

## **FAIR CAMPAIGN PRACTICES COMMITTEE REPORTS ON CHARGES**

The Fair Campaign Practices Committee, a separate and independent entity established by the League of Women Voters of Chautauqua County, convened on Friday, October 15, 2010 in the Fredonia Village Hall. The purpose was to conduct a hearing in regard to two formal complaints issued by Andrew Goodell, allegations of misrepresentation and distortion of the facts in campaign materials by opponent Nancy Bargar. The candidates are seeking the office of NYS Assembly for the 150<sup>th</sup> District.

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 complaints, the latter to be reached by a majority of the five permanent committee members, all of whom were present at the hearing..

The results of the executive deliberative process were the following:

In the first complaint, one involving an event that took place many years ago, the committee concluded that the evidence provided by each candidate was so clouded by contradiction, having been derived in each case from contemporary newspaper reports published in an emotionally charged political atmosphere, that the pertinent facts upon which a determination might be made, were impossible to ascertain. The committee therefore was unable to make a decision as to the validity of Mr. Goodell's complaint of unfair campaign practice against the Bargar campaign.

In the second complaint, one pertaining to the Bargar campaign having produced a mailing-flyer based on a recorded radio interview of Mr. Goodell, the Fair Campaign Practices Committee ruled that Mr. Goodell's views therein were misrepresented and distorted, validating his claims of unfair campaign practices by the Bargar campaign. Whereas the interview focused on Mr. Goodell's comprehensive analysis of whether the county sales tax of 7.75% should be maintained, his having placed his position solidly in the context of the sales tax – property tax debate, the Bargar flyer avoided any mention of this context. It took fragments of two different sentences in his cost-benefit analysis of these two types of taxes and combined them to create a misleading quote. In addition, the Bargar campaign flyer contained two statements in isolated, bold print, that contradicted his views and were therefore deemed false. The statements: Andy Goodell doesn't think there's any harm in a 'slightly' higher” sales tax' . . . and, . . .He says our families will hardly even feel it, were statements that he never made, and furthermore should not have been construed by the Bargar campaign as a logical reflection of Mr. Goodell's views as expressed in the radio interview.

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,

Lucille Richardson, Chairman

Committee Members:

James Boltz

Leonard Faulk

Diane Hannum

Stephen Sorg