



FOR IMMEDIATE RELEASE
November 4, 2007

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FINDINGS IN THE COMPLAINT OF
TONY JASENSKI AND BOB GODLEWSKI AGAINST
CAROLINA LAZZARI AND ANGELO SANTABARBARA
COMPLAINT 2007.9

Fair Campaign Practices for the Capital Region, Inc. (FCP) held a hearing on November 3, 2007, to consider a complaint made by Tony Jasenski and Bob Godlewski against their opponents Carolina Lazzari and Angelo Santabarbara. All are candidates for the Schenectady County Legislature, District 4. Present were Hearing Panel members Joan Elliott (Chair), Jim Miller, Sam Trumbore, Barbara Thomas, and Aimee Allaud, along with Coordinator Betsey Swan. Also present was *ex officio* member Richard Nebolini (Independence Party). Mr. Jasenski and Mr. Godlewski appeared through their attorney Bruce Trachtenberg. Ms. Lazzari and Mr. Santabarbara appeared through their attorney James Walsh.

This complaint was originally submitted as an expedited complaint. Immediately prior to the hearing Mr. Trachtenberg submitted an emergency amended complaint, which raised additional concerns about a mailing received after the original complaint was submitted. FCP will consider the emergency complaint as a separate matter.

Mr. Jasenski and Mr. Godlewski complained that material produced by Friends of Lazzari and Friends of Angelo Santabarbara in support of their primary write-in bid for the Conservative Party line was misleading because Mr. Santabarbara implied he was an enrolled member of the Conservative Party rather than a political conservative, and because Ms Lazzari implied that she would have won the Conservative Party endorsement had she filed earlier. Ms. Lazzari advised that, as the result of her initial uncertainty about whether to seek another term in office, she had not filed the petitions necessary to obtain a place on the Conservative Party ballot. Once she decided to seek reelection, she and Mr. Santabarbara waged a write-in campaign to win the Conservative line for County Legislator in the November election. They circulated the materials in question prior to the primary, and they have not been in circulation since.

FINDING: No Finding. Although the circulated material would have violated FCP Principle 5 for failure to list the address or other contact information of the sponsor or sponsors, there is no indication that these materials have been in circulation during the general election campaign or have otherwise had any impact on it. Therefore, we decline to issue a finding in this matter.

Mr. Jasenski and Mr. Godlewski also complained that on October 28, 2007 Ms. Lazzari's campaign had sent an automated, recorded message to voters in Duanesburg, Rotterdam, and Princetown. The message was in a woman's voice and purported to be from Carolina Lazzari, accusing Tony Jasenski of calling her names. -more-

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The message contained no information about its sponsor, and no one was able to identify a sponsor. Ms. Lazzari stated she had neither sent nor had a hand in the sending of the message, and that she disavowed it and its contents. She also stated she had no idea who had sent the message. Upon completion of the hearing, she sent a letter to the editor of the Daily Gazette disavowing the message. A copy of this letter is attached.

FINDING: No Finding.

Although this automated message violated FCP Principle 5 for failure to identify its sponsor, Ms. Lazzari took steps at the hearing to disavow the message. The complaint was filed on October 30, 2007, and the disavowal occurred on November 3, 2007. We believe that Ms. Lazzari should have been more prompt in her disavowal and that a prompt disavowal, as required by FCP Principle 7, requires immediate steps on the part of the candidate to disassociate herself from the offensive material. Promptness becomes increasingly important as the election nears and the media moves toward an imposed blackout period immediately prior to the election. Given that we have not previously had occasion to define promptness, we do not hold that a violation of FCP principles has occurred at this point. However, candidates are advised that, in the future, disavowal of offensive third-party campaign materials must be prompt for compliance with FCP Principle 7.

Candidates are reminded that misrepresentation of FCP findings in order to obtain political advantage constitutes an unfair campaign practice.

Fair Campaign practices for the Capital Region, Inc. is a not-for profit corporation formed by the League of Women Voters of Albany, Rensselaer, Saratoga, and Schenectady Counties and the Interfaith Alliance of the Capital Region.