

# **RI STATE BOARD OF ELECTIONS**

## **MINUTES OF MEETING**

**AUGUST 11, 2004**

**The Rhode Island State Board of Elections met this day at 3:40 p.m.. A quorum included Chair Roger Begin, Vice Chair Thomas Iannitti, Commissioners Judith Bailey and Frank Rego. Executive Director Robert J. Fontaine and Counselor Raymond Marcaccio were in attendance, also.**

**The purpose of the meeting: to review and consider Board rules, policies and advisory opinions including, but not limited to AO #95-01 and 96-01, as they relate to recently enacted legislation with regard to the November 2, 2004 ballot question relating to gambling (see attached agenda).**

**Chair Begin commenced the meeting by stating the following:**

- the Board would revisit AO #95-01 and 96-01;**
- that today's meeting was not a formal hearing;**
- the meeting would be opened to allow for comments;**
- Counselor Marcaccio would offer legal comments; and**
- Director Fontaine would present the facts to the Board.**

**With this, Director Fontaine presented S-2338 SUB A and H-7844 SUB A to the Board for its review regarding financial reports and disclosure requirements. The Director asked that the Board authorize**

him (Director) to present certain revised reporting forms to the Members at the next meeting of the Board. Vice Chair Iannitti made a motion to adopt the forms, subject to the Chair's approval. Commissioner Rego seconded the motion. The motion carried without opposition.

At this time, the Board commenced its review of AO #95-01 and 96-01. Director Fontaine recounted the events and correspondence from the various organizations that lead to the Board's adoption of AO #95-01 and the Board's reversal of the decision with the adoption of AO #96-01 (see attached correspondence and opinions).

Upon completion of the Director's presentation, the Board held a brief discussion on the merits of AO #95-01 and 96-01. With regard to ballot questions and AO #96-01, several of the Members remarked that this (opinion) appears to circumvent the law by allowing multiple corporations to get together and become one, single corporation. The Members agreed that the public has the right to know who is in this "single" corporation and what each corporation is spending. The Board called for actual, full spending disclosure by each corporation. (Note: Advisory Opinion #96-01 does not impose such requirements.)

At this time, the Board entertained questions from members of the public. Several persons ACLU Executive Director Steven Brown, Terrance Fracassa representing Harrah's and the Narragansett Indian Tribe, Keven Horan representing Newport Grand

## **R. I. Board of Elections**

### **Minutes of Meeting**

**8/11/04**

**Page 2**

**Alai and other members of the public took the opportunity to address the Board. (Note: See attached communications on the matter received by the Board).**

**At this time, Chair Begin asked for comments, suggestions and recommendations from the Members and Executive Staff:**

**- Counselor Marcaccio remarked that AO #95-01 came about because the Chamber of Commerce was a longstanding, non-profit entity not formed solely for the purpose of advocating a ballot question. With the adoption of AO #96-01, advocates (corporations) can work in concert with one another and form a single corporation after they know the ballot question(s);**

**- Chair Begin offered that AO #96-01 is allowing corporations to do what the Board did not intend for it to allow. The Chair remarked that AO #96-01 has become a perversion and added that he would like to see the opinion (96-01) rescinded;**

**- Counselor Marcaccio remarked that any decision that the Board gave to the public based on AO #96-01 would needed to be rescinded, if the Members voted to reinstate AO #95-01; and**

**- Vice Chair Iannitti and Commissioners Rego and Bailey called for**

**the reinstatement of AO #95-0. They agreed that all should be able to know who is advocating for or against on gambling issues.**

**With no further comments, suggestions and recommendations, Chair Begin asked that a motion be made reinstate AO #95-01, to rescind AO #96-01 and to rescind any opinion that relies on AO #96-01. Vice Chair Iannitti made the motion, seconded by Commissioner Bailey. The motion carried unanimously.**

**At this time, the Board held a brief question and answer period with members of the public regarding PACs, legitimate funding of campaigns, contribution limitations and requirements mandating casino advocates to register with the Secretary of State. Counselor Marcaccio acknowledged that he would respond, in writing, to those organizations/persons (Newport Grand Jai Alai and the firms of Christopher Boyle and Holland & Knight) who sent communications to the Board.**

**At 4:55 p.m. and with no further discussion on the matter, Chair Begin declared this portion of the meeting concluded. The Board took a 5-minute break before taking-up the remainder of the agenda.**

**The Board reconvened its meeting with a discussion of the Board's requirements for the conduct of the November 2, 2004 General Election. Director Fontaine remarked that there will be twenty state questions on the ballot. Some cities/towns will require as many as**

**three ballots (six pages) per voter to accommodate all of the state and local questions.**

## **R. I. Board of Elections**

### **Minutes of Meeting**

**8/11/04**

**Page 3**

**The extra ballots/questions will be cause for concern in several areas:**

- the estimated cost to print the additional ballots is \$90,000;**
- the blue bins will need to be changed once the capacity reaches 1,200 ballots;**
- a second bin must be purchased and sent to each polling precinct;**
- polling officials will need to remove the counter from the full blue bin and place it on top of the second bin;**
- more privacy booths will be needed at an additional cost; and**
- most voters will take longer to vote.**

**At this point, Chair Begin queried if there is a limit or law governing the number of questions allowed at any one time. No one knew of any such limit or the talk of the federal or state government instituting limits.**

**Going forward, Director Fontaine discussed the possibility of**

**setting-up a rotating schedule for the Members with regard to the testing of voting equipment and election-day staffing. (Note: Four members constitute a quorum.)**

**At this time, Director Fontaine updated the Members on pending matters before the Board with regard to its August 20, 2004 meeting.**

**At 5:05 p.m. and with no other matters before the Members, Chair Begin asked that a motion be made to adjourn for the day and to reconvene the Board on August 20, 2004. Commissioners Bailey and Rego made and seconded the motion, respectively. The motion carried unanimously.**

**ATTEST: Frances A. Keating  
Coordinator, Special Projects  
8/23/04**