

**R. I. STATE BOARD OF ELECTIONS**  
**MINUTES OF MEETING (Open Session)**  
February 7, 2008

The Rhode Island State Board of Elections convened at 3:40 PM a quorum included Acting Chairman Thomas Iannitti, Commissioners Florence Gormley, Raymond Xavier, and Frank Rego arriving at 3:45 PM. Executive Director Robert Kando and Attorney Raymond Marcaccio were also in attendance.

First order of business: Commissioner Xavier moved to approve the minutes of the meeting dated 12/26/07 and seconded by Commissioner Gormley. The motion passed unanimously.

Next order of business: Hearing on proposed rules and regulations for polling places-cell phones and surveillance equipment prohibited, presented by Executive Director Robert Kando. After a brief discussion with the board Acting Chairman Iannitti requested that anyone in the audience interested in commenting on this subject please come forward. Howard Merten, Partridge Snow & Hahn LLP representing the Providence Journal stated four concerns 1. Adopting this regulation will irreparably destroy a valuable historical record. 2. There is no need for this proposed regulation. 3. The proposed regulation improperly interferes with constitutionally protected news gathering functions. 4. The proposed regulation is overbroad and not narrowly-tailored to meet the concerns identified. Steven Brown, ACLU, stated that a ban may not be appropriate because this type of documentation may help people in terms of dealing with election law violations. Greta Abbot, Lobbyist for League of Women Voters of RI opposed the proposed changes to the regulations stating concerns that the rules and regulations as proposed may be unnecessarily broad and restrictive. After further discussion Commissioner Gormley motioned to table this matter for further discussion, and the motion was seconded by Commissioner Daluz, and passed unanimously.

Next order of business: Hearing on proposed rules and regulations for polling places-Electioneering prohibited presented to the Board by Executive Director, Robert Kando. Steven Brown, ACLU stated that the provision on this proposed regulation that seeks to ban voters wearing campaign button or item of clothing that promotes a candidate or a ballot question doesn't fit into the language in the statute and that it distorts all these documents. Commissioner Gormley moved to adopt the rule as changed in Section II as suggested by Robert Kando to eliminate campaign button, or any item of clothing; to campaign buttons & campaign clothing are allowed in the polling place. In section IV, first sentence the word "shall" should say "may" the motion was seconded by Commissioner Xavier. The motion passed unanimously.

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Next order of business: Presented to the Board by Robert Rapoza, Supervisor of Elections, hearing on proposed rules and regulations for voter registration adopted by the BOE (ERLID#: 2876, last filed 1/3/2007). Steven Brown, ACLU, presented to the Board his concerns regarding optional items, unverified identification on first time voter applicants, and incomplete and/or defective registrations. Commissioner Gormley moved to combine regulations Section C 3 and 4 and to adopt as suggested the motion was seconded by Commissioner Daluz and passed unanimously.

Next order of business: Hearing on proposed rules and regulations for provisional voting adopted by the BOE (ERLID#:4113, last filed 1/3/2007). Angel Tavares addressed the Board regarding specific policies the board decides to adopt as to what provisional vote counts and what doesn't also he spoke to the Board regarding the process as to how a provisional ballot is determined. After a brief discussion, Commissioner Gormley moved to table this regulation and seconded by Commissioner Daluz. The motion passed unanimously.

Next order of business: Hearing on proposed rules and regulations for the use of ballot applications at the polling place. Commissioner Gormley motioned to approve this regulation. The motion was seconded by Commissioner Xavier. The motion passed unanimously.

Next order of business: Hearing on proposed rules and regulations for investigations. After a brief discussion between Executive Director and the Board, a motion to pass the changes was placed by Commissioner Gormley and seconded by Commissioner Rego. The motion passed unanimously.

Next order of business: The Board shall elect the Chairperson and Vice Chairperson in accordance with R.I.G.L. 17-7-3(a). Commissioner Xavier elected Commissioner John Daluz as Chairperson and Commissioner Frank Rego as Vice Chairperson. The motion was seconded by Commissioner Gormley and passed unanimously.

Next order of business: Submission of resignation of Acting Chairman Thomas V. Iannitti. His resignation takes effect 3/15/2008

At 5:50 PM Commissioner Daluz motioned to adjourn. The motion was seconded by Commissioner Xavier and passed unanimously.

Andreza Skipworth