



**Fair Campaign Practices For The Capital Region, Inc.**

## **NEWS RELEASE**

**October 31, 2009**

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FCP President 424-8787**

### **Findings in the Complaint of Michael F. Coleman V. David Higgins Emergency COMPLAINT 2009-6**

Fair Campaign Practices for the Capital Region, Inc. (FCP) held an emergency hearing on October 31, 2009, to consider a complaint made by Michael F. Coleman against David Higgins. Both are candidates for Commissioner of Public Works in the town of Mechanicville. Present were hearing panel members Jane Bouchard, Judy Coburn, Barry Liebson, and Helen MacDonald, panel Chair Katherine Henrikson, and Coordinator Aimee Allaud. Former FCP Board member Betsey Swan and current Board Chair Maurice Drown were also present for part of the discussion at the hearing. Mr. Coleman appeared. Mr. Higgins was invited, but could not appear.

Mr. Coleman presented two complaints: that campaign signs implied Mr. Higgins is the incumbent Public Works Commissioner, and that several ads in the weekly paper *The Express* presented false or misleading statements about Mr. Coleman, too close to the election for him to reply.

#### **FINDING 1: NO UNFAIR CAMPAIGN PRACTICE**

Mr. Coleman complained that signs stating “Keep Dave Higgins Public Works” were misleading because Mr. Higgins has not been elected to office. However, Mr. Higgins is the legally appointed Commissioner of Public Works. Since he is the incumbent, the signs are not misleading.

#### **FINDING 2: NO FINDING**

Mr. Coleman complained of an ad listing grants secured by the Town of Mechanicville in the last two years, which listed Dave Higgins as one of the responsible parties. Since Mr. Higgins was appointed as Commissioner in July 2009, he did not participate in developing the grant applications.

The Panel found that the ad's listing of all the “Democratic team” was somewhat ambiguous regarding the participation of each candidate in the grant process. However, the complaints lodged so close to an election must rise to the level of an egregious violation of the Statement of Principles of the FCP to be considered in the Emergency process. This complaint does not rise to that level.

#### **FINDING 3: UNFAIR CAMPAIGN PRACTICE**

Mr. Coleman complained about an ad in the October 27, 2009 edition of *The Express*. The headline of the ad was “Vote for the Coleman Team. “

The panel found that the ad was so deliberately misleading, confusing, and vague that it would be impossible for voters to determine the truth or falsehood of the allegations. The ad violates Principle 4: The candidate will not ...permit or...condone the use of any... advertisement that misrepresents, distorts, or otherwise falsifies a fact ...regarding...an opponent.

**FINDING 4: NO FINDING**

Mr. Coleman complained about an ad in the October 27, 2009 edition of *The Express*. The headline of the ad was “Mechanicville Citizens”. The ad alleges that Mr. Coleman does not live in the City of Mechanicville.

The panel found that while Mr. Coleman's legal address for voting purposes is in Mechanicville, the issue of whether he is a resident for purposes of the election is before a State review panel. Therefore this issue is beyond the competence of FCP.

Fair Campaign Practices for the Capital Region, Inc. was established to promote a climate of fair, open, and honest campaigns; encourage candidates to discuss the issues; encourage candidates to refrain from defamatory attacks on opponents; discourage use of campaign materials that distort facts; and expand the political debate by more fully informing the electorate about the use of unfair campaign practices. Information on FCP can be obtained at <http://www.faircampaignpractices.info>

**-END-**

*Note: If a candidate or campaign wishes to quote from this finding, it must do so accurately, particularly if it uses partial quotes. Otherwise the use is an unfair campaign practice*

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