMMON & MCGILLIVRAY, *supra* note 4, at 9.

51. N.Y. ELEC. LAW § 5-210(3).

52. See, e.g., *Motivating Voters*, BOSTON GLOBE, Feb. 8, 1993, at 10; cf. Rhodes Cook, *92 Voter Turnout: Apathy Stymied*, CONG. Q. WKLY. RPT., May 15, 1993, at 1258; David G. Savage, *High Voter Turnout Reverses 32-Year Slide*, BOSTON GLOBE, Feb. 8, 1993, at 10 (discussing how state "motor voter" laws increased registrations by nearly three percent).

53. N.Y.A. 2, 215th Sess. (1993).

54. The proposed constitutional amendment would eliminate the limitation that registration be completed ten days before each election and would permit the legislature to enact provisions which "in the judgment of the legislature is adequate to safeguard against deception in the exercise of the right of suffrage." *Id.*

Rather than going into the voting booth, however, the voter would complete a paper ballot, which would then be sealed. The registration forms would then be verified. Valid registrations would be filed and the accompanying votes tallied; invalid registrations would be omitted and the accompanying votes discarded without ever having been opened.

The goal of our registration system should be to increase participation. The final weeks of a campaign are when there is more news coverage, newspaper editorials, candidate debates, campaigning and campaign advertising. These sources of information allow voters to make informed decisions. It's shocking that someone who becomes interested in the final days of a close race and goes to vote on Election Day is turned away.<sup>55</sup> People should be given every possible opportunity to register and to vote. Same day registration would allow more people to participate and therefore make election results a truer indication of the public's choice. Such a system would have an enormous impact on the percentage of eligible New Yorkers who register to vote and, the evidence suggests, who go to the polls. In 1992 elections, three of the four states with the highest voter turnout had same day voter registration. Maine had a 72% turnout,<sup>56</sup> Minnesota had 71%<sup>57</sup> and Wisconsin had 69%,<sup>58</sup> all considerably higher than New York's 51%.<sup>59</sup>

Finally, New York has the most complicated and arcane ballot access rules in the country.<sup>60</sup> In fact, New York has the unhappy distinction of accounting for fully half of the election law litigation in the country.<sup>61</sup> In order to get on a ballot in this State, a prospective candidate must get a certain number of petition signatures supporting his or her candidacy.<sup>62</sup> Each signature must comply with a myriad of technical rules or be

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55. For example, current New York law requires a voter to register at least twenty-five days before a general election. N.Y. ELEC. LAW § 5-210.

56. Scammon & McGillivray, *supra* note 4, at 9.

57. *Id.*

58. *Id.*

59. *Id.*

60. Robert Abrams, *Reform of Election Law is Needed*, N.Y. L.J., Jan. 27, 1993, at S2.

61. Nicholas Goldberg, *Is the Free Ride Over for N.Y. Incumbents?; Cuomo Pushes Election Reform*, NEWSDAY (Nassau & Suffolk), Apr. 27, 1992, at 29.

62. N.Y. ELEC. LAW §§ 6-132 to 136. The rules require 20,000 signatories (or 5% of enrolled State voters, whichever is less) for State elections. *Id.*

stricken.<sup>63</sup> For example, each name on a petition must match exactly the name as it appears on the voter registration rolls, including middle initial.<sup>64</sup>

The impact of these rules can be enormous. During the 1992 Democratic Presidential primary, Paul Tsongas was nearly knocked off the ballot in New York because many of his signatures didn't comply with one technical rule or another.<sup>65</sup> In a similar case with more personal meaning for me, the Republicans were denied a primary for the 1992 Senate nomination when Laurence Rockefeller was disqualified because of overly technical objections to his petitions.<sup>66</sup> In my view, these rules exist only to enable experienced candidates with well-trained lawyers to prevent potential challengers from even getting on the ballot. The current system stifles competition and does not reflect the true support enjoyed by a candidate.

The proposals that I've just outlined will, I believe, go a long way towards improving the system by which we elect our leaders. While these changes may involve political risk for some current officeholders, I hope that the members of the Legislature will have the courage to support the plan that puts public good ahead of personal interest. Drawing people back into the system, combating voter alienation and fighting the entrenched special interests were goals of mine when I first campaigned on the streets of the Bronx in 1965 and they remain goals as I prepare to leave office at the end of 1993. They are what I continue to believe are at the core of our democratic system. I encourage all of you to participate in the system — if enough people call for reform, the voices will eventually be heard, and this will be a better state for all New Yorkers.

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63. Abrams, *supra* note 60.

64. See N.Y. ELEC. LAW § 5-500(b) (requiring voter surname, given name and initials of other names) and § 6-130(1) (requiring the full name of the signer on a designating petition).

65. See, e.g., Michael Specter, *The 1992 Campaign: New York; Now It's a Technicality Keeps Tsongas and Brown On Ballot*, N.Y. TIMES, Mar. 11, 1992, at A18.

66. See e.g., Larry Rockefeller, *Primaries Are a Protection Racket*, N.Y. TIMES, Sept. 15, 1992, at A27.