

The Westchester Crusader

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Mayor Spencer Calls For Investigation In Westchester

In clear language Mayor John Spencer has called for a complete investigation of facts regarding corruption in Westchester County. Mayor Spencer has issued a report that is an eye opener in itself. He asks for a widespread investigation by the Public Integrity Unit of New York State Attorney General, or by the United States Attorney for the Southern District of New York. We agree with the mayor and await action on the part of either office.

Below is a complete report issued by Mayor Spencer and we hope that everyone will read in its entirety. When asked by News 12 if they thought corruption was widespread in Westchester, the result was 87% yes, 12% No

This is an examination of recent events and how certain facts and circumstances arising from these events evidence a pattern of election fraud, public corruption and abuse of power in Westchester County.

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I. Overview

New York State Election Law provides a cumbersome framework for the administration of the electoral process. Although there have been reforms both legislatively and judicially, the process for voter registration, ballot access to candidates, objections, challenges, absentee and affidavit ballots, voting and canvassing and re-canvassing the returns favor the two major parties, Democrats and Republicans. Further it protects incumbents and seriously disadvantages members and candidates of minor parties, voters not enrolled in a major party and members of the

two major parties who want to challenge the current "regulars."

In addition to the fact that state law provides some glaring undemocratic obstacles to fairness in the electoral system, **the structure of Boards of Elections** in counties outside of New York City, and the **inherent conflicts presented by overlapping party and public office holders**, enables corruption and abuse of power to exist, spread, and either remain undisclosed or not prosecuted.

From 1999 to 2003 in Westchester County, there have been several notorious examples of how certain party and public officials can take advantage of these problems to

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DA "I Love My Job" Pirro Can't Take The Heat And Considers TV Job

By Dan Murphy

The recent announcement that District



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manipulate and control the democratic process, disenfranchise voters, unfairly manipulate ballot access, primary results, and even the outcome of general elections. No independent watchdog with enforcement powers to police these corrupt practices has stepped forward. A widespread investigation by the Public Integrity Unit of the New York State Attorney General or by the United States Attorney for the Southern District of New York is warranted.

II. Westchester County Board of Elections Essential fairness, equal protection and inherent conflicts.

The County Board of Elections although treated as a "department" of county government for budget and finance purposes, operates independently. The two major political parties each select the two Commissioners, two Deputy Commissioners and all employees, half for the Democrats and half for the Republican Commissioner, Carolee Sunderland is a Vice-Chair of her County Party and the Democrat, Reginald Lafayette is the Chair of Mount Vernon Democratic Committee and the County Democratic Executive Committee. All other employees are beholden to their respective party bosses for their jobs.

Every employee is hired by either the Democratic or Republican Commissioner upon the recommendation of one or the other (Democratic or Republican) county party chair. **Civil service, merit, qualifications etc. are irrelevant.**

The Board of Elections in nothing more than an extension of the two major political parties, which parties control much of the electoral apparatus at taxpayer expense.

There have been several Board of Elections employees who continue to work there notwithstanding having been **convicted of election fraud.** (For instance, former Democratic Commission Marion Oldi, and current Republican employee **Zehy Jereis**, a program coordinator, which is a position third down from Commissioner, immediately under the Deputy.)

The manner in which the Board of Elections is structured and staffed denies members of "minor" political parties the same access to information and expertise in everything from routine data to fair and equal treatment on contested issues, challenges, objections, etc. as their major party equivalents. **All rulings and decisions need to be unanimous between the Republican and Democratic Commissioners which leaves members of other parties, those not enrolled in any party and in particular, those Democrats and Republicans who challenge the regulars, at a severe disadvantage.**

There is no neutral civil servant either at the top (an Executive Director, like in New York City) or as support staff (hired on merit and/or made permanent and protected by civil service laws and competitive exams) under the Commissioners to objectively administer the election laws and regulations.

III. Wedra-Werbel "Ballot Harvesting" Case

New York Election Laws are well known to protect the *status quo*. Difficulty in gaining ballot access through numerous signatures on designating petitions, the difficulty registering to vote and in utilizing absentee ballots to vote, all reviewed in the report by the NY Attorney General, Eliot Spitzer, "*Voting Matters in New York*" dated February, 2001 emphasize some of these problems. By reason of these archaic laws and coupled with the known inadequate safeguards existing in the structure of the Westchester County Board of Elections as set forth above, we come upon what happened in local elections in 2000 in Yonkers.

Dennis Wedra, Sr. is a Democratic Ward Leader in Yonkers, New York. He also is head of the Yonkers Democratic Club. His daughter, Stephanie, is employed at the County Board of Elections and Treasurer of the Club. His son, Denis, Jr., is employed in the County's Department of Finance.

Wedra Sr.'s main occupation is political consultant. In 2001, he was paid \$15,000 by each of several candidates for City, County and Family Court judge to collect signatures for designating petitions, but not from Democratic voters. He was paid to get these candidates on minor party ballots. At the same time, he was also working for **Republican State Senator Nicholas Spano** to get him on minor party ballots including the Green Party.

There were two court cases involving these events. There was an election law matter before Justice Denis Donovan. In that matter, it came out that Phil Werbel, a candidate for Yonkers City Court, was a client of Wedra's and one of the several judicial candidates to pay him \$15,000. (Wedra was also hired and paid by Judge Les Adler, Judge David Klein, Judge Tom Daly, Judge Annette Guarino and Surrogate Emmanuelli for an apparent total of \$90,000.)

During the trial, it came out that Werbel and Wedra had concentrated their efforts on **registering Hispanic residents** to vote, enrolling them in a minor party and **duping them into voting for Werbel by absentee ballot.** Justice Donovan threw Werbel off the ballots and he withdrew from the race. It was also reported that **Werbel did not live in Yonkers** but in Chappaqua (with his wife and children). He first used the Yonkers address of Deputy Commissioner of Elections Jeanine Palazzola at 88 Crescent Place and later that of Wedra's daughter, Stephanie, also an employee of the Board of Elections (the fourth highest Democrat) at 245 Rumsey Road.

The second court case was a multiple count indictment against Wedra by **DA Jeanine Pirro.** After agreeing to let Werbel off from the more serious crimes, Pirro had Werbel wear a hidden wire to secretly tape Wedra. Pirro also made a deal with **Anthony Mangone** to testify against Wedra.

Mangone is an attorney. In 2000, he was **Senator Spano's "chief of staff"** and campaign manager. Before that, Mangone was the Republican Deputy Commissioner of Elections. Mangone was the intermediary between Wedra, the political consultant and Senator Nick Spano, the client. **At Wedra's criminal trial, Mangone testified that he tampered with Green Party ballots and actually wrote names in on them, including that of his boss, Senator Nick Spano.** Pirro lost the case as the jury acquitted Wedra on all counts. The acquittal by the jury was not necessarily because they believed Wedra was innocent of the voter fraud, but because it was clear to the jury that Pirro's tactics were outrageous and the real criminals were being protected by her. There was a double standard of justice.

The trial judge, brought in from outside Westchester County for the occasion, Justice Joseph Teresi, publicly stated: "The public's confidence in the electoral process has been diminished, at least locally, by these events."

Wedra is still a Democratic Party official and is now working for Nick Spano's brother, Republican Assemblyman **Michael Spano**, against several Democratic candidates running for Yonkers Mayor in 2003.

Mangone, is still paid employee of **Nick Spano**, although apparently part-time at \$50,000 per year, still a lawyer, and working for the firm of lawyers, Servino, Santangelo and Randazzo, who represented Pirro's husband in his federal tax fraud case. A lawyer at that firm, **Vincent Gelardi**, also represented Mangone through the Wedra trial. The law firms offices are located in a building owned by **Al Pirro** although he later "sold" the building to a corporation also owned and controlled by him. That corporation later filed for bankruptcy. The lawyers have been reported to be close associates of **DA Pirro** as well as being supporters and contributors to her election campaign.

To summarize, employees of the Westchester County Board of Elections, both former and present, aided and abetted schemes to use false residence addresses for candidates for public office. Employees may be also aiding the extortion of money from candidates to gain electoral advantage for them by getting them on minor party ballots. \$15,000 is an unrealistically high amount of money to simply collect signatures on a minor party designating petition. More was obviously expected. Further, and more importantly, there was ample evidence presented at both trials to initiate an investigation of the role that **Senator Nick Spano** played in directing his campaign manager and chief of staff's (Mangone's) illegal activities which was never undertaken by DA Pirro. Instead, **DA Pirro prevented any such investigation** by not charging Mangone with any of his crimes. Instead of using Mangone to uncover **the role played by Senator Nick Spano**, she used him unsuccessfully to attempt to get Wedra. And then, either she or Spano or both arranged for Mangone to get a job with her husband's lawyers. There was no investigation to expose the roles of either Mangone or Spano. Spano was never even questioned.

A candidate for judicial office, Phil Werbel, used a false address to run for office, and committed election fraud. He pled guilty to one misdemeanor, paid a \$1,000 fine and was sentenced to do 1600 hours of community service and probation.

Two highly placed Board of Election employees allowed their addresses to be used for fraudulent reasons. No action taken.

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Anthony Mangone admitted to tampering with ballots on behalf of his boss, Senator Spano. No action taken.

Dennis Wedra, Sr. originally indicted with 166 counts of election fraud, was acquitted of all charges.

Senator Nick Spano, who employed both Mangone and Wedra, won the Green Party primary because of these fraudulent practices and went on to beat the Democratic challenger in 2000 but not by a wide margin. Spano was never charged with any wrongdoing. Nor was he even questioned let alone investigated.

IV. Term Limit Referendum In Yonkers

In 1994, voters in Yonkers overwhelmingly approved term limits for the Mayor and City Councilmembers, two terms of four years each for Mayor and four terms of two years each for the Council.

Mayor John Spencer in 2001 was two years away from the end of his second and final term. His supporters, at first on their own, and then later with his help, mounted a referendum to eliminate the term limit for Mayor which appeared on the ballot in November 2001.

The opposition to this effort came from a few of the people who originally supported imposing term limits in 1994 and from other and somewhat hidden areas. A report in *The Journal News* on April 14th, 2002, indicated that Republican **Senator Nick Spano**, secretly joined forces with the opposition to the ballot referendum. All of the printing was done by a Mount Vernon based printing firm owned by **Spano's former brother-in-law**. The printing bill of \$33,877 was unpaid.

During the height of the campaign, phone calls were made to voters with the message: **"We have an urgent message from City Hall. Please help Mayor Spencer continue the progress in Yonkers by voting 'No' to Proposition 2."** This phone call was tape recorded by the Yonkers Police. Mayor Spencer and his supporters did not make or authorize those phone calls. And Mayor Spencer and his supporters wanted people to vote "Yes" on Proposition 2.

This was another voter fraud being perpetrated in Westchester County. It is also illegal use of telecommunications. The matter was referred to DA Pirro by the Yonkers Police. The DA began an investigation and uncovered the fact that the phone calls made the weekend before Election Day originated from a firm called Cherry Communications. Cherry Communications previously did work for Republican Senator **Nick Spano**. Cherry Communications hired a lawyer to represent them, Vincent Gelardi. (Gelardi also represented Mangone and he works in the firm which represents Al Pirro). **DA Pirro never pursued the investigation after learning the source of the calls.** After only approximately four weeks of an investigation, rather than following the trail from Cherry Communications to learn who hired them and who was responsible for the illegal use of the telephones and voter fraud, Pirro referred the matter over to the State Board of Elections, which promptly declared it had no jurisdiction. The matter ended there. At a minimum, after the State Board of Elections rejected the referral, the DA should have completed her investigation.

Hundreds if not thousands of fraudulent phone calls were made which likely influenced the outcome of a ballot question. There was no campaign financial disclosure forms that set forth any payment for these phone calls. This was also a violation of the campaign financial disclosure laws. Payments were found to the firm that made the phone call on campaign filing for **Senator Spano** and the County Republican Committee. **DA Pirro refuse to fully investigate the matter. The matter remains unsolved and the wrongdoers unpunished.**

V. 2001 Westchester County Non-Aggression Pact

In 2001, the County Executive, the County Clerk and the District Attorney were up for re-election. The incumbents were all running. The County Executive was **Democrat Andy Spano**, the County Clerk was **Republican Leonard Spano**, The DA was **Republican Jeanine Pirro**.

The three incumbents agreed to secretly support and help each other. Each agreed that they would steer their political party to **put up weak candidates**, they would not share any significant amounts of their substantial **campaign funds** with these weak candidates and they would **run all together as a team** on several minor party ballots: **Conservative, Liberal and Independence.**

On its surface, this type of arrangement although unethical and undemocratic is not necessarily illegal. But it can become illegal when there is a *quid pro quo* involved. When government money is exchanged for political gain.

Andy Spano's chief of staff, **Larry Schwartz**, acted on his behalf. Schwartz, worked with and met frequently with Lenny Spano's son, State Senator **Nick Spano**, and Pirro's chief of staff, David Hebert.

First, Spano/Schwartz, had to eliminate the announced DA Democratic candidate, **William Aronwald**, a well known, successful attorney with money who wanted to oppose Pirro. Then, they needed to also eliminate the Democratic Party designee for County Clerk, **William Giacomo**, who was a proven strong vote getter and whom Leonard Spano did not want to run against.

Spano/Schwartz told Aronwald that they would not support him. Instead they supported little known political neophyte, Tony Castro. Without any Democrat Party people supporting him, Aronwald was successfully discouraged and opted not to run.

Giacomo was more difficult. Having run before and being a local judge, Giacomo had a political base and plenty of Democrats supporting and encouraging him. Spano/Schwartz decided to play hard ball but to cover themselves with a typical Democratic ploy. Notwithstanding that the Democratic Party had already overwhelmingly endorsed Giacomo for County Clerk at an open convention, they convinced Mount Vernon City Clerk **Lisa Copeland**, an African American female to run in order "to balance" the ticket. Then, Spano/Schwartz, **illegally** and simultaneously had Giacomo withdraw from the ticket by **secretly offering him a contract to be a county hearing officer until such time as they could run him for judge instead of for County Clerk.**

The Republican Spanos and Pirro found **Larry Horowitz**, an unknown lawyer, to run for County Executive. They asked Horowitz to be a sacrificial lamb and they would thereafter make him a judge.

The three minor party lines were obtained through patronage, a contract and promises. A contract was offered to the law firm of Ray Harding, Liberal Party leader. Jobs and promotions were given to the son of a Conservative Party leader and to the chair of the Yonkers Independence Party. All of these facts can be uncovered through county documents.

Larry Schwartz, while still employed on the public payroll, illegally ran the Andy Spano re-election campaign from the ninth floor of the County Office Building (with the campaign headquarters one block away). He unethically and **illegally compelled county employees** and others to collect signatures for all three people (Spano-Spano-Pirro) on the minor party lines.

The Republicans stepped away from Horowitz, even leaving him off of their one major fund raiser invitation, program and countywide literature. Andy Spano held back all financial support (he has \$2 million at the time and not much of an opponent) from DA candidate Castro notwithstanding the pleas from Castro and his supporters. Spano and his campaign manager Schwartz, instead told Castro and all candidates that they would run a "get out the vote" ("GOTV") campaign. This only covered up his deal to ignore Castro and Copeland. A "GOTV" campaign of course, mainly helps well known incumbents. **The election results indicate that voter turnout in Westchester was the lowest in history.** To further cover their secret deal, Spano did give Castro some nominal money at the very end of the campaign. At which time it was too little, too late.

The one prominent Democrat to support Castro for DA was Andy Spano's Deputy County Executive, **Jay Hashmall**. The day after Hashmall spoke in favor of Castro and against **DA Pirro**, at a local Democratic candidates' forum, **Pirro telephoned Spano** and threatened him for breaking the secret non-aggression pact, the existence of which Hashmall was unaware. When Hashmall continued to campaign for Castro, Pirro renewed her threats of retaliation against both Spano and Hashmall which Spano received and relayed to Hashmall. **Spano ordered Hashmall not to continue his involvement or support for Castro or there would be consequences.** Hashmall reluctantly agreed except for a previously scheduled fund raiser he was hosting for Castro also attended by three Assistants to the County Executive who worked with him. (There were seven similarly situated Assistants to the County Executive at the time) It was held at one of the Assistant's home in Chappaqua.

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Immediately after the fund raiser in September and the September 11th hiatus which halted all political campaigns nationwide, **Schwartz and Pirro/Hebert fed a story to the *Journal News* falsely and anonymously accusing Hashmall of "steering" a no-bid county contract to a former political leader and client nineteen months earlier.** This tactic effectively prevented Hashmall from being a credible campaign supporter eliminating him for helping Castro if he did not heed Spano's directive to stop.

At the same time, Pirro leaked the claim that she had begun a "grand jury investigation" of the matter and even went on television dramatically asking people with any knowledge of these events to come forward.

Notwithstanding the fact that it is against the law for government officials to publicly disclose any information concerning grand jury proceedings, (Section 215.70 Penal Law; Section 190.25 (4) (a) Criminal Procedure Law) *The Journal News* reported that "grand jury" subpoenas were served the day before and the day after Election Day, 2001. According to the article, the subpoenas interestingly sought information and emails from Hashmall and the three Assistants who attended the Castro fund raiser, and no others.

Shortly thereafter, Andy Spano, used the pending newspaper stories and Pirro action to force Hashmall to resign. Spano also forced to resign the Assistant who hosted the Castro fund raiser at her house. Another of the Assistants who attended the fund raiser and supported Castro, voluntarily left his job with Spano and thereafter committed suicide.

All three incumbents were re-elected, Andy Spano with the largest plurality in recent history (and the lowest voter turnout.)

Twenty months later after publication of *The Journal News* article in November 2001, claiming that grand jury subpoenas were issued and that there was a grand jury investigation involving Hashmall, no person has been charged with wrongdoing, no person has been cleared of wrongdoing and it is uncertain as to whether there ever was a grand jury hearing this matter. **It appears that Pirro retaliated against Hashmall for supporting Castro in violation of the secret non-aggression pact that he was unaware of, forcing him for his job, ruining his reputation, damaging his career, and that of two of his colleagues.**

There may be a pattern and practice of DA Pirro using "grand jury subpoenas" as mere office investigatory tools and she does not present the evidence obtained through the use of the subpoenas to a grand jury. This abuse of the grand jury system needs to be investigated.

Larry Horowitz was appointed a County Court Judge by Governor Pataki and has been endorsed by the Republicans this year for Supreme Court. Bill Giacomo is working as a county hearing officer and may yet be a judicial candidate in 2003.

VI. 2002 State Senate Election

Republican State Senator Nick Spano was running for re-election in 2002. A Democrat, Oswaldo Ramos, was running against him. Ramos filed designating petitions containing more than the minimum 1,000 signatures to get on the ballot. The Ramos petition was challenged by enrolled Democrats who work for **Senator Spano** on the public payroll. The objectors were Harry and Deborah Lawson and Jerome Robinson. The Commissioners of the Board of

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Elections sustained the objection and removed Ramos from the Democratic ballot leaving Spano unopposed.

It is very unusual for the Democratic Commissioner of the Board of Elections to agree with the Republican Commissioner to remove the sole Democrat from the Democratic line thus leaving it blank. This was not a decision that Commissioner Lafayette made alone.

Ramos, a political neophyte, had to commence a validation proceeding in the Supreme Court to defend his right to challenge Spano in the State Senate race. (*Ramos vs. Lawson*, Index No 13492/02).

Justice Cowley ruled against Ramos but it took until October 11th, 2002. Ramos could not find a lawyer to properly represent him while an attorney, Charles Wood, who also worked at the time for the State Legislature, i.e. Senator Nicholas Spano, represented "the Objectors".

Ramos appealed and he was restored to the ballot a mere **five (5) days before** the November 5th, 2002 election. (*Ramos vs. Lawson 298 AD 2d 610, 751 NYS 2d 260*)

Spano, in essence, ran unopposed.

What needs to be investigated is how is it that employees on a state payroll such as the objectors and the attorney Wood, engage in such partisan political activity? Also, what if any outside influences were the on Justice Cowley for him to rule as he did?

VII. 2002 Conservative Party Reorganization

Two Yonkers political leaders have been involved in the County Conservative Party for many years: **Vincent**

Natrella and Tony Aurricchio. Natrella has been the long time County Chair and Aurricchio wants the Yonkers City Chair. Natrella was previously aligned with the former Republican County Chair, Tony Colavito. Aurricchio works for State **Senator Nick Spano.**

In an attempt to control the Conservative line Senator Spano began a campaign to replace Natrella with Aurricchio as County Chair. This was important this year because of the Yonkers mayoral race. Historically, the Conservative line has proven to be the deciding factor. Nick Spano, originally supported City Council President Vinni Restiano for Mayor. Now he is supporting his brother, Assemblyman Michael Spano. His opposition is Deputy Mayor Phil

Amicone, who is supported by his boss, **Mayor John Spencer.**

Mayor Spencer and Senator Spano have been adversaries for a long time. The Mayor has blamed Spano for not getting Yonkers it fair share of education funding over the years which has caused a huge financial deficit each year totalling hundreds of millions of dollars over the years. (All similarly situated big city schools: Syracuse, Rochester and Buffalo get millions more in formula aid) But to fight for Yonkers would upset Spano's relationship with upstate Republican Senators whose school districts benefit from this unfair formula and who **Spano** needs to support him for his **ultimate goal: to succeed Joe Bruno as Majority Leader of the Senate.**

So each year, Spencer correctly blames Spano and the State for underfunding Yonkers schools, and each year Spano denies it and comes up with a one time revenue infusion to partially and temporarily solve the problem which never goes away.

2003 is the last year of Spencer's term. Phil Amicone is Spencer's endorsed choice to succeed him. Spano desperately wants to control City Hall and end the annual attacks by the City against the State on school aid.

Conservative Party Chair Natrella was set to back Amicone. Spano supported a slate of Conservative district leaders to replace Natrella with Aurricchio. During the Party's re-organizational meeting, the restaurant in which it was held asked them to move because it was taking too long. Natrella, who was still chair at the time, recessed the meeting to convene elsewhere. The Aurricchio faction stayed and elected themselves. A court proceeding followed. The judge assigned was **Supreme Court Justice Orazio Bellantoni.** Justice Bellantoni's wife works for Nick Spano's father, County Clerk **Leonard Spano.** His son, **Rory Bellantoni** wants to (and now is) running for County Court. Justice Bellantoni ruled in favor of the Spano/Aurricchio side against the Spencer/Natrella side which was affirmed by the Appellate division, Second Department.

Justice Bellantoni could not possibly be neutral and objective in a matter so vital to Senator Nick Spano. There is a direct conflict when his wife works for Spano's father and

when he needs both Spanos support so that his son, Rory, would get the endorsement to run for the County Court this year.

VIII. Summary

In each instance, the involvement of Senator Nick Spano, DA Pirro of both is key. Using money, secret, dishonest and at times illegal means, coupled with enormous **power of the prosecutor**, and the abuse of that same power voters are disenfranchised, minor political parties are controlled and certain people protected.

By reason of the corrupt practices set forth above, a neutral or adversarial candidate has little chance of fair treatment from the Westchester County Board of Elections.

Voters in Yonkers and Westchester County have been denied their right to have competitive and fair elections for the three top county wide offices: County Executive, County Clerk and District Attorney. Candidates wanting to run were either unethically discouraged or illegally brought down. Opposition candidates to Senator Spano were challenged by people secretly in his employ. Minor political parties are taken hostage to be exploited by corrupt public officials who control many people through extensive patronage and nepotism. The judicial system is manipulated by less than forthright judges who should but do not recuse themselves from outright conflicts in matters before them.

No genuine political corruption is investigated by the Westchester DA. Instead, she protects the corrupt officials, punishes the weak people caught in the corrupt web and insures that they are not in a position to point fingers. She uses her immense discretionary prosecutorial powers and the grand jury process, with its key advantage: secrecy, which prevent victims and the public from knowing the truth, to punish her enemies.

What is needed is a wholesale investigation by competent non-partisan authorities to take testimony and review documents to uncover the stranglehold that a few corrupt public officials have on the democratic process. Similar to what was done in the corporate arena, a light needs to be shined into the dark secret recesses of the real decision makers. In particular, laws preventing public officials from also holding any additional public or party positions would be a start. Allowing candidates to run on only one party line, would also go a long way to prevent the misuse of minor parties.

Either the Board of Elections needs to be reformed so that political bosses in the two major parties cannot interfere in its operations, or a special master needs to be appointed.
