

JOSEPH A. MASCIA  
47 Marine Drive  
Buffalo, New York 14202

July 19, 2015

Erie County Democratic Committee  
Fillmore District  
Buffalo, New York

Dear Fillmore District Committee-Member:

I am a Democratic Party Committee-Member, and a candidate for City of Buffalo Council-Member in the Fillmore District. I seek your support for the Democratic Party endorsement as Council-Member for the Fillmore District. I am a life-long Democrat, union member, and veteran. I believe in the values and principles of the Democratic Party.

As you may know, the current Council-Member, David Franczyk, received the Democratic Party's endorsement for Council-Member at a meeting of Fillmore District Committee-Members in May of this year. On July 9<sup>th</sup>, Council-Member Franczyk, formally accepted the Republican Party's endorsement and designation for Fillmore District Council-Member. According to the Rules of the Erie County Democratic Committee, Mr. Franczyk forfeited the endorsement of the Democratic Party when he sought and accepted the endorsement of the Republican Party. Clearly, Mr. Franczyk believed that his choice provided a political advantage for his re-election. However, his choice to reject the endorsement of the Democratic Party means that you have an opportunity to endorse a candidate that believes in the Democratic Party and the principles that define us.

I respectfully request that you urge Chairman Zellner to convene a meeting of the committee-persons of the Fillmore District for the purpose of endorsing a candidate for Fillmore District Council-Member at the earliest possible date.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Joe Mascia", with a long horizontal flourish extending to the right.

Joe Mascia

**Note:** This form must be filed with the board of elections on or before July 13, 2015 in order for your designation to be valid. All papers sent by mail in an envelope **postmarked** prior to midnight of the last day for filing shall be deemed timely filed and accepted when received. Failure to file this form by July 13, 2015 will render your designating petition null and void.

**REPUBLICAN PARTY  
CERTIFICATE OF ACCEPTANCE  
(Pursuant to §6-146 of the Election Law)**

**COPY**

To the Erie County Board of Elections:

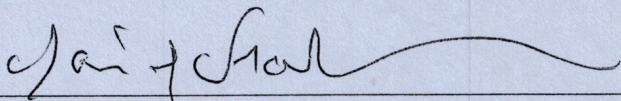
I, **David A. Franczyk**, the undersigned, residing at 858 Fillmore Avenue, Buffalo, New York 14212 in the County of Erie, State of New York, having been designated by the Republican Party as a candidate for the public office of:

**Council Member  
Fillmore District  
City of Buffalo  
County of Erie, State of New York**

to be voted for at the primary election of such party to be held on the 10<sup>th</sup> day of September, 2015, and not being an enrolled member of the party referred to in said designating petition at the time of filing said petition,

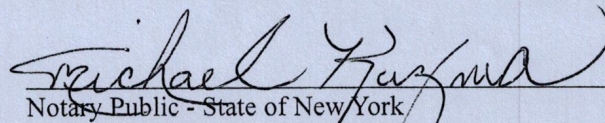

DO HEREBY CERTIFY that I accept the said designation.

IN WITNESS WHEREOF, I have made and executed this certificate on this 9 day of July, 2015.

  
\_\_\_\_\_  
David A. Franczyk

STATE OF NEW YORK )  
COUNTY OF ERIE ) ss.:

On this 9<sup>th</sup> day of July, in the year 2015, before me, undersigned, a notary public in and for said state, personally appeared David A. Franczyk, to me known and known to me, either personally or upon sufficient proof produced, to be the person described in and who executed the foregoing acceptance. Said individual, by me being duly sworn, did duly acknowledge to me that he executed the same and that the content thereof is true.

  
\_\_\_\_\_  
Notary Public - State of New York  
Affix Seal 

**MICHAEL KUZMA  
NOTARY PUBLIC, STATE OF NEW YORK  
QUALIFIED IN ERIE COUNTY  
My Commission Expires Aug. 16, 2017**

A vacancy in the office of Chair shall not cause any of the Vice-Chair to automatically succeed to the office of the Chair unless elected thereto by the Executive committee or the full County Committee. Vacancies of any officers that are filled by the Executive Committee will have the same effect as if the officer was elected by the biennial countywide meeting and will fulfill the unexpired portion of the resigning officer's term of office.

**Section 5.** Where a public or party office or offices are to be voted for by the electors in the county of Erie, whether the office is wholly or partly contained in said County, and the nominations for said office or offices are to be made at an official primary election provided for by the New York State Election Law, a candidate may be recommended for designation and endorsement by the Democratic Party in Erie County or any subdivision or part thereof by a majority vote of the members of the Executive Committee present at a meeting called for such purpose; provided, however, that for any nominating or designating or endorsing recommendation for a public office wholly contained in the City of Buffalo, those members of the Executive Committee representing areas outside of the City of Buffalo as per Section 1 (one) of this Article shall not have a vote for said endorsements, nominations or recommendations. Such recommendations shall be made by a majority vote of the remaining members of the Executive Committee present at a meeting called for by the Chair for such purposes.

The Executive Committee shall have the power to nominate, endorse and recommend for election, the Democratic candidate(s) for the Offices of Member of the House of Representatives, New York State Senator, all County wide elective offices and all City of Buffalo citywide elective offices, including judicial offices.

The appropriate subordinate committee of the Erie County Democratic Committee shall meet at the call of the County Chair and nominate, endorse and recommend for election the Democratic candidate(s) for all Members of the State Assembly, Female and Male members of the State Committee, individual Erie County Legislator(s), City of Buffalo District Council Members and in the cities of Lackawanna and Tonawanda, and all Towns in the County, the respective offices for said Towns, including judicial offices elected in said sub-divisions. For the purposes of nominating, recommending and or endorsing in the various appropriate political unit or subdivision herein above mentioned, the nominating, recommending and endorsing of said candidate(s) shall be determined by a majority vote of the Members of the County Committee of the appropriate political subdivision or unit who are the meeting called for such purposes. Each member of the County Committee attending a meeting for the purpose of making a nominating or designating and endorsing recommendation, or for the election of officers of the subordinate committees, shall cast a vote equal to the total amount of votes cast for the Democratic candidate for Governor in the most recent preceding gubernatorial election held, in accordance with Section 2-104 of the New York State Election Law. A quorum for such meetings shall consist of one third of the total number of Members of the County Committee in the appropriate political unit or subdivision. For purposes of this section, the Official Statement of Canvass published by the Erie County board of Elections shall determine the number of votes each Member of the County Committee is entitled to vote.

A candidate for endorsement or nomination is disqualified from consideration if he or she receives the Republican endorsement, automatically forfeits any Democratic endorsement if he or she subsequently accepts a Republican endorsement, nomination authorization. This sub section does not pertain to judicial offices, city attorney, and traditional town administrative offices.

**Section 6.** The members of the Executive Committee are empowered in accordance with and pursuant to Subdivision 3 of Section 120 of the New York State Election Law, to authorize the designation or nomination of a person as a candidate for any public office not enrolled as a member of the Democratic Party. For the purposes of this section, the members of the Executive Committee shall constitute a party committee within the meaning of the Election Law.

**Section 7.** No rules or by laws established by any subordinate committee of the County Committee may conflict with the rules and bylaws of the County Committee as a whole.

**Section 8.** No member of the Executive Committee, once appointed, may be removed by the Chair. However, any member of the Executive Committee may be removed by the Executive Committee for the reasons specified in Section 2-116 of the New York State Election Law, after notice is given and a hearing upon written charges has been had. The hearing shall be held by the full Executive Committee.