

**STATE BOARD OF ELECTIONS
MINUTES OF MEETING (HEARINGS)
SEPTEMBER 21, 2004**

The Rhode Island State Board of Elections reconvened at 10:55 a.m. A quorum included Chair Roger Begin, Vice Chair Thomas Iannitti, Commissioners Judith Bailey, John Daluz, Frank Rego and Ray Xavier. Acting Executive Director George Bowen and Counselor Raymond Marcaccio were in attendance, also.

Chair Begin commenced the meeting by stating that the purpose of the meeting was to hold hearings as requested with regard to the September 14, 2004 primaries held in the City of Cranston.

With regard to the first request made by Thomas Izzo concerning the race for State Senate, District 26 (Democrat):

Vice Chair Iannitti declared that Mr. Izzo had qualified for a reread of the memory packs used on primary day. The BOE staff and local board reviewed the number of votes cast by machine, mail and provisional ballot. Upon conducting an exhaustive accounting of the three ballot categories, especially, those cast by provisional ballot in the District 26 race, the Executive staff presented its findings to the Board. The staff determined that Mr. Izzo trailed his opponent by more than 2%; thus, Mr. Izzo qualified for a reread instead of a re-feed of the ballots cast on September 14th. (Note: The final total was Izzo

675; Lanzi 715.)

Chair Begin asked if any one wished to address the Board. Carolyn Mannis, Counselor for Mr. Izzo, asked to be heard. Ms. Mannis expressed deep concern over the way voters were allowed to cast and the local board's certified the provisional ballots. She worried that possible irregularities had affected the outcome of the District 26 race. Ms. Mannis asked that the Board conduct a hand-count and suggested that a large number of voters may have been disenfranchised when they voted their (provisional) ballot. She spoke about several issues such as voters receiving blue (Democrat) applications and then given a Republican ballot; the ten unrecorded provisional ballot envelopes that were empty; 66 voters who should have been given blue ballots, not yellow; voters who did not receive the proper information when casting a provisional ballot; and voters voting in the wrong districts.

At this time, Vice Chair Iannitti remarked that the Board watched the entire (tabulation) process and that based on the work of the BOE staff, the Members heard and saw nothing that would change the outcome of the accounting and election.

Commissioner Rego offered that (with provisional ballots) no voter was turned away and prevented from voting in the city. Having said this, Commissioner Rego made a motion to certify the results of the Senate District 26 race.

Ms. Mannis addressed the Board. She expressed concern that the (provisional voting) record/chart prepared by BOE staff clearly shows problems. She requested an investigation to determine what the problems were and what happened on primary day.

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At this time, Counselor Marcaccio referred to state statutes and rules adopted by the Board with regard to recounts and the 2% vote-difference threshold. The Board may make exceptions to the statute such as in the case of fraud. However, in the absence of fraud, the Board stays firm with the 2% threshold. Having said this, Mr. Marcaccio offered that in light of the fact that there was no evidence of fraud and that no voter came forward to say that he/she had been disenfranchised, Counselor Marcaccio recommended that the Board of Elections uphold the results of the September 14, 2004 primary.

Attorney Mannis continued to press forward for an investigation into the casting of the provisional ballots before the Members declared the winner of the District 26 race. However, in the absence of evidence of fraud and/or disenfranchisement of any voter, Commissioners Rego and Bailey made and seconded, respectively, a

motion to authorize the Board of Elections to declare Beatrice Lanzi the winner of the September 14, 2004 Democratic Primary for State Senate, District 26. The motion carried without opposition.

With regard to a hearing for Randall Jackvony, Cranston City Council, Ward 4 (Republican):

The Board asked that the record show that Mr. Jackvony and/or his representative was not present at this time. With this, the Board dismissed any request for a hearing that may have been filed.

At 12:05 p.m. and with no further discussion on the matter, the Members unanimously agreed to adjourn for the day.

ATTEST:

Frances A. Keating

Coordinator, Special Projects