

**R. I. STATE BOARD OF ELECTIONS**  
**MINUTES OF MEETING (Open Session)**  
September 17, 2008

The Rhode Island State Board of Elections convened at 3:00 PM, a quorum included Commissioners Florence Gormley, Martin Joyce, Richard Pierce, Vice Chairman Frank Rego and Chairman John Daluz. Executive Director Robert Kando and Board's Attorney Raymond Marcaccio were also in attendance.

First order of business: The Board heard arguments regarding the September 9, 2008 Democratic Primary Contest for Senate District 9 for the Town of West Warwick. Attorney Mr. Tavares representing candidate Stephen D. Alves and Attorney Armando Batastini representing candidate Michael Pinga. Mr. Tavares argued for a new primary election citing that a number of voters registered as republicans had been incorrectly allowed to vote in the democratic primary between Mr. Alves and Mr. Pinga. The Board heard testimony from Robert Rapoza, Director of Elections, B.O.E., Nancy Parenti, Chairperson of the West Warwick BOC, Kathy Dupont, Deputy Town Clerk, and Joan Brazil, West Warwick B.O.C. Clerk regarding the number of republicans who had cast a ballot in the West Warwick democratic primary.

Mr. Batstini noted that no elections are perfect, that there are no allegations of fraud and given the margin of votes between the candidates, Mr. Pinga would have prevailed regardless, since the number of republicans voting was less than the margin of victory.

Commissioner Gormley moved to certify the election for the Town of West Warwick Senate District 9 naming Michael Pinga the winner. The motion was seconded by Commissioner Pierce and passed 4-1 with Vice Chairman Rego voting against the motion.

Next order of business: The Board heard arguments regarding the September 9, 2008 Democratic Primary Contest for Senate District 31 for the City of Warwick. Candidate Erin Lynch was represented by Attorneys David Revens and Sarah Taft-Carter. Attorney Angel Tavares represented David Bennett.

Mr. Tavares argued that a number of republicans had improperly participated in the democratic primary, affecting the results. The Board was provided a precinct-by-precinct review of possible republican votes cast in the primary by members of the Warwick Board of Canvassers and R.I. Board of Elections. Attorneys for Erin Lynch maintained that there was not sufficient evidence to support a finding of a mathematical probability that the results would have changed had the republicans not participated which they noted was the legal standard to order a new election.

Commissioner Gormley motioned to deny the request for a new election and certify the election for the City of Warwick Senate District 31 naming Erin Lynch the winner. The motion was seconded by Commissioner Joyce and passed unanimously (4-0). Commissioner Pierce was not in attendance for this hearing.

At 8:05 PM Commissioner Joyce motioned to adjourn. The motion was seconded by Vice Chairman Rego and passed unanimously.

Andreza Skipworth