

FOR IMMEDIATE RELEASE

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FINDINGS IN THE COMPLAINTS OF ASSEMBLYMAN KEVIN BYRNE AGAINST STEPHANIE KEEGAN

Tarrytown, NY (October 1, 2020) - The Westchester County Fair Campaign Practices Committee met via Zoom on September 30, 2020 to hear the complaints of incumbent Republican Assemblyman Kevin Byrne, candidate for NYS Assembly District 94, against Democratic candidate Stephanie Keegan, candidate for the same position. Mr. Byrne was represented by Matthew Covucci, his campaign manager. Ms. Keegan attended and was accompanied by Suki Van Dijk, her campaign manager.

COMPLAINT 1: On August 22, 2020 an individual interrupted a racial justice rally with a sign on his truck with the words “F*** Black Lives.” On August 25, 2020, Stephanie Keegan shared on Facebook a post created by the Putnam Young Democrats which included the sentence “Kevin Byrne refuses to condemn racist attack in his district.” Assemblyman Kevin Byrne complains that Stephanie Keegan engaged in an unfair campaign practice by creating a false and misleading impression that the Assemblyman refused to condemn a racist attack.

FINDING: UNFAIR

The word “refused” implies that there was a request to condemn that Mr. Byrne rejected. There was no evidence that Mr. Byrne “refused” to condemn a racist incident in his district. On August 23, 2020, Mr. Byrne condemned the incident on a resident’s Facebook page, and on August 25, 2020, Mr. Byrne posted a condemnation on his own Facebook page. The Committee does recognize that social media creates significant challenges and layers of complexities for candidates.

Ms. Keegan’s post violates the following FCPC Guidance: “A candidate is urged to exercise great care when characterizing his/her opponent’s positions. In the absence of a specifically publicly stated position on an issue, a candidate should avoid attributing a position on this issue to her/his opponent.”

COMPLAINT 2: Assemblyman Kevin Byrne further complains that Stephanie Keegan engaged in an unfair campaign practice by promoting an image featuring Assemblyman Byrne next to an image of a truck with a “F*** Black Lives” sign affixed to it, thereby creating the false and misleading impression that the Assemblyman is somehow associated with racist behavior.

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FINDING: UNFAIR

The juxtaposition of Mr. Byrne’s picture next to a truck with the words “F*** Black Lives” violates the following FCPC Principle: “The candidate will not use or condone any campaign material...that misleads the public.” There was no evidence provided that Mr. Byrne was in any way associated with the truck pictured.

Committee Members: Susan P. Guma, [Chair], Jennifer Mebes Flagg [Coordinator], Elizabeth Bermel, Gisele Castro, Miriam Cohen, 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, Conservative 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.

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- 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.
- 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.