

Media Release
DEMOCRATIC ELECTION COMMISSIONER NORMAN P. GREEN'S COMMENT ON THIS ARTICLE
February 3, 2010
FOR MORE INFORMATION: Contact the Board of Elections at 753-4580

"It is obviously difficult to defend expending \$30,000 in legal fees, but I'll try. First, by being a "pilot" or test county in 2009 for the new voting machines, we were able to legally charge off the cost of optical scan ballots to Help America Vote Act funds. Thus, the cost savings from not having to print paper ballot strips and the savings on programming and setting the old mechanical lever voting machines and other fiscally conservative approaches to voting allowed our Board of Elections' spending to remain under budget for all 2009 expenditures. Second, the legal bills are a necessary cost of democracy and these legal costs are cheap compared with other county department's required legal expenses incurred in the cost of running the business of government. In the end, voters will get what they deserve; a fair election certification by the Board of Elections that leaves no stone unturned and no doubt as to who is the rightful elected leader of Legislative District 7. Our citizens that we serve deserve nothing less."

The Cost Of Going To Court
Attorney Speculates On County's District 7 Case Fees

By Nicholas L. Dean, ndean@post-journal.com POSTED: February 2, 2010

MAYVILLE - Michael Sullivan believes the county will be billed for at least \$30,000 in the Legislative District 7 case.

The attorney for Republican candidate Robert Stewart, Sullivan called the figure a "conservative estimate" during Wednesday's legislature meeting.

Sullivan was in Mayville to comment on the election of a legislature chairman and the re-appointment of the public defender, two actions which he believes could cost the county more money in the future.

"The Board of Elections has been represented by two attorneys," Sullivan said. "I will conservatively estimate that the people of this county have already spent, for those two attorneys, not counting the private attorneys, in excess of \$30,000."

Of the four lawyers involved in the case, only those representing Democratic Election Commissioner Norman P. Green and Republican Election Commissioner Brian Abram will, presumably, charge the county for their time. Michael Cerrie is Green's counsel, while Abram is being represented by Andrew Goodell.

The two attorneys representing the candidates are retained at their own expense. Sullivan is representing Stewart and Chuck DeAngelo is representing Democratic incumbent candidate Leon Beightol.

The total cost of the attorneys is not yet known as they have not billed the county and the case is ongoing.

LEGISLATURE APPOINTMENTS

The County Legislature re-elected Keith Ahlstrom, D-Dunkirk, as chairman in a 13-12 vote Wednesday. A 14-11 vote similarly re-appointed William Coughlin as public defender.

Sullivan called the actions a "usurping of democracy" by the hold-over Democratic majority.

With the District 7 case still undecided, the true majority through the rest of 2010 and in 2011 is still unknown. As such, those appointments could rightfully belong to county Republicans. Ahlstrom said prior to the election that, if re-elected as chairman, he will resign if the District 7 case results in a Republican majority.

Still, Sullivan questioned Wednesday whether the election and appointment might lead taxpayers to bring court challenges against the legislature - costing the county even more money in attorneys' fees.

"The county has spent thousands to pay for the attorneys representing the Board of Elections," Sullivan said. "It's easily \$30,000 if it's not going to be more by the time this is done. To have spent that money to get the right decision and then to say we don't care what the right decision is going to be, we're going to take action tonight. ... I was amazed to see a vote taken without any discussion and then when discussion was started, it was shut off. We're still living in a democracy.

"If challenges are brought as taxpayer actions or article 78s on the actions that you take, the cost to the county taxpayers, win or lose for this body, is going to be great," Sullivan continued. "It is a shame that that kind of money would have to be spent on litigation when a simple decision to hold off on decisions of political nature without a duly constituted body here could have saved all that money in the future."

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