

**FAIR CAMPAIGN PRACTICES  
FOR  
THE CAPITAL REGION, INC.**

**CANDIDATES' MANUAL**

**Amended June, 2010**

## INTRODUCTION

The Leagues of Women Voters of Albany, Rensselaer, Saratoga, and Schenectady Counties and the Capital District Chapter of the Interfaith Alliance of New York State established the Fair Campaign Practices for the Capital Region, Inc. (FCP) to promote fair campaigning and to educate the public about candidates' adherence to fair campaign practices. FCP asks candidates running for political office to sign a Fair Campaign Pledge

FCP accepts complaints of unfair campaign practices from political candidates seeking office in Albany, Rensselaer, Saratoga, and Schenectady counties; holds hearings to determine if such practices have occurred; and issues findings that are publicized in the local media.

Fair Campaign Practices for the Capital Region, Inc. has established a pool of 32 community leaders from Albany, Rensselaer, Saratoga, and Schenectady counties, who represent a wide range of public interests and are recognized as being independent and fair minded. From this pool, Hearing Panels are scheduled to hear evidence and determine when unfair campaign practices have occurred. Members representing the recognized political parties serve on the hearing panels as ex officio (without vote); they contribute political perspective and experience during the discussion.

During the electoral cycle, a Hearing Panel is scheduled once a week. For the two weeks prior to an election, the hearing panel meets on an as needed basis.

*Beginning on a Tuesday two weeks prior to an election, the Hearing Panel may receive and decide emergency complaints without formal hearings. (See emergency complaint section for further information.)*

Five members of the Hearing Panel constitute a quorum for purposes of conducting business, and the Hearing Panel's decision will be made by a simple majority of the voting members present.

The standards of fairness, which the Hearing Panel uses as a basis for decision making are contained in FCP's *Statement of Principles*.

The procedures for filing and hearing of complaints are contained in the *Candidates' Manual*.

***LIST OF CONTACTS 2010***

**Needed for Sending Complaint Forms/ Pledges/ and other contacts.**

**FCP President:**

**Rev. Mick Drown**

**86 Alpine Drive, Latham, NY 12110**

**Telephone: (518) 424-8787**

**E-mail: [mauricedrown@msn.com](mailto:mauricedrown@msn.com)**

**Fax: Call for fax #**

**Coordinators:**

**Aimee Allaud**

**Telephone: (518) 482-2617**

**E-mail: [85aimee@nycap.rr.com](mailto:85aimee@nycap.rr.com)**

**Joan Elliott**

**Telephone: (518) 346-4414**

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**Barbara Thomas**

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## PURPOSE

- ☒ Fair Campaign Practices for the Capital Region, Inc. (FCP) promotes a climate in which candidates conduct honest and issue-oriented campaigns.
- ☒ FCP encourages candidates to conduct campaigns openly and fairly, to discuss issues, to refrain from defamatory or misleading attacks on the character of their opponents, and to avoid using campaign materials that distort the facts.
- ☒ FCP considers to be unfair any practice that is in violation of its *Statement of Principles*
- ☒ FCP accepts written complaints from candidates about alleged unfair campaign practices and determines whether the actions complained about are unfair.

FCP does not seek to encroach upon First Amendment rights. Instead, it seeks to expand the political debate by more fully informing the electorate of unfair campaign practices. It does not try to censor political discussion nor does it act as a body to enforce election law or make legal decisions. FCP has no power to compel anyone to stop doing what it has found to be unfair. If it considers a complaint, it will release its finding to inform the public because it believes that a fully informed voting public is best able to make electoral decisions.

- ✓ A Hearing Panel may decline to hear complaints of candidates who have not modified their campaign actions that were found to constitute unfair campaign practices.
- ✓ Neither the candidate complaining about the unfair practice nor the candidate complained against need to have signed the *Fair Campaign Pledge*.

**COMPOSITION OF FAIR CAMPAIGN PRACTICES  
FOR THE CAPITAL REGION, INC. (FCP) BOARD OF  
DIRECTORS AND HEARING POOL AND COORDINATOR(S)**

**BOARD OF DIRECTORS:**

**The Interfaith Alliance**

**4 Directors**

**The League of Women Voters**

<b>Albany County</b>	<b>2 Directors</b>
<b>Rensselaer County</b>	<b>2 Directors</b>
<b>Saratoga County</b>	<b>2 Directors</b>
<b>Schenectady County</b>	<b>2 Directors</b>

**HEARING POOL AND COORDINATOR(S)**

**(appointed by board of directors)**

**Voting Members**

**Hearing Panel Coordinator  
8 Citizens from Albany County  
8 Citizens from Rensselaer County  
8 Citizens from Saratoga County  
8 Citizens from Schenectady County  
Former Hearing Pool Members**

**Non Voting Members**

**Each political party in each county  
may designate one person to serve  
as an ex-officio member of the  
Hearing Panel**

**Six of the Voting Members will be designated by the Coordinator(s)  
as Chairs of the Hearing Panels**

**The Coordinator(s) form a Hearing Panel consisting of four (4) Voting Members from the Hearing Pool, the Chair, and the Coordinator for each scheduled hearing. A quorum will consist of five (5) voting members of the Hearing Panel. A Non Voting Member from each political party in each county will be invited to participate in each hearing.**

**Although FCP urges candidates to sign and abide by the fair campaign pledge, neither the complaining candidate nor the candidate complained about need to have signed the pledge in order to avail themselves of the process and to participate in it.**

## ***STATEMENT OF PRINCIPLES***

**FAIR CAMPAIGN PRACTICES FOR THE CAPITAL REGION, INC. (FCP) believes candidates should conduct their campaigns in accordance with the following principles:**

- 1. The candidate will conduct a campaign for public office openly, fairly, and truthfully. Candidates will discuss the issues and participate in fair debate with respect to their views and qualifications.\***
- 2. The candidate will not engage in, permit, or condone unfair or misleading attacks upon the character of an opponent, nor will the candidate engage in invasions of personal privacy unrelated to fitness for office.**
- 3. The candidate will not participate in, permit, or condone any appeal to prejudice.**
- 4. The candidate will not use, permit the use of, or condone the use of any campaign material or advertisement that misrepresents, distorts, or otherwise falsifies a fact or the facts regarding either the candidate or an opponent.**
- 5. The candidate will ensure that his/her campaign materials and advertisements, which the candidate disseminates or which are disseminated on the candidate's behalf, clearly identify the candidate and contain the name and address, or other contact information of the sponsor.**
- 6. The candidate will not abuse FCP or its hearing process. The candidate will not misrepresent FCP findings in order to obtain political advantage.**
- 7. The candidate will promptly and publicly disavow support from and the materials/actions of any individual or group whose activities violate this *Statement of Principles* if engaged in by the candidate or the candidate's campaign.**

**ⓧ This principle is modified for candidates for judicial office as the result of constraints imposed on debate by the Code of Judicial Conduct.**

***FAIR CAMPAIGN PLEDGE***

**I PLEDGE to conduct my campaign for public office openly, fairly, and truthfully. I will discuss the issues and participate in fair debate with respect to my views and qualifications.\*\***

**I WILL NOT engage in, permit, or condone unfair or misleading attacks upon the character of my opponents, appeals to prejudice, or invasions of personal privacy unrelated to fitness for office.**

**I WILL NOT use or permit the use of any campaign material or advertisement that misrepresents, distorts, or otherwise falsifies the facts regarding my opponents or myself.**

**I WILL ensure that my campaign materials and advertisements which I disseminate or which are disseminated on my behalf, clearly identify me and contain the name and address or other contact information of the sponsor.**

**I WILL promptly and publicly disavow support from and the actions of any individual or group whose activities violate this Fair Campaign Pledge or whose activities would violate this pledge if engaged in by me or my campaign.**

**I WILL NOT misuse the process of Fair Campaign Practices For the Capital Region, Inc. or misrepresent its findings in order to obtain political advantage.**

**IN SIGNING this Fair Campaign Pledge, I acknowledge personal control and accept responsibility for the conduct of my campaign.**

**DATE: \_\_\_\_\_**

\_\_\_\_\_  
**SIGNATURE**

**CANDIDATE FOR: \_\_\_\_\_  
(office  
county  
district)**

\_\_\_\_\_  
**PRINT NAME**

**Mail to: FCP President (see Page 3)**

\_\_\_\_\_  
**E-MAIL**

\_\_\_\_\_  
**PHONE AND FAX**

\_\_\_\_\_  
**ADDRESS**

**\*\* This pledge is modified for candidates for judicial office as a result of constraints imposed on debate by the Code of Judicial Conduct.**

## ***OPERATING PROCEDURES***

### **INTRODUCTION**

Fair Campaign Practices for the Capital Region, Inc. (FCP) has adopted the following procedures for the resolution of unfair campaign practices complaints.

- **A. An unfair campaign practice is defined as a candidate's failure to abide by one or more of the principles in the *Statement of Principles*.**
- **B. Only official candidates may file complaints. An official candidate is one who has complied with the filing requirements necessary to secure a place on the ballot. In the case of a contested primary, any candidate who claims to have won the primary will be considered an official candidate until the matter is resolved.**
- **C. For a complaint to be considered by a Hearing Panel, the unfair practice must have occurred in, or the material must have been disseminated in Albany, Rensselaer, Saratoga, or Schenectady counties and the political race must be one affecting voters in at least one of the four counties. FCP will not consider complaints arising from campaigns for statewide or national office.**
- **D. Candidates in the complaint process are not required to have signed fair campaign pledges prior to filing or responding to the complaint. However, if a candidate who has filed a complaint has been found to have committed an unfair campaign practice and has not ceased that practice after a FCP finding has been issued, the hearing panel may elect not to hear the offending candidate's subsequent complaint.**
- **E. A Hearing Panel for the FCP will hear all complaints of unfair campaign practices.**

### **FILING COMPLAINTS**

#### **GENERAL INFORMATION**

**There are two types of complaints: regular and emergency. The type of complaint to be filed is determined by when in the electoral cycle it is filed.**

1. **Candidates who want to file complaints must complete the *Unfair Campaign Practices Complaint Form* (See form). Information on how to complete and file the complaint are described in the form *Directions for Pursuing a Complaint*. Additional copies of this manual and individual complaint forms can be obtained from the FCP President. (See listing of the president's name and contact information on Page 3.)**

2. All alleged violations arising out of the same advertisement, flyer, or set of facts must be brought in the same complaint. Candidates who fail to include all alleged violations in a single complaint will be barred from bringing another complaint about the same material.
3. A Hearing Panel will act only on the violations alleged in the complaint.

#### INITIATING A REGULAR COMPLAINT

1. To initiate a regular complaint, the complaining candidate must file a complaint by filling out the *Unfair Campaign Practices Complaint Form* and serving a copy of the complaint on the candidate complained against. S/he must complete the *Certificate of Service* and file a copy of the complaint and the completed *Certificate of Service* with the President or Coordinator. (See listing of President and Coordinator(s) on Page 3 ).
2. Filing occurs when the President or Coordinator(s) receives the complaint with proof of service, whether delivered by e-mail, by mail, by fax, or by person. E-mail delivery is preferred although a hard copy must follow.

#### PROCESS FOR HEARING REGULAR COMPLAINTS

##### A. Scheduling Hearings

1. When a complaint is received, the Coordinator will deliver it by E-mail, Fax, or other method to all members of the scheduled Hearing Panel.
2. The Coordinator will schedule the complaint for a hearing unless the Coordinator and Chair of the Hearing Panel agree that a hearing is inappropriate. A hearing may be inappropriate because:
  - a. The facts stated in the complaint do not rise to the level of an Unfair Campaign Practice;
  - b. The matter would be better handled in another forum, such as a court,
  - c. The complaint cannot be heard until after the election and its resolution would have no instructive value for other candidates.
3. If a hearing is to be held, the Coordinator will notify the parties of the date, time, and place of the hearing. The Coordinator also will notify the Hearing Panel members of the date, time, and place of the hearing. Notice will be done by E-mail, telephone, Fax, mail, or personal delivery to the candidate and panel members, as time permits.

## **B. Postponement of Hearings**

- 1. Regular hearings can be postponed with the consent of the parties involved. If an adjournment is to take place, notification should be made to everyone at least 24 hours prior to the hearing.**

## **C. Format of the Hearing on the Complaint**

- Hearings are composed of an open public hearing, i.e. open to the public at large and the media. This segment is intended for clarification of the issues.**
- The complainant and the candidate complained against and/or their representatives are asked to attend this part of the hearing and to speak. Each party will be given a total of 10 minutes to present the case and clarify any issues that might need to be elaborated on beyond the written material that was submitted.**
- After the parties have presented their cases, the Chair will ask the Hearing Panel's voting members and the *ex officio* non voting members to ask any questions they may have. The question period is limited to 30 minutes maximum.**
- A quorum of the Hearing Panel is five voting members.**
- A hearing can be held regardless of the absence of the person complained against. However, the Hearing Panel must determine that the person received adequate notice of the hearing date, time, and place.**

## **D. Deliberation and Decision**

- 1. Once the open hearing has been concluded, the parties, their representatives, and the members of the public and media will be excused. In this segment, the Hearing Panel focuses on clarifying issues presented by the case. Voting and non voting members of the panel participate in this discussion.**
- 2. Upon completion of the discussion (in 1.) the Hearing Panel will go into Executive Session. *Ex officio non voting members* are excused for this segment so that Hearing Panelists can deliberate and vote on the merits of the complaint. Hearing panel decisions will be by the majority of the voting members present. After reaching a decision, the Chair with the voting members will prepare a draft. The draft is circulated among the Hearing Panel until a majority consent to its adoption as a final decision.**

## **E. ANNOUNCEMENT AND PUBLICIZING OF THE DECISION**

- 1. Within 48 hours after the hearing, the Coordinator will notify the complainant and the candidate against whom the complaint was made about the outcome of the hearing. This will be done by E-mail, Fax, or telephone. Immediately after that notification, the Coordinator will**

disseminate the written decision on FCP letterhead by E-mail or Fax to the media and any interested individuals that have requested notification. It should be noted that the Coordinator will not delay public release of the findings if the Coordinator is unable to make direct contact with a party.

2. If a candidate or campaign wants to quote from the decision(s), s/he may do so, but FCP requires that any representation or quotation is not misleading. FCP regards misleading representation or quotation of its findings as an unfair campaign practice in violation of Principle 6 in the *Statement of Principles*.

#### INITIATING AN EMERGENCY COMPLAINT

1. To initiate an emergency complaint, the complaining candidate must contact the Coordinator and file a written complaint on the *Unfair Campaign Practices Complaint Form* by E-mail or Fax preferably although it could be filed by mail. The candidate must understand that time is critical and the filing should be done as expeditiously as possible. The sooner the complaint is filed the greater the likelihood will be that the voters will learn of the outcome prior to the election.
2. Filing of an emergency complaint shall have occurred when the Coordinator receives the complaint electronically or in writing.

#### HIGHER STANDARD FOR EMERGENCY COMPLAINTS

1. An emergency complaint is one that has occurred sufficiently close to the election so that it is not possible to hold a regular hearing. (Complaints filed on or after two Tuesdays before an election are heard on an emergency basis.)
2. The complaint must be so egregious that it requires an immediate response and the facts of the complaint could affect the outcome of an election.
  - ☒ In determining whether this standard has been met, the hearing panel will consider when the alleged unfair campaign practice occurred, the nature of the violation, and whether the practice complained of appears to have been for the purpose of obtaining unfair political advantage. Generally, complaints about issues that occurred prior to three Wednesdays before an election will not be considered emergency complaints.

## FILING THE EMERGENCY COMPLAINT

1. The Coordinator will be able to advise the complaining candidate of reasonable steps s/he must take to notify the candidate complained against that there is a complaint being filed.
2. The complaint form (*Unfair Campaign Practices Complaint Form*) must be completed and the information provided to the candidate complained about and this must be done as quickly as possible. There must be time for the candidate complained about to be able to respond.
3. Because of the critical time factor, the Coordinator, in consultation with the Hearing Panel Chair, will determine if sufficient information is available or readily obtainable to present the complaint to a Hearing Panel.
4. If the Coordinator determines that a hearing is appropriate, the Coordinator will convene a Hearing Panel and present all the information that was available.

## PRESENTATION OF AN EMERGENCY COMPLAINT

1. When a determination has been made that a hearing is appropriate, the Coordinator will convene a Hearing Panel and present to it the complaint with all information currently available. Whenever possible, the parties will be given an opportunity for input and *ex officio members* will be given an opportunity to provide their perspectives on the complaint.
2. Given the limited time framework, any hearing and deliberations may be conducted electronically. The Hearing Panel will then determine an appropriate response to the complaint.

## DECISION

1. Hearing Panel decisions will be by majority vote.
2. If the complaint has been sustained in whole or in part, the Hearing Panel may choose to do one or more of the following
  - Write a formal opinion
  - Write a press release announcing its decision
  - Communicate its findings to the media through a press conference
3. The Coordinator notifies the parties of the decision by E-mail or telephone. However, if any party cannot be notified, it will not delay public release of the decision.
4. As with any decision, candidates are advised that they may not misuse the

**FCP process or mischaracterize FCP decisions to obtain political advantage.**  
**Mischaracterization of a decision may constitute an independent violation.**

## **QUESTIONS**

**Questions regarding these procedures or any decisions of the panel should be addressed to the FCP President. (See listing of President and contact information on Page 3 of this manual.)**

**UNFAIR CAMPAIGN PRACTICES COMPLAINT FORM**

(Neither you nor your opponent need to have signed the *Fair Campaign Pledge* in order for you to file a complaint.)

**TO:** FCP President  
(See Contact List on page 3)

**FROM:** Name of Candidate:  
Address:

Telephone: E-mail: Fax:

Candidate for:  
(Office/district/  
county)

**I HEREBY MAKE A COMPLAINT FOR UNFAIR CAMPAIGN PRACTICE(S)  
AGAINST:**

Name of Candidate:  
Address:

Telephone: E-mail: Fax:

Candidate for:  
(Office/district  
county)

**DESCRIPTION OF UNFAIR PRACTICE(S)** On a separate sheet of paper, briefly and concisely describe what you claim is the unfair practice(s) and the principle(s) in the *Statement of Principles*, which the described facts violate. Include documentation, such as newspaper ad or campaign brochure, radio or TV script, audio or videotape (station/date/time aired), or public statement. Complaints must be concise enough to be presented during the 10 minutes allotted in the hearing. They must also list all alleged violations contained in the brochure, advertisement, transmission, or broadcast or set of facts. Failure to list alleged violations arising out of the same document, transmission, or set of facts will prohibit you from raising them in a subsequent complaint. Failure to attach documentation to the complaint or to serve it on your opponent at least 24 hours before the hearing will prohibit its consideration at the hearing. The complainant must sign this complaint.

I have read the attached Description of Unfair Practice(s) and it is true to the best of my knowledge.

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CANDIDATE SIGNATURE

**CERTIFICATE OF SERVICE FOR REGULAR COMPLAINT  
RESPONSE OR DOCUMENTS**

I \_\_\_\_\_ certify that I delivered a copy of this  
(Name of person serving document)

Complaint and attachments /Response (circle appropriate document) on

\_\_\_\_\_ on \_\_\_\_\_ by  
(Name of the Candidate served) (Date)

the following method:

Hand delivered \_\_\_\_\_

U.S. Postal Service Express Mail\*, with waiver of signature at  
Delivery \_\_\_\_\_

E-mail \_\_\_\_\_

(Please check the method used.)

\_\_\_\_\_  
**DATE OF SERVICE**  
(date documents personally  
sent)

\_\_\_\_\_  
**TIME OF SERVICE**  
(time documents personally served or  
served or sent)

\_\_\_\_\_  
**SIGNATURE OF PERSON WHO MAILED OR DELIVERED DOCUMENT**

**DATE:** \_\_\_\_\_

\*If service is made by Express Mail or Federal Express, attach a copy of the Express Mail/Federal Express receipt to the *Certificate of Service*.

***CERTIFICATE OF SERVICE FOR EMERGENCY COMPLAINT***

I \_\_\_\_\_ certify that I delivered a copy of this  
(Name of Person serving document)

Complaint and attachments / Response (circle appropriate document) on

\_\_\_\_\_ on \_\_\_\_\_ by  
(Name of candidate served) (Date)

the following method: (This method should be the method you discussed with the  
Coordinator.)

Hand delivered \_\_\_\_\_

E-mailed \_\_\_\_\_

Fax \_\_\_\_\_

\_\_\_\_\_  
**SIGNATURE OF THE PERSON WHO SERVED DOCUMENT**

\_\_\_\_\_  
**DATE**

## DIRECTIONS FOR PURSUING A REGULAR COMPLAINT

### 1. COMPLETE *UNFAIR CAMPAIGN PRACTICES COMPLAINT FORM*

- ✓ To prepare the Description of Unfair Practice(s) which must be attached to the *Unfair Campaign Practices Complaint Form*, describe both the facts that constitute the Unfair Campaign Practice and the applicable principles stated in *Statement of Principles* that was/were violated. Be precise about why the facts, publication, or broadcast supports your complaint. In preparing the complaint, you must list all portions of the brochure, advertisement, transmission or broadcast that may be unfair. Failure to list all potential violations arising out of the same document, transmission or set of facts will prohibit you from raising them in a subsequent complaint.
- ✓ If you claim that more than one Unfair Campaign Practice occurred, include the above narrative for each Unfair Campaign Practice.
- ✓ Number your materials for ease of review.
- ✓ Sign the complaint.

### 2. SERVE THE COMPLAINT AND COMPLETE *CERTIFICATE OF SERVICE* INDICATING METHOD OF SERVICE

- ✓ You may serve on the candidate complained against a copy of the complaint with any attachments. This may be done by e-mail and hand delivery, overnight express service (with waiver of signature on delivery) or express mail (with waiver of signature on delivery).
- ✓ Complete the *Certificate of Service*.

### 3. FILE THE *UNFAIR CAMPAIGN PRACTICES COMPLAINT FORM* WITH COMPLETED *CERTIFICATE OF SERVICE* ON THE COORDINATOR, FAIR CAMPAIGN PRACTICES FOR THE CAPITAL REGION, INC. (See listing of FCP Coordinator and contact information).

- ✓ You may file the complaint by delivering, e-mailing, faxing, or mailing it to:  
FCP President  
(See list with FCP President and contact information on Page 3 of this manual)
- ✓ E-mailing is the preferred method of transmittal but needs to be followed by a hard copy

- ✓ Filing is complete when the Complaint and its attachments and the completed Certificate of Service are received by the Coordinator.

#### 4. PREPARE FOR THE HEARING

- ✓ It is important that you familiarize yourself with the entire hearing process by reading the *CANDIDATES' MANUAL* which is available on-line at: \_\_\_\_\_ or by calling the FCP President (see Name and Contact information on List) and requesting a copy.
- ✓ Note: Copies of electronic transmissions and documents that you plan to introduce at the hearing must be provided to the other party and the coordinator at least 24 hours in advance. The 24 hour rule is receipt of the materials in what is considered the normal course of business.
- ✓ The Coordinator can answer any questions you may have.

## DIRECTIONS FOR PURSUING AN EMERGENCY COMPLAINT

### 1. COMPLETE COMPLAINT FORM

- ✓ Fill out the *Unfair Campaign Practices Complaint Form*.
- ✓ To prepare the Description of Unfair Practice(s) which must be attached to the *Unfair Campaign Practices Complaint Form*, describe both the facts that constitute the Unfair Campaign Practice and the applicable principle(s) in the *Statement of Principles* that was/were violated. Be precise about why the facts, publication, or broadcast supports your complaint. If possible, number the materials you are submitting.
- ✓ Attach relevant written or electronic documents to your Complaint, if possible.
- ✓ If you claim that more than one Unfair Campaign Practice occurred, include the above narrative for each Unfair Campaign Practice.
- ✓ Electronic transmittal is preferred because of time constraints.
- ✓ Sign and date the complaint.

### 2. FILE THE COMPLAINT WITH FAIR CAMPAIGN PRACTICES FOR THE CAPITAL REGION, INC.

- ✓ You may file the complaint by E-mailing, Faxing, or mailing or delivering to the FCP President. (See FCP President and contact information on the List of Contacts on Page 3 .) Note: E-mail is the preferred method for filing because of the time constraints but a hard copy needs to follow.
- ✓ Filing is complete when the Complaint and attachments are received by the President or Coordinator. Given the limited period of time within which emergency complaints must be heard, we recommend that you call the President or Coordinator (see List with contact information.) to advise him/her that you will be filing the complaint and advising him/her of the manner of filing.

- ✓ The Coordinator will discuss with you the way you should make service on the candidate complained about so that the Complaint process can be expedited.

**3. SERVE THE COMPLAINT ON THE CANDIDATE COMPLAINED AGAINST.**

- ✓ Once you have served the complaint on the candidate complained against, complete the *Certificate of Service for Emergency Complaint* and provide it to the Coordinator by electronic or personal delivery, Note that the delivery service should be made in the most expedient manner possible.

**4. PREPARE FOR HEARING**

- ✓ Check with the Coordinator to learn what format the emergency hearing will take.

## ***CANDIDATES' GUIDE***

Candidates are responsible for the conduct of their campaigns and the accuracy of literature and media content disseminated in support of their candidacies. If materials are inaccurate or in violation of the *Statement of Principles*, the candidate should disavow or correct the misleading materials promptly and publicly.

Campaign materials prepared on behalf of a candidate must cite by name and address or other identifying information their source of funding (“Paid for by the Committee to Elect..”). If the materials are not authorized by the candidate and include erroneous, misleading, or defamatory statements, the candidate should disavow that material immediately and publicly.

**NOTE:** Facts can be interpreted in various ways. Differences of opinion are appropriate subjects for campaign debate and should not be brought before Fair Campaign Practices for The Capital Region, Inc. (FCP). It is not the role of FCP to clarify positions or determine definitions. For example, the terms “pro-choice” and “pro-environment” have been used to describe a range of public policy positions. It is the responsibility of the candidates to explain to the public their definitions of terms.

FCP will not resolve complaints involving violation of the law. Such complaints are best resolved by the appropriate administrative or judicial bodies.

Following is a partial listing of types of conduct that have resulted in findings of unfair campaign practices by other fair campaign practices Hearing Panels. They are meant to serve as examples only and should not be considered all-inclusive.

- 1 .REFUSAL TO ENGAGE IN DEBATE ON THE MERITS OF THE ISSUE(S). Candidates should make a good faith effort to engage in an open exchange of views on issues of concern to the electorate.**
- 2. UNSUBSTANTIATED ALLEGATIONS OF PERSONAL MISCONDUCT. Such assertions should never be made recklessly or in the absence of credible evidence to support them.**
- 3. CREATION OF THE FALSE IMPRESSION THAT THE CANDIDATE IS AN INCUMBENT. Examples are bumper stickers and/or palm cards that contain the name and office without the usual words such as “Elect or “For” or campaign material that combines the office and name as in “Elect District Attorney John Smith” as distinguished from “Elect John Smith District Attorney”**

**Such shorthand should be avoided even when other accompanying material does make the candidate's incumbent or non incumbent status clear. Candidates' first names should also be included if there is more than one person with the same surname in office or running for office.**

- 4. APPEALS TO PREJUDICE. Candidates should refrain from using innuendo to malign an opponent. Examples include unnecessary or gratuitous allusions to an individual's race, religion, gender, age, or sexual orientation.**
- 5. HYPOTHETICAL CHARACTERIZATIONS. Candidates should avoid inviting speculation against opponents by inviting the listener to "imagining" something (Unfair campaign practice found in use of question, "Wouldn't you like to be part of a deal like this one?" because the rhetorical question unfairly implies some type of corruption or official misconduct without any supportive evidence.) Likewise, it is misleading to use audio or visual information that might confuse or mislead voters.**
- 6. EXAGGERATED CLAIMS OF UNIQUENESS OR EXCLUSIVITY. Candidates should Not use the word "only" when reasonable questions about the truthfulness of the allegation can be raised; for example, it would be unfair to claim, "I am the only candidate endorsed by \_\_." when the recommending group did not screen all current candidates.**
- 7. USE OF HALF-TRUTHS. Candidates should not make assertions or charges that are partially true or capable of more than one interpretation and therefore misleading if taken out of context. Examples include misrepresentation of personal credentials or exaggerated financial claims ("largest tax cut" in total dollar amount but not largest when stated as a percentage).**
- 8. MISREPRESENTATION. Candidates should not convey a false impression by altering or using materials created under different circumstances (using a photo taken with an elected official to convey the impression of endorsement, for example). Nor should the candidate make statements that are misleading if taken out of context. (For example, quoting only a portion of an opponent's statement in order to distort an intended meaning is misrepresentation.)**
- 9. FALSE CHARACTERIZATIONS OF AN OPPONENT'S POSITION. In the absence of publicly stated positions, candidates should avoid attributing such positions to their opponents. For example, it is an unfair practice to say a candidate favors tax increases when the candidate has never taken a position for or against them.**
- 10. MANIPULATION OF DATA. Candidates should make any data they present in campaign literature as specific and detailed as possible. Graphic or written**

**representation of statistical data such as budgetary and tax information must be accurate with regard to detail and context and clearly indicate the time periods and amounts involved as well as the source of information.**

11. **DISTORTION OR MISUSE OF FCP FINDINGS. Candidates should not abuse the process of filing complaints to obtain political advantage. Candidates must not misrepresent or distort FCP findings to obtain political advantage.**

**Note: Summary of findings of unfair practices can be viewed on-line.**