

**R. I. STATE BOARD OF ELECTIONS  
MINUTES OF MEETING  
February 22, 2012**

The Rhode Island State Board of Elections convened at 3:33 PM at the Rhode Island Board of Elections, a quorum included, Chairman Frank Rego, Vice-Chairman Richard Pierce, Commissioners William West, Susan Farmer, and Richard DuBois. Executive Director Robert Kando and Board legal counsel Raymond Marcaccio were also in attendance.

First order of business: Commissioner Farmer moved to approve the minutes for Board of Elections meeting dated 1/11/12 seconded by Vice-Chairman Pierce and passed unanimously.

Next order of business: Hearing on the approval of Rules and Regulations for Voter Identification. Prior to the start of the hearing Robert Kando identified changes suggested by the staff to the draft. The following members of the public testified: Mr. John Marion, representing Common Cause submitted written testimony to the Board and testified relative to the terms of “currently dated, name and address” requirements of the regulation. Dawn Euer representing Marriage of Equality of Rhode Island voiced her concerns for the treatment of transgender and transitioning transgender voters. Representative Teresa Tanzi testified that a matching address should be contained on non-photo identifications which require an address.

After hearing Vice-Chairman Pierce moved passage of the regulation to include the staff suggested changes and where an address is required, that the address match the address in the pollbook, seconded by Commissioners DuBois and West and passed unanimously.

Next order of business: Hearing on Rules and Regulations for Polling Place Conduct that included two versions that alternately allowed voters to wear political paraphernalia and prohibited wearing political paraphernalia. Prior to the start of the hearing Robert Kando identified changes suggested by the staff to the draft. The following members of the public testified: Mr. Kenneth Block, Chairman of the Rhode Island Moderate Party, testified that political paraphernalia should be allowed since policing a prohibition would cause too much confusion. Steven Brown from the American Civil Liberties Union testified that a rule prohibiting wearing of political paraphernalia may violate a person’s rights to free speech. Kate Bowden, a staff attorney for the Disability Law Center suggested that challenges should be limited to “good cause.”

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After hearing, Commissioner Farmer moved the passage of the Polling Place Conduct version that allows voters to wear political paraphernalia incorporating the staff changes as well as, the “good cause” requirement, seconded by Vice-Chairman Pierce and passed 4 -1 with Commissioner West, who stated that since he believes that polling places should be free of political speech, he would dissent.

Next order of business: Hearing on Rules and Regulations for Voter Registration. Prior to the start of the hearing Robert Kando identified a change suggested by the staff to the draft. Mr. Steven Brown of the American Civil Liberties Union questioned why registrants who renew their driver’s license on-line should be considered 3<sup>rd</sup> party registrants. Election Director, Robert Rapoza explained that since they would be downloading their applications on-line and mailing them to the local boards of canvassers, the applications constituted a 3<sup>rd</sup> party registration. Mr. Terry Gorman representing Rhode Islander for Immigration Law Enforcement questioned whether the local board of canvassers had the ability to verify the last four digits of a person’s social security number as required by the current regulation. Robert Kando verified that the local boards have the ability and he could check with the local boards. Mr. Ken Block, Chairman of the Moderate Party, objected to the option in Box 9 allowing a registrant to affiliate with a party not listed on the form.

After hearing, Vice-Chairman Pierce moved the passage of the regulation incorporating the staff change, seconded by Commissioner Farmer and voted unanimously.

Next order of business: Hearing on Rules and Regulations for Provisional Voting. Prior to the start of the hearing Robert Kando identified changes suggested by the staff to the draft. Mr. John Marion, representing Common Cause addressed the Board regarding the standard of proof, followed by Mr. Brown representing the American Civil Liberties Union, who was also concerned about the standard of proof and also suggested substituting “no similarities exist” in section 3, of Certifying Provisional Ballots, instead of “the signatures do not appear to be the same.”

After hearing, Commissioner DuBois moved passage of the regulation including the staff changes and with the substitute language provided by Mr. Brown, seconded by Commissioner West and passed unanimously.

At 5:42 PM Commissioner Farmer motion to adjourn was seconded by Vice-Chairman Pierce and passed unanimously.

Andreza Skipworth