

# Fair Election Practices Committee

## Decision Notification Form

**Election:** General Election on November 3, 2009 for Rush Supervisor and Town Council

**Candidates:** Bill Udicious, Bill Riepe, Don Knab, Lisa Sluberski and Susan Woolaver

**Complainants:** Udicious, Riepe, and Knab

**Date Complaints Received:** October 23, 2009

**Item:** Two videos on [www.youtube.com](http://www.youtube.com) produced by Dave Sluberski, Town of Rush Democratic leader, and owner of westrushproductions. The titles of the videos are “Town of Rush Needs Improvement” and “Town of Rush The Republican Team.”

The Fair Elections Practices Committee (FEPC) found that the videos identified above did not violate the Fair Campaign Pledge.

- The FEPC has decided against the complainants

**Date of Decision:** October 28, 2009

*The Fair Election Practices Committee can be reached by phone at 585-385-1854 or by mail in care of 48 Tobey Court, Pittsford, NY 14534*

## Fair Election Practices Committee

Date: October 28, 2009

Contact: Sarah F. Liebschutz

FOR IMMEDIATE RELEASE

Voice: 585-385-1854

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### Fair Election Practices Committee Rules on Candidate Complaint

Monroe County, NY, October 28, 2009

The Fair Election Practices Committee (FEPC) ruled today on two complaints involving races for the Rush Town Council. Bill Udicious, Bill Riepe and Don Knab, Republicans, filed the complaints on October 23 against Lisa Sluberski and Susan Woolaver, Democrats. Mr. Udicious is the Town Supervisor; Mr. Riepe, Mr. Knab, Ms. Sluberski, and Ms. Woolaver are candidates for the Rush Town Council.

The videos, "Town of Rush Republican Team," and "Town of Rush Needs Improvement," were produced by Dave Sluberski, Town of Rush Democratic leader, and owner of westrushproductions. They were shown on [www.youtube.com](http://www.youtube.com). The complainants argued that the first named video does not identify the candidates and the second-named video makes baseless claims with unnamed sources. They argued that the videos violate four points of the Fair Campaign Pledge.

In accordance with established FEPC procedures the candidates and/or their representatives were invited to present information, including the two videos, to the committee regarding the complaint. Afterwards the committee met in private to deliberate and decide the outcome.

After reviewing all materials, hearing positions on the complaint and deliberating on the question, the FEPC found the following:

- The allegations contained in the videos were neither specific nor understandable. Credible evidence was not presented to clarify or substantiate them. Further, the videos were of poor visual and audio quality. The result was that the case against Republican town officials or the Republican team was not effective.
- Because the videos did not project clear allegations and effectively substantiate them, they did not violate the Fair Campaign Pledge.
- The FEPC found against the complainants.

The Fair Campaign Pledge and the Fair Election Practices Committee are co-sponsored and promoted by the Interfaith Alliance of Rochester and the League of Women Voters, Rochester Metropolitan Area. The FEPC's role is to arbitrate complaints about alleged violations of the *Fair Campaign Pledge*. The Committee is an independent, non-partisan body composed of five

members: Sarah F. Liebschutz (chair), John G. Curran, Margaret Freeman, Thomas Frey and Channing Philbrick. Alternates, who serve in the event a primary committee member cannot attend a particular hearing, are Lois Geiss, Bill Kelly, Joanne Van Zandt, and Kay Wallace. The members and alternates were nominated and approved by the respective boards of the two sponsoring organizations.

**NOTE:** The committee will not comment on the content of the deliberations, vote totals or the precise reasoning behind the various decisions. However, the FEPC chair, Sarah F. Liebschutz, will provide black and white photocopies of the exhibits upon request as well as discuss the committee's history, standards and procedures.

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