

R. I. STATE BOARD OF ELECTIONS
MINUTES OF MEETING (Open Session)
November 24, 2008

The Rhode Island State Board of Elections convened at 4:00 PM, a quorum included Commissioners Martin Joyce, Richard Pierce, Vice Chairman Frank Rego, and Chairman John Daluz. Executive Director Robert Kando and Board Attorney Raymond Marcaccio were also in attendance.

First order of business: Commissioner Joyce moved to certify the state results for the November 4, 2008 General Election seconded by Commissioner Pierce. The motion passed unanimously.

Next order of business: The Board conducted a count of the ballots returned as unvoted or over voted for the recount in the E. Greenwich Town Council race. After review of the ballots, Commissioner Joyce moved to direct the E. Greenwich BOC to certify the race and issue a certificate naming Mr. Richard P. Buonauro as the winner. The motion was seconded by Commissioner Pierce and carried unanimously.

Next order of business: The Board conducted a count of the ballots returned as unvoted or over voted for the recount in the Burrillville School Committee race. After review of the ballots, Commissioner Pierce moved to direct the Burrillville BOC to certify the race and issue a certificate naming Debra L. Stockwell the winner. The motion was seconded by Vice Chairman Rego and carried unanimously.

Next order of business: The Board conducted a count of the ballots returned as unvoted or over voted for the recount in the Portsmouth Town Council race. After review of the ballots, Commissioner Joyce moved to direct the Portsmouth BOC to certify the race and issue a certificate for James Arthur Seveney as the winner. The motion was seconded by Vice Chairman Rego and carried unanimously.

Next order of business: The Board conducted a count of the ballots returned as unvoted or over voted for the recount in the Tiverton Town Treasurer race. After review of the ballots, Vice Chairman Rego moved to direct the Tiverton BOC to certify the race and issue a certificate for Philip A. DiMattia as the winner. The motion was seconded by Commissioner Joyce and carried unanimously.

Next order of Business: A hearing to request a new election for the Smithfield Town Council race of November 4, 2008 General Election by candidate Bernard Hawkins who placed sixth in the elect five race for town council. Attorney Angel Tavares represented Bernard Hawkins and Attorney Armando Batastini representing Maxine Cavanaugh.

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Mr. Tavares noted that a candidate named DiIorio had withdrawn from the race and that the ballots used in the morning had erroneously contained his name and that a second set of ballots, without the name DiIorio were used later on Election Day. He argued that the use of two ballots was improper and a new election should be ordered.

Mr. Batastini, citing R.I.G.L. 17-15-38, argued that the statute contained language that when a candidate withdraws and his name appears on the ballot, his vote shall not count and a new election is not necessary. After some discussion, Commissioner Pierce, citing the language of 17-15-38 motioned to deny the request for a new election; Commissioner Joyce then seconded the motion. The motion passed 3-1 with Vice Chairman Rego dissenting.

Next order of business: The Board conducted a count of the ballots returned as unvoted or over voted for the recount in the Smithfield Town Council race, reviewing the ballots with the name DiIorio and then reviewing ballots without the name DiIorio. After review of the ballots, Commissioner Peirce moved to direct the Smithfield BOC to certify the race and issue a certificate for Bernard Hawkins as the winner. The motion was seconded by Commissioner Joyce and carried unanimously.

At 10:15 PM Chairman Daluz motioned to adjourn. The motion was seconded by Commissioner Pierce and passed unanimously.

Andreza Skipworth