

## FAIR ELECTION PRACTICES COMMITTEE - HEARING PROCEDURES - 2016

### HEARINGS:

1. The FEPC will meet to hear complaints within approximately 1 week of receiving a complaint, during the period preceding an election. **No hearings will be held on or after Election Day.** The Hearing Panel will judge complaints regarding the context of the Fair Campaign Pledge only. No other criteria will be used. Supporting evidence is appreciated.
2. We are inviting Observers to our Hearing Panel who are welcome to attend hearings, but not the Panel's deliberations. Invited Observers of the Hearing Panel will have not vote. The invited Observers of the Hearing Panel will be the Chairperson of the Democratic Party and the Chairperson of the Republican Party. A designated representative for a chairperson will be accepted as needed.
3. Both the complainant and the candidate complained against will have an opportunity to be heard by the Hearing Panel. Candidates are expected to appear before the Hearing Panel but may ask a representative to speak on their behalf. Presentations by each side will be limited: twenty minutes for presentation of issues and five minutes for clarification and rebuttal. The media will not be invited.
4. All properly filed complaints accepted by the FEPC will be heard notwithstanding the failure of either side to appear. At its discretion, the FEPC may choose to render a decision on a complaint without a hearing if the facts are clear and time is critical. The FEPC will work from August 15, 2016 until the day before Election Day (November 7, 2016) generally during regular business hours. (Any FEPC action will be deferred until the candidate list is officially certified by the Board of Elections.)
5. Two copies of the original complaint package and any additional material must be provided by the complainant to the FEPC chair and the other candidate at the hearing.
6. Only the candidate(s) involved in the complaint and/or their one representative may be present and speak at the hearing.
7. There will be no "appeal" process. All decisions of the FEPC are final.

### DECISIONS

1. The voting members of the Hearing Panel (not to exceed a panel of 4) shall be composed of an equal number of registered Democrats and registered Republicans. Alternates and the Chairperson may be used to accomplish this number. In the event of a tie vote, the complaint is deemed denied.
2. A member of the Hearing Panel cannot be actively involved with a candidate and should recuse him or herself, if necessary, from the hearing. Passive activity that does not publicly identify the panel member as a supporter, such as giving donations or posting lawn signs or bumper stickers is an example of "passive involvement" rather than "active involvement." Speaking on behalf of a candidate and actively working for the candidate, such as writing/editing speeches, writing letters to the editor or op-ed pieces, and distributing campaign materials, are examples of "active involvement."

3. Actions of the Hearing Panel will be by majority vote. Decisions will be expressed in written form.
4. All decisions will be released by the FEPC chair to the candidates and the news media as soon as possible after the votes are taken. The FEPC will not delay public release of its decision even if unable to make direct contact with the candidates.

*The Fair Election Practices Committee members are in alphabetical order: Jim Morris (Chair), Rob Brown, Ralph Esposito, Lois Giess and Channing Philbrick. Alternates shall be: Tom Frey, Peter Knapp, Susan Kramarsky, Jim Peters, Sue Roberts, and Mary Ann Thorpe.*