

Hempstead schools filing: 'No evidence of voter fraud'

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The Hempstead school district, in its latest filing to the state about a contested school board election, said there is no proof of fraud in connection with a May 20 vote despite a losing candidate's claims.

State Education Commissioner John B. King Jr. will decide the matter in the coming months; he has already ordered Betty Cross -- who lost the vote the night of the election but then was deemed the winner when absentee ballots were tallied -- to step down.

Candidate Maribel Touré and her attorney, Frederick Brewington, filed a petition with the state about the election in June. Austin Graff, an attorney for the school district, said they failed to prove that voting irregularities affected the outcome of the election, violated the electoral process or that voting procedures were so informal and lax that they flouted education law.

At issue are scores of absentee ballots, which were ultimately found to have turned the election in Cross' favor.

"The Petitioners have presented absolutely no evidence of voter fraud, intimidation, or any misconduct, which might warrant the Commissioner's even considering to invalidate the election," or disenfranchise those voters who cast absentee ballots, Graff wrote.

Graff declined to comment further on the case, saying the court filings represent his and the district's stance. He has said the election was carried out lawfully.

In his filing, he said the petitioners failed to

prove that anyone who submitted an absentee ballot was not qualified to do so -- or that voters were made to vote for Cross against their wishes. advertisement | [advertise on newsday](#)

As for former Hempstead High School Principal Reginald Stroughn's claims that Cross asked him before the election to arrange buses to shuttle voting-age students to the polls to cast their ballots for her, Graff said they should be disregarded.

Brewington stands by the claims, presented in an affidavit, adding that it's up to the commissioner to decide the matter.

"It's now in his hands," he said.

Graff said, too, that Brewington failed to name all necessary parties in his petition and that it's unfair to single out Cross, who claimed the highest number of absentee votes by far.

According to the school district's May 21 emergency meeting agenda, Touré received 712 votes on election night compared with Cross' 691. Those totals included six absentee ballot votes for Touré and 144 for Cross.

But a later count added a single absentee vote for Touré, bringing her total to 713, and another 28 such votes for Cross, bringing her final count to 719. With those ballots added, Cross was found to have beaten Touré by just six votes.

Cross was sworn in during a chaotic board meeting a day after the election.

The Nassau County district attorney's office is investigating the election and has issued three subpoenas to the school district in the matter, according to a source close to the case.

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