

**R.I. STATE BOARD OF ELECTIONS**  
**MINUTES OF MEETING**  
**WEDNESDAY, NOVEMBER 18, 2015**

The Rhode Island State Board of Elections convened at 4:05 P.M. at the Rhode Island Board of Elections offices.. The quorum consisted of Acting Chairman William West, Commissioners Stephen Erickson, Richard Pierce, and Frank Rego. Legal Counsel Raymond Marcaccio and Executive Director Robert Kando were also in attendance.

The meeting was called to order by Acting Chairman West.

1. A motion was made to approve the minutes of the Board meeting of November 10, 2015. Commissioner Erickson questioned whether item four (concerning the approval of an affirmative action plan to be submitted to the State Equal Opportunity Office properly reflected the actual disposition of the item. Member Erickson expressed concern that since a majority of the members present at the meeting had not voted to approve the plan, that it was not in fact approved, as stated in the minutes. Legal Counsel Raymond Marcaccio explained that he had previously researched some of the issues surrounding a quorum and determined that a recusal would break the quorum if only a bare majority were present, but that abstentions would not break the presence of a quorum. Member Erickson suggested that the question was different in this case, in that the issue was not the presence of a quorum but the number of votes needed to approve a matter when a quorum was present, and whether abstentions were counted or not. The issue raised was whether a majority of the board members had to vote to approve a measure, or whether it could be approved by less than a majority of the members present. He then referenced a case involving a board that he had served on that addressed the issue of quorums in public bodies. Legal Counsel Marcaccio indicated that he was not familiar with the case, and had not previously addressed the specific question being raised by Member Erickson. Legal Counsel then requested that Acting Chairman West afford him the opportunity to do additional research and report to the board at the next meeting. Commissioner Erickson noted that Affirmative Action Plan had been on the first published agenda for the meeting, but had been removed in the revised agenda. He noted that if the original agenda had not been superseded the board could have simply voted to approve it once again, but was now prevented from doing so. He inquired as to who made the modification of the agenda and was informed that it was done by the Executive Director. A motion was made to postpone the approval of the minutes until Legal Counsel presented a report on his research of the issue. Voting in the affirmative to continue the consideration of the minutes until the next meeting, were Acting Chairman West, Commissioners Pierce, Erickson and Rego. Motion passed, 4-0.

2. A motion was made to approve the submission of the Fiscal Year 2017 and Revised Fiscal Year 2016 Budget. Commissioner Erickson expressed concern that the board was not given an opportunity to discuss the proposed content of the budget or of the transmittal letter, and that his request for a workshop had not been honored, and that the budget was once again being submitted late. He then questioned who wrote the letter. Acting Chairman West responded that the Executive Director had written the letter, and that he had discussed it with the Executive Director. Acting Chairman West said that the Board was sent the letter for their review and that they therefore had the opportunity to make suggestions prior to the meeting. Member Erickson asked why no workshop had been scheduled, and stated his disagreement with the budget process. He pointed out that the Executive Director had given the board inaccurate information concerning the budget due date at the last meeting. He also reported that he had reviewed the budget submission process at the other "small agencies" that had the same budget deadline and determined that they had all successfully submitted a budget on time. He noted that this was not the first year that the budget was late, and that it appeared to be a chronic condition. Commissioner Pierce stated that the discussion should be confined to the current year budget only. Member Erickson disagreed, pointing to a pattern of late submittals as damaging the board's ability to have priorities properly funded. Member Erickson stated that he was concerned that it was an embarrassment to the board to not submit the budget on a timely basis, and that failure to do so was a failure to meet the board's obligations to the citizens of Rhode Island, placed the board in a poor light, as well as being a violation of a budget office directive. He noted a continued pattern of failure to act in a timely matter, and that it was embarrassing that the board had not been able to move forward on obtaining new voting equipment for eight years when the secretary of state has done so in a matter of months, just as it was embarrassing to not be able to submit a timely budget, and that the same problem existed with the board's constant focus on a new building as the prime priority of the board. Acting Chairman West stated that the budget office recommended that the new building request be part of the requested budget. Member Erickson then pointed out the difference between being told the building should be in the budget and making it the top priority of the Board, and that it would be wasteful of the board's opportunity to showcase our needs to make the building the prime request. He stated that the top priority in the letter should be the request for an additional FTE. Commissioner Frank Rego then questioned the unclassification of all employees of the Board of Election. Executive Director Robert Kando explained that even though some of the employees were members of the union, all employees of the Board of Elections were unclassified positions. He stated that an asterisk could be placed near the job title to denote a union employee. After a discussion, it was agreed that the request for an additional FTE would be the first topic in the letter. A motion was then made to approve the Budget for submission with the above mentioned changes. Voting in the

affirmative were Acting Chairman West and Commissioner Pierce. Commissioner Rego abstained and Commissioner Erickson voted in the negative. With a 2-1 and 1 abstaining, no action taken.

At this time Commissioner Richard Pierce removed himself from the meeting. There no longer being a quorum the board was unable to proceed with the remaining of the publicly posted agenda, and the meeting ended at 4:45 P.M.