

CITY OF NEW YORK
THE SPECIAL COMMISSIONER OF INVESTIGATION
FOR THE NEW YORK CITY SCHOOL DISTRICT

FILLING IN THE BLANKS:

An Investigation Into The Write-In Votes For Carol Trotta In Community School District 8

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Upon discovery of the suspicious ballots in District 8, Daniel DeFrancesco, Executive Director of the New York City Board of Elections and Kay Amer, Chief Clerk of the Bronx County Board of Elections, immediately brought the information to the attention of this office. We appreciate their prompt action and their cooperation with our investigation.

The allegation was also received by the offices of Robert T. Johnson, District Attorney of Bronx County and Mary Jo White, the United States Attorney for the Southern District of New York. We gratefully acknowledge the cooperation received from both those offices. In particular, we thank Assistant District Attorney Richard Best and Detective Joel Poccia from Bronx County and Assistant United States Attorney Martin Siegel and Senior Investigator Sheila Thomas from the Southern District of New York.

Within this office, the investigation was conducted under the guidance of Chief Investigator Thomas Fennell, Deputy Chief Investigator Thomas Comiskey and Supervising Investigator Santiago Martinez. Investigators Richard Iannozzi, Joseph Piwowarski and Eric Anahory provided invaluable assistance with the investigative field work.

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INTRODUCTION

The 1996 Community School Board Election held on May 7, 1996, produced a voter turn-out so low that in one district, a successful candidate needed a mere 125 votes.¹ Given the low turnout, even a handful of corrupt votes could influence the outcome. Indeed, in Community School District 8 in the Bronx, more than one hundred suspicious -- and in some instances outright fraudulent -- votes were cast through a variety of methods. The beneficiary of these schemes was write-in Carol Trotta who was elected easily after the first round of ballot counting -- with votes left over to share with other candidates.²

District 8, located primarily in the east Bronx,³ has had the same superintendent, Max Messer, for more than twenty years.⁴ Although Messer's presence created some stability within the district, in recent times, the membership of Community School Board 8 has been raucously divided.

The previous Board, elected in 1993, had a majority voting block that included member Carol Trotta. According to Trotta, she found the position extremely time consuming and was disillusioned by the fact that local community organizations were constantly at odds with the Board over issues that did not concern students and schools. As a result, she decided not to be a candidate in the Community School Board Election being held in May 1996. Trotta hoped her seat would be filled by an interested individual who could

¹ Community School District 12 in the Bronx.

² The Community School Board Election uses a proportional voting system. Thus, excess votes for candidate number one are transferred to candidate number two, and so on.

³ District 8 includes the Castle Hill, Unionport, Soundview, Throgs Neck, and Hunts Point sections of the Bronx.

⁴ Messer has announced that he will not seek to be re-hired when his contract expires at the end of this school year.

devote a large quantity of time to the board. Trotta did not file a nominating petition.

However, her decision not to run caused problems for those board members with whom she was aligned. Without Trotta as a candidate, they had no hope of winning "the five:" those seats that would be the majority faction on the board. To make matters worse for the Trotta camp, Mothers on the Move ("MOM"), an active parents' group in the district, was making a concerted effort to win the majority block this election. The MOM candidates were strong advocates for the Hunts Point section of the district -- a minority community located in the south Bronx -- where they were based. According to Trotta, the majority of the 1993 elected school board worked for the entire district, and she feared that a MOM-run board would shift the focus to only the Hunts Point area of the district.

Trotta gave into these fears with some persuasion by James Vacca, the District Manager for Community Planning Board #10, and entered the race as a write-in candidate.⁵ She was elected easily and with other winners Lynn Gerbino, Anne Schuster, Edda Cerbini and Julia Rodriguez, had "the five" needed to control Community School Board 8.

Trotta's backers apparently could not resist some insurance votes in the Throgs Neck section of the district -- a predominately white community -- which is her home territory. Opposition candidates, including MOM members, scrutinized Trotta's ballots as they were being counted and became suspicious. This office was called in to investigate. Our findings are detailed below.

⁵ Trotta told us that she was also influenced by current and former board members Lynn Gerbino, Anne Schuster, Ciro Guerra, and Ernesto Munoz. Vacca told Trotta that her replacement candidates had all backed out and they were in danger of losing the majority to "the MOM element from Hunts Point."

HOW TO RUN A "SUCCESSFUL" WRITE-IN CAMPAIGN

Just under four thousand ballots were cast in District 8 during the 1996 Community School Board Election. Of those, 1644 included a vote for write-in candidate Carol Trotta. An initial visual inspection of those ballots raised the suspicion that the same person may have written "CAROL TROTTA" on more than one ballot. A subsequent analysis by a handwriting expert found that more than one hundred of the write-ins "were the product of common writers and not individual writers." Furthermore, a canvass of voters confirmed that fraudulent votes were cast and others were the result of improper electioneering.

Scheme Number One: the write-in candidate already on the ballot

At the District 8 poll site located at the Senior Citizens Housing at 3033 Middletown Road, Trotta's name was handwritten onto the ballot as if she were one of the nominated candidates. This is obviously a significant benefit to someone running as a write-in candidate. One voter, not realizing that "CAROL TROTTA" had already been written in on the ballot she was handed, wrote "TROTTA" in a second time.

This insertion of Trotta's name onto a ballot before it reached the voter, was not an isolated incident. Voter after voter at that site received a ballot with "TROTTA" already written in. Now that she was on the ballot, Trotta's supporters merely had to find ways to get voters to choose her.

Marie Pennini and Christina La Forgia were Board of Elections inspectors for the polling site at that location. These women told investigators that they "thought that Trotta should be on the ballot," because "they overheard" James Vacca tell someone that she had been

left off, so they wrote her on prior to giving ballots to voters.⁶ In fact, Pennini and La Forgia admitted occasionally placing "1" next to Trotta's name before giving the ballot to the voter. Their explanation for unilaterally committing such blatant election fraud is not worthy of belief. However, whatever their true motivation, their efforts were successful: thirty out of thirty ballots cast at their poll site included votes for Trotta, twenty-nine of those bearing common authorship of her name.⁷

Scheme Number Two: decide for the voter

Nancy Trotta, Carol Trotta's former mother-in-law, was a poll inspector at ED42/AD82 which was housed in the same location as other District 8 polling sites. Connie Tuttle, a poll inspector at an adjoining site, heard Nancy tell voters -- as she handed out ballots -- to write in Carol because she was not listed as a candidate, and to vote for her.⁸ A canvass of voters revealed that the improper electioneering at that location went beyond verbal instructions, and in some instances Trotta's name was already written on the ballot before distribution to the voter.

⁶ Pennini said Vacca was not speaking to her directly and never told her to write in the name. La Forgia took over for Pennini when she went to lunch.

⁷ Although clearly visible to even the untrained eye, an expert in the field of handwriting analysis reviewed these ballots and determined that nineteen were written by one individual, another ten were written by a second individual and one was prepared by a third individual.

⁸ Another poll inspector, Marilyn Ferrante, heard "other workers," recommending that Trotta be written in, but she refused to name these workers. Ferrante also told us that most voters entered the site with a palm card instructing them to write in Trotta.

Scheme Number Three: instructions with the ballot

When Marie Romando arrived at Public School 71, her polling site in Community School District 8 in the Bronx, to vote on May 7, 1996, the poll inspector handed her a ballot along with a palm card while saying, "here, if you want to know how to vote."⁹ Having been a poll worker in other elections, Romando knew such electioneering was completely improper, and illegal. As she approached the chairperson in charge of the site, Robin Iocono, to file a complaint, Romando was greeted with: "I hope you voted for Trotta." Now completely appalled by this blatant display of favoritism, Romando went to Michael Benedetto, a Bronx Democratic Party leader for the 82nd Assembly District,¹⁰ who told her: "Don't worry about it." Still not satisfied, Romando went to James Vacca who responded: "Not to worry, Marie."¹¹

Romando could not recall if "TROTТА" was pre-printed on her ballot. However, our investigation uncovered ballots from her site which, while not including a vote for Trotta, included her handwritten name. Furthermore, other voters at that site clearly remembered that Trotta's name was written on the ballot when they received it. One of these voters confirmed Romando's experience, calling the process "sloppy and corrupt."

⁹ A palm card is a standard campaign tool. The card, which can be taken into the voting area and often is sized to fit in the palm of the hand, recommends the candidate(s) whom the voter should select. In a school board election it is used to show the preferred candidates and the order in which they should be ranked.

¹⁰ Benedetto, a special education teacher for the Board of Education assigned to PS 160 in District 11 in the Bronx, told investigators from this office that Romando did not make the complaint to him until about a month later, and that their conversation took place at the Chippewa Democratic Club.

¹¹ Vacca was interviewed by investigators from this office and confirmed that Romando made a complaint to him, but added that she did not include Trotta's name being pre-printed on the ballot. However, Vacca was told by two other voters that Trotta's name had been written in.

Scheme Number Four: if all else fails...

Apparently, manipulating the ballots of voters who showed up at the polls was not enough. Votes were cast for those who stayed away as well.¹²

Mary Tampori is a registered voter in ED54/AD82 within the confines of District 8. Although on May 7th Tampori was out of New York City on a cruise, the poll book contains "her signature" and a ballot was cast in her name.

Leonard Bonnano -- whose mother, Marie, was a poll worker with Pennini and La Forgia, the poll inspectors who admitted to investigators that they placed Trotta on the ballot¹³ -- told our investigator that he did not vote, despite the fact that "his signature" appears in the poll book. Marie Bonnano initially asserted that her son did not cast a ballot in the school board election, but as the investigation proceeded, she became uncertain about his voting status. However, Leonard remained certain that he did not vote.

The Result

Similar schemes were repeated in several other polling sites in District 8: all to Trotta's benefit. In all, she received 1644 votes, of which 601 contained her name as the number one choice.¹⁴ The successful District 8 candidate needed 388 votes to win; thus

¹² We have not determined the author(s) of these forgeries.

¹³ Marie Bonnano, a school crossing guard, did not arrive at the poll site until about 9:00 a.m. According to Bonnano, by that time Trotta's name had already been written on the ballots. Bonnano did not question the other poll workers. After this investigation became known, Pennini confronted Bonnano in the street and tried to convince her that she had seen only sample ballots with Trotta's name written in. However, Bonnano remains certain that she saw the actual ballots.

¹⁴ We note that many of the voters we canvassed voluntarily wrote in Trotta's name without coaching.

Trotta was elected in the first round of counting and 213 extra votes were distributed to other candidates under the rules of proportional voting.¹⁵ At least one hundred of the ballots that include Trotta as a write-in are suspect, if not outright fraudulent.

Trotta was interviewed by investigators from this office and denied any knowledge of the fraud committed on her ballots. Trotta contended that she did little to campaign on her own behalf and that "no one was more surprised" than she to learn the number of write-in votes she received. However, given the considerable amount of ballot corruption of which she was the beneficiary, it is difficult to accept that Trotta was kept completely in the dark by her supporters.

The criminal conduct outlined here has been referred to the District Attorney of Bronx County. The evidence has also been referred to the Civil Division of United States Attorney's Office for the Southern District of New York for review pursuant to the Voting Rights Act of 1965.¹⁶

¹⁵ On June 20, 1996, we notified the Chancellor that we had found "significant evidence of ballot tampering on behalf of Carol Trotta." We urged him to consider our early findings in deciding whether to seat Trotta. Carol Trotta was sworn in with the other winning candidates.

¹⁶ 42 U.S.C. §1973.

CONCLUSION AND RECOMMENDATION

Although our investigation did not uncover direct wrongdoing by Carol Trotta, her vote total included many ballots which were fraudulently cast. While it may seem unfair to penalize Trotta for the seemingly independent acts of others, at the same time the candidates who played by the rules and lost should not see this conduct go unpunished. Some might argue that Trotta would have been elected without the corrupt ballots. Whether or not that is the case, fraud must be discouraged, and a substantial amount of fraud was committed to get Carol Trotta elected. Furthermore, where there is clearly as much demonstrable cheating as was uncovered by this investigation, it is difficult to rule out the possibility that other votes were also obtained illegally. Thus, the better public policy is to find that Trotta was not duly elected. We therefore support the federal law suit filed by Mary Jo White, United States Attorney for the Southern District of New York. Regardless of the outcome of that suit, however, we recommend that the Chancellor immediately remove Carol Trotta from her position on Community School Board 8.