

FOR IMMEDIATE RELEASE

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**FINDING IN THE COMPLAINT OF
JAMES NOLAN AGAINST RUTH WALTER,
CANDIDATES FOR WESTCHESTER COUNTY LEGISLATOR DISTRICT 15**

Tarrytown, NY (September 8, 2023) - The Westchester County Fair Campaign Practices Committee met via Zoom on September 7, 2023 to hear the complaint of incumbent James Nolan (Republican) against Ruth Walter (Democrat), candidates for Westchester County Legislator District 15. James Nolan attended the Hearing with his representative, Jim Castro-Blanco. Robert Spolzino attended the Hearing as Ms. Walter's representative.

COMPLAINT: Mr. Nolan complains that Ms. Walter, a former legislator, is misleading voters to make it appear that she is currently holding an elected position that she does not hold. Specific examples include: (1) one lawn sign that contains the phrase "Re-elect Ruth Walter, Democrat for County Legislature," (2) a legislatorwalter@gmail.com email address, and (3) the following Facebook page – <https://www.facebook.com/legislatorwalter/>.

FINDING: NO FINDING.

Based on the information provided at the Hearing, and as our Guidance #4* indicates, it was decided that the examples cited in the complaint were misleading but not substantial enough to be deemed unfair campaign practices. The following addresses each of the examples:

- (1) **One Lawn Sign.** The use of the word "re-elect" on the lawn sign is misleading since it could lead the public to assume that the candidate is the incumbent. However, in this instance, only one sign was posted by a resident and the representative for Ms. Walter stated that Ms. Walter has ordered new signs with the word "Elect." The Committee strongly recommends that Ms. Walter replace the existing sign with a new sign.
- (2) **Email Address.** No evidence was provided which indicates that the email address is currently in use.
- (3) **Facebook Page.** The last post on the Legislator Walter Facebook page is prior to the launch of her campaign. The Committee strongly recommends that Ms. Walter suspend the Facebook page to avoid misleading the public.

*Guidance #4: A candidate should not create the false impression that she/he is an incumbent. A high standard of clarity is expected in campaign materials. Words like "for" or "elect" in campaign signs and material can help to clarify the issue.

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Committee Members: Susan P. Guma, [Chair], Jennifer Mebes Flagg [Coordinator], Elizabeth Bermel, Gisele Castro, Victor J. Goldberg, LaRuth Gray, Kyle-Beth Hilfer, Lee Kinnally, Robert C. Kirkwood, Carole Princer Levy, Don Marra, Paul Bennett Marrow, Joy Rosenzweig, Susan Schwarz, John Stern, Evelyn M. Stock
Party representatives (ex officio): Republican Party, Democratic Party, Working Families Party, Independence Party, Green Party

The purpose of the Westchester County Fair Campaign Practices Committee is to help set an acceptable standard for political discussion by offering a forum for identifying unfair campaign practices and promoting a climate in which candidates conduct honest and fair campaigns. The Committee encourages candidates to conduct campaigns openly and fairly, to focus on issues and qualifications, to refrain from dishonest and defamatory attacks, and to avoid the use of campaign materials that distort the facts.

The Committee accepts written complaints from candidates about alleged unfair campaign practices. The Committee may then hold hearings to determine whether the action complained about is indeed unfair or whether it falls within acceptable political discourse. Among other things that the Committee will consider to be an unfair campaign practice is a misstatement of a material fact or any communication that misleads the public.

The Committee has no power to compel anyone or any group to stop doing what it has found to be unfair, nor does it have the authority or power to enforce election or other laws.

If the Committee acts on a complaint, it will release its findings to inform the public. The Committee may choose not to consider a complaint; in that case, a hearing is not held and the parties to the complaint are notified.

Statement of Principles of the Committee, as stated in its Manual, is available at www.faircampaignpractices.org. The Westchester County Fair Campaign Practices Committee believes that candidates should conduct their campaigns in accordance with the following principles:

- The candidate will conduct a campaign for public office openly and fairly, focusing on issues and qualifications.
- The candidate will not use or condone any campaign material or advertisement that misstates, misrepresents or distorts material fact or any communication that misleads the public.

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- The candidate will neither engage in nor be involved with false or misleading attacks upon the character of an opponent, nor in invasions of privacy unrelated to fitness for office.
- The candidate will not participate in or condone any appeal to prejudice.
- The candidate will clearly identify by name the funding source of all advertisements and campaign literature published and distributed.
- The candidate will not abuse the Westchester County Fair Campaign Practices Committee process in order to obtain political advantage. This includes, but is not limited to announcing that he/she has filed a complaint, or quoting from the Committee's Findings unless the individual Finding cited is quoted in its entirety. The Committee considers selective quotation or misrepresentation of its Findings to be an unfair campaign practice.
- The candidate will publicly repudiate materials or actions made on behalf of their candidacy that violate this Statement of Principles.