

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ALBANY

THE BRENNAN CENTER FOR JUSTICE AT  
NYU SCHOOL OF LAW, ET AL.,

Petitioners,

-against-

NEW YORK STATE BOARD OF ELECTIONS,

Respondent.

Index No. \_\_\_\_\_

**AFFIDAVIT OF  
GERALD BENJAMIN**

STATE OF NEW YORK            )  
  ) ss.:  
COUNTY OF ULSTER         )

Gerald Benjamin, being duly sworn, deposes and states the following:

1. I am registered to vote as a Republican in Ulster County, New York. I have lived in New York my entire life.

2. I currently serve as Distinguished Professor of political science at SUNY New Paltz, where I have taught since 1968. I am also Associate Vice President for Regional Engagement and Director of the Center for Research, Regional Education and Outreach, a role in which I help coordinate the university's engagement with diverse communities across the Hudson Valley. Other positions I have held include Director of the Center for New York State and Local Government Studies at the Rockefeller Institute of Government, and Principal Researcher for the New York State Constitutional Revision Commission. Over the years, I have also been appointed to various local and statewide boards and commissions. In all of these positions, I have studied, written, and worked extensively on issues pertaining to New York state government and government reform.

3. I first ran for elected office in 1981, for the Ulster County Legislature. I won that election and each of the next five elections to the Legislature. I became Majority Leader of the Ulster County Legislature in 1985, and became Chairman of the Ulster County Legislature in 1991. I was also a member of the Republican Party Committee in Ulster County.

4. I have extensive experience with State campaign finance law and fundraising. Aside from campaigning and serving as an elected official, I have edited books with chapters discussing campaign fundraising, including *The Oxford Handbook of New York State*

*Government and Politics.* I have advised candidates and newly-elected officeholders in New York.

5. There is far more money in New York politics now than when I ran for and served in elected office, thanks in part to the Limited Liability Company (“LLC”) Loophole created by the Board of Elections. Regrettably, money has become the basic metric for how we measure the seriousness of a candidate’s campaign.

6. As a scholar, candidate, and elected official, I have seen how the need to raise large contributions can generate corruption and negatively affect the efficacy of government. The importance of such fundraising leaves government officials dependent on the wealthy contributors—including particular industries and businesses—who back them. That impacts their policy choices.

7. In addition, as large campaign contributions have proliferated in New York, so has the perception of corruption, which in turns fosters distrust of government and lack of interest in political participation. I have seen this in my colleagues, former constituents, and also in my students, whose cynicism about the political process has grown markedly in the last twenty years. I believe such cynicism is bad for democracy, particularly inasmuch as it undermines confidence in the Legislature.

8. I am personally impacted by the LLC Loophole as a voter and citizen in several ways. First, corruption resulting from candidates’ need to raise large sums of money to run for office has an obviously negative impact on the quality of governance in the state and my local community. Second, the need for candidates to raise large sums of money to compete results in fewer viable campaigns, and disadvantages aspirants to statewide office from upstate, limiting my choice of candidates for whom to vote. For example, because wealth is concentrated near New York City, accomplished citizens from other areas of the State (including Ulster County) are less likely to have the support of wealthy funders and are thus less likely to become viable candidates for statewide office. Finally, my own confidence in the effectiveness and fairness of my government is lessened because of corruption resulting in part from elected officials’ dependence on major contributors.

9. I joined this lawsuit because I think the LLC Loophole is a misinterpretation of State law that harms our democracy and undermines the welfare of New York citizens. Eliminating it won’t fix all of our problems, but it will be a big step in the right direction, one that is long overdue.

For these reasons, as well as those stated in the accompanying memorandum of law, I respectfully request that the court grant the petition for judgment pursuant to Article 78 of the Civil Practice Law and Rules.

Dated: June 22, 2015  
New Paltz, New York

  
GERALD BENJAMIN

Sworn to before me this  
22<sup>nd</sup> day of June  
Yolanda Howell  
Notary Public  
Commission Expires: June 21, 2019

Yolanda Howell  
Notary Public, State of New York  
No. 6026836  
Qualified in Ulster County  
Commission expires June 21, 2019

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ALBANY

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**AFFIDAVIT OF  
LIZ KRUEGER**

STATE OF NEW YORK            )  
  ) ss.:  
COUNTY OF NEW YORK        )

Liz Krueger, being duly sworn, deposes and states the following:

1. I am registered to vote as a Democrat in New York County, New York, where I have lived since 1983.
2. I am a member of the New York Senate. I represent the 28th District, which covers much of the East side of Manhattan.
3. I first ran for Senate in 2000, and was first elected to the Senate in a special election in February of 2002. I have run in and won every general election for my district since November of 2002. I plan to run for reelection in 2016.
4. I am aware that many of my Senate colleagues and other candidates raise campaign money from limited liability companies ("LLCs"), as permitted by the Board-created LLC Loophole. I anticipate that future opponents in my races could do the same.
5. From 2003 to 2007, I was chair of the New York Democratic Senate Campaign Committee (DSCC). My responsibilities for the position included recruitment and extensive fundraising for Democratic Senate candidates. As DSCC chair, I was often pressured to raise money from LLCs to give to other Senate candidates.
6. As a candidate and former DSCC chair, I know that large campaign contributions raised through LLCs play a significant role in elections and in governance in New York. In many respects, money given through the LLC Loophole has reshaped the political process. Senate candidates, including candidates I oversaw as chair of DSCC, often raise money from LLCs or

faced opponents with generous LLC donors. State party committees also need to accept LLC contributions in order to be competitive.

7. The prominence of LLC contributions has a significant effect on the willingness and ability of people to run for office. I have seen many people who would have made excellent public servants lose or decline to even run because they were unable or unwilling to raise enough money from large campaign contributors.

8. In my experience, candidates know the identities of their significant donors, even when they are not officially disclosed, as is the case with LLC members. Those candidates who seek LLC money often implicitly or explicitly assure the LLC's members that, if elected, they will not pursue legislation that would hurt the industry or specific entity represented by the LLC donor. Moreover, the porous campaign finance system means that no matter how hard an officeholder works for his or her constituents, he or she could easily lose the next election by taking action adverse to the interests of an industry controlled by wealthy contributors able to make large contributions through LLCs.

9. The LLC Loophole affects my ability to effectively represent my constituents.

10. Affordable housing is one of my priorities as a legislator, and is one of the most important issues for many of my constituents. Yet I have repeatedly seen my efforts to enact fair housing laws that would benefit millions of middle- and working-class people thwarted by the pronounced and outsized influence of the real estate industry, achieved through LLC contributions. Real estate LLCs give significant sums to candidates in an attempt to ensure that landlord-friendly legislation is enacted or extended. Often, the LLC contributions go to candidates in rural and suburban districts, whose constituents are far removed from landlord-tenant and other real estate issues of paramount concern in New York City. I cannot think of any reason for these candidates to focus on such issues once elected other than to serve the interests of their large LLC contributors. Closing the LLC Loophole thus is likely to greatly improve my ability to advocate for the issues of most concern to the people of my district.

11. On one occasion, I was prevented from attending meetings that included key Senate Democrats and lobbyists for Glenwood Management, a real estate company that controls a network of LLCs that give many contributions, along with other real estate interests. This was despite the fact that I was a senior member of the Senate Housing Committee at the time. I was told that I had been excluded from the meetings at the request of Glenwood's representatives, who saw me as unfriendly to their interests. This episode is typical of my experience as a legislator in Albany, where interests that can make large contributions through LLCs work hard to cultivate legislators who are beholden to them, and to isolate those who are not.

12. In my opinion, this culture of impunity has contributed greatly to the series of recent high-profile ethics scandals that have rocked the Legislature.

13. Thanks to the prevalence of big money fundraising through LLCs in New York, my constituents are angry and deeply cynical about the political process in our state. They believe that legislators can be bought and only represent the interests of big donors. In my

opinion, it is because of this cynicism that they are less likely to vote or otherwise participate in the political process.

14. As a New York resident and voter, the LLC Loophole directly affects my interests and confidence in our democracy. LLC donations help to elect candidates beholden to narrow interests that are adverse to those of the great majority of New Yorkers. Other candidates lose or are discouraged from running in the first place. Too often this results in policies that are bad for ordinary New Yorkers. Avoiding these exact outcomes was and remains the animating principal behind New York State's comprehensive campaign finance regulations.

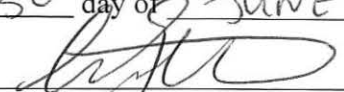
15. I want the LLC Loophole closed not only to correct the legal mistake that created it but because limiting LLC money would reduce corruption in State government, result in more honesty among State legislators, and encourage more people not beholden to wealthy business interests to run for State office. Closing the loophole would have an immediate and positive impact by removing the incentive for politicians outside of New York City to vote for laws and policies that harm the vast majority of the City's residents.

16. For all the reasons set forth herein and in the accompanying memorandum of law, I respectfully request that the petition for judgment pursuant to Article 78 of the Civil Practice Law and Rules be granted.

Dated: June 30, 2015  
New York, New York

  
LIZ KRUEGER

Sworn to before me this

30 day of JUNE  


Notary Public

Commission Expires:

**CHRISTOPHER THOMAS CONSALVO**  
**NOTARY PUBLIC-STATE OF NEW YORK**  
**No. 01CO6314393**  
**Qualified in New York County**  
**My Commission Expires November 03, 2018**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ALBANY

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**AFFIDAVIT OF  
JOHN R. DUNNE**

STATE OF NEW YORK            )  
  ) ss.:  
COUNTY OF ALBANY         )

John R. Dunne, being duly sworn, deposes and states the following:

1. I am registered to vote as a Republican in Columbia County, New York. I was born in New York and have lived in the state for most of my life.

2. I currently serve as senior counsel to the Albany law firm of Whiteman Osterman & Hanna. From 1990 to 1993, I was the Assistant Attorney General for Civil Rights at the U.S. Department of Justice.

3. I was a member of the New York State Senate from 1966 to 1989. I ran in and won my first Senate election in 1965, and was re-elected in every general election from 1966 to 1988. I also sought the Republican nomination for Nassau County Executive in 1977 but lost that election.

4. I was the Deputy Majority Leader of the New York State Senate from 1987 to 1988. I also served as chair of the judiciary, environmental protection, insurance, and prisons committees.

5. Money dominates the political climate in New York far more than it did when I ran for office, in part because of the Limited Liability Company (“LLC”) Loophole.

6. Based on my experience, legislators are acutely aware of who pays for their campaigns. In following state politics, I have observed how large contributions permitted by the LLC Loophole thus have an inordinate influence on decisions made by elected officials across the political spectrum. The influence of LLCs and the wealthy interests they represent today is

beyond anything I ever witnessed or expected when I was in the Senate, before the creation of LLCs was permitted by State law.

7. The necessity to raise large amounts of money also means that candidates must now spend an enormous amount of time and effort doing so. This, in my judgment, discourages many qualified candidates from running.

8. The LLC Loophole impacts me as a voter and a citizen of New York. First, the proliferation of money has diminished my confidence in our system of governance; when candidates solicit contributions to the scale and extent they are required to now, there is some degree of *quid pro quo* through which their donors are rewarded. A lack of confidence, I fear, is doubtlessly shared by many voters, and it certainly weakens our democracy. Further, the campaign finance system makes it more difficult for my preferred candidates to win elections. Because many voters are heavily influenced by media advertisements paid for by special interest contributors, they are less likely to identify and vote for candidates who will best serve the interests of New Yorkers once elected.

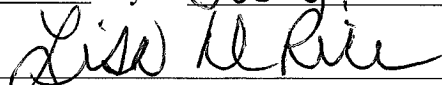
9. I have filed this lawsuit to close the LLC Loophole because I am very concerned about the condition of our government. It is important to take a stand against the excessive influence of political contributions and correct the Board of Elections' error of law. As someone who was privileged to serve in State government, I want to make what small contribution I can to restoring democracy in New York. Closing the Loophole will not solve all of our problems, but it is an important step to securing more effective and representative governance for our citizens.

10. For all of these reasons and the reasons stated in the accompanying memorandum of law, I respectfully request that the court grant the petition for judgment pursuant to Article 78 of the Civil Practice Law and Rules.

Dated: July 1, 2015  
Albany, New York

  
\_\_\_\_\_  
JOHN R. DUNNE

Sworn to before me this

15<sup>th</sup> day of July, 2015  
  
\_\_\_\_\_  
Notary Public

**Lisa D. Rice**  
Notary Public, State of New York  
Qualified in Rensselaer County  
No. 01RI4805553  
Commission Expires May 31, 2018



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ALBANY

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**AFFIDAVIT OF  
DANIEL L. SQUADRON**

STATE OF NEW YORK                    )  
  ) ss.:  
COUNTY OF KINGS                    )

Daniel L. Squadron, being duly sworn, deposes and states the following:

1. I am registered to vote as a Democrat in Kings County, New York, where I live. I have lived in New York City nearly my entire adult life.

2. I am a member of the New York Senate, representing the 26<sup>th</sup> District, which covers lower Manhattan and parts of Brooklyn.

3. I was elected to the Senate in 2008, the first year in which I ran. I have subsequently been reelected in 2010, 2012, and 2014, and I plan to run for reelection in 2016.

4. In 2013, I ran for the position of New York City Public Advocate; I lost the Democratic nomination in a run-off.

5. I ran for public office because I believe that government can expand opportunity and have a positive impact on people's lives, and that our State's government fails to reach its potential because it was, and continues to be, largely dysfunctional—driven in part by the proliferation of unregulated, unlimited, and undisclosed money in state politics.

6. I have a policy of not accepting campaign contributions from LLCs. I have taken this position because I believe that individuals should drive the political process, and LLCs are not—by law or by practice—individuals. Further, I believe that the public should know from whom a candidate is raising money.

7. Because of the LLC Loophole, created by the Board of Elections, candidates accepting LLC contributions have a number of advantages over those who refuse. The candidates can receive multiple contributions from a small number of people who control multiple LLCs, allowing them to raise more than the legal limit for individuals without disclosing who is behind the donations. Without accepting LLC contributions, candidates are limited to strict caps on the amount that can be raised from each individual and are required to disclose the individual's identifying information. Both individual caps on contributions and meaningful disclosure make fundraising more time consuming and more difficult. Refusing to accept LLC contributions puts candidates at a competitive disadvantage. In this way, the prominence of LLC contributions has a significant effect on the ability of people to run for public office.

8. I have directly experienced the distortions that the LLC Loophole creates in the political system. In 2008, my opponent (the then-incumbent) accepted contributions from LLCs, while I refused to accept LLC contributions. My opponent received two large contributions on a single day from LLCs with the same address. In addition, in some cases my opponent's LLC contributions made it difficult to determine who was supporting him and to convey that information to the public.

9. Because LLC contributions are such a significant part of state candidate fundraising, people have told me that I am crazy for refusing to accept contributions from LLCs.

10. In my experience, candidates know the identities of their significant donors, including LLC members, even when they are not officially disclosed. The LLC Loophole thus creates the opportunity for unlimited giving without disclosure, which can lead to political corruption. There seems to be a relationship between LLC-giving and political outcomes in the New York State Legislature.

11. In my experience, voters feel enormous cynicism about the political process, in part because of the proliferation of big money in politics. The fact that undisclosed entities like LLCs can give virtually unlimited contributions makes individuals feel disempowered. It is often difficult to convince voters to participate in the political process, whether by contributing, volunteering, or even voting, because they feel that big money controls the entire process.

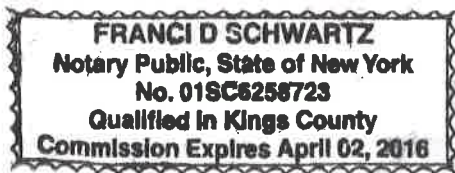
12. As a voter, I share my constituents' sense of frustration about the ability of grassroots organizing or small donors to have an appropriate impact in state politics. It is difficult to believe that small numbers of people who are permitted to give unlimited, largely anonymous sums to candidates (who often do not represent them), do not have an outsized influence on policy outcomes.

Dated: July 7, 2015  
New York, New York

  
DANIEL L. SQUADRON

Sworn to before me this

7<sup>th</sup> day of July 2015  
Franci D Schwartz  
Notary Public  
Commission Expires: 4/2/16



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ALBANY

THE BRENNAN CENTER FOR JUSTICE AT  
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NEW YORK STATE BOARD OF ELECTIONS,

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**AFFIDAVIT OF MAUREEN  
KOETZ**

STATE OF NEW YORK            )  
  ) ss.:  
COUNTY OF NEW YORK        )

Maureen Koetz being duly sworn, deposes and states the following:

1. I am a registered to vote as a Republican in New York County, New York, where I have resided since 2009. I was born in New York and have lived in New York for much of my life.
2. I am a principal partner at Koetz and Duncan LLC, a consulting firm focused on sustainability practices. I am a licensed attorney, but I do not currently practice law.
3. Previously, I was an active duty officer in the U.S. Navy. I have held several positions in the federal government, including Acting Assistant Secretary for Installations, Environment and Logistics for the U.S. Air Force, and Counsel to the Senate Energy and Natural Resources Committee.
4. I was the Republican nominee for the 65th District of the New York State Assembly in 2014. I lost the election to Sheldon Silver, former Speaker of the Assembly.
5. It is possible that I will run for a seat in the Legislature or another elected office in New York in the future. If I do so, I would expect to face opponents who receive significant financial support from limited liability companies (“LLCs”).
6. The Board of Elections-created loophole that allows LLCs to give contributions at the same rate as individuals (the “LLC Loophole”) impacted my 2014 candidacy greatly. In part because my opponent, Mr. Silver, received significant contributions from LLCs, I faced an insurmountable fundraising disadvantage. This made it even more difficult for me to raise money

and garner other support. Even individuals and business groups who agreed with me on the issues were often unwilling to support me because of the immense clout of my opponent and his financial backers.

7. Thanks to the LLC Loophole, I have even faced pressure not to publicly discuss certain issues and policy positions. For example, in 2013 I criticized state Democrats because of their role in granting tax abatements to their campaign supporters who own luxury buildings in New York City, who usually donate through LLCs. I would prefer that the money lost from those tax abatements be used for schools or other beneficial purposes. To my surprise, I was strongly rebuked by several members of my party for my statements and was told not to mention the issue again. The reason I was told to keep quiet was that members of my party did not want to alienate the real estate industry, which provides significant campaign contributions through LLCs.

8. The influence of the real estate industry is, in my opinion as a former candidate and public servant, one of the starkest examples of how the LLC Loophole helps to skew policy in favor of politically influential industries. For example, in January 2013, a bill related to affordable housing in New York City granted a tax break worth millions of dollars to several real estate developers who were also large campaign contributors. In my view, this looks like an exchange of campaign money for favorable legislation, and harms the state and its citizens in an appalling manner. As the Moreland Commission found in its initial report, “the combination of very large contributions and very narrowly targeted benefits to those same donors creates an appearance of impropriety that undermines public trust in our representatives.”

9. The prevalence of large campaign contributions also helps to thwart change in other important areas, such as medical malpractice and lawsuit reform. Because representatives of industries that benefit from the current law give large sums of money to incumbents running for re-election, those officeholders are unwilling to make common-sense changes to the law. The major parties’ implicit collusion on such issues prevents the proper debate and compromise that a two-party government usually provides.

10. While I have not decided whether I will run for elected office again, the prevalence of big money politics and the dominance of industries that commonly use the LLC Loophole make the thought of entering another campaign more daunting. I would be more likely to run again if I did not have to worry that the process would be controlled by the preferences of LLC donors, both during the election and, if I won, during my time as an elected official.

11. I have also experienced first-hand how the flood of money from LLCs makes voters cynical about the election process in New York. During my campaign, voters constantly expressed frustration with government, in large part because they believed that state government is controlled by wealthy business interests. Because of that, many believed that their vote will make little difference.

12. As a voter in New York, I agree with the assessment of many voters I met during the 2014 campaign: my confidence in our democracy is shaken because of the power of special interests whom the LLC Loophole allows to make virtually unlimited campaign contributions. Because of the power of those donors, my elected representatives are much less likely to work to protect my interests. I know that frustration with government can be common because of my

years working in the federal government. Yet special interests' grasp over state government is much stronger than it is over federal government, and many New Yorkers are keenly aware of that fact.

13. Aside from the reasons discussed above, I want the LLC Loophole closed because it is unfair to many businesses in New York, including small businesses. When I sought to serve in the Assembly, one of my goals was to make New York more business friendly and attract more commerce to the state. New York's overall business climate is harmed when powerful entrenched interests can easily exploit the LLC Loophole to gain an unfair regulatory advantage over other industries.

For these reasons and those stated in the attached memorandum of law, I ask that the Court grant the petition for judgment pursuant to Article 78 of the Civil Practice Law and Rules.

Dated: July 10, 2015  
New York, New York

  
MAUREEN KOETZ

Sworn to before me this  
10<sup>th</sup> day of JULY, 2015  
JR  
Notary Public  
Commission Expires: MAY 13, 2017

Jonathan P Brater  
Notary Public, State of New York  
No. 02BR6281837  
Qualified in Kings County  
My commission expires May 13, 2017

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ALBANY

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Petitioners,

-against-

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Respondent.

Index No. \_\_\_\_\_

**AFFIDAVIT OF  
BRIAN KAVANAGH**

STATE OF NEW YORK            )  
  ) ss.:  
COUNTY OF NEW YORK        )

Brian Kavanagh, being duly sworn, deposes and states the following:

1. I am registered to vote as a Democrat in New York County, New York. I was born in New York City and have lived here for most of my life.
2. I am a member of the New York Assembly, representing the 74th District, which covers parts of southeastern Manhattan.
3. I was first elected to the Assembly in 2006. I was reelected in 2008, 2010, 2012, and 2014, and I will likely run for reelection in 2016.
4. Before being elected to the Assembly, I ran for election to the New York City Council in 2005, but lost the election. In 2001, I worked on Gale Brewer's campaign for New York City Council, and in 2002 and 2003 I was employed by Councilmember Brewer as her chief of staff. I also held several positions in New York City government from 1989 through 1996.
5. I ran for office because I cared passionately about making a difference in New York government. I especially wanted to improve the state's policies on housing, the environment, and government ethics.
6. The limited liability company ("LLC") loophole, which treats each LLC as if it were a separate natural person for purposes of New York's campaign finance laws (the "LLC Loophole"), has a significant effect on New York elections. While I have accepted some

contributions from LLCs, I have not focused my fundraising on LLC contributions and have never knowingly accepted a contribution that would have been impermissible but for the LLC Loophole. That is not true for some of my colleagues in the Legislature, who raise large contributions from individuals who control multiple LLCs. The prospect of facing opponents who may raise very large LLC contributions is a concern for me, for other members of the Legislature, and for people who consider running for office. Though I decided to run for office, many people do not run because they do not want to raise large sums of money, especially in ways that seem improper, or compete against an opponent who does. The LLC Loophole exacerbates this effect of deterring people from running for office.

7. The existence of the LLC Loophole also affects the legislative process and government policy. The individuals and businesses who give large contributions through LLCs have much more power than those who have not contributed or have contributed under the lower limits that apply to other entities and individuals. The result is that government does not adequately represent those New Yorkers who do not have the ability or desire to exploit the LLC Loophole.

8. The LLC Loophole makes the campaign finance system more opaque. While individuals who contribute directly to candidates must disclose their contributions to the Board of Elections, the identities of those who give through LLCs can be difficult or impossible to find. Disclosure of campaign funding allows voters to monitor elected officials' responsiveness to donations, and the LLC Loophole infringes on voters' ability to hold officials accountable when they reward big donors.

9. Voters in my district are frustrated about the money that dominates the political process, in part because of massive LLC contributions. They are disenchanted and less likely to vote or otherwise get involved in politics because of the prevailing view that state government adheres to the wishes of the moneyed elite. The frustration voters feel has gotten markedly worse since my first campaign for Assembly in 2006.

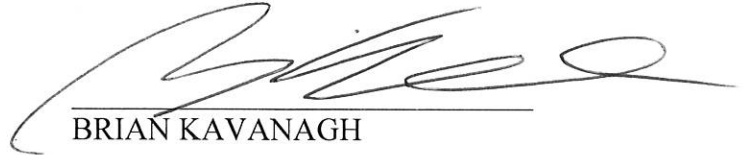
10. As a voter, I feel the same way as my constituents: money plays an outsized role in the political process in our state and damages our democracy. While I am able to affect the process more because I am a member of the Assembly, I share their frustration in government's lack of responsiveness that is driven by the dominance of large contributions.

11. I want to close the LLC Loophole because it is a glaring weakness in our campaign finance system, and it makes a mockery of the other limits and regulations. It is a fiction to treat separate LLCs as separate individuals — LLCs were created to allow businesses to organize in a more efficient manner, and use of LLCs as a business vehicle should not afford a person special status under the Election Law. Closing the LLC Loophole would be a big step forward in making the system fairer and allowing ordinary citizens to have their voices heard.

12. For these reasons, as well as those stated in the accompanying memorandum of law, I respectfully request that the court grant the petition for judgment pursuant to Article 78 of the Civil Practice Law and Rules.

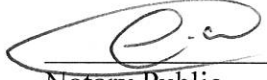


Dated: July 8, 2015  
New York, New York

  
BRIAN KAVANAGH

Sworn to before me this

8<sup>th</sup> day of July 2015

  
\_\_\_\_\_  
Notary Public  
Commission Expires:

CHIEDOZIE C OKOLIE  
Notary Public - State of New York  
NO. 01OK6319677  
Qualified in Richmond County  
My Commission Expires Feb 23, 2019

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ALBANY

THE BRENNAN CENTER FOR JUSTICE AT  
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NEW YORK STATE BOARD OF ELECTIONS,

Respondent.

Index No. \_\_\_\_\_

**AFFIDAVIT OF LAWRENCE  
NORDEN**

STATE OF NEW YORK            )  
  ) ss.:  
COUNTY OF NEW YORK        )

Lawrence D. Norden, being duly sworn, deposes and states the following:

1. I am Deputy Director of the Democracy Program at the Brennan Center for Justice at NYU School of Law (“the Brennan Center”), a position that I have held since 2011. I have personal knowledge and authority to speak on behalf of the Brennan Center with respect to all the matters discussed herein.

2. The Brennan Center is a not-for-profit, non-partisan public policy and law institute that focuses on issues of democracy and justice. Through the activities of its Democracy Program, the Brennan Center seeks to bring the ideal of representative self-government closer to reality by working to eliminate barriers to full political participation, and to ensure that public policy and institutions reflect diverse voices and interests that make for a rich and energetic democracy. The limited liability company loophole (“LLC Loophole”) created by the Board of Elections impedes all of these objectives in New York.

3. The Brennan Center has been and continues to be materially injured by the Board-created LLC Loophole. Because of the Board’s actions, the Brennan Center must devote its energy and resources to analyzing the LLC Loophole, determining its effects on the political process in New York, and promoting its closure. If the LLC Loophole did not exist, the Brennan Center would have more resources to pursue other legislative or regulatory reforms to improve the democratic process in New York.

4. Further, the existence of the LLC Loophole frustrates the Brennan Center’s mission of ensuring that the public has full access to and participation in the political process,

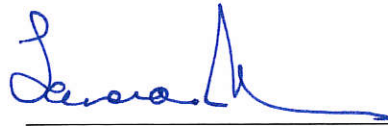
including a campaign finance system that does not give undue influence and power to the wealthiest donors.

5. Many Brennan Center staff contributors are New York residents and voters. The LLC Loophole affects their interests by limiting candidate choice and unduly influencing their elected representatives to govern for the benefit of LLCs and their affiliates rather than the majority of state residents.

For these reasons and those stated in the accompanying memorandum of law, the Brennan Center respectfully requests that the court grant the petition for judgment pursuant to Article 78 of the Civil Practice Law and Rules.

Dated: June 28, 2015  
NYC, New York

LAUREN BROOKE EISEN  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 02E16324005  
Qualified in New York County  
My Commission Expires April 27, 2019



Lawrence Norden  
Deputy Director, Democracy Program  
Brennan Center for Justice at NYU School  
of Law

Sworn to before me this

26th day of June

Notary Public  
Commission Expires: April 27, 2019

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ALBANY

THE BRENNAN CENTER FOR JUSTICE AT  
NYU SCHOOL OF LAW, ET AL.,

Petitioners,

-against-

NEW YORK STATE BOARD OF ELECTIONS,

Respondent.

Index No. \_\_\_\_\_

**AFFIDAVIT OF  
AVRAM BILLIG**

STATE OF NEW YORK            )  
  ) ss.:  
COUNTY OF NEW YORK        )

Avram Billig, being duly sworn, deposes and states the following:

1. I am a Research Associate at the Brennan Center for Justice at NYU School of Law. I began working for the Brennan Center in June 2013.

2. At the request of Brennan Center attorneys, I performed research concerning political contributions made by limited liability companies (LLCs) in New York.

3. Using downloadable datasets, I determined that LLCs contributed \$54,213,404.59 to New York state and local political committees other than Independent Expenditure Committees between 2011 and 2014, that they contributed \$118,626,798.44 between 1999 and 2014, that they contributed \$4,519,601.45 in 2002, and that they contributed \$19,204,335.34 in 2014.

4. I also determined that between the years 2011 and 2014, Cuomo Hochul Inc. 2014, the campaign committee for gubernatorial candidate Andrew Cuomo and his running-mate Kathy Hochul, received over \$9 million from LLCs, and approximately 83% of its LLC contributions came in increments exceeding \$5,000.

5. I determined that Schneiderman 2014 and Schneiderman for Attorney General, Inc., the campaign committees for Attorney General candidate Eric Schneiderman, received a combined \$1,707,292.23 from LLCs, approximately 72% of which came in increments exceeding \$5,000.

6. I determined that Friends of Tom Suozzi, the committee for Nassau County Executive candidate Tom Suozzi, received \$611,854.36 from LLCs, approximately 71% of which came in increments above \$5,000.

7. Finally, I determined that Bellone 2011 and Bellone 2015, the campaign committees for Suffolk County Executive candidate Steven Bellone, received a combined \$1,192,928.50 from LLCs, approximately 49% of which came in increments above \$5,000.

8. The totals for all LLC contributions came from data compiled by the group Hedge Clippers as part of their LLC Files project. Hedge Clippers is a pro-transparency organization that examines the influence of wealth on government and politics in New York. Its LLC Files project provides information on contributions from LLCs to New York state and local candidates using data downloaded from the Board of Elections.

9. I downloaded the full LLC Files dataset available at [hedgeclippers.org/llcfiles](http://hedgeclippers.org/llcfiles), and added all contributions in the dataset together for the periods 2011 to 2014 and then 1999 to 2014. I also added all contributions in the dataset for the years 2002 and 2014. I then subtracted from all totals all contributions to groups identified by the Board of Elections as Independent Expenditure Committees and party Housekeeping Committees, both of which are permitted to raise unlimited contributions.<sup>1</sup>

10. Total LLC funds raised by the aforementioned candidates in the 2011-2014 timespan come from the Hedge Clippers database by isolating candidates by campaign committee in the "filer\_name" field, selecting the years 2011, 2012, 2013, and 2014 in the "e\_year" field, and adding the resulting amounts in the amount field. The percentage of funds in the form of contributions larger than \$5,000 can be determined by sorting all amounts per candidate from largest to smallest, creating a list of all contributions larger than \$5,000, calculating a separate sum for these larger contributions, and determining the percentage of the total per-candidate LLC contribution sum made up by this sum of larger contributions. I followed those procedures for Cuomo Hochul Inc. 2014, Schneiderman 2014 and Schneiderman for Attorney General, Inc., Bellone 2011 and Bellone 2015, and Friends of Tom Suozzi.

11. The New York State Board of Elections disclosure filing datasets and the Hedge Clippers LLC Files dataset are both publicly available.

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<sup>1</sup> The LLC contribution totals in the Hedge Clippers dataset are generally consistent with totals from periodic and election-specific reports on the Board of Elections' website. LLC contributors can be identified from the Board's dataset by their names ending in "LLC" or "L.L.C." and/or because they are listed as such in the "contrib\_code" field. The Hedge Clippers and BOE totals do differ significantly from the totals published by Gannett Media Company's Albany Bureau in the March 22, 2015 article, *Power in money: How big bucks fuel policy in N.Y.*, which stated that "[m]ore than \$25 million was contributed through LLCs to state candidates over the past two years, far surpassing the \$3 million spent by LLCs over the prior 12 years." This lower number may be the result of Gannett having only counted filers explicitly identified as LLCs in the "contrib\_code" field on the BOE's website, who did in fact give approximately \$25 million in 2013-14. Prior to the year 2013, few filers with names ending in "LLC" or "L.L.C." were explicitly identified as LLCs in the "contrib\_code" field. For example, filers explicitly identified as LLCs gave about \$235,000 in 2006, while groups with names ending in "LLC" or "L.L.C." but not identified as LLCs in the "contrib\_code" field gave over \$11 million.

Dated: July 7, 2015  
New York, New York

  
AVRAM BILLIG

Sworn to before me this

7<sup>th</sup> day of July  
  
Notary Public

Matthew Joseph Menendez  
Notary Public, State of New York  
No. 02ME6281834  
Qualified in Kings County  
My commission expires May 13, 2017