

CITY OF CRANSTON
BOARD OF CANVASSERS
Regular Meeting of March 6, 2018 – APPROVED MINUTES

The Cranston Board of Canvassers met on March 6, 2018, in a meeting advertised in accordance with the Rhode Island Open Meetings Act on March 2, 2018. The meeting was called to order by the Chairperson, Randall Jackvony, at 3:31 p.m. It was held in the Canvassing Office at Cranston City Hall, Room 100.

MEMBERS PRESENT: Randall Jackvony, Gary Vierra

MEMBERS ABSENT: Fred Joslyn

NON-MEMBERS PRESENT: Nicholas Lima (Registrar), Theresa Bucci (Canvassing Aide)

The chair declared a quorum present.

AGENDA

- I. CALL TO ORDER
- II. APPROVAL OF THE AGENDA
- III. APPROVAL OF MINUTES – 2-15-18
- IV. PUBLIC COMMENT
- V. CHAIRPERSON'S ANNOUNCEMENTS – RANDALL JACKVONY
- VI. UPDATES AND REMARKS
 - A. REGISTRAR – NICHOLAS LIMA
- VII. NEW BUSINESS
 - A. THE BOARD MAY RECEIVE AFFIDAVITS CHALLENGING THE REGISTRATION OF TWELVE (12) VOTERS, AND DETERMINE REASONABLE CAUSE TO CONDUCT A CHALLENGE HEARING AND SEND NOTICE TO THE VOTERS PURSUANT TO R.I.G.L. § 17-9.1-28
- VIII. COMMENTS OF BOARD MEMBERS
- IX. ADJOURNMENT

APPROVAL OF THE AGENDA

Mr. Jackvony asked if the members had looked over the agenda.

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

PASSED ROLL CALL VOTE – 2-0

APPROVAL OF MINUTES

Mr. Jackvony said the next item of business is the minutes of the Feb. 15 meeting.

MOTION: By Mr. Vierra and seconded by Mr. Jackvony to approve the meeting minutes of 2-15-18.

PASSED ROLL CALL VOTE – 2-0

PUBLIC COMMENT

There were no members of the public present who appeared to speak.

CHAIRPERSON'S ANNOUNCEMENTS

CHAIRPERSON – Randy Jackvony

Mr. Jackvony had no announcements.

UPDATES AND REMARKS

REGISTRAR – Nicholas Lima

Mr. Lima said he met with Kathy Placencia, administrator of elections for the City of Providence, that morning to discuss outstanding issues regarding voters and street ranges along the boundary between Cranston and Providence. He said the result of the meeting was that they each felt many, if not all, of the issues could be resolved without a formal hearing process, unless any of the voters who are in the wrong city due to administrative error appeal the decision by either city to move them to the correct city.

Mr. Lima said the issue has been looked at extensively since mid-last year, and the objective now was to take care of the remaining streets that have yet to be addressed ahead of this year's elections. He said the result of the project will be to have corrected all issues with the exception of those that are highly questionable due to boundary lines bisecting houses that have voters in both cities, such as 432 Union Ave and homes on Edgewood Blvd, among others, such as Molter St, that have homes with the same address and ZIP code, but the same street, located in both cities.

Mr. Jackvony asked what timeframe these issues could be resolved in. Mr. Lima said the changes on Cranston's end are ready to be implemented immediately, however they are all dependent on records received from and corresponding actions taken by the City of Providence, as the project is a collaborative effort from both cities, so the remaining timeframe is highly determinant on how quickly Providence is able to work through the remaining issues and provide Cranston with applicable voter records.

Mr. Lima said he has submitted the department's FY19 budget request to the administration for review. He said it includes an increase in the elections line item over previous years, due to a wide range of increases in the cost of elections administration, personnel, and supplies. Mr. Lima said he is comfortable the figures the department submitted will be sufficient to conduct the 2018 elections, and that he will discuss the request in detail with the Finance Director at the departmental budget meeting on Friday.

NEW BUSINESS

A. THE BOARD MAY RECEIVE AFFIDAVITS CHALLENGING THE REGISTRATION OF TWELVE (12) VOTERS, AND DETERMINE REASONABLE CAUSE TO CONDUCT A CHALLENGE HEARING AND SEND NOTICE TO THE VOTERS PURSUANT TO R.I.G.L. § 17-9.1-28

Mr. Jackvony said the canvassing department received 12 affidavits from Mr. Lima challenging voters. He said a copy of all of the affidavits was distributed to the Board for their review as part of their meeting materials packet prior to the meeting.

Mr. Lima said a case file was generated for each voter challenged, e.g. "2018-01," in order to track documents related to each challenged voter individually. He said the information used to challenge the voter is provided in each affidavit; he also said that the Canvassing Department has a file on each voter containing a record of all correspondence and information collected to date, and that file is referred to in the affidavit. The file includes copies of all letters and certified letters sent to the voters to date, as well as postmarked certified cards and return receipts, assessor's property records, and other information, for either or both addresses that letters have been sent to. The affidavit includes statements of fact of efforts taken by the Canvassing Department to contact the voters to date, which are supported by the documentation in each voter's file; it also includes a letter from the Cranston Tax Assessor confirming that there is no record or data on file that the challenged voters' property addresses contain a residential unit of any type.

Mr. Jackvony said the information collected to date has been very comprehensive. He said that out of the 12 voters, 11 are registered at an address that they do not actually reside at – generally commercial property – and the 12th voter is not a United States citizen. Mr. Jackvony asked Mr. Lima to summarize the actions taken to date.

Mr. Lima said four voters were brought to the attention of the Canvassing Department by the state Board of Elections in May 2017. Under direction from the state Board, the Canvassing Department immediately sent those voters believed to have registered at non-commercial addresses letters notifying them of the penalties under state law for doing so, and included a registration form for them to update their registration accordingly. Mr. Lima said the state Board alerted the Canvassing Department to a larger group of voters in June, and the Department responded with the same actions. After removing false positives, Mr. Lima said some of the voters responded by changing their voter address, while others did not respond at all. In July, the Department of State's Elections Division sent a list of 86 voter addresses that were designated as commercial according to E-911 data to the Canvassing Department to review. Again, after removing numerous false positives, the voters were contacted using the template provided by the state Board of Elections, including a voter registration form.

Mr. Lima said a significant portion of the voters contacted updated their registration address, including some changed to out-of-city addresses. If all mail sent to a voter was returned undeliverable, the voters were dropped from the inquiry, as there was no way to contact them; these voters generally had no recent voter history. Under a procedure established by the Cranston Board of Canvassers, over the summer and fall all voters

who failed to respond in at least 30 days to the original mailing were sent a return-receipt certified letter to both their registered address and, if different, the address on file in the Department of Motor Vehicles; the letters included a voter registration form and instructed the voters to contact the office to correct the situation. Again, some voters responded and updated their information, others were returned undeliverable, a few provided new information to the Canvassing Department that resulted in their removal from the inquiry, and some did not respond at all. All of the voters were given, at minimum, 30 days to respond, although in all cases several months have now elapsed. Under direction from the Board of Canvassers, the filing of formal challenges against the remaining voters who could be contacted but had not responded or not updated their information to reflect where they actually live was the final step of the process, which is where the Board is at today.

Mr. Jackvony asked what type of notification the voters get regarding the hearing for any voters where there is sufficient evidence for the challenge to proceed. Mr. Lima said the hearing will take place on April 5 at 7 p.m., and that each voter will be notified this week via return-receipt certified mail to their voter address, which is what is required under state law. Mr. Lima said he also intends to send a second certified letter to their DMV address if, in previous mailings, their DMV address was deliverable but their voter address was undeliverable. He said the goal of the process is to ensure the voter is actually notified and updates their registration, so any additional effort to ensure they receive notification of the hearing is warranted, despite the small extra expense of sending a second certified letter.

Mr. Jackvony asked what official approval was needed to proceed now that the Board had been briefed on the process and was familiar with the affidavits of the voters being challenged. Mr. Lima said a vote should be taken on each voter individually on whether there is reasonable cause to allow the challenge to proceed. The voters, upon receiving notice that they have been challenged, will then have the next several weeks to either contact the office to provide information, to update their registration, or to make arrangements to attend the hearing.

Upon reviewing the affidavits and evidence before the Board for each voter, the Board proceeded to vote on each challenge individually.

Mr. Jackvony introduced the affidavit challenging Azriel A. Arce, 1033 Cranston St., Case 2018-01.

MOTION: By Mr. Jackvony and seconded by Mr. Vierra to find reasonable cause to proceed with the challenge of the voter, Azriel A. Arce.
PASSED ROLL CALL VOTE – 2-0

Mr. Jackvony introduced the affidavit challenging Russell F. Cucino, 225 Macklin St., Case 2018-02.

MOTION: By Mr. Vierra and seconded by Mr. Jackvony to find reasonable cause to proceed with the challenge of the voter, Russell F. Cucino.
PASSED ROLL CALL VOTE – 2-0

Mr. Jackvony introduced the affidavit challenging Evelyn R. Gonzalez, 589 Reservoir Ave., Case 2018-03.

MOTION: By Mr. Vierra and seconded by Mr. Jackvony to find reasonable cause to proceed with the challenge of the voter, Evelyn R. Gonzalez.
PASSED ROLL CALL VOTE – 2-0

Mr. Jackvony introduced the affidavit challenging Bachar Kattan, 120 East St., Case 2018-04.

MOTION: By Mr. Vierra and seconded by Mr. Jackvony to find reasonable cause to proceed with the challenge of the voter, Bachar Kattan.
PASSED ROLL CALL VOTE – 2-0

Mr. Jackvony introduced the affidavit challenging Rayna Lynch, 340 Budlong Rd., Case 2018-05.

MOTION: By Mr. Vierra and seconded by Mr. Jackvony to find reasonable cause to proceed with the challenge of the voter, Rayna Lynch.
PASSED ROLL CALL VOTE – 2-0

Mr. Jackvony introduced the affidavit challenging Janice Martin, 1655 Elmwood Ave. Unit 2, Case 2018-06.

MOTION: By Mr. Vierra and seconded by Mr. Jackvony to find reasonable cause to proceed with the challenge of the voter, Janice Martin.
PASSED ROLL CALL VOTE – 2-0

Mr. Jackvony introduced the affidavit challenging William Edward O'Connor, Jr., 1500 Pontiac Ave., Case 2018-07.

MOTION: By Mr. Vierra and seconded by Mr. Jackvony to find reasonable cause to proceed with the challenge of the voter, William Edward O'Connor, Jr.
PASSED ROLL CALL VOTE – 2-0

Mr. Jackvony introduced the affidavit challenging Robert J. Pitocco, 109 Fletcher Ave., Case 2018-08.

MOTION: By Mr. Vierra and seconded by Mr. Jackvony to find reasonable cause to proceed with the challenge of the voter, Robert J. Pitocco.
PASSED ROLL CALL VOTE – 2-0

Mr. Jackvony introduced the affidavit challenging Sherri L. Ruggieri, 535 Atwood Ave., Suite 4, Case 2018-09.

MOTION: By Mr. Vierra and seconded by Mr. Jackvony to find reasonable cause to proceed with the challenge of the voter, Sherri L. Ruggieri.
PASSED ROLL CALL VOTE – 2-0

Mr. Jackvony introduced the affidavit challenging Michael D. Squillace, 1658 Cranston St., Case 2018-10.

MOTION: By Mr. Vierra and seconded by Mr. Jackvony to find reasonable cause to proceed with the challenge of the voter, Michael D. Squillace.
PASSED ROLL CALL VOTE – 2-0

Mr. Jackvony introduced the affidavit challenging Israr A. Syed, 589 Reservoir Ave., Case 2018-11.

MOTION: By Mr. Vierra and seconded by Mr. Jackvony to find reasonable cause to proceed with the challenge of the voter, Israr A. Syed.
PASSED ROLL CALL VOTE – 2-0

Mr. Jackvony introduced the affidavit challenging Karen I. Chumbiray, 85 Victoria Ave., Case 2018-12, based on the evidence that the voter is not a U.S. citizen.

MOTION: By Mr. Vierra and seconded by Mr. Jackvony to find reasonable cause to proceed with the challenge of the voter, Karen I. Chumbiray.
PASSED ROLL CALL VOTE – 2-0

Mr. Jackvony said he will sign the certified letters notifying the voters that they have been challenged and including the date, time, and place of their challenge hearing, to be held Thursday, April 5, at 7 p.m. in the Third Floor Conference Room of City Hall.

Mr. Lima said the letters will be sent out tomorrow via certified mail, and the 11 letters for suspected non-residential property voters will include a voter registration form. Mr. Lima said that if any of the voters contact the office, the staff will guide them through the process to change or cancel their registration, and if they do that between now and the meeting, the voters will not be expected to attend the hearing, as the challenge will be moot and withdrawn. Mr. Lima said if the voters still do not respond or appear, state law is extremely restrictive, and upon finding of the Board, the only action that can be taken is to send a confirmation notice, which under specific circumstances may be used to make the voter inactive.

Mr. Jackvony asked if the voter's records will be available at the challenge hearing, and Mr. Lima said they will be, as copies of the voter's registration forms are included in the file the Canvassing Department has maintained on each voter.

COMMENTS OF BOARD MEMBERS

There were no comments of Board members.

ADJOURNMENT

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

The meeting was adjourned at 3:48 p.m.

Respectfully Submitted,

Nicholas J. Lima
Registrar
Cranston Board of Canvassers

APPROVED by the Cranston Board of Canvassers: April 5, 2018