

Brennan Center for Justice  
Center for Working Families  
Citizen Action of NY  
Common Cause NY  
Communications Workers of America District One  
League of Women Voters of New York State  
New York Public Interest Research Group

VIA EMAIL

May 7, 2013

NYS Committee on Open Government  
Attn: Robert J. Freeman, Executive Director  
Department of State  
One Commerce Plaza  
99 Washington Avenue, Suite 650  
Albany, NY 12231

Mr. Freeman:

The Open Meetings Law and the rules of the Senate clearly declare that every committee meeting should be open to the public:

*Senate Rules §3(3). All meetings of committees shall be open to authorized representatives of the news media and the general public as observers.*

This is in keeping with the state's Open Meetings Law, which states:

*Article 7, §103. Open meetings and executive sessions. (a) Every meeting of a public body shall be open to the general public, except that an executive session of such body may be called and business transacted thereat in accordance with section ninety-five of this article.*

This morning, the Senate Elections Committee commenced a public hearing on public financing of elections. Members of the Senate Elections Committee and/or staff reportedly directed sergeants-at-arms to deny entry to interested members of the public. This was done despite the room being well below capacity at the start of the hearing. (Several photos taken by reporters at this time showed there was plenty of remaining space). Nonetheless, sergeants-at-arms barred public entry claiming the room was filled to capacity. Several sergeants-at-arms were asked if members of the public could enter if some of those already in the room were to leave. They said "no." When told this was in violation of the state's Open Meetings Law, one sergeant-at-arms claimed to simply be following orders from the Committee. This suggests an intentional violation by the Elections Committee of the Senate Rules and the Open Meetings Law.

With the recent spate of arrests and polls showing keen public interest in reform issues, members of the public ought to at least be able to observe and listen to the proceedings, in accordance with the law. The failure to open up a “public” hearing to the public today is a new low for democracy and open government in New York.

We urge the Committee on Open Government to investigate this breach of the Open Meetings Law and the Senate’s rules in furtherance thereof and formally censure the Senate Elections Committee for its conduct shutting out the public today.

Sincerely,

cc: Senate Co-Majority Leaders Skelos and Klein  
Senate Democrat Conference Leader Stewart-Cousins  
Senator Liz Krueger, Elections Committee Ranking Member  
Attorney General Eric Schneiderman  
Albany District Attorney David Soares  
Governor Andrew M. Cuomo