



FOR IMMEDIATE RELEASE:

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Fair Campaign Practices for the Capital Region, Inc. has received three emergency complaints by candidates for District 4, Schenectady County Legislature. All concern unfair and misleading political mailings made by political committees.

The first mailing was made on behalf of candidates Carolina Lazzari and Angelo Santabarbara by the New York State Republican Committee. It pictured a document purporting to be a New York State drivers license in the name of Mohammed Atta, mastermind of the 9/11 attacks. The flier stated, "Jasenski & Godlewski's County Democrats won't stop Spitzer's Plan to give Illegal Aliens Driver's Licenses." This falsely and misleadingly implies that Mr. Jasenski and Mr. Godlewski support Governor Spitzer's plan to issue drivers licenses to undocumented immigrants. Both candidates have documented their lack of support for this proposal and have circulated a petition to the Governor in opposition to it.

The second mailing was made by the Schenectady County Democratic Committee in opposition to the candidacies of Republicans Carolina Lazzari and Angelo Santabarbara for District 4, Schenectady County Legislature and Steve Tommasone for Rotterdam Town Supervisor. The mailer stated in relevant part, "LAZZARI, SANTABARBARA AND TOMMASONE HAVE A WELCOME MAT FOR SEX OFFENDERS From Albany, Rensselaer, Saratoga, Warren, and Washington Counties." "CAROLINA LAZZARI voted AGAINST a law which prohibits dangerous level 2 and level 3 sex offenders from living within 2,000 feet of our schools, our parks and our day care centers. Albany, Rensselaer, Saratoga, Warren and Washington counties have already passed tough sex offender residency restrictions." "Lazzari's vote against a tough law for Schenectady County would make Schenectady County the dumping ground of the capital region for sex offenders." Thus, the mailing portrayed the two Republican candidates for District 4, Schenectady County Legislature and the candidate for Supervisor of the Town of Rotterdam as supporting measures that would encourage a migration of convicted sex offenders into Schenectady County from a five county region. This portrayal misrepresents, falsifies, and distorts facts with respect to both the Republican candidates named in the mailer and their Democratic opponents.

The history surrounding legislation regulating the ability of convicted sex offenders to reside in Schenectady County is neither simple nor readily reduced to the type of sound bite electioneering seen in this mailer. In June, 2007 the Schenectady County Legislature passed Local Laws 3 and 4, which prohibited convicted level 1, 2, and 3 sex offenders from living within 2,000 feet of schools, playgrounds, day care facilities, public parks, public swimming pools, or

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private youth centers and required them to vacate their homes within these areas by October 1, 2007. These laws were passed over the opposition of both Democratic and Republican Town supervisors. Opposition arose both because Town Supervisors were not consulted prior to passage of the legislation and because these laws would have had the effect of making it impossible for all convicted sex offenders to reside in more populated areas such as the city of Schenectady and of pushing them into rural areas such as Princetown, Duanesburg, and portions of Rotterdam. Ms. Lazzari voted against the legislation because she believed it was an ill-conceived way to deal with a serious problem. The legislation was also condemned as unconstitutional by the New York Civil Liberties Union, which threatened litigation if it were enforced as written. Subsequent to its enactment, both Democratic candidates for the 4<sup>th</sup> District of the Schenectady County Legislature, voiced doubts about the legislation.<sup>1</sup> On August 25, 2007 the Schenectady County Legislature voted to remove level 1 sex offenders from the legislation and to allow sex offenders who resided in prohibited areas prior to enactment of the legislation to continue to reside there. Ms. Lazzari, who opposed the original legislation in part because it was overly broad supported the changes as being an improvement over the original. Lazzari had formulated plans to be out of town prior to the scheduling of a vote to amend the legislation and had requested postponement of the vote until she returned. The Legislature declined to delay the vote and thus she was unable to vote for the changes, which she claimed to support.

In light of this history, the mailer is misleading on multiple fronts. Ms Lazzari voted against the original legislation, in part, because it included level 1 sex offenders as well as level 2 and 3 sex offenders. The corrective legislation, which she advocated, deleted level 1 sex offenders from its purview. Also, a review of Albany, Rensselaer, Saratoga, Warren, and Washington County sex offender residency laws indicates that they were not as “tough” or restrictive as the laws originally passed by Schenectady County, contrary to the claim made in the Democrat’s mailer.

The third mailing was made in early November by the Schenectady County Republican Committee in support Republican candidates Ms. Lazzari and Mr. Tommasone and in opposition to Democratic candidates Bill Cooke, Tony Jasenski, and Bob Godlewski. The flier stated the word, “GUILTY” next to the names of the Democratic candidates Cooke, Jasenski, and Godlewski.. It then appropriated the logo of Fair Campaign Practices for the Capital Region, Inc. and stated, “FINDING: Unfair Campaign Practice Source: League of Women Voters Findings: FCP, Complaints 2007.5, 2007.6.” This characterization is false and misleading in two respects. First,, the word *guilty* implies criminal misconduct, which is not at issue in FCP hearings. Second, the mailer erroneously attributes the FCP decision to the League of Women Voters. Fair Campaign Practices for the Capital Region, Inc. is a not-for-profit corporation founded by the League of Women Voter of Albany, Rensselaer, Saratoga, and Schenectady Counties and the Interfaith Alliance of New York State, Capital Region Chapter. Although the League of Women Voters is involved in FCP, it is a misrepresentation to use the two discreet organizations interchangeably.

The second side of the flier said, “Bill Cooke, Tony Jasenski, & Bob Godlewski aren’t being truthful.” It implied that their campaign literature contained lies, misrepresentations, and

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<sup>1</sup> See Daily Gazette, *No changes expected on offender laws: Legislation emerges as issue on upcoming town races*, August 7, 2007, at [www.schenectadyny.info/cgi-bin/forum/Blah.pl?m-1083073019/s-360](http://www.schenectadyny.info/cgi-bin/forum/Blah.pl?m-1083073019/s-360).

distortions. Although both pieces contained lies, misrepresentations and distortions, they were not those of the candidates but of the Schenectady County Democratic Committee, which sponsored both pieces. The candidates were found to have committed unfair campaign practices, not because they were untruthful but because they failed to promptly and publicly repudiate the offending pieces of the Schenectady County Democratic Committee. At the end of this page, the flier said, “ DON’T TAKE OUR WORD FOR IT, READ THE FULL DECISION YOURSELF AT [WWW.CRISNY.ORG](http://WWW.CRISNY.ORG).” This address is incorrect, does not give interested readers access to the decisions, and is therefore also misleading.

The last piece that has come to the attention of FCP is a computerized message received on the answering machine of Stephanie Lopez, an employee of the League of Women Voters of New York State who lives in Rotterdam. The November 2, 2007 message stated that the “League of Women Voters” had found Jasenski, Cooke, and Godlewski “guilty of unfair campaign practices,” using much the same language as was used by the Schenectady County Republican Committee. The message also indicated information could be found on-line at [www.crisny.org](http://www.crisny.org), the same erroneous address used by the Schenectady County Republican Committee. The sponsor of the message was not identified. On the same day that the message was transmitted the League of Women Voters of New York State received numerous phone calls from Schenectady County in which individuals requested that they be taken off the League of Women Voters calling list.

All these complaints raise the question of how a candidate can promptly and publicly disavow materials issued by third parties (usually political committees) immediately prior to the election. Ms. Lazzari, Mr. Cooke, and Mr. Tommasone have decried the materials issued by their parties without their knowledge or consent. As candidates have rightfully pointed out, the editorial boards of most local newspapers impose blackout periods on letters to the editor related to the election for a period immediately prior to the election. Many also cut off reportage on elections at some time prior to election day. These practices have allowed for the proliferation of particularly virulent and misleading attack ads, often by state and local political committees, at the end of the election period. The lack of reportage deprives the public of vital information about the truth of these flyers and, by rendering them beyond the reach of reasonable public analysis and discourse, encourages their use in hotly contested campaigns.

While we normally do not consider a disavowal made at a FCP hearing sufficiently public to meet the requirements of FCP Principle 7, the pending election, along with the termination of local political reporting practices as the election nears, deprives voters of an acceptable antidote to negative advertising. We therefore issue no finding in this matter.

At the same time we request that both print and broadcast media join with us devise a solution to this problem that will discourage the use of virulent attack ads immediately prior to elections.

*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.*

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