

**CHAUTAUQUA COUNTY FAIR CAMPAIGN PRACTICES COMMITTEE**  
**REPORTS ON CHARGES**

The Chautauqua County Fair Campaign Practices Committee, a separate and independent entity established by the League of Women Voters of Chautauqua County, convened on Saturday, December 4<sup>th</sup> in the Fredonia Village Hall. The purpose was to conduct a hearing in regard to a formal complaint issued by Ms. Nancy Bargar alleging the misrepresentation of the facts in campaign materials by opponent Mr. Andrew Goodell. Barger and Goodell were the candidates seeking the office of NYS Assembly for the 150<sup>th</sup> District. As Ms. Bargar's complaint was first received as a pdf file on the Friday, October 29<sup>th</sup> and a hard copy by certified mail on Saturday, October 30<sup>th</sup>, there was too little time remaining prior to the election on Tuesday, November 2<sup>nd</sup> for the Committee to share the submitted material and undergo a comprehensive review of the material in order to render a carefully considered opinion. Being so notified, Ms. Bargar requested that her original complaint be considered within the context of the Committee's post election complaint process which is a standing policy of the Committee.

A preliminary committee review of the charges deemed them of a sufficiently serious nature as to warrant this hearing, one during which the contending parties took the opportunity to substantiate their claims and counter claims. After a lengthy question and answer period, one designed to achieve a greater clarification of the issues, the Fair Campaign Practices Committee met in a closed executive session to render a decision and to issue a finding as to the validity of the formal complaint, the latter to be reached by a majority of the five permanent committee members, all of whom were present at the hearing.

The conclusions resulting from the executive deliberative process involved the following:

Ms. Bargar's complaint stated that in two mailings to the voters in the last week of the campaign Mr. Goodell said that she had (1) "Spent thousands of dollars in legal fees trying to defend the Democratic Commissioner's illegal conduct" and (2) "Spent thousands of dollars defending an election commissioner who is now under felony investigation for violating the election laws in Nancy's race." Ms. Bargar stated these allegations were not true and that she had spent nothing in defense of the Democratic Commissioner for any reason.

The committee ruled that in regard to the election law case initiated by Mr. Goodell, Ms. Bargar's sole purpose in hiring her own attorney was to represent her own interests as the endorsed Independence Party candidate in being placed on the Independence Party ballot line, and that the two campaign literature mailers asserting that she spent thousands of dollars defending the Democratic

Commissioner's illegal conduct with its further references to defending an official under felony investigation were without basis in fact.

The Fair Campaign Practices Committee therefore validated both claims of unfair campaign practices against the Goodell campaign that were submitted by Ms. Bargar under the Formal Complaint Guidelines.

In conclusion, the Fair Campaign Practices Committee is a vehicle readily available to political campaigns for the submission and adjudication of claims of unfair campaign practices. While it does not have any legal force or authority in reference to its findings or conclusions, it does however have the power of public opinion in publicizing what it deems as unfair campaign practices, practices that interfere with the public's right "to know" and to make its decisions based on the true positions of the candidates. The functioning of our democratic principles is at stake.

It is the specific policy of the Fair Campaign Practices Committee that if a candidate or campaign wishes to quote from a finding of this Committee, the Committee requires that the finding be quoted in its entirety. The Committee regards selective quotation of its findings as a violation of fair campaign practices.

For the Chautauqua County Fair Campaign Practices Committee

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Committee Members:

James Boltz

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