

HEMPSTEAD SCHOOL VOTE

CHALLENGER ALLEGES FRAUD

Asks NY education commissioner to invalidate results

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■ **Hempstead school case goes to NY education chief**

■ **Challenger alleges fraud in tight race for board seat**

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A Hempstead school board candidate who believes she won in last month's vote made allegations of election fraud, coercion and abuse of the absentee balloting process and appealed yesterday to the state education commissioner, her lawyer said.

Frederick K. Brewington, who represents candidate Maribel Touré, the second-highest vote-getter on election night May 20, included 25 affidavits from residents who said they were directed to or tricked into voting, for board president Betty Cross or that they observed unlawful practices at the polling site at Alverta B. Gray Schultz Middle School.

Brewington is asking Education Commissioner John B. King Jr. to invalidate Cross' election or to remove her from the board and allow the seat to go vacant until he renders a decision. The petition names Cross, district clerk Patricia Wright and the district.

"There are many people in Hempstead who live in fear," the attorney said at a news conference. "We will not allow Betty Cross to run anybody out of town. When we go to the commissioner, it's no longer in her control. It goes to the commissioner, and we take legal issues . . . and make it so clear that anybody who can see the side of a barn can make it out."

Cross and Wright did not respond yesterday to requests for comment.

Nathan Jackson, a district spokesman, said Cross won the election and it was carried out in accordance with the law.

"The people of Hempstead voted her in," Jackson said.



Challenger Maribel Touré, center, with supporters yesterday. ■ Video: newsday.com/education



School board president Betty Cross a few days after the election last month.

"She was sworn in by the board of education. There is no evidence of any wrongdoing."

Absentee ballots at issue

Austin Graff, an attorney for the school district, said he had not read the petition and could not comment. Previously, he has said the district ran a fair and open election, and he was unaware of any improprieties.

Brewington, in the petition, said some voters who did not ask for and were not qualified to receive absentee ballots were surprised when Cross' supporters arrived on their doorsteps in the days before the election with such ballots in hand, and for a

vote in her favor and instructing residents where to sign.

Many of the absentee ballots were walked to the polling site, in violation of election law, he charged. He also took issue with Hempstead High School students being driven to the polling site. The high school, for safety reasons, has a closed campus, he noted.

Brewington initially appealed to the state Supreme Court, but a judge found he did not have jurisdiction and that the state education commissioner has the authority to decide the matter.

State Department of Education spokesman Jonathan Burman concurred.

"If he finds that a school district election was improperly held, the commissioner may set aside the election results and/or may order the district to conduct a new election," Burman said yesterday. "However, there is a presumption of regularity in the conduct of school district elections. The burden of proof rests on the person who challenges the results to establish all the facts based upon which he or she seeks to have the commissioner overturn the election results."

King had not received Brewington's petition. It was sent to

Albany yesterday by certified overnight mail, the lawyer said.

The race — for two open seats, elected at-large — drew seven candidates. The one with the most votes was to fill a full three-year term. The candidate with the second-highest number of votes was to serve one year remaining on the term of Waylyn Hobbs Jr., who resigned last year.

Cooke not in question

On the evening of May 20, Ricky Cooke, who ran as a team with Touré, drew the most votes, with 802. His election has not been called into question. Touré was found to have 712 votes to Cross' 691. On May 21, dozens of absentee ballots were counted at a hastily called meeting, and Cross was found by Wright and the school board to have beaten Touré by six votes.

Of the 344 absentee ballots included in the final count, Cross received 172. Cooke did not get any of those votes, and Touré got seven, the district reported.

Cross was sworn in May 21 over numerous objections from Touré's attorney about the votes' validity.

In a separate action, Nassau County District Attorney Kathleen Rice is also investigating,

her office has confirmed. Sources close to the case have said Rice's office confiscated all voting materials and has issued three subpoenas in the matter.

It was unclear yesterday how King could consider the case without reviewing materials now in the district attorney's possession.