

CITY OF CRANSTON
BOARD OF CANVASSERS
Regular Meeting of February 18, 2020 – APPROVED MINUTES

The Cranston Board of Canvassers met on February 18, 2020, in a meeting advertised in accordance with the Rhode Island Open Meetings Act on February 12, 2020. The meeting was called to order by the Chairperson, Randall Jackvony, at 5:43 p.m. It was held in the Third Floor Conference Room at Cranston City Hall.

MEMBERS PRESENT: Randall Jackvony, Gary Vierra, Alice Petrone (For Mr. Joslyn)

MEMBERS ABSENT: Fred Joslyn

NON-MEMBERS PRESENT: Nicholas Lima (Registrar / Director of Elections), David Igliazzi (Assistant City Solicitor), Gerri Meenan (Court Reporter)

The chair declared a quorum present.

AGENDA

- I. CALL TO ORDER
- II. APPROVAL OF THE AGENDA
- III. APPROVAL OF MINUTES – 1-21-2020
- IV. PUBLIC COMMENT
- V. CHAIRPERSON'S ANNOUNCEMENTS – RANDALL JACKVONY
- VI. NEW BUSINESS
 - A. CHALLENGE HEARINGS PURSUANT TO R.I.G.L. § 17-9.1-28
 1. 2020-01 CAMERON S BEAUSOLEIL
 2. 2020-02 FRANCIS N BRISSON
 3. 2020-03 STEPHEN P FALLON JR
 4. 2020-04 KATHRYN M FOSTER
 5. 2020-05 ROBERT K MILLS
 6. 2020-06 JAMES E SCHENCK
 7. 2020-07 XIU JIN ZHANG
 - B. THE BOARD MAY DISCUSS THE PRELIMINARY FY2021 CANVASSING DEPARTMENT OPERATING BUDGET
- VII. UPDATES AND REMARKS
 - A. REGISTRAR / DIRECTOR OF ELECTIONS – NICHOLAS LIMA
- VIII. COMMENTS OF BOARD MEMBERS
- IX. ADJOURNMENT

APPROVAL OF THE AGENDA

Mr. Jackvony asked for a motion to approve the agenda.

MOTION: By Mr. Vierra and seconded by Ms. Petrone to approve the agenda as posted.

PASSED ROLL CALL VOTE – 3-0

APPROVAL OF MINUTES

Mr. Jackvony asked for a motion to approve the minutes from the meeting of Jan. 21, 2020.

MOTION: By Mr. Vierra and seconded by Ms. Petrone to approve the meeting minutes of 1-21-2020.

PASSED ROLL CALL VOTE – 3-0

PUBLIC COMMENT

There was one member of the public present, however they were only present to observe the meeting and did not wish to speak.

CHAIRPERSON'S ANNOUNCEMENTS

CHAIRPERSON – Randy Jackvony

Mr. Jackvony had no announcements.

NEW BUSINESS

A. CHALLENGE HEARINGS PURSUANT TO R.I.G.L. § 17-9.1-28

Mr. Jackvony asked Mr. Lima to review the process to date for the seven challenged voters. Mr. Lima said in the summer of 2017, the office received a list from the Secretary of State's office of commercial addresses that potentially had voters illegally registered at them, which we were asked to research. Some of them were false positives, and a number of voters were eventually removed from the voter rolls or updated their addresses to their actual place of residence as a result of the project.

However, some voters could not be contacted, and had no additional contact information on file. At the time, it was felt to challenge only those voters who could be contacted and would potentially appear at a challenge hearing. However, that left a handful of voters who remained active in perpetuity on the voter list. The Board later decided to allow challenges of those voters to proceed, which is what is before the Board tonight. Even though the voters cannot be contacted, and all mail sent to them is returned as undeliverable, at the very least, the Board can initiate the confirmation process, which will make these voters inactive. Eventually, these commercial addresses can be removed from the city's master street file, once the voters are cancelled.

Mr. Lima explained that six of the seven voters were identified from the 2017 SOS list. The seventh voter is also registered from a commercial address, and was identified because the address is next door to one of the other voter addresses in a commercial district. All voters were sent return-receipt certified letters informing them that it was believed they are illegally registered from non-residential addresses where they do not actually reside. Ahead of this challenge hearing, all voters were again sent a return-receipt certified letter notifying them that a formal challenge was filed by Mr. Lima acting in his official capacity as the Registrar, and informing them to appear this hearing if they disputed the challenge.

The certified letters, for the most part, were returned undeliverable or have not been delivered as of this time. Mr. Lima reviewed the nature of the commercial properties, identifying a truck facility, dockyard, warehouse, garage, tractor trailer parking area, a restaurant, and a frozen yogurt shop. He provided copies of the filed challenges, copies of statements from the Tax Assessor's office confirming these are commercial, non-residential properties with no known residential units, and the evidence of return receipts and undeliverable cards the office has received to date.

Because none of these voters have appeared in person, Mr. Lima reminded the Board that the voters cannot be directly removed from the voter rolls, and under state law, the best the Board can do is initiate the confirmation process to make these voters inactive. None of these voters have appeared at a polling place in recent elections to vote from these commercial properties, however if they did, by virtue of being inactive they will have to complete an affirmation, and if they do not in fact live at their address, they would be committing a felony by doing so, and further action could be taken at that time.

Mr. Lima said, in all likelihood, most of these voters were registered at the commercial addresses by mistake, or have long since moved away. Mr. Lima read the relevant statute from state law regarding the confirmation process. He said the voters would be cancelled if they do not correct their registrations after the 2022 election.

Ms. Petrone asked what happens when a voter has the same address on file with the DMV. Mr. Lima said most voter transactions are through the DMV, and many errors on the voter rolls are either because the voter miscommunicated their own information to the DMV, or the DMV incorrectly entered the voter's address information in their system, which then gets forwarded automatically to the Central Voter Registration System for our office to process. Mr. Jackvony asked if the DMV checks to ensure someone is registering at a residential address, and Mr. Lima said to his knowledge, they do not, as many commercial property voters identified over the last two years became registered at those properties as a direct result of DMV transactions.

Mr. Vierra asked about Mr. Beausoleil, and noted his voter history had him voting in Warwick in the two most recent elections. Mr. Lima said he was added to this project for that reason, in that he just recently registered to vote from a commercial address in Cranston, and these seven voters are the only remaining, known active voters who are registered at suspected commercial properties in Cranston. Mr. Jackvony said it was important to note that each of these voters were sent two notices. Mr. Lima said most have actually been sent three or four mailings to date.

Given the evidence presented and the extraordinary steps taken to contact the voters, the Board decided to proceed with the confirmation process for each.

MOTION: By Mr. Jackvony and seconded by Mr. Vierra to initiate the confirmation process as outlined in state law for Cameron S. Beausoleil.
PASSED ROLL CALL VOTE – 3-0

MOTION: By Mr. Jackvony and seconded by Ms. Petrone to initiate the confirmation process as outlined in state law for Francis N. Brisson.
PASSED ROLL CALL VOTE – 3-0

MOTION: By Mr. Jackvony and seconded by Mr. Vierra to initiate the confirmation process as outlined in state law for Stephen P. Fallon Jr.
PASSED ROLL CALL VOTE – 3-0

MOTION: By Mr. Jackvony and seconded by Ms. Petrone to initiate the confirmation process as outlined in state law for Kathryn M. Foster.
PASSED ROLL CALL VOTE – 3-0

MOTION: By Mr. Jackvony and seconded by Mr. Vierra to initiate the confirmation process as outlined in state law for Robert K. Mills.
PASSED ROLL CALL VOTE – 3-0

MOTION: By Mr. Jackvony and seconded by Ms. Petrone to initiate the confirmation process as outlined in state law for James E. Schenck.
PASSED ROLL CALL VOTE – 3-0

MOTION: By Mr. Jackvony and seconded by Mr. Vierra to initiate the confirmation process as outlined in state law for Xiu Jin Zhang.
PASSED ROLL CALL VOTE – 3-0

Mr. Jackvony thanked Mr. Lima for his work on this project.

B. THE BOARD MAY DISCUSS THE PRELIMINARY FY2021 CANVASSING DEPARTMENT OPERATING BUDGET

Mr. Lima said he was concerned about costs related to emergency voting, mail ballot processing, and a citywide mailing for a bond and charter referenda mailing. He is also requesting a bilingual full-time equivalent position be added to the Canvassing Department. He is submitting a budget request to the administration that will account for all of these costs for the primary and general election. Of particular concern is increased costs related to polling location setups, which will have to now be done on the Labor Day holiday, and the office will need to be open that day, if the law is not quickly changed to move the primary date.

Mr. Jackvony said the extraordinary nature of the elections process and record-high expected turnout, as well as extensive mandates put on us by the state, require consideration of increased funding and staffing for the Canvassing Department to adequately conduct the 2020 and future elections.

UPDATES AND REMARKS

REGISTRAR / DIRECTOR OF ELECTIONS – Nicholas Lima

Mr. Lima had no further updates at this time.

COMMENTS OF BOARD MEMBERS

There were no comments from Board members.

ADJOURNMENT

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

The meeting was adjourned at 6:05 p.m.

Respectfully Submitted,

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

APPROVED by the Cranston Board of Canvassers: May 12, 2020