



P.O. Box 502
Tuxedo Park, NY 10987

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Spectrum News
New York State Political Director
Robert Hardt
roabert.hardt@charter.com

Dear Mr. Hardt:

In response to your letter in which you implied that polls and not voters should determine US elections, please note:

Diane Sare is on the ballot because more than 66,000 New Yorkers signed petitions statewide in a six week period to include her name on the ballot, and because those voters wanted to give others as well as themselves the right to cast their vote as they choose. The petitioning for the Sare campaign was conducted by volunteers, not by paid petitioners.

The Sare results were extremely important -- Sare was the only independent state-wide candidate who met the requirement mandated by the NY State legislature for ballot access. Senator Schumer and Joe Pinion were nominated by party caucuses and did not have to petition. However, when the Pinion/Zeldin ticket attempted to organize the petitioning for the Independence Party, they could not meet the objective. Their slate submitted 52,000 signatures, but 985 pages were shown to be illegal photocopies, representing 13,000 signatures, which were deemed "invalid" by the Board of Elections. So the so-called "viable" Republican Party only submitted 39,000 signatures against a 45,000 requirement, demonstrating that the Sare campaign is more "viable" by state standards than the Republican Party, and their U.S. Senate candidate, Joe Pinion. We don't know how Senator Schumer would have done in the same circumstances. We also don't know if there will be indictments concerning the Independence Party petitions organized by the Pinion/Zeldin slate.

The petitioning requirement of 45,000 signatures -- triple the earlier requirement, of 15,000 signatures -- was insisted upon by the state legislature in order to "weed out" candidates the Election Finance Reform Commission considered to be "frivolous". The motivation for the changes as stated by that Commission were:

"primary motivation for the Commission addressing party ballot access is to craft a public campaign finance system that remains within the enabling statute's limitation of a \$100 million annual costs ... The Commission finds that setting a rational threshold for party ballot access, **based on a demonstration of credible levels of support from voters in this state**, helps to ensure that political parties whose candidates will draw down on public funds under the public matching program reflect the novel and distinct ideological identities of the electorate of New Yorkers who ultimately fund this public campaign finance program"

"Qualifying Thresholds: ... 'The Commission believes it can create metrics to ensure **that funds are not dedicated to frivolous or uncompetitive campaigns, including ...**'"

"Independent nomination petitions: (22) **As a corollary to raising the threshold for political party ballot access**, we have also recommended increasing the signature thresholds for candidates who file independent nominating petitions to 45,000 signatures or 1% (one percent) of the total number of votes, excluding blank and void, cast for the office of governor at the last gubernatorial election, whichever is less, with at least

500 signatures or 1% of enrolled voters, whichever is less, from each of one-half of the congressional districts in the state."

The conclusion of the Commission was that only serious candidates with statewide support could meet their new thresholds.

This certainly holds more weight than questionable polls, which often do not include all the candidates. But wouldn't a debate change poll results in any case, as voters heard more of what the different candidates were endorsing? Otherwise, why bother having debates? If you exclude one of the candidates from a small field of three, you of course are affecting the results by omission. Shouldn't the voters be given the choice of whom they would like to send to Washington as their representative, and not be told for whom they could vote by the press?

In a period in which "the right to vote" and "election integrity" are at the center of much concern in the U.S., why would journalists opt to manipulate "perceptions", rather than give all the candidates the platform to speak for themselves, and let the voters decide. If an election is already determined before the first vote is cast, why have elections? And why would the press override the wishes of thousands of New Yorkers who put Diane Sare on the ballot, and simply assert that her candidacy does not exist.

Therefore, I appreciate your rapid response to our letter, and we are sure you will reconsider and include Diane Sare in the debate.

Regards,

Suzanne Klebe
Campaign Coordinator
seklebe@yahoo.com
Sare for Senate
PO Box 502
Tuxedo Park, NY 10987
201-220-7739