

CITY OF CRANSTON
BOARD OF CANVASSERS
Regular Meeting of June 27, 2017 – APPROVED MINUTES

The Cranston Board of Canvassers met on June 27, 2017, in a meeting advertised in accordance with the Rhode Island Open Meetings Act on June 15, 2017. The meeting was called to order by the Chairperson, Ed Lemoi, at 3:40 p.m. It was held in the Canvassing Office at Cranston City Hall, Room 100.

MEMBERS PRESENT: Edmond Lemoi, Randall Jackvony, Gary Vierra

MEMBERS ABSENT: None

NON-MEMBERS PRESENT: Nicholas Lima (Registrar)

Mr. Vierra, a new Board member appointed by the City Council on May 22, 2017, was sworn in by the Registrar prior to the start of the meeting.

The chair declared a quorum present.

AGENDA

- I. CALL TO ORDER
- II. APPROVAL OF THE AGENDA
- III. APPROVAL OF MINUTES – 2-16-17
- IV. PUBLIC COMMENT
- V. CHAIRPERSON'S ANNOUNCEMENTS – EDMOND LEMOI
 - A. THE BOARD MAY VOTE TO SELECT A NEW CHAIRPERSON
- VI. UPDATES AND REMARKS
 - A. REGISTRAR – NICHOLAS LIMA
- VII. OLD BUSINESS
 - A. 2017 ELECTIONS LEGISLATION
 - B. FINAL FY18 CANVASSING DEPARTMENT OPERATING BUDGET
- VIII. NEW BUSINESS
 - A. VOTERS REGISTERED AT COMMERCIAL PROPERTY
 - B. BORDER STREET ISSUES
- IX. COMMENTS OF BOARD MEMBERS
- X. ADJOURNMENT

APPROVAL OF THE AGENDA

Mr. Lemoi said he had no issues with the order of the agenda as posted.

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

PASSED ROLL CALL VOTE – 3-0

APPROVAL OF MINUTES

Mr. Lemoi asked if the Board members had an opportunity to review the meeting minutes of the open session of February 16, 2017.

Mr. Vierra said he would abstain from the vote, as he was not yet appointed to the Board when this meeting took place. Mr. Lemoi said that he was absent from this meeting, but would vote in the affirmative to ensure the minutes could be approved by the Board with a majority vote; he noted for the record that he would otherwise abstain.

MOTION: By Mr. Jackvony and seconded by Mr. Vierra to approve the open session meeting minutes of 2-16-17.

PASSED ROLL CALL VOTE – 2-0 – Mr. Vierra Abstained

PUBLIC COMMENT

Mr. Lemoi noted there were no members of the public in attendance, and, accordingly, the public comment period was closed.

CHAIRPERSON'S ANNOUNCEMENTS

CHAIRPERSON – Edmond Lemoi

Mr. Lemoi had no announcements, other than to say that, with the appointment of Mr. Vierra, it would be in order at this time to have a discussion and possible vote to select a new chairperson for the Board.

A. THE BOARD MAY VOTE TO SELECT A NEW CHAIRPERSON

Mr. Lemoi opened the floor for nominations for a new chair of the Cranston Board of Canvassers. Mr. Vierra nominated Randall Jackvony, which was seconded by Mr. Lemoi. There being no additional nominations, Mr. Lemoi directed the Registrar to call the roll on the election of Randall Jackvony as Chair of the Board.

MOTION: By Mr. Vierra and seconded by Mr. Lemoi to elect Randall Jackvony as Chairperson for the Cranston Board of Canvassers.

PASSED ROLL CALL VOTE – 3-0

Mr. Lemoi and Mr. Vierra congratulated Mr. Jackvony on his election as chairperson. Mr. Lemoi passed the gavel to Mr. Jackvony.

UPDATES AND REMARKS

REGISTRAR – Nicholas Lima

Mr. Jackvony asked Mr. Lima to present his updates and remarks to the Board.

Mr. Lima said the current 1994 Panasonic tape recorder used for meetings was brought in from home by a previous registrar, Jackie Caruolo. He said he plans to purchase a

new, digital recorder in the new fiscal year, which, for the first time, will allow a backed-up, digital audio archive of future Board meetings, and eliminate the expense of purchasing both batteries and cumbersome, antiquated cassette tapes for the recorder.

As two of the members were not present for the January meeting, Mr. Lima reiterated his philosophy to the Board – that he sees his role as policy enforcing, but not policy making. Outside of directing elections, he said he views his primary role as keeping the office organized and working well, supervising staff, and maintaining accurate voter rolls for the city, and will continue to frequently update the Board members on activities in the office and changes to state elections laws and regulations. He said he has been very active with the Rhode Island Town and City Clerks Association and its Elections Committee, which monitors and lobbies all elections legislation, although absent direction from the Board the last few months, he has not publicly taken a stand on any bills that could be seen as controversial.

Mr. Lima said the office recently held voter registration drives, in accordance with state law, at all three Cranston high schools, in cooperation with the state Board of Elections and the Secretary of State's office, including Cranston East and West and, for the first time, a drive at the New England Laborers/Cranston Public Schools Career & Construction Academy. All told, the office processed 56 voter registration forms as a result of the drives.

Mr. Lima illustrated the National Change of Address (NCOA) process that the office is currently undertaking. Via NCOA, the staff have identified several thousand voters and analyzed over 4,500 records, and have sent out thousands of pieces of mail. The project is expected to be completed later this summer. The Secretary of State is also working on mailings to voters who may have moved out-of-state, and the office has been receiving some calls and correspondence from voters wishing to cancel their Cranston registration.

Mr. Lima also noted he is working with the city IT department to update the Cranston Board of Canvassers website, to the extent possible within the current website infrastructure. He is working on streamlining information, updating old information, and adding new information, including the names of the Board members.

Mr. Lima also noted that projects have been undertaken to inventory, organize, and archive office files, ranging from the most recent 2016 elections to stacks of documents dating back to the late 1800s. He said Canvassing Aide Terri Bucci has been extremely helpful in this regard, particularly in organizing the many old records stored in the vault, as well as streamlining voter registration files stored in the drawers. Overall, the process has created a more professional, orderly atmosphere in the office and work areas.

In regards to the possible cases of voter fraud turned over to the Cranston Police earlier this year, Mr. Lima said he has a record of all files turned over to the department in relation to the investigation, although he does not expect them to be returned to us for some time. Mr. Lima said that, according to media accounts, the police have completed their investigation and turned the cases over to the Attorney General's office for review and, at their discretion, possible prosecution of any cases where it was found that laws were violated.

Mr. Lima noted that several technology-related issues have been identified regarding how information is recorded in the Central Voter Registration System (CVRS), particularly related to how information, such as voter phone numbers, is transmitted from the Department of Motor Vehicles (DMV). He has been in contact with Rob Rock, Director of Elections for the Secretary of State, about the issues, though Mr. Rock advised some issues may not be substantially addressed until after the new DMV computer system is up and running.

Finally, Mr. Lima noted that, at the previous evening's City Council meeting, the Council tabled the appointment for a Democratic Alternate on the Board of Canvassers in order to clarify state statutes that govern appointments. Mr. Lima said he reached out to Acting Executive Director Bob Rapoza at the state Board of Elections for guidance regarding the statutes. The appointment is expected to be on the docket for the July meeting.

Mr. Lemoi said that in the past few months, since Mr. Lima was appointed as Registrar, he feels he has done a great job. He said he appreciates the information and updates that Mr. Lima sends to the Board, and added he feels the office is more presentable and professional. Mr. Lemoi thanked Mr. Lima for keeping him very informed while he was the Board chairperson, and reiterated that he felt Mr. Lima carries out his duties in a very professional fashion.

Mr. Lima reminded the Board members they can reach out to him at any time if they have questions or have any items that need to be researched.

OLD BUSINESS

A. 2017 ELECTIONS LEGISLATION

Mr. Lima provided the Board an extensive review of approximately 93 bills submitted, to date, during this session of the General Assembly, all of which would affect the operations of the Canvassing Department, conduct of elections, and voter registration in some way.

In particular, Mr. Lima reviewed proposed changes to the Open Meetings and Access to Public Records Acts, including a proposal that would reduce the maximum amount per page that the office can charge for photocopies of records. A separate bill, which Mr. Lima said had gained significant traction in the legislature, would remove weekends and holidays from the calculation of a minimum 48-hours' notice to schedule a meeting, and require all public bodies to file minutes with the Secretary of State. Presently, Mr. Lima said, although the Board of Canvassers is not required to electronically file its minutes, Mr. Lima has made it his standard practice to do so, for reasons of transparency. Mr. Lima also noted an open meetings bill that, while unlikely to pass, would require many municipal bodies – though seemingly not boards of canvassers – to videotape and livestream their meetings, among other new requirements.

Mr. Lima reviewed various bills that affect the office only marginally or tangentially, such as legislation regarding updates to state campaign finance law and a study commission

to investigate the possibility of run-off elections. He noted that several bills between the two chambers would add in new restrictions in prohibiting candidates from running for office who have past-due campaign finance fines levied against them, which could change some office practices during the candidate declaration period.

Mr. Lima said that other bills introduced this session that have not yet moved substantially forward – with just days to go – include changes to notifications for state and non-profit agencies that aide in restoring voting rights to felons who have completed their sentences, a bill to move the candidate declaration period from June to April, and proposed changes to permit party voters to disaffiliate or change parties 29 days, rather than 90, prior to a primary election. A reform of notary public laws, which would affect all Canvassing staff, has not come out of committee to date.

Mr. Lima expressed concern that a post-election risk-limiting audit bill, proposed by Common Cause and supported by the Secretary of State and Clerks Association, appeared to have stalled this session, although there was still a chance it could pass. He said the bill would ensure voting scanners are properly counting ballots by triggering random, hand-counted audits of a small fraction of machines by the Board of Elections, and would help promote voter confidence in the elections process. Mr. Lima said that ballot questions in a couple of towns were thrown off significantly by miscalibrated machines in the 2016 election, and that had it not been for the erroneous, lopsided vote totals that resulted, catching the eye of state and local officials, the errors may have never been discovered.

Mr. Lima said the early voting legislation proposed by Secretary of State Nellie Gorbea, which is probably the most significant of changes being considered to elections law, also appears to have stalled this session. He said this casts doubt over whether the procedure of processing a growing number of emergency mail ballots, which was a significant hindrance to the canvassing office's operations in the 2016 general election, will be reformed prior to the 2018 cycle. He added that the Secretary of State's office has worked closely with the municipalities in amending the bill, introducing a Substitute A that reduced the number of weekends where early voting was required, and adding more influence for the Clerks Association on an advisory committee that would develop rules and regulations in implementation of early voting – amendments that ultimately won the support of the Association for the bill.

Mr. Lima added that funding to implement e-poll pads statewide, which would be critical to reforming the emergency mail ballot process, was not included in the trimmed-down budget passed by the House, much to the disappointment of elections administrators around the state. Mr. Lima said that, if we could get through the presidential election without them in widespread use, he feels we can survive a midterm, although he stressed that an increase in early voting will continue to make the process prone to mistakes and add significant pressure to the Canvassing staff in preparing for the election. Mr. Lima said the trend, nationwide, has increasingly been towards more voters opting to cast their ballots prior to Election Day, which is a significant problem for local boards of canvassers if technology and election laws do not keep up.

Mr. Lemoi said the office staff cannot be printing poll books at 11 p.m. the night before the election, as happened in 2016 due to the time constraints imposed by the

emergency ballot period and volume of records that needed to be processed in a short amount of time.

Mr. Jackvony asked if the bill could pass in the 2018 session. Mr. Lima said he spoke with Mr. Rock about this, who stressed that, in the off-chance the Assembly did pass major elections legislation in an election year – which is rare – the implementation may still be held off until 2020, due to the narrower timeframe, although anything remains possible at this point. Mr. Lemoi expressed frustration that the funding was not approved in the budget process despite lobbying from the Clerks Association and Secretary of State, and said he didn't feel there was a widespread enough understanding of how much time elections officials had to dedicate, under difficult and stressful circumstances, in processing emergency ballots last October and November. He said that in his many years on the Board, he and the other members had never spent this much time conducting election business, and that the situation really needs to be addressed by the state.

Mr. Lima reported several bills filed by the minority party in the Assembly, such as a bill to require voters voting by emergency ballot in person to show identification, and another to create voter initiative, likewise have not substantially moved out of the committees where they were introduced.

Mr. Lima said a bill was put in that changes the way concealed-carry permits are authorized, which could affect the department's office procedures, as the Canvassing Department has a role in certifying residency for permit holders. Mr. Lima said he spoke with Chief Winquist about the legislation, and although it remains to be seen whether a final bill, if passed, would change procedures, the most likely result would be status quo.

In terms of bills that have actually passed so far, Mr. Lima said there were few, and they have only minor impacts on the office. One bill signed into law permits the return of the demonstration DS-200 voting machine, currently stored in the Canvassing office foyer, to the Board of Elections; another gives the Board of Elections more flexibility to add more voting privacy booths and DS-200 scanners for busier polling places; and another, more technical bill simply grants flexibility on when the Board of Elections can deliver elections supplies to local boards. Another bill, which appears headed for passage, would raise the age of children who are permitted to accompany their parents in the voting booth from under 13 to under 18.

Mr. Lima said a bill introduced and passed on behalf of the state Board of Elections to line up laws that, for the general election, allow many more people to be pollworkers, while restricting primary workers considerably, was amended on the House floor, resulting in a neutral impact. While state, federal, and some municipal workers from other towns will now be permitted to work primary elections, oddly, a long-standing provision providing an exemption for teachers was struck from the bill's language. Mr. Lima said he spoke with the Board of Elections, who still expected a net positive gain in the available pollworker pool regardless, although Mr. Lima and Data Entry & Maintenance Specialist Maria Madonna remain worried about losing poll workers who are educators.

Mr. Vierra noted that school departments are by-and-large autonomous from municipal governments, and questioned why the exemption permitting teachers to be pollworkers was removed in the version of the bill that ultimately passed.

Mr. Lima said another bill sponsored by the Secretary of State, making Rhode Island an Automatic Voter Registration state, appears poised to pass, perhaps in the final days of the session.

Mr. Lima said Board of Elections bills related to mandating a declaration period for write-in candidates, which would also remove the requirement by local boards to tally all write-ins, regardless of their frivolous or inconsequential nature, also do not appear to be moving this session. Mr. Lemoi said he was disappointed this legislation was stalled.

Mr. Lima said that, in future legislative sessions, the Board may want to consider passing resolutions, and asking the City Council to pass resolutions, in favor of or in opposition to legislation it finds important to the elections process. Mr. Jackvony agreed, and said Board members could also attend hearings at the State House with Mr. Lima to testify regarding legislation in the future.

B. FINAL FY18 CANVASSING DEPARTMENT OPERATING BUDGET

Mr. Lima reviewed the FY18 Canvassing Department operating budget, as enacted, with the Board. He said the budget was approved by the Mayor and the Council as he submitted it, although there are not many discretionary line items. He said the elections line item contains \$4,500, which can be used for elections-related activities, such as advertising, early deposits on 2018 polling locations and purchase of elections supplies, in advance of the declaration period next June towards the end of the fiscal year. The FY19 budget would be expected to restore funding to elections line items, as the bulk of elections expenses will occur in that fiscal year. He said he eliminated the part-time help line item for this year, although part timers will be needed in the office starting next summer and through to the midterm election in November.

NEW BUSINESS

A. VOTERS REGISTERED AT COMMERCIAL PROPERTY

Mr. Jackvony asked Mr. Lima to report on this issue. Mr. Lima said there were several media accounts regarding voters allegedly registered to vote at commercial property around the state, and the state Board of Elections had reached out to local boards, including Cranston, and instructed them to send notices to the voters identified. The state Board identified four voters, all of whom voted in the 2016 election, and provided a template letter, which Ms. Bucci formatted and mailed to the voters on May 1.

To date, only one of the voters has responded to the mailing, and that voter's registration was cancelled accordingly, Mr. Lima said. He suggested a next course of action could be to send the remaining voters a letter via certified mail to both the address on their voter record and separately to the address listed on their DMV record, if available.

MOTION: By Mr. Lemoi and seconded by Mr. Vierra to have the Registrar send each of the voters identified by the Board of Elections certified follow-up letters to both addresses on record.

Under discussion, Mr. Vierra said that, if one person has already responded and cancelled their Cranston registration, the motion should be to only send follow-up letters to the three voters who haven't responded.

MOTION: By Mr. Lemoi and seconded by Mr. Vierra to make a friendly amendment to his original motion, to only send the letters to the three non-responsive voters.

ACCEPTED WITH UNANIMOUS CONSENT

MAIN MOTION PASSED, AS AMENDED, ROLL CALL VOTE – 3-0

Mr. Lima said that, in the process of running routine reports via CVRS, he noticed a voter registered at an address that clearly appeared to be a commercial property. He asked the Board for guidance on whether he should send a notice to this voter, and for guidance on how he should communicate with any future voters discovered.

Mr. Jackvony asked whether a standard or certified letter should be sent to the voter. Mr. Lima cautioned that, if many voters are found in the future, sending an initial certified letter to all of them could be costly. Mr. Jackvony said in that case, a standard letter should suffice for an initial communication.

Mr. Lemoi asked how extensive the research conducted by the state Board of Elections was, and asked if Mr. Lima feels that voters registered at commercial property is an issue that he should dedicate significant time to. Mr. Lima said he would be guessing if he tried to come up with an estimation of how many voters there are, as the number could range from a small handful to hundreds. He said a third party alerted the state Board to the voters that were forwarded to municipalities, and that the Board did not disclose the methodology or process that third party used to determine this information.

Mr. Lemoi said he was concerned such a search by Mr. Lima could be very time-consuming. Mr. Jackvony agreed, and suggested that letters should be sent to voters who are discovered, but conducting an exhaustive review of all commercial properties could be impractical with the resources the office has. Mr. Lima said the Secretary of State is expected to conduct a full review of several thousand voters registered at commercial properties, and contact local boards with their findings later this summer.

Mr. Lemoi said it was important to notify any voters discovered that it is illegal to be registered to vote where they don't live. He said it was important to give Mr. Lima some latitude and discretion in communicating with voters discovered to be registered at commercial addresses.

MOTION: By Mr. Lemoi and seconded by Mr. Vierra to send a standard notification letter to any voters incidentally discovered by the Canvassing staff who appear to be improperly registered at commercial property.

PASSED ROLL CALL VOTE – 3-0

Mr. Lima asked what action the Board would consider taking should the voters not respond to the mailings. Mr. Lemoi suggested that if they don't respond and the mail is returned undeliverable, the Board could contemplate cancelling their voter registration, as it would be clear that they don't reside there. However, Mr. Lima advised that federal law, specifically HAVA, would prohibit the removal of a voter based on such information that resulted from limited or targeted mailings. He noted state law does permit a voter who may be improperly registered can be challenged via a formal hearing process. Mr. Jackvony said that was all good information to have and take under consideration for now, and that Mr. Lima could request a Board meeting to determine future actions as needed.

B. BORDER STREET ISSUES

Mr. Lima said that a number of issues have been brought to his attention by Ms. Bucci and via his own research regarding voters who reside along the Cranston border with Providence, and, to a lesser extent, other communities. He said the issue was noticed at first when it was discovered a significant number of registrations are on file for the Johnson & Wales (JWU) residence halls, located on Harborside Blvd., on the Providence side, with very few on the Cranston side, despite a significant portion of the complex being in Cranston. A review of other border streets showed some entire properties that appeared to be completely in one city or the other, according to voting ward and tax assessor's maps, but the voters appeared to be registered in the opposite city. Other properties showed voters living at the same address registered in both cities, even though the border line did not appear to cross their property. In total, Mr. Lima said, several hundred voters may be registered in the wrong city.

Mr. Lima said many are most likely due to clerical errors, while others may be voters who may be renters living on the border, not knowing that they in fact live in the neighboring city. The issue is confused further by some postal addresses using one city or another, despite the actual location of the property, and by street ranges in the CVRS system in both cities that extend too far, allowing canvassing staff in each city to process registrations for addresses that really are in the neighboring city.

Mr. Lemoi said the street list should be amended to exclude those addresses that are in the other city, which should correct a significant portion of the issue. Mr. Lima said that he has been in contact with staff from the Providence Board of Canvassers and the Secretary of State on this, and their guidance and suggestions have been to document each case, discuss together, and take appropriate actions, including notifying voters and amending the street list to prevent voters from being incorrectly added back in the future.

Mr. Lemoi said that years ago, before his time on the Board, the Providence-Cranston border issues were highly prevalent, and resulted in substantial discussion to correct, enduring over several years. Mr. Lemoi recommended that Mr. Lima explore the voter list in depth as it pertains to the border issues, and bring back to the Board recommendations for changes to correct erroneous addresses on the street list.

Mr. Lemoi mentioned the recent community issues and protests involving Roger Williams Park and a one-way road, which resulted from Providence not communicating effectively with Cranston before implementing a plan. Mr. Lemoi stressed the need to work closely with the Providence Board of Canvassers and state elections officials on this, to ensure that, if a legal dispute should arise with any decisions made regarding where voters are actually registered, all involved agencies are in agreement and working together, and not stepping on each other's toes.

Mr. Lima agreed, and said he will be working closely with Kathy Placencia from Providence and Rob Rock at the Secretary of State's office, as well as the Board of Elections, to ensure any actions taken to correct voter rolls are done so as part of a unified, collaborative effort. Mr. Lima also said he is primarily looking at properties that are mostly – or entirely – contained in one city or another, rather than properties where the border may bisect a home, as the latter constitutes a significant gray area in state law. Mr. Lima said his focus will be on properties that appear to be clear-cut examples that have been allowed, over time, to have voters improperly assigned to them, and should be corrected not just for now, but also in perpetuity going forward, to prevent the same issues from reappearing in a few years.

Mr. Jackvony thanked Mr. Lima for his efforts, and said he looks forward to an update on this issue at the next Board meeting.

COMMENTS OF BOARD MEMBERS

Mr. Jackvony asked if there were any comments from Board members. Mr. Lemoi thanked Mr. Lima for providing a comprehensive report on the elections legislation.

ADJOURNMENT

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

The meeting was adjourned at 5 p.m.

Respectfully Submitted,

Nicholas J. Lima
Registrar
Cranston Board of Canvassers

APPROVED by the Cranston Board of Canvassers: August 29, 2017