

CITY OF CRANSTON
BOARD OF CANVASSERS
Regular Meeting of January 17, 2024 – OFFICIAL MINUTES

The Cranston Board of Canvassers met on January 17, 2024, in a meeting advertised in accordance with the Rhode Island Open Meetings Act on January 5, 2024 and readvertised as amended on January 12, 2024. The meeting was called to order by the Chairperson, James Donahue, at 5:31 p.m. It was held in Council Chambers, Third Floor at Cranston City Hall. It was also streamed live via YouTube.

MEMBERS PRESENT: James Donahue, Quilcia Moronta

MEMBERS ABSENT: None

NON-MEMBERS PRESENT: Nicholas Lima (Registrar / Director of Elections), Kirk McDonough (Board Alternate), Terri Bucci (Canvassing Aide), Maria Madonna (Data Entry and Maintenance Specialist), Tom Lima (Communications Technician), Ret. Justice Robert Flanders (Legal Counsel – No Labels Rhode Island), Gary Sasse (No Labels Rhode Island)

The chair declared a quorum present.

AGENDA

- I. CALL TO ORDER (NO VOTES TAKEN)
- II. APPROVAL OF THE AGENDA (VOTES MAY BE TAKEN)
- III. APPROVAL OF MINUTES OF PRIOR MEETINGS – 12-5-2023 (VOTES MAY BE TAKEN)
- IV. PUBLIC ACKNOWLEDGEMENTS – CHAIRPERSON (NO VOTES TAKEN)
- V. PUBLIC COMMENT (VOTES MAY BE TAKEN)
- VI. NEW BUSINESS
 - A. *THE BOARD MAY DISCUSS AND/OR TAKE RESPONSIVE ACTION REGARDING A COMMUNICATION RECEIVED ON JAN. 11, 2024 FROM THE NO LABELS RHODE ISLAND ORGANIZATION (VOTES MAY BE TAKEN)
 - B. *THE BOARD MAY DISCUSS AND/OR TAKE RESPONSIVE ACTION REGARDING VARIOUS DISCREPANCIES FOUND ON VALIDATED PETITION PAPERS RECEIVED FROM THE NO LABELS RHODE ISLAND ORGANIZATION (VOTES MAY BE TAKEN)
 - C. THE BOARD MAY DISCUSS AND APPROVE COMBINED POLLING PLACES FOR THE APRIL 2, 2024 PRESIDENTIAL PREFERENCE PRIMARY AND THE TENTATIVE JUNE 4, 2024 SPECIAL REFERENDUM ELECTION, FOR SUBMISSION TO THE RHODE ISLAND BOARD OF ELECTIONS FOR FINAL APPROVAL IN ACCORDANCE WITH R.I. GEN. LAWS §§ 17-11-1, 17-11-1.1, AND 17-15-5 (VOTES MAY BE TAKEN)
 - D. THE BOARD MAY REVIEW AND COMPLETE CERTIFICATIONS FOR NOMINATION AND PETITION PAPERS THAT HAVE BEEN VALIDATED

IN ACCORDANCE WITH R.I. GEN. LAWS §§ 17-1-2 (9), 17-12.1-7, AND 17-14-11 (VOTES MAY BE TAKEN)

- VII. UPDATES FROM THE REGISTRAR (ALL ITEMS FOR INFORMATIONAL PURPOSES ONLY; NO VOTES TAKEN)
 - A. UNITED STATES ELECTION ASSISTANCE COMMISSION LOCAL LEADERSHIP COUNCIL JANUARY ANNUAL MEETING AND TEXAS ASSOCIATION OF ELECTION ADMINISTRATORS CONFERENCE REPORT
 - B. COMMERCIAL PROPERTY IDENTIFIED VOTERS FOR 1-23-2024 CHALLENGE HEARING
 - C. *NO LABELS RHODE ISLAND PARTY PETITION PROCESS DIRECTIVE FROM THE RHODE ISLAND BOARD OF ELECTIONS
- VIII. ADJOURNMENT (VOTES MAY BE TAKEN)

APPROVAL OF THE AGENDA (VOTES MAY BE TAKEN)

Mr. Donahue asked for a motion to approve the agenda. Mr. Lima informed the Board to ensure they speak into the mic as tonight's meeting is being video recorded. Mr. Donahue informed the members of the public in attendance that copies of the agenda and meeting materials were available in the front of Council Chambers.

MOTION: By Mr. McDonough and seconded by Ms. Moronta to approve the agenda as posted.
PASSED ROLL CALL VOTE – 2-0 – Mr. Donahue and Ms. Moronta voting aye.

APPROVAL OF MINUTES OF PRIOR MEETINGS – 12-5-2023 (VOTES MAY BE TAKEN)

Mr. Donahue asked for a motion to approve the minutes. There was no discussion.

MOTION: By Mr. McDonough and seconded by Ms. Moronta to approve the minutes of Dec. 5, 2023.
PASSED ROLL CALL VOTE – 2-0 – Mr. Donahue and Ms. Moronta voting aye.

PUBLIC ACKNOWLEDGEMENTS – CHAIRPERSON (NO VOTES TAKEN)

Mr. Donahue acknowledged Justice Flanders and Mr. Sasse as present in the room representing No Labels Rhode Island. Mr. Lima noted that Ms. Bucci and Ms. Madonna are also present if the Board has any questions this evening regarding the petitions.

PUBLIC COMMENT (VOTES MAY BE TAKEN)

There was no public comment.

NEW BUSINESS**A. THE BOARD MAY DISCUSS AND/OR TAKE RESPONSIVE ACTION REGARDING A COMMUNICATION RECEIVED ON JAN. 11, 2024 FROM THE NO LABELS RHODE ISLAND ORGANIZATION (VOTES MAY BE TAKEN)**

Mr. Lima shared the email received asked the Board to accept the communication into the record of the meeting.

MOTION: By Mr. McDonough and seconded by Ms. Moronta to accept the communication received from No Labels Rhode Island on Jan. 11, 2024 into the record.
PASSED ROLL CALL VOTE – 2-0 – Mr. Donahue and Ms. Moronta voting aye.

B. THE BOARD MAY DISCUSS AND/OR TAKE RESPONSIVE ACTION REGARDING VARIOUS DISCREPANCIES FOUND ON VALIDATED PETITION PAPERS RECEIVED FROM THE NO LABELS RHODE ISLAND ORGANIZATION (VOTES MAY BE TAKEN)

Mr. Donahue asked Mr. Lima to present the staff's findings. Mr. Lima said a directive was received from the BOE last week providing instructions to validate party recognition petition signatures for No Labels Rhode Island, which needs over 17,000 signatures statewide for ballot access. He said Cranston received over 3,700 signatures in December 2023. Mr. Lima described the situation in detail, and said that out of hundreds of forms received, many of which have been validated by the staff so far, at least 13 forms have an irregularly high number of questionable signatures. This includes deceased voters whose invalid names and non-matching signatures appear on forms, which is highly unusual. It also includes a high number of voter records who simply do not exist, and a very high percentage of signature match issues, moreso than is commonly seen on statewide candidate nomination papers.

Mr. Lima said he believes law enforcement should investigate this matter as it rises to the level of multiple felonies if the signatures were forged by signers or the circulators forged them. Such an investigation is beyond the ability and resources of the Canvassing Authority to do so independently. Following procedure, Mr. Lima said that this issue was forwarded to the state Board of Elections as soon as it was noticed by our staff. The BOE subsequently sent out a statewide alert notifying all local boards of the issue. Mr. Lima said an alert was also sent out regarding a high number of suspicious signatures on forms for the Ramaswamy Presidential campaign, however none of the forms for that campaign that Cranston received rose to a level of elevated suspicion or abnormalities.

Mr. Lima said that some forms of the 13 that have been identified by staff as suspicious rise to higher levels of concern than others, but all merit review by the Board. Mr. Lima said he has provided copies of these documents to No Labels Rhode Island at their request, including copies of the actual signatures and deceased voter records from the Central Voter Registration System that the staff has appended to them. Each form and

accompanying document has been marked and labeled in sequence. Mr. Donahue asked the Board to enter these documents into the record as such.

MOTION: By Mr. McDonough and seconded by Ms. Moronta to enter copies of the 13 questionable petition papers for No Labels Rhode Island and their supporting documentation into the record.

PASSED ROLL CALL VOTE – 2-0 – Mr. Donahue and Ms. Moronta voting aye.

Mr. Donahue opened the floor to No Labels Rhode Island if they wished to address the Board. Ret. Justice Robert Flanders, counsel for the organization, thanked the Canvassing Authority staff and Mr. Lima for their responsiveness and helpfulness in communicating the issue to No Labels and providing copies of the problematic forms.

Justice Flanders said that a national organization retained by the No Labels organization used 30 petition circulators to acquire some 32,000 signatures in Rhode Island. He said the national firm, Advanced Micro Targeting, employs the signature gatherers who are put through training sessions and are full-time employees of that organization. He said that they must be aware of state laws for signatures in the state they are operating in, and must review and sign multiple documents in which they certify that they understand and will abide by the rules and laws.

In the case of the forms that have verified deceased persons on them, Justice Flanders said that two of the signature gatherers have either been terminated or left the company. He said one of them was fired immediately when No Labels communicated the apparent fraud to the organization. He wants the Board to know that No Labels takes this matter very seriously, and understands the petition review process is ongoing. He asks that any other suspicious forms that may be found by the Board be communicated to No Labels so that they can take appropriate action, which intends to cooperate fully with any law enforcement action.

Justice Flanders again said that No Labels takes this matter seriously and commended Mr. Lima, Ms. Bucci, and Ms. Madonna for their diligence and assistance.

Mr. Donahue thanked Justice Flanders for his clear statement and asked if members had any questions. Ms. Bucci asked if the company is based out of Texas, and Justice Flanders responded in the affirmative, and that is where several of the signature gatherers in question came from.

Mr. Lima recommended that the questionable petitions be submitted to by the Board formally to the Board of Elections with a recommendation for further investigation and referral to state law enforcement. Mr. Lima said Ms. Bucci and Ms. Madonna were also present to answer questions from the Board regarding the petitions. Mr. Lima said that if the Board does have questions, we should be sworn in as we will be providing evidentiary testimony.

The Board and Mr. Iglizzi spent several minutes reviewing the 13 papers in question individually. Mr. Iglizzi provided legal counsel to the Board on the Board's next action as suggested by Mr. Lima.

MOTION: By Mr. McDonough and seconded by Ms. Moronta to refer the 13 No Labels Rhode Island petition papers deemed suspicious to the state Board of Elections for investigation and/or possible referral by the state Board to law enforcement.

Under discussion, Mr. McDonough said the three staff members here are experts in this and have been validating signatures for many years. He said it is safe to assume their work here is sound, so he wondered what the next step is, and whether or not the people who had their names forged should be contacted by the Board.

Mr. Lima said there is nothing in process or a requirement for our Board to do that as we are not the responsible party in this instance. Mr. Iglizzi said that these are nomination papers, and not directly related to disenfranchising a voter, and the Board does not have a duty in this instance to inform people, some of whom cannot be informed in any event because they either do not exist or are deceased. Mr. Donahue asked if it was possible to notify individual voters whose signatures were forged, and Mr. Lima said we would need to know after a law enforcement investigation which signatures were actually rejected because they were forged vs. which were routinely rejected because the voter's signature changed, was signed in a rush, or is different, and we wouldn't want to alarm voters unnecessarily.

Mr. Donahue said that in the past, the procedure has been to refer these matters to the BOE. Mr. Lima agreed, and said if this was a local Council candidate or School Committee, the investigation may be conducted locally, however in this instance it is a statewide process and signature issues have been identified in numerous cities and towns, so it would not make sense for multiple municipal police departments to investigate separately, which is why a matter such as this should be centralized and dealt with by the state Board. Mr. Lima said the BOE is ultimately the agency of record that these nomination forms will be turned into and retained by, unlike a local office.

Mr. McDonough asked whether or not the Board should still sign to certify the papers in question. Mr. Lima said they should, as they do contain some valid signatures, and it is precedent that some individual invalid signatures on a form do not necessarily invalidate the entire form. Even if a form has no valid signatures, the Board will be certifying the fact that there are zero valid signatures on it.

Mr. Donahue asked Mr. Lima to restate the motion under consideration one more time for the benefit of the public present and those watching the livestream, and he did so.

ON THE MAIN MOTION:

PASSED ROLL CALL VOTE – 2-0 – Mr. Donahue and Ms. Moronta voting aye.

Mr. Lima said that around a quarter of the petition forms that were delivered to the office by No Labels are still left to validate. Mr. Lima asked the Board for guidance on what the staff should do if additional suspicious forms are discovered among the remainder.

Mr. Lima said he has to post the next meeting of the Board for Jan. 23 tomorrow, and if it is the pleasure of the Board, he will put this matter on the agenda again in the event any more issues are discovered, so it may be posted with adequate open meetings notice.

Mr. McDonough asked Mr. Iglizzi what the best way to proceed would be. Mr. Iglizzi said we should follow Mr. Lima's suggestion, and asked how quickly the remaining forms could be validated. Mr. Lima felt the office could complete all of the remaining forms before the next meeting on Tuesday night. Discussion ensued. Mr. Lima asked whether additional discrepancies are discovered, if this should be brought before the Board again, or whether he would be authorized to append the original submission to the BOE. Mr. Iglizzi agreed that it should be posted as an agenda item just in case more issues are discovered so that it can be properly discussed and acted upon. The Board agreed, and Mr. Lima said he would include this item under Old Business on the next agenda.

Mr. Donahue thanked the No Labels Rhode Island representatives for their attendance.

C. THE BOARD MAY DISCUSS AND APPROVE COMBINED POLLING PLACES FOR THE APRIL 2, 2024 PRESIDENTIAL PREFERENCE PRIMARY AND THE TENTATIVE JUNE 4, 2024 SPECIAL REFERENDUM ELECTION, FOR SUBMISSION TO THE RHODE ISLAND BOARD OF ELECTIONS FOR FINAL APPROVAL IN ACCORDANCE WITH R.I. GEN. LAWS §§ 17-11-1, 17-11-1.1, AND 17-15-5 (VOTES MAY BE TAKEN)

Mr. Donahue asked Mr. Lima to present his report. Mr. Lima said we have not had a "normal" combination of polls in Cranston since the 2016 Presidential Primary, because otherwise in all city-wide elections, all polls have been opened without combinations, with the exception of the vote center polls that were permitted by Executive Order of the Governor and special act of the General Assembly during the primarily mail ballot elections held during the COVID-19 pandemic in June 2020 and March 2021, which were done under unique circumstances, where there were only two polls in June 2020 for the PPP and three polls for the March Special Election.

Because the PPP is normally a low-turnout election, with turnout of 15% to 25%, it makes sense to combine polls, which have been done with either 6 or 12 over the last 20 years. For city-wide local special elections, Mr. Lima said there were school bond specials in 1994 and 2003, each of which had 5% or less turnout, and each of which had only one poll open per ward which was more than sufficient. Mr. Lima said the combination statute requires one poll per ward at a minimum, absent special legislation from the General Assembly which some towns have sought in the past. Mr. Lima said he reviewed the turnout of several other towns in 2023 that had special school bond referendum and unless the issue was controversial, which it does not appear to be thus far in Cranston, turnout has been fairly low.

For the PPP, Mr. Lima said the city opened six polls, one per ward, in both 2012 and 2016. Prior to the pandemic, the original plan was to open 12 polls in 2020, so that is what Mr. Lima said he would like to go with in 2024 out of an abundance of caution in case turnout is higher than anticipated. Mr. Lima said he has forwarded both of these plans to the staff of the BOE over the last several weeks, and has not received any

negative feedback or concerns thus far. He is confident that 12 polls is more than adequate to serve the voters for the PPP, and six will likewise be adequate for the tentative June 4 Special Referendum Election. He factored into turnout projections the fact that some voters will be voting early and by mail which likewise takes pressure off of the Election Day precincts.

Mr. Donahue asked procedurally whether there should be two separate motions or if they should be approved in one by the Board. Mr. Lima said two separate motions would be appropriate. Mr. Donahue referenced the attached city combined district maps and lists of combined polls that were provided by Mr. Lima for both elections and reviewed by the Board.

MOTION: By Mr. McDonough and seconded by Ms. Moronta to approve the April 2, 2024 Presidential Preference Primary polling locations as presented by Mr. Lima for submission to the state Board of Elections.

Mr. Lima said that there are two polls per ward, and that the larger physical poll in each ward will handle the bulk of the voters and precincts. The smaller poll that has less square footage, less parking, or isn't as centrally located will handle the remainder.

Mr. Donahue asked if schools are closed on April 2. Mr. Lima said Cranston City Clerk Tracy Nelson, when she was clerk for the Newport Board of Canvassers last year, spearheaded an effort to pass a bill that would close schools statewide for the PPP so that we have them available to us as a polling place, and she deserves credit for giving us much more flexibility than we have had in the past. He said Chairwoman Euer in the Senate was very helpful in getting the bill passed.

Mr. Lima said there is a concern for June 4, because schools are in session and not closed by state law, making most of our polling places unavailable. We are using five non-school polls, and Cranston East in Ward 2, since there are no adequate non-polls available inside the ward. Mr. Lima said East has a gym that is separate from the rest of the building and will be isolated for our use on Election Day, and that the Superintendent told him seniors will be out of school by that time which means parking will be freed up. He will have the police detail and extra poll workers available during bus pick-up and drop-off times to help mitigate any issues.

Mr. Lima said the only alternative would be to use the Pastore Youth Center for Ward 2, which is located over the boundary in Ward 3 and not centrally located for the ward, which means we would also have to use the Senior Center instead of Pastore for the ward which has some parking concerns, so it's a less ideal alternative if we could not use East at all. The Cranston Portuguese Club is likewise a Ward 2 polling place, but it serves a relatively small precinct and is likewise physically outside of the ward in Ward 1, across I-95, which would not at all be convenient for most Ward 2 voters who live outside of Auburn. Mr. Donahue agreed with Mr. Lima's assessment.

Mr. McDonough asked about using City Hall. Mr. Lima said that the square footage available in the lobby would be insufficient to set up the needed privacy booths and check-in tables for the number of potential voters that it would be serving, and Council Chambers is ruled out because it is dependent on elevator access which would be a

bottleneck and an ADA concern if the elevator became unavailable due to maintenance. Parking may be an issue as well. City Hall may serve a small number of voters, as it does for the President/Vice President Only precinct in the lobby for presidential elections, but would be inadequate to serve the entire ward.

ON THE MAIN MOTION:

PASSED ROLL CALL VOTE – 2-0 – Mr. Donahue and Ms. Moronta voting aye.

Mr. Donahue asked for a motion to approve the June 4 Special Referendum Election polling place plan with one poll per ward.

MOTION: By Mr. McDonough and seconded by Ms. Moronta to approve the June 4, 2024 Special Referendum Election polling locations as presented by Mr. Lima for submission to the state Board of Elections.

PASSED ROLL CALL VOTE – 2-0 – Mr. Donahue and Ms. Moronta voting aye.

D. THE BOARD MAY REVIEW AND COMPLETE CERTIFICATIONS FOR NOMINATION AND PETITION PAPERS THAT HAVE BEEN VALIDATED IN ACCORDANCE WITH R.I. GEN. LAWS §§ 17-1-2 (9), 17-12.1-7, AND 17-14-11 (VOTES MAY BE TAKEN)

Mr. Lima asked if the Board could take the agenda out of order as it will take quite some time to sign all of the nomination and petition that way Mr. Iglizzi could leave for the evening and we can otherwise first finish the update and business portion of the agenda. There was no objection from the Board.

UPDATES FROM THE REGISTRAR (ALL ITEMS FOR INFORMATIONAL PURPOSES ONLY; NO VOTES TAKEN)

A. UNITED STATES ELECTION ASSISTANCE COMMISSION LOCAL LEADERSHIP COUNCIL JANUARY ANNUAL MEETING AND TEXAS ASSOCIATION OF ELECTION ADMINISTRATORS CONFERENCE REPORT

Mr. Lima said his attendance at the LLC Annual Meeting was productive, and he spoke on a panel documenting the many challenges local election offices will face in 2024 which was a productive conversation. Mr. Lima said he also now chairs the Northeast Region 5 for the EAC LLC. He said he learned a lot about the differences and similarities in procedures and laws from the Texas Election Administrators, and was glad they invited him to attend their conference alongside colleagues from the RI SOS and speak on a panel following a showing of the No Time To Fail documentary.

B. COMMERCIAL PROPERTY IDENTIFIED VOTERS FOR 1-23-2024 CHALLENGE HEARING

Mr. Lima said all of the identified commercial property voters who have been challenged have been sent return-receipt certified letters notifying them of the Jan. 23 hearing.

Many of them have come back thus far as undeliverable, which will be presented to the Board next week. One of the voters received the letter and contacted the office to update their address to their actual residence, so next week Mr. Lima will ask the Board to dispense with that challenge, bringing us down to six remaining.

C. NO LABELS RHODE ISLAND PARTY PETITION PROCESS DIRECTIVE FROM THE RHODE ISLAND BOARD OF ELECTIONS

Mr. Lima said the directive is self-explanatory and included in the packet provided to Board members, and contains the instructions for local boards in the form of a directive from the BOE for validating No Labels petitions. The email from Deputy Director of Elections Miguel Nunez and directive adopted by the BOE were included in the communication.

NEW BUSINESS CONTINUED

D. THE BOARD MAY REVIEW AND COMPLETE CERTIFICATIONS FOR NOMINATION AND PETITION PAPERS THAT HAVE BEEN VALIDATED IN ACCORDANCE WITH R.I. GEN. LAWS §§ 17-1-2 (9), 17-12.1-7, AND 17-14-11 (VOTES MAY BE TAKEN)

Mr. Lima said there are a large volume of forms to sign. He provided instructions to the Board and noted that while all three members present can sign, as an alternate to Ms. Moronta, Mr. McDonough and Ms. Moronta simply cannot sign the same individual forms. The Board proceeded to review and sign the nomination papers and divided up the work between them with Ms. Moronta and Mr. McDonough each signing a subset of forms and Mr. Donahue signing all of them.

Mr. Lima said the Board needs to write-in or stamp "Cranston" in the certification, and has to check the staff's work and transfer the total number of signatures validated by staff as noted on the front of the form to the certification that is located on the back of the form. The forms then need two signatures, a quorum of the Board, in order to be certified.

Mr. Lima said that because Mr. Donahue has no alternate, and the third seat on the Board is still vacant, Mr. Donahue will need to sign every one of the forms. He said Ms. Moronta can authorize Mr. McDonough to sign a subset of the forms to expedite the process, which she did so.

Mr. Lima said the Presidential Preference Primary candidate forms were the most time sensitive as we have an approaching deadline to get those to the Secretary of State. The No Labels forms are not technically due until this summer, so we can begin signing them tonight and perhaps finish them at the next meeting on Jan. 23. The Board decided to sign the Presidential candidate forms now, as well as the 13 suspicious forms in the event the state BOE requests the originals, and will sign the remaining No Labels forms when all are validated at the next meeting.

Mr. Lima said if the Board can get all of the presidential forms signed and completed tonight, he can prepare them for transmission and hand-deliver them to the Department

of State Elections Division tomorrow so that process will be complete well ahead of the deadline.

Mr. Iglizzi left for the evening. Mr. Donahue thanked him for his attendance and advice this evening.

MOTION: By Mr. Donahue and seconded by Ms. Moronta to certify the nomination and petition papers that are before the Board.
PASSED ROLL CALL VOTE – 2-0 – Mr. Donahue voting aye on all forms via his signature. Ms. Moronta or Mr. McDonough voting aye on forms as available on forms needing a second signature via their signatures.

ADJOURNMENT (VOTES MAY BE TAKEN)

Mr. Donahue thanked the staff and Mr. Lima for their hard work in preparing for this meeting and providing all of the information the Board needed. Mr. Donahue also thanked Mr. Tom Lima for providing the video coverage to ensure the meeting was properly recorded.

MOTION: By Mr. McDonough and seconded by Ms. Moronta to adjourn.
PASSED UNANIMOUSLY – VOICE VOTE

The meeting was adjourned at 6:59 p.m.

Respectfully Submitted,

Nicholas J. Lima
Registrar / Director of Elections
Cranston Board of Canvassers

APPROVED by the Cranston Board of Canvassers: March 12, 2024