

Fair Election Practices Committee

Date: Saturday, September 15, 2007
FOR IMMEDIATE RELEASE

Contact: Rome Celli
Voice: 585.732.1767

Fair Election Practices Committee Rules on Candidate Complaint

Monroe County, NY. September 15, 2007. The Fair Election Practices Committee (FEPC) handed out its second ruling of this year's election season today in the primary race for the Independence Party line in the Irondequoit Town Council and Supervisor races. The candidates involved in the complaint are: John Perticone (candidate for Irondequoit Town Council), Jim Turner (candidate for Irondequoit Town Supervisor), Lydia Dzus (candidate for Irondequoit Town Council), and Mark Scuderi (candidate for Irondequoit Town Council). Mr. Perticone filed the complaint on September 11, 2007.

In accordance with established FEPC procedures all candidates were invited to present information to the committee regarding the complaint. Afterwards the committee met in private to deliberate & decide the outcome.

After reviewing all materials, hearing the candidates' positions on the complaint and deliberating on the question the FEPC found the "Fair Campaign Pledge" has been violated.

With respect to the identified violation (See the official FEPC Decision Notification Form attached to this release.) - informally referred to as: "Elect Our Independence Party Team!" - the committee found the use of the term "Endorsed" combined with promotion of the candidates as a "Team" as well as other factors, including not clearly identifying who produced the piece, to be misleading in its overall message thereby creating an impression that would cause an average citizen to conclude ALL the members of the team had been designated by the Independence Party in that party's primary election. Although Jim Turner (candidate for Irondequoit Town Supervisor) and Lydia Dzus (incumbent candidate for Irondequoit Town Council) were both officially designated by the Independence Party, Mark Scuderi (candidate for Irondequoit Town Council) has not been designated by the Independence Party.

All candidates agreed that the Independence Party organization did not produce or send the mailer. Further, they said the Independence Party did not give prior approval to any of the content found on the mailer. According to Independence Party of Monroe County chair, Rafael Colon, he had no prior knowledge of the mailer.

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 and two alternates. Alan Bernstein, Rome Celli, Thomas Frey, Channing Philbrick and alternate, Kay Wallace (who sat in for John G. Curran) heard today's complaint. Mr. Curran was out of town & could not attend the hearing. Margaret Freeman is the second alternate. The committee members and alternates were approved by the respective boards of the two co-sponsoring organizations.

All the candidates listed above are signatories to 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 was 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: Independence Party PRIMARY Election on September 18, 2007

PRIMARY: Town of Irondequoit – Town Board & Town Supervisor

Candidates: John Perticone (candidate for Irondequoit Town Council),
Jim Turner (candidate for Irondequoit Town Supervisor), Lydia Dzus
(candidate for Irondequoit Town Council), Mark Scuderi (candidate for
Irondequoit Town Council) - All candidates are running in the
Independence PRIMARY on September 18, 2007.

Complainant: John Perticone (Town Council candidate)

Date Complaint Received: September 11, 2007

The Fair Election Practices Committee (FEPC) found that the campaign flyer identified above as “Elect Our Independence Party Team!” violated the Fair Campaign Pledge.

Item: *“Elect Our Independence Party Team!”*

- The FEPC has decided **FOR** the complainant.

Date of Decision: September 15, 2007