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FINDINGS IN THE COMPLAINT OF  
SAMUEL PITCHERALLE AGAINST PRESTON JENKINS  
COMPLAINT 2006-3

Fair Campaign Practices for the Capital Region, Inc. (FCP) held a hearing on October 30, 2006 to consider a complaint made by Samuel Pitcheralle against Preston Jenkins. Both are candidates for the office of Treasurer of Saratoga County. Present were Hearing Panel members Joan Elliott (Chair), Aimee Allaud, George O'Connor, Faith Weldon, and Jean Wilkinson, along with Coordinator Betsey Swan. Mr. Pitcheralle appeared through his representative George Martin. Mr. Jenkins appeared through his representative Kevin Richardson.

Mr. Pitcheralle complained that a tri-fold flier distributed by the Jenkins campaign in portions of Saratoga County was misleading because it used the words "Preston Jenkins" above the words "County Treasurer," without qualifying words such as "elect" or "for," thereby implying that Mr. Jenkins is the incumbent, which he is not.

Mr. Richardson stated that Mr. Jenkins had no intent to mislead voters or to imply he was the incumbent Treasurer and provided examples of other Jenkins campaign materials that contained the necessary qualifying language. In defense of Mr. Jenkins, he further explained that the brochure had been prepared by a college student who wished to become involved in the Jenkins campaign. Although the front of the brochure did not contain the qualifying language, the future tense used in the remainder of the flier made it clear that Mr. Jenkins was not an incumbent.

**FINDING: Unfair Campaign Practice.** Campaign material featuring only the candidate's name and office may imply that the candidate holds the office and therefore is inherently misleading. Materials should contain language that makes the candidate's status clear, such as "Preston Jenkins **for** County Treasurer." The panel notes that it found no intent on Mr. Jenkins part to deceive voters. However, FCP has stressed in past cases that campaign materials must avoid the possibility of erroneously implying a candidate is an incumbent.

If a candidate or campaign wishes to quote from this Finding, FCP requires that the Finding be quoted in its entirety. FCP regards selective quotation of its Findings as an Unfair Campaign Practice.