

**FOR IMMEDIATE RELEASE**

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**FINDINGS IN THE COMPLAINTS OF THE COMMITTEE TO ELECT TERENCE MURPHY AGAINST PETER HARCKHAM, IN THE RACE FOR NEW YORK STATE SENATE, DISTRICT 40**

Elmsford, NY (November 3, 2018) - The Westchester County Fair Campaign Practices Committee met on November 3, 2018 to hear the complaints of incumbent Republican candidate Terrence Murphy against Democratic challenger, Peter Harckham, in the race for New York State Senate, District 40. Mr. Murphy was represented by Christopher Arnold. Mr. Harckham was represented by TJ Rogers.

**COMPLAINT #1:** Senator Terrence Murphy complains that Peter Harckham made the false and misleading statement that Senator Murphy “was delinquent on his own taxes.”

**FINDING: UNFAIR**

The statement made by Peter Harckham that Senator Murphy “was delinquent on his own taxes” is a distortion and a misrepresentation, implying that “own” refers to his personal taxes. The statement is in violation of one of the Committee’s principles: “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.”

**COMPLAINT #2:** Senator Terrence Murphy complains that Peter Harckham made the false and misleading statement that Senator Murphy “was caught lying.”

**FINDING: UNFAIR**

The deliberate mischaracterization of the Fair Campaign Practices Committee finding is an unfair campaign practice. The use of the word “lying” instead of the wording from the Committee is in violation of one of the Committee’s principles, since the Committee considers selective quotation or misrepresentation of its findings to be an unfair campaign practice.

**COMPLAINT #3:** Senator Terrence Murphy complains that Peter Harckham made the false and misleading statement that Senator Murphy “sends out political campaign material using our tax dollars.”

**FINDING: UNFAIR**

The content of the materials in question passed through the New York State Senate compliance process regarding franked mail.

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**COMPLAINT #4:** Senator Terrence Murphy complains that Peter Harckham made the false and misleading statement that “it’s at least the 8<sup>th</sup> time” that Senator Murphy has “turned down an opportunity to debate.”

**FINDING: FAIR**

Normal political discourse.

**COMPLAINT #5:** Senator Terrence Murphy complains that Peter Harckham made the false and misleading statement that a campaign ad was “Paid for by Friends of Andrew Cuomo 2018/New York State Democratic Committee” when it was in fact “Paid for by Friends of Peter Harckham.”

**FINDING: FAIR**

Peter Harckham's campaign ad posted on social media was neither false nor misleading. This posting was a Cuomo ad that was reposted by the Harckham campaign with proper funding attribution. To the extent that any social media platform has limitations in its dissemination of "sponsorship/paid" information with posts in different formats, a candidate is not responsible for those limitations, provided the candidate has used best and consistent efforts to identify the ad's sponsorship.

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Committee Members: Susan P. Guma, [Chair], Jennifer Mebes Flagg [Coordinator], Elizabeth Bermel, Gisele Castro, Miriam Cohen, Victor J. Goldberg, LaRuth Gray, Joan Grangenois-Thomas, Kyle-Beth Hilfer, Lee Kinnally, Robert C. Kirkwood, Peter Larr, 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, Reform 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.

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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](http://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.
- 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 nor 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 the Committee's Findings unless the individual Finding cited is quoted in its entirety.

The Candidate will publicly repudiate materials or actions made on behalf of their candidacy that violate this Statement of Principles.