

R. I. STATE BOARD OF ELECTIONS
MINUTES OF MEETING
May 5, 2015

The Rhode Island State Board of Elections convened at 3:35 PM at the Rhode Island Board of Elections, a quorum included, Chairman Richard Pierce, Vice-Chairman William West, Commissioners Frank Rego and Stephen Erickson. Executive Director Robert Kando and legal counsel Raymond Marcaccio were also in attendance.

The meeting was called to order by Chairman Pierce.

First agenda item: After amending the draft minutes, the Board voted to approve the minutes for the meeting held on April 2, 2015. Chairman Richard Pierce, Vice-Chairman William West, Commissioners Frank Rego and Stephen Erickson all voting in the affirmative, motion passed 4-0.

Second agenda item: The Board voted to certify the mail ballots for the April 28, 2015 Jamestown special referendum and the May 5, 2015 Representative 33 special primary. Chairman Richard Pierce, Vice-Chairman William West, Commissioners Frank Rego and Stephen Erickson all voting in the affirmative, motion passed 4-0.

Third agenda item: The Board heard the appeal of campaign finance fines by RISC PAC. Attorney Robert Senville, who represented the committee stated that since October 25, 2010, when the committee was current in its reports, it had a zero balance in its account and that it has not received or expended any funds since that date, but failed to file a CF-7 form dissolving the committee although it was defunct at the time. After some discussion, the Board voted to assess a fine of \$250 as an administrative fee. Chairman Richard Pierce, Vice-Chairman William West, Commissioners Frank Rego and Stephen Erickson all voting in the affirmative, motion passed 4-0.

Fourth agenda item: The appeal of fines assessed to Felix Fernandes. Campaign Finance Director, Richard Thornton, presented the appeal on behalf of Mr. Fernandes who was absent and noted that Mr. Fernandes, who is currently unemployed, lost his race and dissolved his account on April 9 2015, raising \$1,900 in private funds and loaning himself \$850, with a balance of unspent campaign funds of \$196.02 which was subsequently consumed by bank fees. The Board voted to conditionally reduce his fines to \$580.80 to be at \$25.00 per month. Chairman Richard Pierce, Vice-Chairman William West, Commissioners Frank Rego and Stephen Erickson all voting in the affirmative, motion passed 4-0.

Fifth agenda item: At the request of Commissioner Erickson, the item was dropped from the calendar, no action taken.

Sixth agenda item: Attorney Armando Batastini representing the American Civil Liberties Union and its director Steven Brown, joined by John Marion of Common Cause addressed the Board on their request to have the Board approve legislation that would make the Board of

Elections subject to the Administrative Procedures Act. During the discussion, they noted that Attorney Marcaccio who represents the Board of Elections, and they had not reached any agreement, but that Mr. Marcaccio did agree that applying subsections 2-6 would not adversely impact the Board. Mr. Marcaccio noted the possibility of delayed decisions during the election period should the Board be subject to declaratory judgment provision under the Administrative Procedures Act. After some discussion, the Board voted to instruct Mr. Marcaccio and Executive Director Robert Kando advocate to the General Assembly the Board's approval of applying sections 2-6 of the Administrative Procedures Act to the Board of Elections. Chairman Richard Pierce, Commissioners Frank Rego and Stephen Erickson all voting in the affirmative, Vice-Chairman West dissenting, motion passed 3-1.

Seventh agenda item: Commissioner Erickson distributed his amended draft of a model performance review for the members to consider. No further action taken.

Eighth agenda item: The Board voted to meet in executive session to discuss and possibly vote on a campaign finance investigation pursuant to R.I.G.L. 42-46-5(a)(4) and 17-25-5(a)(7). Chairman Richard Pierce, Vice-Chairman William West, Commissioners Frank Rego and Stephen Erickson all voting in the affirmative, motion passed 4-0.

At the close of the executive session, the Board announced that it would consult with the Office of the Attorney General before holding a vote on the sealing of minutes (subsequently held to be public minutes).

The minutes of the executive session are as follows: In the matter of John Celona, Campaign Finance Director, Richard Thornton addressed the Board regarding Mr. John Celona's inability to account for the expenditure of his campaign funds, noting that Mr. Celona was current with his filings until his records were seized during his criminal investigation. After the seizure, no reports had been filed and fines accrued. At this time, the only accounting that Mr. Celona could make of his campaign finance account would be based on his memory. Mr. Celona addressed the Board noting his past criminal charges and prison sentence, as well as, his employment history since his release from prison. He stated his desire for a payment plan for his past due fines. The Board instructed Mr. Thornton to make efforts to obtain his records from the agency that has possession his records. The Board after discussing whether the question of fines was appropriate for an executive session with its Attorney Raymond Marcaccio, agreed to first seek an opinion from the Office of the Attorney General and closed the executive session without any further action.

The Board moved to adjourn at 5:12 PM. Chairman Richard Pierce, Vice-Chairman William West, Commissioners Frank Rego and Stephen Erickson all voting in the affirmative, motion passed 4-0.