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Lewisboro Ledger  
Lewisboro Conservative primary

Oct 4, 2007

## Results confirmed: DeLucia wins

Two weeks after the Sept. 18 primary elections, the Westchester County Board of Elections has certified the results for the Conservative Party races for town supervisor and Town Board members.

Town supervisor candidate Peter B. DeLucia scored a 28-to-25-vote victory over his opponent, Edward Brancati. But there is a three-way tie among Town Board candidates Bruce Pavalow, Peter Clark and Tom Herzog, with each receiving 27 votes, after write-in votes from District 6 were disqualified because of a torn piece of paper.

Town Board candidate Daniel Welsh received 24 votes.

Mr. DeLucia, Mr. Clark and Mr. Herzog received all of their votes through write-ins.

But even though the Board of Elections has officially posted results from all 12 districts, candidates Clark and Herzog are considering mounting a legal challenge based on the missing write-in votes from District 6.

And the tie complicates matters even further because it may trigger a county election law that would permit Lewisboro Conservative Party Chairman Les Simon to pick the two candidates of his choice, irrespective of vote totals.

### **Write-ins the key**

Only Mr. Brancati, Mr. Pavalow and Mr. Welsh, all Democrats, appeared on the primary ballot for the Conservative Party, after receiving the party's formal endorsement. Mr. DeLucia, Mr. Clark and Mr. Herzog, Republicans, campaigned for the nomination despite not appearing on the ballot.

Conservative Party members dissatisfied with the party's

endorsement of three Democrats mounted a well-organized write-in campaign that netted enough votes to hand Mr. DeLucia his victory over Mr. Brancati and resulted in the three-way tie among Pavalow, Clark and Herzog.

Mr. Clark and Mr. Herzog are considering their challenge because a corner was ripped off a piece of paper from the voting machine in District 6 that contained write-in votes. Because the corner contained essential information on the party line, the Board of Elections could not approve the votes.

When contacted by The Ledger, Steve Levy of the Westchester County Board of Elections said that, as far as his group was concerned, they had done their duty, counted the machine and write-in votes, and certified the results.

“We have notified the Conservative Party of Lewisboro of the three-way tie and it now has the job of deciding who they are going to endorse from among the three candidates involved,” he said.

Mr. Simon found himself and the Conservative Party in a somewhat similar position during the 2005 primary election, when his party’s official candidate, registered Republican Jacqueline Dzaluk, received 19 votes and was defeated by Conservative challengers Mr. DeLucia and Al Perruzza, both with 27 votes.

But election law holds that, when there is a tie, it creates an opening, allowing the party chairman to choose a winner, but not necessarily one of the candidates who tied. Mr. Simon, who was a key campaign worker for the Lewisboro Coalition in 2005, selected Ms. Dzaluk as the Conservative candidate, even though she had the fewest number of votes.

### **Next move**

Mr. Levy said it is now up to the individuals involved to make the next move.

“If they want to challenge the certified results, they will have to go to court,” he said. “We will have to wait to see what happens.”

Mr. Levy said the Board of Elections “could only count votes we can certify as valid according to standard election criteria. We can only look at what actually comes before us.”

When contacted by the Ledger, Mr. DeLucia said he understood why a challenge might take place.

“The candidates feel that when you look at the total picture of that machine and the write-in turnout in District 6, it is clear there would have been some more votes for Tom Herzog and Peter Clark,” he said. “People came out and voted in good faith, going through the difficult write-in process to cast their votes for those two candidates. It’s not their fault the paper containing the votes got compromised.”

Mr. DeLucia said he was pleased with the overall effectiveness of the write-in effort and with his victory. “This shows how difficult it is to mount a successful write-in campaign, but we did it,” he said. “I am gratified that it worked out for me but very disappointed that my teammates fell back into a tie. I hope that the matter will be resolved to the satisfaction of Lewisboro’s Conservative voters.”

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