

RI STATE BOARD OF ELECTIONS

MINUTES OF MEETING

NOVEMBER 29, 2004

The Rhode Island State Board of Elections met at 10:00 a.m. A quorum included Chair Roger Begin, Vice Chair Thomas Iannitti, Commissioners Judith Bailey, Florence Johnson, Frank Rego and Raymond Xavier. Acting Executive Director George Bowen, III and Counselor Raymond Marcaccio were in attendance, also.

First Order Of Business: The Board assembled in the building's lower level to test optical scanners to be used in the December 7, 2004 Warwick Special Election. Upon completion of the testing, the Board declared the voting equipment ready for delivery.

Next Order Of Business: At the written request of Tiverton Town Council Member Cecil E. Leonard, the Board conducted a recount of town charter amendment question number nine (9) in the Tiverton Special Election held on November 16, 2004. Upon completion of the recount (no change), the Board directed the Tiverton Board of Canvassers to certify the results of the election.

Next Order Of Business: The Members were about to move to convene into executive session for an update on pending litigation, ACLU, et al. v. State Board of Elections, United District Court, C.A., No., 04-487T; and/or to discuss the status of a reasonably anticipated

lawsuit when Vice Chair Iannitti asked if anyone objected to hearing the Acting Director's Report before convening into executive session. No Member objected to the change in the agenda.

At this time, Mr. Bowen reported on the following:

„h the agency's budget and titles for line items;

„h the approaching end of the contract with Election Systems and Services (ES&S):

„h the filling of several vacant positions;

„h the use of HAVA monies to offset staff or equipment (i.e. scanner) costs;

„h salary and schooling schedules for staff members;

„h legal services/expenses;

„h the need for on-sight technicians when tabulating;

„h the possibility of using HAVA monies to hire independent counsel, if the agency is forced to do something that is court mandated;

„h changing campaign finance reporting dates;

„h the creation of the term „pending“ with regard to campaign finance filings; and

„h policy issues with regard to a clarification of duties/responsibilities/rolls for Commissioners and staff.

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Upon thanking the Acting Executive Director for his report, Chair Begin asked for discussion, comments and recommendations from the Members and executive staff.

With regard to the filling of vacant positions: Acting Executive Director Bowen reported that the BOE has three vacant positions. The positions include a receptionist (administrative), clerk (campaign finance) and Executive Director. The Board directed Mr. Bowen to prepare the paperwork to fill the positions of receptionist and clerk. In an effort to conserve (budget) monies, the Members agreed to delay the filling of the Executive Director's position.

With regard to changing campaign finance reporting dates: Vice Chair Iannitti suggested that the Board address the issue of the 28-day campaign finance post election report. The Vice Chair offered that this particular report has no significance and that it only puts more pressure on the staff. With this, Chair Begin remarked that legal counsel is in the process of working on a change in law that would eliminate said filing requirement.

With regard to the creation of the term "pending" concerning

campaign finance filings:

BOE staff members will now have 10 days to upload financial reports into the computer system once the reports are received and time-stamped by the agency. The status of a candidate or PAC's account will be considered "pending" until the filing is uploaded. (Note: Previously, accounts were recorded as "delinquent" until they were uploaded into the system.)

With regard to budget titles for line items: the Board asked the Acting Executive Director to write to "Budget" to receive permission to change several of the titles of some line items for this agency. The Members would like the titles to appropriately reflect the type of goods purchased by the Board of Elections.

With regard to policy issues and a clarification of duties/responsibilities: The Members agreed that the Board needs to discuss, further, who should/should not be able to speak to the media on behalf of the Board. The Members agreed that it is inappropriate for staff members to offer unauthorized comments to the media. Additionally, the Board discussed who may place matters for discussion on the Board's agenda.

Next Order Of Business: Citing RIGL § 42-46-5(a)(2), the Board voted to convene into

executive session to discuss: pending litigation, ACLU, et al. v. State Board of Elections, United District Court, C.A., No., 04-487T; and/or to

discuss the status of a reasonably anticipated lawsuit. The motion, made by Vice Chair Iannitti and seconded by Commissioner Bailey, carried unanimously. With this, Counselor Marcaccio presented the matters for the Board's discussion.

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At approximately 12:15 p.m., the Board voted to close the executive session, to seal the minutes and to go back into open session. Commissioners Bailey and Xavier made and seconded the motion, respectively. The motion carried without opposition.

Upon the Board reconvening in open session, Vice Chair Iannitti made a motion to have the records show that there was no formal action taken at this time on the issues discussed in the executive session and that the Board will continue to discuss said issues at a later date. The motion, seconded by Commissioner Xavier, carried without opposition.

At 12:20 p.m. and without further discussion, Chair Begin asked that a motion be made to adjourn for the day and to reconvene on

December 7, 2004 at 10:30 a.m. to conduct a recount of ballots cast in the Town of Tiverton, to review and certify mail ballots cast in the City of Warwick and to discuss any other matters before the Board. Commissioner Johnson made the motion, seconded by Commissioner Bailey. The motion passed without opposition.

ATTEST:

Frances A. Keating, Coordinator, Special Projects