

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

The Rhode Island State Board of Elections convened at 3:39 PM at the Rhode Island Board of Elections, a quorum included, Chairman John Daluz, Vice-Chairman Frank Rego, Commissioners Richard DuBois, and Richard Pierce. 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 10-6-10 and 11-2-10 by Vice-Chairman Rego and seconded by Commissioner Pierce and passed unanimously.

The next order of business: Motion/petition by candidate for Coventry Town Council, Christopher Piasczyk, represented by Attorney Nicholas Gorham, to order the Coventry Board of Canvassers to perform a second review of disqualified provisional ballots and qualify even those applications that do not list the Department of Motor Vehicles as the registration agency, if the applicant's name appears in the database of the Department of Motor Vehicles. Mr. Gorham acknowledged that the petition was limited to Mr. Piasczyk, who after a recount trailed Thaddeus Jendzejec, represented by Attorney Frederick Tobin, by 4 votes.

The Board heard testimony from Coventry Board of Canvasser (BOC) Chair, Dorothy Berube, and member Francis Perry who testified that provisional ballots are cast by persons whose names do not appear on the voting list and that the BOC meets to review the applications and qualify those provisional ballots cast by voters whose name was incorrectly left off the voting list. They also testified that the Board of Elections had instructed the BOC by email (see petitioners exhibit 3) to qualify those ballots that listed the DMV in the optional box of the provisional ballot application, if the DMV records indicated that the individual had been at the DMV between November of 2008 and October 2, 2010, and that the process was not time consuming. Petitioner also placed into evidence an affidavit of Lori Hart, member of the Coventry BOC.

Petitioner argued that all provisional ballots should be reviewed in the DMV database since the check box was marked "optional" and that Rhode Island General Law 17-1-3.1 determines where a person should vote and to do otherwise would not be fair.

The respondent argued that the Board of Canvassers followed the rules and procedures set prior to the election, that the provisional ballots were qualified in accordance with the rules and procedures, and that any request to change the rules after the election by a trailing candidate in the hope of altering the outcome should be denied.

Upon the conclusion of the hearing, Commissioner Pierce moved to grant the petitioners request, when no second was made, Commissioner Pierce withdrew the motion. Vice-

Chairman Rego moved to deny the petitioners request, seconded by Commissioner DuBois. The motion passed 3-1 with Commissioner Pierce dissenting.

Next order of business: Certification of the 11/2/10 General Election. Commissioner Pierce motioned to certify the Election of 2010, seconded by Commissioner DuBois, and passed unanimously.

Next order of business: At 5:50 PM Commissioner Pierce moved to adjourn the meeting, the motion was seconded by Commissioner DuBois and passed unanimously.

Andreza Skipworth