

R. I. STATE BOARD OF ELECTIONS
MINUTES OF MEETING
August 17, 2010

The Rhode Island State Board of Elections convened at 4:22 PM, a quorum included Chairman John Daluz, Vice-Chairman Frank Rego, Commissioners Richard DuBois, Richard Pierce, and William West. Executive Director Robert Kando and Board legal counsel Raymond Marcaccio were also in attendance.

First order of business: Motion to approve the minutes of the meetings held on 7/21/10 and 7/28/10 by Commissioner Pierce and seconded by Commissioner Dubois was passed unanimously.

Next order of business: The Town of Barrington's request to fill a school committee vacancy by holding a special election during the regularly scheduled November 2010 election. Attorney Robert Kando advised the Board, since Attorney Raymond Marcaccio had recused himself. Mr. Kando advised the Board that since the Town of Barrington had a charter provision ratified by the state legislature allowing the town to hold special elections to fill vacancies on the school committee, that it should approve the request to hold the special election. He also advised that since the declaration period for the November election had passed, that the election should be held on dates other than the dates of the upcoming election to reduce voter confusion and the possible election of one person to a school committee seat but for both the unexpired term and for a full term.

Attorney Michael Ursillo representing the Town of Barrington noted that the town was hoping to save, the approximate \$7,500 cost of a special election by holding the election simultaneously with the November election. Commissioner West moved to allow a special election on dates other than the November election, seconded by Commissioner Dubois and passed unanimously.

Next order of business: The Board considered whether it should respond to advisory opinion requests that contain hypothetical facts or whether to require specific facts and parties. Attorney Raymond Marcaccio advised the Board that though it had the authority to issue advisory opinions, the statute referred to persons, and that if the Board were to issue advisory opinions in response to hypothetical facts, it might result in unanticipated consequences. Commissioner Pierce moved to require that advisory requests include the names of parties and specific facts. The motion was seconded by Commissioners West and Dubois and passed unanimously.

Next order of business: Vice Chairman Rego motioned to pass the agenda item of an advisory response to the request filed by the law firm of Covington and Burling LLP that contained hypothetical facts and did not identify the client. The motion was seconded by Commissioner Pierce and passed unanimously.

At 4:55 PM Vice Chairman Rego moved to adjourn, the motion was seconded by Commissioner Pierce and passed unanimously.

Andreza Skipworth