

R.I. STATE BOARD OF ELECTIONS

MINUTES OF MEETING

WEDNESDAY, JANUARY 6, 2016

The Rhode Island State Board of Elections convened at 7:05 P.M. at the Rhode Island Board of Elections, a quorum included, Acting Chairman William West, Commissioners Richard Dubois, Stephen Erickson, Martin Joyce, 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. The Board may vote to certify the mail ballots for East Greenwich School Committee Special Election held on January 5, 2016.**

A motion was made to certify the mail ballots for the East Greenwich School Committee Special Election held on January 5, 2016. Acting Chairman West, Commissioners Dubois, Erickson, Joyce, Pierce and Rego all voting in the affirmative, motion passed 6-0.

- 2. The Board may vote to certify the mail ballots for Senate 11 Special Election held on January 5, 2016.**

A motion was made to certify the mail ballots for Senate 11 Special Election held on January 5, 2016. Acting Chairman West, Commissioners Dubois, Erickson, Joyce, Pierce and Rego all voting in the affirmative, motion passed 6-0.

- 3. The Board may vote to certify the results of the Senate 11 Special Election held on January 5, 2016 on the condition that no recount request or protest is filed by January 12, 2016.**

A motion was made to certify the results of Senate 11 Special Election held on January 5, 2016 on the condition that no recount request or protest is filed by January 12, 2016. Acting Chairman West, Commissioners Dubois, Erickson, Joyce, Pierce and Rego all voting in the affirmative, motion passed 6-0.

- 4. The Board may vote to approve the minutes of the meeting held on December 9, 2015.**

A motion was made to approve the minutes of the meeting held on December 9, 2015. Acting Chairman West, Commissioners Dubois, Erickson, Joyce, Pierce and Rego all voting in the affirmative, motion passed 6-0.

5. The Board may vote to approve the minutes of the meeting held on December 15, 2015.

A motion was made to approve the minutes of the meeting held on December 15, 2015. Acting Chairman West, Commissioners Dubois, Erickson, Joyce, Pierce and Rego all voting in the affirmative, motion passed 6-0.

6. The Board may vote on its 2016 meeting schedule.

A motion was made to accept the revised meeting schedule presented by Commissioner Erickson. Acting Chairman West, Commissioners Dubois, Erickson, Joyce, Pierce and Rego all voting in the affirmative. Motion passed 6-0. Commissioner Erickson to forward revised schedule.

7. The Board may vote to elect a Chairman and Vice Chairman pursuant to R.I.G.L. 17-7-3(a).

A motion was made to postpone the vote to elect a Chairman and Vice Chairman pursuant to R.I.G.L. 17-7-3(a) until a future meeting. Voting to postpone were Acting Chairman West, Commissioners Dubois, Erickson, Joyce, Pierce and Rego. Motion passed 6-0.

8. The Board may receive a report from Rob Rock, Elections Director, Office of the Secretary of State, on the procurement of new voting equipment.

Rob Rock, Elections Director, Office of the Secretary of State, presented an update on the procurement of the new voting equipment. Evaluation and selection of a vendor is moving forward. Also, E-Poll Books RFP is out and bids are due back by January 26, 2016.

9. The Board will select a date to conduct a workshop to discuss the preparation of legislation to be submitted to the General Assembly during the 2016 legislative session.

A motion was made to set the date of Wednesday, January 27, 2016 at 7:00 P.M. to conduct a workshop to discuss the preparation of legislation to be submitted to the General Assembly during the 2016 legislative session. Voting in favor of the date were Acting Chairman West, Commissioners Dubois, Erickson, Joyce, Pierce and Rego. Motion passed 6-0.

10. The Board will receive a report from its staff concerning the status of draft legislation to be submitted to the General Assembly for the 2016 legislative session.

Robert Rapoza, Director of Elections and Richard Thornton, Director of Campaign Finance presented copies of draft legislation to be reviewed at the legislation workshop by the Board for submission to the General Assembly in the 2016 legislative session.

11. The Board may vote to support legislation to subject the Board of Elections to the rule making provisions of the Administrative Procedures Act proposed by Common Cause and the American Civil Liberties Union.

A motion was made to support legislation to subject the Board of Elections to the rules-making provisions of the Administrative Procedures Act. Voting to approve the motion were Acting Chairman West, Commissioners Dubois, Erickson, Joyce, Pierce and Rego. Motion passed 6-0.

12. The Board may discuss and vote upon the protocol to be followed by staff when providing notice to the Board members on dates for special elections.

A motion was made that the Board shall be notified immediately when a date is set for a special election. Voting in the affirmative were Acting Chairman West, Commissioners Dubois, Erickson, Joyce, Pierce and Rego. Motion passed 6-0.

13. The Board may discuss a letter sent by the Rhode Island Democratic Party on October 28, 2014 relating to the Mid America Fund and its contribution received from the Government Integrity Fund.

Attorney Jon Anderson acting as legal counsel to the Board, advised the Board that the Independent Advocacy statute R.I.G.L. 17-25.3 referenced in the Democratic Party letter, did not contain a provision that allowed for filing complaints. He also stated that the letter did not contain any information or evidence supporting its position that the Government Integrity Fund failed to comply with the reporting provisions of R.I.G.L. 17-25.3.

14. The Board may vote to meet in executive session pursuant to R.I.G.L. 42-46-5(a)(4) and 17-25-5(a)(7)(i) to discuss and/or vote on possible violations of campaign finance laws in a campaign finance matter.

A motion was made to meet in executive session pursuant to R.I.G.L. 42-46-5(a)(4) and 17-25-5(a)(7)(i) to discuss and/or vote on possible violations of campaign finance laws in a campaign finance matter. Voting in the affirmative were Acting Chairman West, Commissioners Dubois, Erickson, Joyce, Pierce and Rego. Motion passed 6-0.

15. The Board may vote to meet in executive session pursuant to R.I.G.L. 42-46-5(a)(2) to discuss and/or vote on *Andreza Skipworth v. Rhode Island Board of Elections, et al.*, RICHR #15ERA087-06/06.

A motion was made to meet in executive session pursuant to R.I.G.L. 42-46-5(a)(2) to discuss and/or vote on *Andreza Skipworth v Rhode Island Board of Elections, et al.*, RICHR #15ERA087-06/06. Voting in the affirmative were Acting Chairman West, Commissioners Dubois, Erickson, Joyce, Pierce and Rego. Motion passed 6-0.

16. The Board may vote to meet in executive session pursuant to R.I.G.L. 42-46-59(a)(4) to discuss and vote upon a civil investigation concerning allegations of misconduct.

A motion was made to meet in executive session pursuant to R.I.G.L. 42-46-59(a)(4) to discuss and vote upon a civil investigation concerning allegations of misconduct. Voting in the affirmative were Acting Chairman West, Commissioners Dubois, Erickson, Joyce, Pierce and Rego. Motion passed 6-0.

17. The Board may vote to meet in executive session to discuss a personnel matter pursuant to R.I.G.L. 42-46-5(a)(1).

A motion was made to meet in executive session to discuss a personnel matter pursuant to R.I.G.L. 42-46-5(a)(1). Voting in the affirmative were Acting Chairman West, Commissioners Dubois, Erickson, Joyce, Pierce and Rego. Motion passed 6-0.

The Board moved to meet in executive session at 8:50 P.M.

The Board reconvened at 10:04 P.M.

A motion was made to seal the minutes. Voting in the affirmative were Acting Chairman West, Commissioners Dubois, Erickson, Joyce, Pierce and Rego. Motion passed 6-0 to seal the minutes.

In executive session, a vote was made in regard to agenda item #14 regarding violations of campaign finance laws for Kenneth Marshall. The consent decree states that Kenneth A. Marshall waived his right to a hearing and consents to a finding that his actions violated the provisions of Title 17, Chapter 25 and consents to a fine in the amount of \$250.00, \$150 suspended on the condition that he submit documentation to the Board of Elections supporting his campaign finance reports from the present through the fourth quarter of 2016, with the remaining \$100.00 to be paid by the candidate personally and a forfeiture of \$250.00 from his campaign account for misreported contributions. Kenneth A. Marshall agrees to properly supervise his campaign treasurer and review his campaign reports. Voting in the affirmative were Acting Chairman West, Commissioners Dubois, Erickson, Joyce, Pierce and Rego. Motion passed 6-0.

A motion was made to set the next meeting date for Monday, January 11, 2016 at 7:00 P.M. The meeting is to discuss and vote in executive session on the termination of Robert Kando as Executive Director. Commissioner Erickson stated that there must be 4 affirmative votes to overturn the prior vote of 7-0 vote to terminate.

A motion was made to adjourn. Voting in the affirmative were Acting Chairman West, Commissioners Dubois, Erickson, Joyce, Pierce and Rego. Motion passed 6-0.

Meeting adjourned at 10:10 P.M.