

R. I. STATE BOARD OF ELECTIONS

MINUTES OF MEETING (OPEN SESSION)

January 25, 2005

The Rhode Island State Board of Elections convened its 9:30 a.m. meeting with Chair Begin declaring that a quorum was present. With regard to the minutes, an audio review of a tape made during the meeting appears to indicate the following:

- A quorum consisted of Chair Begin, Vice Chair Iannitti, Commissioner Rego and Commissioner Xavier. Acting Executive Director George Bowen and Attorney Raymond Marcaccio were present, also;**
- With regard to the first order of business, the Commissioners approved several minutes of the Board (see agenda for dates);**
- With regard to the next order of business, Chair Iannitti reminded all present of the Board's decision on 10/5/04 not to offer anymore "deals" on campaign finance fines (waiving of the additional \$2.00 per day late fees) and that the amnesty deadline (of August 29, 2003) had passed. All members voiced their agreement with the Vice Chair;**
- With regard to the next order of business, the Board reviewed and discussed performance and maintenance issues with regard to the optical scan voting equipment used during the 2004 election cycle.**

Representatives from Elections Systems and Software (ES&S) and board staff were available to participate in the meeting. The discussion included the difficulties occurring with the software/reading of two and three-page provisional ballots and mixed edit codes, an understanding of the chain of command when reporting problems with the equipment, the necessity for on-site technicians to service counting machines that may break down and the need for a permanent tally area to count ballots. Although the software and election did present some challenges, representatives from ES&S confirmed that all ballots were read correctly;

- With regard to the next order of business, the Board discussed a request for an advisory opinion from Jeffrey Caron, a resident and elector from the Town of Tiverton. Mr. Caron wrote the Board with regard to school committees forming PACs. Attorney Marcaccio suggested that Mr. Caron's letter might be viewed by some as a complaint and that this was not the proper forum to discuss a violation. He (Marcaccio) then offered to view the letter as a request for guidance and to send Mr. Caron an advisory opinion in seven to ten days. Attorney Marcaccio added that the Board would not need to vote on the advisory opinion;

- With regard to the next order of business, the Board accepted a report from Mr. Bowen on the three public meetings regarding the elections process held from 7:00 p.m. to 8:00 p.m. on 12/22/04, 1/12/05 and 1/20/05 in the local communities of West Warwick, Providence

and East Providence, respectively. The Members agreed that the meetings were very beneficial and helpful in understanding some of the concerns

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of the public with regard to the election process. Some of the topics discussed included the uneven application of rules and procedures, the responsibilities of the Board of Elections/Office of the Secretary of State/local boards, training of polling officials, 50-foot rule, duties of poll checkers and the proper/improper use of sample ballots;

- With regard to the next order of business, on a motion made and seconded by Commissioners Rego and Xavier, respectively, the Board approved a request by the Central Falls Board of Canvassers to change the date for the municipal primary from October 4, 2005 to October 6, 2005 due to the observation of a religious holiday;

- With regard to the next order of business, the Board agreed that the first step in discussing the Chief of Staff position would be to circulate a job description of said position amongst the Commissioners before setting an advertisement date. The substance of individuals and timetable for choosing a candidate could be

discussed and set during the workshops that would be open to the public;

- With regard to the next order of business, Attorney Marcaccio presented the Board with an update regarding the status of the lawsuits pending in superior court for unpaid fines against several persons/organizations (see agenda for list). Fielding questions from the Members, Attorney Marcaccio explained the civil procedure in place to enforce Judge Procaccini's judgments against the defendants and collection of monetary fines. Although the enforcement/collection process is lengthy, Mr. Marcaccio remarked that the attachment of wages and property liens are a real possibility. At this point, Mr. Bowen offered that the RI Ethics Commission is interested in information and cases before the Board and Superior Court with regard to non-compliance and failure to remit reports and fines by candidates/organizations. The Members agree the two agencies may share information or cooperate with each other as long as the information is not confidential or part of an investigation;

- With regard to the next order of business, the Acting Director offered a status report on a complaint filed by Carolyn Petreccia against Patricia Serpa and Daniel Burns. Mr. Bowen indicated that a letter had been sent out from Mr. Marcaccio and that the Attorney in the matter agreed to communicate with Attorney Marcaccio. (Note: See letter of recusal in the matter by Vice Chair Iannitti.);

With regard to the next order of business, Vice Chair Iannitti recommended that the Board change the order of the agenda; that is, to receive the Acting Director's Report and the Chairman's Report before going into executive session. The Members agreed with the Vice Chair. With this, Mr. Bowen spoke of a meeting schedule that would include meetings at 9:30 a.m., timely quarterly/yearly budget reports to the Board and legislature, Board appearance before House and Senate Fiscal Committees with

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regard to budgetary matters, the indexing of rules, regulations and advisory opinions adopted by the Board, changes in staff assignments and seating arrangement, compensatory time reports, updating the campaign finance manuals, procedures and electronic reporting tracking system (ERTS), updates to the buildings heating/cooling system, reimbursement of monies to the Board of Elections that must be turned over to the general funds account and discussion on the difference between an employee who leaves state service due to a firing and one who submits a letter of resignation;

- With regard to the next order of business, Chair Begin began the Chairman's Report by commending Vice Chair Iannitti for his initiative

in getting the public involved in election matters. Going forward, the Chair offered that he is in the process of writing a piece for a press conference to address some of the pressing issues before the Board. The Chair made the following three recommendations: first, organize an advisory board (diversified group of persons) that would be chaired by Vice Chair Iannitti and would meet, perhaps, twice a year; second, put together a “task force” that could go to the legislature to obtain a clarification of the “Chamber of Commerce” opinion; and last, but not least, Chair Begin recommended that the Board invite the Auditor General and others, perhaps, strong, internal accounting firms (working free of charge and in an advisory role) that could review the internal business practices of this agency and make any necessary recommendations. When asked about a timetable for the press conference and the submission of names for the advisory board, task force and accounting firms/persons, Chair Begin offered that the press conference could be held in seven to ten days; the gathering of names would come sometime after the press conference; and

- With regard to the next order of business, Vice Chair Iannitti cited RI Gen. Laws 42-46-5 (a) and 42-46-5(a)(4) and made a motion to go into executive session to discuss four (4) different matters before the Board. (Note: See agenda for specific matters.) The motion, seconded by Commissioner Rego, passed unanimously.

Submitted by,

Frances A. Keating

Coordinator, Special Projects

(Note: Minutes approved 5/12/06 meeting)