

R. I. STATE BOARD OF ELECTIONS
MINUTES OF MEETING
September 19, 2012

The Rhode Island State Board of Elections convened at 10:06 AM at the Rhode Island Board of Elections, a quorum included, Chairman Frank Rego, Vice-Chairman Richard Pierce, and Commissioners Florence Gormley, William West and Martin Joyce. Executive Director Robert Kando and legal counsel Raymond Marcaccio were also in attendance

First order of business: Recount protest in Representative District 58 filed by candidate Carlos E. Toban challenging the recount results of William San Bento 544 votes and Carlos Toban 543 votes. Attorney George Hovarth appearing on behalf of Mr. Toban and attorney Frederic Marzilli, appeared on behalf of Mr. San Bento.

Mr. Hovarth requested a manual recount of the entire race citing that since the recount returned 3 separate results, that there should be a manual recount of the entire election to ensure complete transparency and that in one of the precincts there were 285 ballots cast and only 284 ballot applications. The Board's legal counsel, Mr. Marcaccio citing 17-19-37.1 noted that manual recounts were not authorized under the statute.

The Board subsequently took testimony from Elections Director Robert Rapoza, He testified that the Board recounted the precinct cast ballots a single time and recounted the mail ballots three times. He stated that on primary day, the Board counted 50 mail ballots in the race and that the initial recount only counted 49 ballots. When the discrepancy was discovered the mail ballots were again counted with the 50th ballot included, but since the recount counted an extra vote for San Bento from primary day, they were again recounted and the 3rd recount matched the primary day count. He also testified that it was not unusual for a precinct to have fewer ballot applications than ballots cast, since poll workers sometimes make mistakes.

At the conclusion of the hearing, Vice-Chairman Pierce moved to deny relief requested by Mr. Toban, seconded by Commissioner Gormley and passed unanimously. A motion by Commissioner West, seconded by Commissioner Joyce, to certify the Representative 58 race as of September 17, 2012, was passed unanimously.

Next order of business: Primary results certification. Commissioner Gormley moved to certify all the primary election results, seconded by Commissioner Joyce, and passed unanimously.

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At 12:15 PM Commissioner Gormley moved to adjourn was seconded by Vice-Chairman Pierce, and passed unanimously.

Andreza Skipworth