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ERIE COUNTY BOARD OF ELECTIONS - Emergency Meeting

Mr. Foust, Chairman, called to order an Emergency Meeting of the Erie County Board of Elections at 9:30 a.m. in the Erie County Council Chambers, Erie County Courthouse. Mr. Smith, Clerk of Elections, called the roll:

Members Present: Mr. Foust, Chairman
Mr. Leone, Vice Chairman
Mrs. Loll

Members Absent: None

Also Present: Douglas R. Smith, Clerk of Elections
Anthony A. Logue, Esq., Election Board Solicitor

Mr. Foust thanked Mr. Grossman for providing the Board with the information it needed, and for providing it quickly so that the Board can expedite the matter. He explained that the meeting will begin with the hearing of the public, with those who called in to be placed on the agenda receiving five minutes to speak, and all others receiving three minutes. He noted, however, that the hearing of the public is not a question and answer period, but an opportunity for members of the public to address their comments to the Board. Although Alan Woolslare's name does not appear on the agenda, Mr. Foust noted that he had called in, so he will be given five minutes. He then asked Mr. Woolslare to come to the podium.

HEARING OF THE PUBLIC

Alan F. Woolslare, 735 Old Mill Road, Erie, stated that he has given Clerk of Elections Douglas R. Smith a copy of the information he is requesting. He is seeking information about election campaign financing, and Mr. Smith has copies of his request for all the Board members, as well as Mr. Logue.

Ed Razanauskas, 428 Lincoln Avenue, Erie, stated that his mother, Louise Razanauskas, filed the challenge. He is in an uncomfortable spot because he and his mother have different opinions with regard to politics. She has been under a great deal of stress, and she has been physically ill. Mr. Razanauskas believes that the people who are responsible for putting her under this stress should have put a stop to it.

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Louise Razanauskas, 2420 Haybarger Avenue, Erie, stated that she does not appreciate her son's comments. He has made her sound like an old lady who is ill, and she isn't. Mrs. Razanauskas clarified that she knows exactly what she did, and she would do it again. She stated that people are trying to make members of her family turn against each other. She knew her son would support Mr. Grossman, and her son knew that a Filippi sign would be on her lawn. Mrs. Razanauskas concluded that she wished to discredit her son's statement.

NEW BUSINESS

A. Examine Residency Challenge to City Elector

Mr. Foust explained that he will begin the meeting with some opening comments, after which Mr. Grossman will be given an opportunity to elaborate on the information he has provided to the Board, if he wishes to do so. Then, the Board members may ask questions or comment if they wish, and if the Board feels it is appropriate to do so, he will entertain a motion to rule on the matter.

Mr. Foust clarified that the matter before the Board is the validity of Mr. Grossman's voter registration status, and that is the only matter the Board will consider. The Board must determine whether or not Mr. Grossman is a qualified elector by changing his voter registration within the time frame outlined in the Home Rule Charter. He would appreciate the Board members focusing their questions on that particular issue. Mr. Foust then asked Mr. Grossman if he wished to address the Board.

Mr. Grossman stated that when he decided to run for the office of mayor late in the summer, he researched the election laws to see what would qualify him to be an Erie resident and voter, and that is when he went through the process that he has documented for the Board of securing and establishing a residence in the City of Erie, changing his voter registration from Fairview to Erie, and voting in Erie in November at the Bayfront NATO Center. He observed that people seem to be concerned about where he sleeps, and he admits he sleeps at both places. Last night, he slept in Fairview because his grandson and daughter are here, and his apartment is not large enough to accommodate all of them. Mr. Grossman stated that he is troubled that a family has been disrupted by the mayor's race. His campaign did not ask Mark Razanauskas to speak this morning, and in fact, Mr. Grossman coached him when he was a youngster. He expressed his hope that the Razanauskas family will heal, and

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he apologized to Mrs. Razanauskas if she thinks his campaign was responsible for that because it absolutely was not. There is no anger in Mr. Grossman's heart toward her or her family.

Mrs. Loll asked Mr. Grossman if he receives mail at his Erie address. Mr. Grossman replied that the information he provided to the Board shows that he does indeed receive mail at his Erie address. Mrs. Loll asked when he started receiving mail at his Erie address. Mr. Grossman replied that he started receiving mail as soon as he moved in on October 1st, and in fact, his mailman volunteered to be present at today's hearing. Mr. Grossman added that he also has a post office box at the Griswold Plaza Post Office where he receives campaign donations.

Mr. Leone stated that he had no questions for Mr. Grossman, but he wished to make some comments. This is his 27th year as a politician, and he has been through many campaigns. Some people would assign the status of a used car salesman to politicians, but that is absolutely not true. Throughout the 27 years he has served as an Erie County Councilman, he has seen many campaigns. One of the campaigns he watches very intently is the mayor's campaign. Everybody is talking about civility in politics, and Mr. Leone noted that he did not sign the civility pledge. He didn't sign it because he always tries to be courteous and civil, and he believes all candidates should be civil when they are running for election. He further believes that candidates have the right to do as they wish in an election. The sad part of it all is that sometimes, as Mrs. Razanauskas has indicated, one family member's beliefs may be contrary to another family member's beliefs, and that is sometimes a problem with campaigns. As Mr. Leone looks across the room, he sees many friends – people he has known for years – and probably people who have voted for him many times. After the decision has been made and everyone leaves, he expressed his hope that everyone can become friends whether their candidate wins or loses. Even though at times Mr. Leone may not be civil, he is very professional with regard to his duties. If anyone wants to research any part of his tenure as a Council member, he or she is welcome to do so. He reiterated that he has been very honest and very professional as a Councilman. Mr. Leone does not wish to disenfranchise those that have made their selection. He realizes, however, that many things happen as a result of candidacies. The Election Board Solicitor, Anthony A. Logue, only provided the Board with the State Election Code, and he has been criticized because he is on the Sinnott Committee. Mr. Leone suggested that someone may want to criticize him as well because he too serves on the Sinnott Committee. He does not believe it is necessary to recuse himself as an Election Board member because it is his constitutional right, just as it is Mr. Logue's constitutional right, to support or to

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contribute to any candidate he chooses. There is enough silliness in some of the campaigns, and he asked that they all try to be a little less silly and use more professionalism and common sense.

Mr. Foust stated that he has no questions for Mr. Grossman. He believes the information that has been provided is clear, and in Mr. Foust's opinion, it is certainly more than enough to prove the location of Mr. Grossman's domicile. However, he wished to follow up on a few points raised by Mr. Leone with regard to recusal and possible conflicts of interest. The matter before the Board is between Mr. Grossman and Mrs. Razanauskas. Mr. Logue does not have a conflict of interest with either of those two parties; therefore, he sees no need for Mr. Logue to recuse himself as the Election Board Solicitor. Mr. Foust noted that Mr. Leone has worked with the Sinnott campaign as well, but again, the matter before the Board is between Mr. Grossman and Mrs. Razanauskas, so he does not believe that Mr. Leone needs to recuse himself. All the Election Board members are political people, and they are involved in the political world. They have a constitutional right to be involved in campaigns, even as they sit on the Election Board. The only time they are prohibited from sitting on the Election Board is when they are actually running for office themselves. Mr. Foust stated that he has made contributions to the Filippi campaign and the Linda Bebko Jones campaign. He has attended a fund raiser for Joe Sinnott, and he was invited to one for Mr. Grossman, although he was unable to attend it. Despite all of these facts, Mr. Foust does not believe that any Board member has a conflict of interest in the matter before it, which is between Mr. Grossman and Mrs. Razanauskas. He concluded that he will entertain a motion from the Board.

Having read all the documents presented to him in reference to Mr. Grossman's residency, Mr. Leone moved to declare the residency of Mr. Grossman as 330 West Sixth Street, Erie. He further moved that Mr. Grossman is legally registered at the Office of Voter Registration in Erie County. Mrs. Loll seconded the motion.

Mr. Leone added that much of the information Mr. Grossman provided to the Board is confidential material, and he believes it should be returned to him. The public documentation, such as voter registration records, need not be returned, but the confidential information should not be made available to anyone but Mr. Grossman.

Mrs. Loll asked Mr. Leone to amend his motion to change the word "residency" to "primary residence." Mr. Leone agreed to amend his motion.

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Mr. Foust called for the vote on the motion to declare the primary residence of Mr. Grossman as 330 West Sixth Street, Erie, and further to declare that Mr. Grossman is legally registered at the Office of Voter Registration in Erie County. Mr. Smith called off the vote, and the motion carried in a unanimous roll call vote.

Before adjournment, Mr. Foust stated that he wished to make a couple comments. The matter that was brought before the Board is a matter of the State Election Code, and he believes Mr. Logue advised the Board in a very appropriate manner. After reading the State statute, both he and Mrs. Loll called the State Bureau of Elections, and he believes the Board has acted appropriately. He also believes Mrs. Razanauskas acted appropriately. She followed the State Election Code in her filing of the challenge. Mr. Grossman, to his credit, quickly provided plenty of information to proclaim his innocence. The problem Mr. Foust has, and he is going to contact Erie County's elected officials at the State level about it, is that Mr. Grossman, or any candidate in the future who is similarly challenged, had to prove his innocence, which smacks against the very nature of the justice system in the United States. There is a very low threshold to prove that Mr. Grossman's Sixth Street residence was not his primary residence, and that is not the fault of Mrs. Razanauskas. She followed everything she needed to do according to the State statute. However, Mr. Foust sees a need for the State officials to look at the manner in which that particular section of the statute is written because he believes it puts an undue burden of proof on the accused rather than on the accuser.

Mr. Grossman interjected that, according to his research of the law, the burden of proof is on the accuser, and in the future, the Board should be questioning the accuser.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 9:47 a.m.

Susan M. Kraft, Council Secretary

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