



**CITIZENS UNION OF THE CITY OF NEW YORK**  
**Testimony to the State Assembly Committees on Governmental Operations;**  
**Oversight, Analysis and Investigations; and the Legislative Commission on Government**  
**Administration on the State's Information Technology Infrastructure**  
**May 22, 2012**

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Good morning Chairs Englebright, Hevesi and Latimer, and members of the Assembly. My name is Rachael Fauss, and I am the Policy and Research Manager of Citizens Union of the City of New York, a nonpartisan good government group dedicated to making democracy work for all New Yorkers. We thank you all for your leadership in putting together this important hearing on ways to better utilize Information Technology in state government, increase transparency and accountability, and provide better services to the public.

We believe that the lens that should be used in analyzing this issue is one that prioritizes public access to information and the public's interaction with state government through technology. Citizens Union, with our good government colleagues Reinvent Albany, NYPIRG, the League of Women Voters and Common Cause NY, in March released *A New Transparency for NY State* which describes the principles of Open Government, which we believe sets important goals in making state government more accessible and transparent through Information Technology.<sup>1</sup>

As the guardians of the public's information and trust, government has a responsibility to ensure that information is available, accessible, and that decision-making processes are open to the public. Technology has transformed the way in which we all interact and share information in society, and we believe that state government should take advantage of advances in technology to better interact with the people it serves. We also support the worthy goals of creating greater efficiencies and cost savings through the use of technology, as we recognize that in a climate of limited resources, we all need to do more with less. Fortunately, with advances in technology it is now possible to achieve the joint goals of reduced costs and greater transparency. This hearing today is an important step forward to determining the best ways to accomplish these goals.

Citizens Union will focus our testimony on open meetings, the freedom of information law and proactive disclosure, state transparency initiatives and websites, the state budget, and provision of sample ballots online. Following our review of these areas, we provide recommendations to increase transparency and open government decision-making, which are summarized and listed on the following page.

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<sup>1</sup> A New Transparency for NY State: Use the Explosion in Information Technology to open NY Government. March 2012. Available at: <http://www.citizensunion.org/www/cu/site/hosting/Reports/NewTransparencyReport.pdf>

1. **All Assembly committee meetings and hearings should be webcast.**
2. **Archival video of state agencies meetings should be searchable by content, and provided with all relevant materials such as agendas, transcripts and proposals under discussion.**
3. **The Assembly should examine the application of Executive Order 3 in regards to bodies which are creatures of the state, but operate locally such as local boards of elections, to ensure that all state entities are webcasting their meetings.**
4. **The state government affairs channel should be finalized.** The channel should be independently managed, have comprehensive content, and integrated with the current websites of the Assembly and Senate.
5. **State government should proactively post data online in usable formats in a singular web portal.** Commonly requested information could be posted first, followed by a timeline for putting more data online.
6. **The state budget should be opened up** by making budget information available through spreadsheets and interactive data tools such as APIs.
7. There should be **greater access to legislative activities and information** through:
  - a. **Making all information available on the Legislative Retrieval Service (LRS) available with no restrictions to the public.**
  - b. **The Assembly should replicate the information, functionality and tools available on the Senate website** for its own website, including committee votes.
8. **Sample ballots should be placed online in advance of all elections by all of New York's county boards of elections.** A link should be provided on the boards' homepages, and ballots should be provided through poll site locators to give voters ballots tailored to their home address.

#### I. **Open Meetings**

Public meetings of state government bodies are one important means of accessing information regarding government decision making. They also help the public keep government accountable, as public comment is often allowed at public meetings. Under Executive Order 3, which was signed by Governor Spitzer and extended by Governors Paterson and Cuomo, state agencies, boards and commissions subject to the Open Meetings Law must webcast their meetings. Meetings which are webcast are listed on a central website, in addition to each agency's website (though the manner of displaying varies by agency).<sup>2</sup> The Board of Elections in the City of New York, however, does not comply with Executive Order 3, stating that they are not a state entity under its scope, while they are considered a state agency in other instances.

Meetings have also been further opened to the public under a law in effect since April 2011 (A.10093 of 2010, sponsored by Assemblymember Destito), which allows the public to photograph, broadcast, webcast and record public meetings themselves. Another recent reform was accomplished through A.72 of 2011 (sponsored by Assemblymember Amy Paulin), which requires materials for public meetings to be provided in advance of meetings on agencies websites, to the extent practicable. Citizens Union commends the state for its efforts to make

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<sup>2</sup> See <http://nysegov.com/webcast.cfm>

state agency meetings more open to the public through these means, and urges the Assembly to examine ways to make public meetings even more accessible.

Regarding the State Legislature, we applaud the Assembly for recently providing archived video of its sessions along with transcripts which allow the public to search for terms and find the relevant videos. The Senate has also laudably increased access through video. The Legislature should expand upon its work regarding state government video by using best practices of other jurisdictions. For example, the city of San Francisco provides video, agendas and corresponding materials together on [www.sfgovtv.org](http://www.sfgovtv.org) for all of its agency meetings and for the meetings of the Board of Supervisors, as does the Arizona State Legislature.<sup>3</sup> Video of San Francisco's Board of Supervisors additionally also allows users to search video captions by key terms to begin watching video at the precise moment of interest rather than from only from the beginning.

### **Recommendations for Further Improvements:**

- **All assembly committee meetings and hearings should be webcast, along with better archiving of footage.** We ask that the Assembly lead by example in this area – as it is doing for today's committee hearing – through expanding its webcasting beyond session to all of its committee meetings and hearings from both 250 Broadway and in Albany. Video of all legislative proceedings should be archived, searchable by content, and provided with all relevant materials such as agendas, transcripts and legislation under discussion.
- **Archival video of state agencies' meetings should be searchable by content, and provided with all relevant materials such as agendas, transcripts and proposals under discussion.**
- **The Assembly should examine the application of Executive Order 3 in regards to bodies which are creatures of the state, but operate locally such as local boards of elections,** to ensure that all state entities are webcasting their meetings.
- **The State Government Affairs Channel should be finalized.** Citizens Union applauded the legislature's development of a framework for a state government affairs channel in 2009, and has been eagerly awaiting its finalization. We urge the Assembly and Senate to work together to ensure that the channel gets up and running, is independently managed, has comprehensive content, and its archival and web offerings are robust and integrated with the current websites of the Assembly and Senate.

## **II. Freedom of Information Law (FOIL) and Proactive Disclosure**

Under New York's current law, much of government information and data must be requested by the public through the Freedom of Information Law (FOIL), though information is increasingly being made available online. While Citizens Union supports measures to reform the FOIL process, we believe that it is important to move beyond easing the process to request information, and rather proactively post government information, reports and data online.

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<sup>3</sup> See the Arizona Legislature's web portal at: [http://azleg.granicus.com/ViewPublisher.php?view\\_id=3](http://azleg.granicus.com/ViewPublisher.php?view_id=3)

The Committee on Open Government in its 2011 report noted that New York State is falling behind other jurisdictions in proactive posting government information online. The framework of FOIL is described by the Committee is “likened to ‘pulling’ records out of government,” rather than proactively pushing information out to the public.<sup>4</sup> The Committee also noted that the existing imposes costs that proactive posting of information can reduce.

Many jurisdictions have developed central online portals for data that are governed by comprehensive open data policies, most recently in New York City through the passage of Intro 29<sup>5</sup>, as well as the federal government with data.gov, and the cities of Baltimore and San Francisco, and Portland, among others. New York City’s open data portal was first created for the Big Apps competition, which spurred the creation of mobile applications and software that uses city government data in innovative ways.<sup>6</sup> Under the new law, Local Law 11 of 2012, all public data will be made available by 2018, and technical standards are now being developed through a wiki (an interactive webpage) allowing public comments on the standards under which data will be released.<sup>7</sup>

### **Recommendations for Further Improvement:**

- **State government should proactively post data online in usable formats.** Quantitative and narrative forms of data should be proactively placed online in its raw form to allow for independent analysis (understanding that private information may need to be redacted). Putting data proactively online in a central hub, while an investment at first, will ultimately save resources. Commonly requested information could be posted first, reducing staff time devoted to responding to multiple requests for the same information, followed by a timeline for putting more data online.

### **III. Transparency Initiatives**

After government decisions are made, the accompanying data, reports and other relevant information is crucial for the public to understand the impact government decisions have on their lives. The state has developed a number of websites and initiatives in this vein to help the public synthesize government data and draw conclusions. Project Sunlight and Open Book NY are two such sites that seek to provide easy access to information online.

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<sup>4</sup> Committee on Open Government, New York State. 2011 Annual Report. Available at: <http://www.dos.ny.gov/coog/pdfs/AnnualReport.pdf>

<sup>5</sup> New York City Council Intro 29 of 2010, sponsored by Councilmember Gale Brewer. Available at: <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=649911&GUID=E650813B-B1E9-4E56-81BA-58261487DA4A>

<sup>6</sup> New York City’s Open Data portal is available at: <https://nycopendata.socrata.com/> For information regarding the Big Apps competition, see: <http://2011.nycbigapps.com/>

<sup>7</sup> See the Wiki at: [http://nycopendata.pediacities.com/wiki/index.php/NYC\\_Open\\_Data](http://nycopendata.pediacities.com/wiki/index.php/NYC_Open_Data)

### **A. Project Sunlight**

Project Sunlight ([www.sunlightny.com](http://www.sunlightny.com)) was launched by then Attorney General Andrew Cuomo in 2007. Users have the ability to search for information related to individual elected officials, campaign finance activities, legislation, lobbying activity, recipients of state government contracts and member items, registered corporations and charities, and can export this information to usable spreadsheet formats. By putting several public databases together in the same site, Project Sunlight allows New Yorkers to connect the dots on how decisions are made regarding government funding. The site also lets users export data to a spreadsheet. Citizens Union believes that Project Sunlight can provide important linkages between money, politics, and government decision-making, and supports efforts to further improve this tool.

### **B. Open Book NY**

Comptroller Tom DiNapoli launched Open Book NY ([www.openbooknewyork.com](http://www.openbooknewyork.com)) in 2008. The site contains information regarding how the state is spending federal stimulus money, what state agencies spend on salaries and travel, active state contracts, and 15 years of county, city, town, village, fire or school districts budgets. Data can be exported into an excel spreadsheet to allow for independent analysis, and can also be visualized in graphic form. Citizens Union supports further improvements to this site to make state finances more understandable and accessible.

### **C. Citizens Connects**

The Governor in 2011 developed the website Citizen Connects (<http://www.governor.ny.gov/citizenconnects/>), an “online town hall,” providing information about public events, live chats, and the governor’s schedule. Citizens Union believes that it has the potential to allow for more important interaction, but unfortunately has not been as updated as it should be with regarding to public meetings occurring throughout the state, as well as the governor’s schedule. It should be noted, however, that it was recently updated to contain the Governor’s detailed schedule through March 2012.

### **D. Open Senate Website**

The State Senate’s website ([www.nysenate.gov](http://www.nysenate.gov)) was upgraded in 2009 with various “open” features, such as an Application Programming Interface (API), live video streaming, archived video, providing data feeds in open standards formats such as XML and CSV, and a FOIL center for requests for information. The site also allows users to plug in to legislative data, votes, and other information, making it more easily analyzable and accessible. Additionally, the “open legislation” feature is searchable from the web, contains committee votes and allows users to comment on proposed legislation. The Senate also developed a mobile app for smart phones – both iPhone and Android – and iPad.

### **Recommendations for Further Improvements:**

- **There should be greater access to legislative activities and information.** Building off of the Assembly and Senate's work to increase access through their websites, Citizens Union recommends that the Legislature implement the following reforms:
  - **Making all public information available on Legislative Retrieval Services (LRS – a paid subscription) available with no restrictions to the public** – Make Assembly votes, fiscal notes and other committee information available for free. This can be done at minimal cost.
  - **The Assembly should replicate the information, functionality and tools available on the Senate website** for its own website, including committee votes.

### **IV. The State Budget**

While tools like Open Book NY are useful for the public to understand components of state spending, the totality of the state budget remains opaque, and it is difficult for the public to decipher what decisions were made regarding revenues and expenditures. Recently in New York City, the City Council has committed to making information regarding all of its discretionary funding – both capital and expense items – available online through a searchable database and in spreadsheet formats. Additionally, the Pew Center on the States has tracked the development of websites across the country which help the public digest state budgets, which is a useful resource for examining best practices.<sup>8</sup>

### **Recommendations for Further Improvements:**

- **The state budget should be opened up through spreadsheets and interactive data tools such as APIs.** Additionally, Citizens Union and our good government colleagues in our report *A New Transparency for NY State*<sup>9</sup> provided additional recommendations for opening up the budget process through technology:
  - **Convene fiscal watchdog and transparency groups as well as academic experts** to develop a plan to make the state budget the most transparent and publicly useful in the nation.
  - **Map economic development projects and tax expenditures, and use maps to show where state revenues and expenditures occur.** Using different ways of illustrating revenues and expenditures can help the public understand where and how funds are raised and spent.

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<sup>8</sup> Pew Center on the States. Transparency in Government. Available at: [http://webcache.googleusercontent.com/search?q=cache:54FSi\\_z7nA4J:www.pewcenteronthestates.orgwww.pewcenteronthestates.org/initiatives\\_detail.aspx%3FinitiativeID%3D51210+&cd=4&hl=en&ct=clnk&gl=us](http://webcache.googleusercontent.com/search?q=cache:54FSi_z7nA4J:www.pewcenteronthestates.orgwww.pewcenteronthestates.org/initiatives_detail.aspx%3FinitiativeID%3D51210+&cd=4&hl=en&ct=clnk&gl=us)

<sup>9</sup> A New Transparency for NY State: Use the Explosion in Information Technology to open NY Government. March 2012. Available at: <http://www.citizensunion.org/www/cu/site/hosting/Reports/NewTransparencyReport.pdf>

## V. Online Sample Ballots

The Board of Elections in the City of New York recently put sample ballots online through their poll site locator, and in 2011 32 other counties throughout the state provided sample ballots on their website, according to a study by Citizens Union in December 2011.<sup>10</sup> Legislation currently being considered by the Assembly (A.7492-C - Kavanagh) would allow counties to post ballots online in lieu of providing them to newspapers and schools, and Citizens Union has provided recommendations to the sponsor for improvements.

### **Recommendations for Further Improvements:**

- **Sample ballots should be online in advance of all elections by New York's county boards of elections.** All counties in New York State should provide a link to ballots on their homepages and, if they have poll site locators, individualized ballots should be provided to voters to give them one-stop shopping for information about upcoming elections.

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<sup>10</sup> For more information, see Citizens Union's 2010 and 2011 report on Sample Ballots, available at:  
[http://www.citizensunion.org/www/cu/site/hosting/Reports/CU\\_SampleBallotResearch\\_November2010.pdf](http://www.citizensunion.org/www/cu/site/hosting/Reports/CU_SampleBallotResearch_November2010.pdf)  
and [http://www.citizensunion.org/www/cu/site/hosting/Reports/CU\\_SampleBallotResearch\\_Dec2011.pdf](http://www.citizensunion.org/www/cu/site/hosting/Reports/CU_SampleBallotResearch_Dec2011.pdf)