

Fair Election Practices Committee

Date: Thursday, August 30, 2007
FOR IMMEDIATE RELEASE

Contact: Rome Celli
Voice: 585.732.1767

Fair Election Practices Committee Rules on Candidate Complaints

Monroe County, NY. September 17, 2007. The Fair Election Practices Committee (FEPC) handed out two rulings today in the primary race for the Northeast City Council district seat between incumbent, Lovely A. Warren & challenger, James Bowers. This is the fourth time the FEPC has ruled this season. So far in 2007, all complaints have pertained to primary election races.

Mr. Bowers filed the complaints yesterday (Sunday, September 16th) at approximately 8:00pm. The FEPC quickly assembled for a hearing today at noon so they could deal with the complaints before tomorrow's primary election. All the committee's hearing procedures were strictly adhered to by all parties.

In accordance with established FEPC procedures both candidates were invited to present information to the committee regarding the complaint. Afterwards the committee meets in private to deliberate & decide the outcome. The FEPC found one item did not violate The Fair Campaign Pledge and one item did violate The Pledge. You will find both of the official FEPC Decision Notification Forms below this release.

With respect to the first item, a mailer sent out by Friends of Lovely Warren ("This man is NOT a member of Rochester City Council.") last week, the description of Mr. Bower's actions on the mailer in question was found to be suitable for inclusion in the public debate. Although the FEPC thought one of the characterizations of Mr. Bowers on the mailer was gratuitous & unfortunate but it was not egregious enough to violate the pledge.

The second item, referred to simply as a "robo call", delivered over the last several days to residents of the NE district, was found have two significant problems. In the first instance the recorded voice says he is "calling in support of Lovely Warren for her re-election to City Council Northeast". Ms. Warren is not running for "re-election". She was appointed to her seat on city council. She has never been elected to that position by the citizens of that district. In addition, referring to Mr. Bowers, the recorded voice goes on to say, "When he was chair of the Finance Committee, he allowed hundreds of thousands of dollars to be stolen on his watch." This section refers to a period of time with Mr. Bowers served as the Finance Committee chair of the Rochester City School District. The committee found no

evidence to suggest that Mr. Bowers "allowed" any money to be stolen from the district. Either of these items would, on their own, constitute a violation of the Fair Campaign Pledge and so a violation was found. Sections of the recorded message were transcribed for the committee. In addition, the message was played in its entirety for the committee.

The committee commended Ms. Warren for halting the calls immediately after the complaint was filed. She indicated the calls would not continue as they were originally recorded.

The FEPC's role is to arbitrate complaints about alleged violations of the Fair Campaign Pledge. The committee is an independent, non-partisan body comprised of five members: Alan Bernstein, Rome Celli, John G. Curran, Thomas Frey and Channing Philbrick. The members were nominated & approved by the respective boards of the two co-sponsoring organizations.

Both Mr. Bowers & Ms. Warren are signatories of the Fair Campaign Pledge -- co-sponsored & promoted by the Interfaith Alliance of Rochester & the League of Women Voters, Rochester Metropolitan Area. The FEPC & its sponsors believe candidates should be held to the Fair Campaign Pledge regardless of whether they signed the Pledge. The deadline for signing the Pledge is September 5, 2007.

NOTE: The committee will not comment on the content of the deliberations, vote totals or the precise reasoning behind its decisions. However, the FEPC chair, Rome Celli, will provide copies of the exhibits upon request as well as discuss the committee's history, standards and procedures.

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The Fair Election Practices Committee can be reached by phone: 585.732.1767, by fax 585.473.487, by email at cellir@rochesteralliance.org or by U.S. mail in care of 156 Fair Oaks Ave, Roch., NY 14618.

Fair Election Practices Committee

Decision Notification Form

Election: Primary Election on September 18, 2007

Race: Northeast District Council Seat, City of Rochester

Candidates: Lovely A. Warren (D) & James Bowers (D)

Complainant: James Bowers (D)

Date Complaint Received: September 16, 2007

Exhibit ID: Mailing: "This man is NOT a member of Rochester City Council."

Distributed - September, 2007

Produced by: Friends of Lovely A. Warren

- The FEPC has decided **AGAINST** the complainant. The Fair Election Practices Committee (FEPC) found "The Fair Campaign Pledge" has **NOT** been violated in this instance.

Date of Decision: September 17, 2007

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Candidates: Lovely A. Warren (D) & James Bowers (D)

Complainant: James Bowers (D)

Date Complaint Received: September 16, 2007

Exhibit ID: "Ro-bo" Call – September, 2007

Produced by: Friend of Lovely A. Warren

The Fair Election Practices Committee (FEPC) found that the campaign RoBo call violate the Fair Campaign Pledge.

- The FEPC has decided **FOR** the complainant. The Fair Election Practices Committee (FEPC) found "The Fair Campaign Pledge" **HAS** been violated in this instance.

Date of Decision: September 17, 2007