

8th November 2009

voter suppression, Dutchess-style, thanks to local GOP (gosh what a surprise)...

Hi all...

Three good articles on this below...

From Thursday's Poughkeepsie Journal-- "Reviewing the legal disputes Wednesday, Democratic Elections Commissioner Fran Knapp said she believed the Republicans had improperly targeted 'classes of voters, students and the homeless,' by filing the challenges"...

[fascinating, isn't it that GOP desperately used these tactics to try to beat Mike Salvia, Gretchen Lieb, Tom Mansfield]

They know no bounds...

[let me know if you'd like to help me put together a public forum to investigate all this, get to the bottom of it, bring it to light-- and make sure this never happens again here in Dutchess?...(ugh; didn't Paroli, Sr. try this back in 90's?)]

Disgusting...

Joel
242-3571/876-2488
joeltyner@earthlink.net

From <http://www.poughkeepsiejournal.com/apps/pbcs.dll/article?AID=2009911050326> ...

Homeless, student voters challenged

LARRY HERTZ * POUGHKEEPSIE JOURNAL * NOVEMBER 5, 2009

Disputes involving voting by homeless people and college students may have been addressed by judges Tuesday, but the same issues are bound to come up in the future, Dutchess County elections officials said.

Rulings by a state Supreme Court judge and an appellate judge set guidelines for challenges lodged against Vassar College students in the Town of Poughkeepsie, Bard College students in the Town of Red Hook and homeless men and women who showed up at polling places in the City of Poughkeepsie.

In all three cases, Republican officials claimed the students and the homeless should not be permitted to vote until they proved they lived in the district where they wanted to cast their ballots.

In rulings Tuesday morning, Supreme Court Judge James V. Brands permitted homeless voters to use the Family Partnership Center on North Hamilton Street as their permanent address, and issued an order requiring Vassar students to vote with paper "affidavit" ballots that could be voided after the election if officials determined they were not voting in the district where they lived.

The Vassar ruling also applied to a handful of Bard students facing similar challenges in Red Hook until state Appellate Division Judge Mark Dillon amended Brands' order for all students Tuesday evening.

Dillon ruled that if two or more of the four elections inspectors at each polling site agreed to allow the student to vote, he

or she would be permitted to use a voting machine rather than by casting an affidavit ballot.

Reviewing the legal disputes Wednesday, Democratic Elections Commissioner Fran Knapp said she believed the Republicans had improperly targeted "classes of voters, students and the homeless," by filing the challenges.

Knapp said Dillon had correctly modified Brands' order about the students so it complied with state election law, "but that didn't happen until almost 8 p.m., so a lot of students were inconvenienced."

The Miscellany News > Features

Vassar students' right to vote locally challenged at polls

By Kelly Stout, Features Editor

Jillian Scharr, News Editor

Published: Wednesday, November 4, 2009

Updated: Wednesday, November 4, 2009

<http://www.miscellanynews.com/2.1578/vassar-students-right-to-vote-locally-challenged-at-polls-1.2050973>

When Vassar students went to the polls on Tuesday, Nov. 3 at Arthur S. May Elementary School, many had their eligibility challenged because of discrepancies between the addresses under which students registered and the addresses where they currently live.

By mid-afternoon, Town of Poughkeepsie Republican Committee Chairman Thomas Martinelli filed an injunction to the New York Supreme Court required all voters challenged on the basis of residency to fill out 'affidavit ballots,' or paper ballots, by hand. A later appeal on the evening of Nov. 3 to an appellate court repealed this injunction, ensuring that all the affidavit ballots of Vassar students will be counted.

The Poughkeepsie Democratic Party appealed this injunction; it was lifted at 8 p.m. Had the appeal not succeeded affidavit votes would only have been counted in the event of a tight race. The votes, in other words, would have been treated like absentee ballots.

Republican incumbent Angela Flesland defeated Democratic challenger Gretchen Lieb, a reference librarian at Vassar College, for the District 6 seat on the County Legislature by a margin of 162 votes.

In District 8, in which the Town Houses (THs) are included, Republican incumbent Rob Rolison defeated Democratic challenger Mike Salvia.

Since November 2008, there has been a marked increase in the number of Vassar students choosing to vote in Poughkeepsie instead of their home districts. According to an article by the Poughkeepsie Journal, 429 Vassar students are registered to vote in Dutchess County ("Some Vassar students must vote by affidavit, judge rules," 11.2.09).

Challenging a Vote: According to New York State law, when students change dorms from year to year, they should re-register under their new addresses. So, at Arthur S. May Elementary School, the district voting location, Chairman of the Town of Poughkeepsie Republican Committee Thomas Martinelli, acting as a poll-watcher in that location, challenged the votes of all Vassar students based on residency issues.

When Vassar student Ian Heller '12 went to cast his vote at Arthur S. May Elementary School at approximately 1 p.m., an election official challenged his eligibility. Self-described "election expert" and political strategist Ken Girardin challenged Heller's eligibility on the grounds that he had registered to vote under an address that was no longer valid...

"I barely got a word in," said Heller, "I'll be honest, if it was a voter intimidation tactic, it worked." Heller however, was

finally allowed to cast his vote in polling booth.

According to Board of Elections (BOE) senior elections specialist Ira Margulies...when a voter's right to cast a ballot is challenged, there is a set protocol for resolution...First, a voter or elections worker present at the polling location must make a challenge. Then the voter is required to take an oath certifying that his or her voter registration information is correct. Then there is an opportunity for the four elections specialists to question the voter and decide whether or not he or she is eligible. If at least two of the four specialists affirm that the voter is eligible, he or she can cast a vote in a polling booth.

According to Margulies, however, the trouble often comes when election officials fail to inform voters that they are allowed, by law, to cast a provisional paper ballot if their names appear on the voter registry-even if they are deemed ineligible. Heller was not informed of this right, but was allowed to cast his vote because BOE representatives at Arthur S. May deemed him eligible.

According to Girardin, though the challenge was "raised, but dropped," and he didn't consider it a formal challenge to Heller's status as a legal voter. Margulies disagreed, stating that the challenge was a formal one that required the vote of the four BOE elections specialists present at Arthur S. May.

Boyd Gardner '12 had a similar experience to Heller's, but was asked to take an oath before BOE officials. "Right after I signed myself in [an election official] challenged my eligibility to vote based on his belief that I don't live where I say I live," said Gardner,

"I had to swear that I lived where I said I lived, which was in Main House."

Court Injunction

"Based on that misleading information [concerning residency]," explained Martinelli, "we want to confirm that people are voting where they live."

Students who voted later in the day, however, after the injunction to the New York Supreme Court had been passed by Judge James V. Brands, had to, according to the injunction, "cast their ballots as affidavit ballots, or alternatively, for such voters to appear before a justice of this Court and on the basis of adequate evidence of residency, apply for an order of the Court allowing them to vote on the voting machines." These affidavit ballots would have been counted on Nov. 12.

"This is unconstitutional," said Town Democratic Committee Chairman and New York Democratic Lawyer Council Chair Gary Levine. "There is a process in the election laws as to how to handle residency." He explained that prospective voters whose current addresses don't match the address at which they were registered, but are still in the same voting district, should be required to take an oath "given to the inspectors."

The issue brought up by the Republicans, Levine explained, "is legitimate if a student moved out of an election district... but if they move from dorm to dorm, they should still be able to vote."

Moving out of an election district is an issue for all current Vassar seniors who moved to the THs this year, since the THs are in District 8, while the rest of the campus is part of District 6.

"Anyone whom they challenged based on residence is being prevented from voting on a machine, not from voting period," explained Vassar Democrats Vice President of Voter and Community Outreach Megan Levine '12. Affidavit ballots "go back to the Board of Elections-they receive it, scrutinize it, and determine whether they count or not."

Dutchess County Democratic Campaign Field Coordinator Sung Eun Kim '10 expressed skepticism as to whether affidavit votes would have been counted. "Paper ballots go missing," he said; "That's how [the Republican party] pulled off the 2000 Bush election."

Republican election inspector for District 6 Donna Burns left Arthur S. May Elementary School around 4 p.m. in protest of Martinelli's "harassment" towards Vassar students. "Martinelli's challenging every Vassar student," Burns said. "If you live in a dorm and changed rooms, it's considered fraud....I think it's because a librarian from Vassar's running."

Democratic Commissioner of the Dutchess County BOE Fran Knapp called challenges to Vassar students' eligibility unfounded, and "nothing more than voter intimidation." Knapp was outraged at the situation at Arthur S. May, and said, "you cannot wholesale block a group from voting. And that's what [Republican election officials] are trying to do. It's terrible. It's a political tactic." Knapp sees a correlation between last year's outpouring of student voters from Vassar and an increase in "intimidation of student voters."

Professor of Political Science Sidney Plotkin weighed in, "New York state has some of the most cumbersome, obstreperous, frustrating, confusing, difficult voting laws in the U.S....that's a legacy of the old days of machine politics when the dominant parties wanted to assure that only their voters would get to the polls."

And this legacy is still alive today, he says. "The two parties in New York cooperate to complicate these rules. As a result, judges gain an enormous amount of discretionary power to decide who gets to vote and who doesn't. It's very easy to violate New York State's voting laws," Plotkin concluded.

Injunction Repealed

In response to Martinelli's court injunction filed in the early afternoon on Tuesday morning, New York Appellate Court Judge Mark Dillon agreed to hear arguments via conference call from Knapp and Republican BOE Commissioner David Gamache, and their respective lawyers. Judge Dillon issued a stay on the injunction and, according to Knapp, ruled that

"Vassar College students can vote if they're [registered] in the poll books." For Vassar students, this means that affidavit ballots they cast during the day were counted along with votes cast in booths. Those votes were not be counted in the same manner as absentee ballots, as they would have, had the injunction remained. According to Knapp, "[Martinelli's injunction] was totally targeted to suppress the college vote. It's recognized case law that students can vote at college addresses."

However, according to Kim, the repeal came too late for some Vassar students, who, Kim postulated in a telephone interview, were harassed or pressured into thinking they could not vote. Kim also stated that Lieb's campaign is unaware of whether TH students' votes were counted.

Town-Gown Tension

Assistant Professor of Classics Barbara Olsen believes Vassar student voters are "disproportionately challenged" at the polls compared with other voters. "I have a 124 Raymond Ave. address," said Olsen, who is a House Fellow in Strong House, "but election officials made no attempt to challenge me [because I am not a student]."

Margulies argued that there are partisan issues at play in the way Vassar students like Gardner and Heller are treated when they go to the polls. "The people who are challenging these votes are Republicans," he observed, referring to Vassar's image as a liberal bloc of voters.

Democrat Fred Bunnell, Flesland's predecessor in the County Legislature, agreed. He said that the influx of Democratic voters from Vassar is one factor pushing Dutchess County away from its status as a "one party-dominated Republican

County," and some Dutchess Republicans have seen this as a threat. "If you look at numbers," said Bunnell, "the Vassar students can swing this election, and that's why [Republicans] are going all-out."

"The inevitable tensions of a political campaign have come to the surface," said Bunnell, pointing out that there is "a long history" of challenging student votes in close elections like Tuesday's.

In addition to town-gown partisan tensions, Bunnell sees class issues at play in the challenges to Vassar voters. "Marist doesn't have the same [political image] as Vassar. It's class, but it's also localism-you know, 'this is our turf.'" Bunnell said, "Vassar College is perceived-including Vassar students and Vassar Democrats-as richer [than the rest of Dutchess County] as a whole."

"I understand why communities get upset about [students voting]," said Plotkin, explaining that residents "fear that students will vote liberal...which will produce a proregulatory, higher-tax council...which people find offensive, because they're the ones that are going to pay the taxes."

"If students have residence in a community," explain Plotkin, "by definition they legitimately claim the right to vote in that community. The notion that they are temporary residents strikes me as a futile false argument because residential mobility in the U.S. is very high under ordinary circumstances. Many of us live in communities for short periods of time and nevertheless vote in those communities."

The situation Vassar students faced on Tuesday is not at all unique. College towns throughout the country have faced similar obstacles to voting, especially when the overall political leanings of the college differ from those of the town. "There is a sense that students vote different values from those of the community," said Olsen. A similar event at the State University of New York at Purchase (SUNY Purchase) led to the Williams-Salerno law in 1986, which ensured students' right to vote in the district of their college residence.

For example, in the days leading up to the election, supporters of Flesland released fliers which read "Do you want Vassar College to decide who will represent you in the Dutchess County Elections?" The fliers continued, "Vassar College is a good neighbor, but the students who attend it are not permanent residents like us." The posters criticize Lieb for living on the Vassar campus, "sheltered from the challenges we face in the Town of Poughkeepsie."

Sophia Williams '10, student intern with Flesland's campaign and member of the Moderate, Independent and Conservative Alliance, stated in an e-mail that these fliers were not put out by Flesland's campaign nor were they endorsed by her.

Professor of Political Science Richard Born noted that "they sent [the fliers] out clearly at the last minute. There's no time to respond...this is a tactic that's been used very frequently in slimy, dirty campaigning." Born said that the fliers made clear attitudes that have been underlying in the community for a long time. "In the past it's been implied: 'Vassar is an island...Vassar is doing things in its own self interest,'" he said, "[but] this is the first time I've seen this so explicit."

Comments on The Poughkeepsie Journal online article "Appellate judge overrules decision on Vassar student voting" showed strong reactions to the idea of Vassar students voting. "Vassar, Marist, Bard and CIA students...don't have a long-term vested interest in the issues and decisions that affect us permanent local taxpayers," wrote one commenter, saying, "I wish the visiting students would take that into consideration and decide not to vote in our local elections." Other comments were more belligerent: "Few Vassar students have a clue about the real world. Have you ever heard them prattle on?"

Likely safe to assume that not one has done an honest day's labor or anything approaching manual work. Ever. They do have that whole smug, holier-than-thou thing down, however."

The Dutchess County candidates held a public forum to Vassar on Oct. 28 at which Lieb, Flesland, Rolison and Salvia

were in attendance. Also present were incumbent comptroller Diane Jablonski, who lost in Tuesday's election to James L. Coughlan, and Judge David Steinberg, one of eleven candidates for New York Supreme Court, who lost to Orazio R. Bellantoni by approximately three percentage points.

This "Meet the Candidates" event was, according to Assistant Professor of Political Science Sarita Gregory, "the first time [to my knowledge] that local candidates running for local office have been invited to a public forum on Vassar's campus." The forum was held in Rockefeller Hall 300, moderated by Gregory, and attended by about 20 to 30 Vassar community members.

"Dutchess County Voter Suppression: One Student's Perspective"

by: Kanamit

Thu Nov 05, 2009 at 19:23:56 PM EST

<http://www.thealbanyproject.com/diary/7537/dutchess-county-voter-suppression-one-students-perspective>

Most of you probably heard about the ruling by Judge Jim Brands on election night that all college students in Dutchess County must vote by affidavit ballots, even if everything was completely in order. This was just one part of an effort to systematically harass, intimidate, and suppress the student vote orchestrated by the GOP across Dutchess County.

Some background information is in order. Up until 2000, Dutchess County was one of very few counties, possibly the only county in the entire nation, to deny college students the right to vote where they resided nine months out of the year. About two or three years prior to that, a group of students attending Bard College and Vassar College filed a class-action lawsuit against the County Board of Elections to process the registrations of students without subjecting them to discriminatory practices designed to prevent their registration from being accepted. While the case was tied up in the courts, a bipartisan committee was formed by the County Legislature to review the issue of qualifications and procedures for college students who wish to vote in Dutchess County. It concluded that "As a society we should encourage every class of citizen to vote, and remove every impediment to voting for every class of citizen." Then Republican election commissioner Bill Paroli disagreed. Paroli, however, found himself preoccupied after he was arrested for fraud, extortion, and several other charges relating to corruption, and resigned in disgrace. Republicans chose current commissioner David Gamache (last seen refusing to do his job) to replace him, who eventually relented and began to process the registrations of students without discriminatory practices.

I am a student at Bard College, located in the Town of Red Hook. Like a lot of Dutchess County, and indeed, like much of rural New York in general, Red Hook is a traditional Republican stronghold which is rapidly trending Democratic. Bard routinely ranks as one of the most liberal colleges in the nation; as you might expect, we aren't exactly popular with the Red Hook GOP. Me and about a dozen other students volunteered our spare time on election day to coordinate campus GOTV, keep track of student turnout, make sure that people can get to the polling place, etc.

I voted at around 11:00, and at that point things seemed relatively quiet. There were the usual shenanigans with people taking pictures of us from bushes, a couple of County Sheriffs that probably shouldn't have been there (one of the Republican candidates is a part-time police officer), and of course not one but two Republicans challenging student voters at the polling place, which, as purely unintended consequence I'm sure, slowed down voting to a crawl.

Bard shares its voting district with the hamlet of Barrytown, which is also a Democratic stronghold. The district includes more registered voters than any other in Dutchess County, but, in clear violation of the law, only has one machine and one privacy booth. When I got there the atmosphere was already tense; the poll workers seemed frazzled and the Republican poll watchers skulked in the shadows waiting to challenge student votes. I told the poll worker my name, and was actually surprised when I found myself at the voting machine without having been challenged. Apparently, their list of Bard students was incomplete.

After my classes were over at 4:30, I headed back to the shuttle stop. I don't remember the exact timeline, but almost immediately after I got there we received word that the Republicans had filed an injunction against Vassar voters, and were about to do the same to Bard. A few minutes later we learned that they had successfully done so, and that the Democrats were working as quickly as possible to overturn the decision. The most complete account of this I could find is here. No sooner had we learned this, then Red Hook GOP Chairman Tim Ross came over from the Independence Party (which had endorsed almost all Republican candidates) booth and started to harass and intimidate students who wanted to vote. He came armed with the talking points from an anonymous flier posted around campus that deliberately misinformed voters in order to prevent them from voting. You'll get your financial aid taken away, you'll be subject to a fine, if you have put any other address on any form for anything you cannot claim this as your residence. He literally got into students' faces and wagged his finger at them as he screamed at them that they didn't have the right to vote.

Needless to say, I was getting rather annoyed, and started to argue with him. Fortunately, campus security turned up and asked him to either stop harassing students or to leave the campus. He refused to do either. Security was forced to call the state troopers to escort him off of campus. Apparently, he just went over to the polling site, where he not only continued to harass voters, but did so right outside the door of the polling site.

Meanwhile, about a quarter of Bard voters were being forced to fill out affidavit ballots. The poll watchers had apparently given up on their incomplete list, and instead began to challenge a random sample of young voters. One student was challenged because she neglected to dot the i in her signature; another was grabbed by the arm by one of the poll workers to prevent her from signing in. From what I heard, the polling place at this point had collapsed into near anarchy, with poll workers and poll watchers screaming at each other. Eventually, a police officer came to enforce something of a truce, but the atmosphere of the polling place was extremely negative and intimidating throughout election night. Even when I voted in the morning the feeling that one should leave as quickly as possible was almost overpowering.

Eventually, around 8:00 PM, the injunction was finally overturned, and around 8:30 PM the polling site actually started to recognize that, but the damage was done. Most students vote in that space between 5 and 8, and some of their votes did not count as a result of this injunction. Many more may have been intimidated by misinformation and the hostile atmosphere of the polling place into not voting. And that's just at Bard.

Vassar students probably faced even greater barriers to voting. I wasn't there, so I don't know exactly happened, but all student voters there had to use affidavit ballots for a time. The reasoning, being that because Vassar, in a stroke of Republican ingenuity, is split across three voting districts, students there may be voting in the wrong one. I don't think I have to point how cynical and audacious this tactic is. Unfortunately, now that Republicans have retaken the Dutchess County Legislature, I have no doubt that they will attempt to do the same to Bard.

I understand that there is an argument to be made that students should not vote locally. I disagree with it, but it's a completely legitimate opinion to hold. In fact, if someone who holds that opinion wants to come to Bard or Vassar or any college campus and debate someone on the ethics of voting locally, they are welcome to.

But the law is clear: students have the right to vote locally without fear of intimidation, harassment, or any other undue burdens on them. Infringing on that right is illegal by both state and federal law. Voter suppression may not be as sensational as dead men voting, but it is damaging to democracy all the same.

If politicians who support or are complicit in voter suppression aren't punished at the ballot box, they most likely never will be. The Republican Party of Dutchess County declared war on students Tuesday night; it is up to students and anyone who values democracy and the rule of law to fight back.

Posted 8th November 2009 by [\[copy, paste into browser, sign on, fwd along\]](#)