

CITY OF CRANSTON  
BOARD OF CANVASSERS  
Regular Meeting of January 23, 2024 – OFFICIAL MINUTES

The Cranston Board of Canvassers met on January 23, 2024, in a meeting advertised in accordance with the Rhode Island Open Meetings Act on January 19, 2024. The meeting was called to order by the Chairperson, James Donahue, at 6:06 p.m. It was held in the Third Floor Conference Room at Cranston City Hall.

MEMBERS PRESENT: James Donahue, Quilcia Moronta, Kirk McDonough

MEMBERS ABSENT: None

NON-MEMBERS PRESENT: Nicholas Lima (Registrar / Director of Elections), Ret. Justice Robert Flanders (Legal Counsel – No Labels Rhode Island), Bob Murray

The chair declared a quorum present.

AGENDA

- I. CALL TO ORDER (NO VOTES TAKEN)
- II. OATH OF OFFICE OF NEW BOARD MEMBERS (NO VOTES TAKEN)
- III. NOMINATIONS FOR CHAIRPERSON (VOTES MAY BE TAKEN)
- IV. ELECTION OF CHAIRPERSON (VOTES MAY BE TAKEN)
- V. APPROVAL OF THE AGENDA (VOTES MAY BE TAKEN)
- VI. APPROVAL OF MINUTES OF PRIOR MEETINGS – 1-17-2024 (VOTES MAY BE TAKEN)
- VII. PUBLIC ACKNOWLEDGEMENTS – CHAIRPERSON (NO VOTES TAKEN)
- VIII. PUBLIC COMMENT (VOTES MAY BE TAKEN)
- IX. OLD BUSINESS
  - A. 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)
- X. NEW BUSINESS
  - A. THE BOARD MAY CONDUCT CHALLENGE HEARINGS PURSUANT TO R.I. GEN. LAWS § 17-9.1-28 (VOTES MAY BE TAKEN)
    1. 2023-01 ALBERT LOFFREDO III
    2. 2023-02 SAMUEL A. ORELLANA
    3. 2023-03 EDWARD BRIMA KANNEH
    4. 2023-04 JOSUE N. BAUTISTA
    5. 2023-05 JANE MARIE COSTANZO
    6. 2023-06 SIMEONA A. ESPINAL
    7. 2023-07 JENNY K. LI

- B. THE BOARD MAY REVIEW AND COMPLETE CERTIFICATIONS FOR PETITION PAPERS THAT HAVE BEEN VALIDATED IN ACCORDANCE WITH R.I. GEN. LAWS §§ 17-1-2 (9) AND 17-14-11 (VOTES MAY BE TAKEN)
  - C. THE BOARD MAY DISCUSS AND AUTHORIZE THE REGISTRAR TO SUBMIT TITLE CHANGES, JOB DESCRIPTION UPDATES, AND ONE-GRADE INCREASES TO THE PERSONNEL DEPARTMENT AND IN THE CANVASSING AUTHORITY BUDGET REQUEST FOR THE DATA ENTRY AND MAINTENANCE SPECIALIST POSITION TO BE THE “ELECTION OPERATIONS COORDINATOR,” AND THE CANVASSING AIDE POSITION TO BE THE “DEPUTY REGISTRAR” (VOTES MAY BE TAKEN)
- XI. UPDATES FROM THE REGISTRAR (ALL ITEMS FOR INFORMATIONAL PURPOSES ONLY; NO VOTES TAKEN)
    - A. STATUS OF LEGISLATION PREVIOUSLY SUPPORTED BY THE BOARD INTRODUCED IN THE GENERAL ASSEMBLY
    - B. STATUS OF OPERATIONAL PREPARATIONS FOR THE APRIL 2, 2024 PRESIDENTIAL PREFERENCE PRIMARY ELECTION
    - C. STATUS OF LEGISLATIVE AUTHORIZATION AND OPERATIONAL PREPARATIONS FOR THE TENTATIVE JUNE 4, 2024 SPECIAL REFERENDUM ELECTION
  - XII. ADJOURNMENT (VOTES MAY BE TAKEN)

#### OATH OF OFFICE OF NEW BOARD MEMBERS (NO VOTES TAKEN)

Mr. Donahue asked Mr. Lima to issue the oath of office to new Board Member Kirk McDonough. Mr. Lima issued the oath to Mr. McDonough and presented him with a copy, and retained a copy for the record.

The Board congratulated and welcomed Mr. McDonough in his transition from the alternate seat to the full member seat. The Democratic Alternate seat was vacated.

#### NOMINATIONS FOR CHAIRPERSON (VOTES MAY BE TAKEN)

Mr. Donahue said given the new composition of the Board that it would be appropriate at this time to hold another election for chairperson. He opened the floor to nominations.

Ms. Moronta nominated Kirk McDonough to be chairperson, and Mr. McDonough accepted the nomination.

#### ELECTION OF CHAIRPERSON (VOTES MAY BE TAKEN)

There being no other nominations, Mr. Donahue called for a vote to elect Kirk McDonough as chair.

MOTION: By Ms. Moronta and seconded by Mr. McDonough to elect Mr. McDonough as Chairperson of the Cranston Board of Canvassers.  
PASSED ROLL CALL VOTE – 3-0 – Mr. McDonough, Mr. Donahue, and Ms. Moronta voting aye.

Mr. Donahue passed the gavel to Mr. McDonough.

APPROVAL OF THE AGENDA (VOTES MAY BE TAKEN)

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

MOTION: By Ms. Moronta and seconded by Mr. Donahue to approve the agenda as posted.  
PASSED ROLL CALL VOTE – 3-0 – Mr. McDonough, Mr. Donahue, and Ms. Moronta voting aye.

APPROVAL OF MINUTES OF PRIOR MEETINGS – 1-17-2024 (VOTES MAY BE TAKEN)

Mr. Lima said these will appear on a future agenda for approval as he hasn't had time to draft them.

PUBLIC ACKNOWLEDGEMENTS – CHAIRPERSON (NO VOTES TAKEN)

Mr. McDonough said there were no public acknowledgements.

PUBLIC COMMENT (VOTES MAY BE TAKEN)

There was no public comment.

OLD BUSINESS

**A. 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. Lima reviewed the issues discovered by the office staff regarding several additional No Labels Rhode Island petitions, in addition to those reviewed by the Board last week. Mr. Lima said that Justice Flanders is here representing the organization, and that he was provided copies of the suspicious forms at his request. Mr. Lima said he also emailed the state Board of Elections to alert them per procedures.

Mr. Lima said many other towns are continuing to work on the forms and will do so in the coming weeks, and the state does not have a timetable on when the state BOE may choose to take up this matter. It's been forwarded to them, but it is up to them when or if they want to place it on a future agenda.

Mr. Lima passed around the problematic signature forms that were flagged by staff for the Board's review. He noted several of them had affidavits signed by the same persons who completed the affidavits on the suspicious forms the Board previously reviewed. Mr. Lima said these forms have multiple deceased voters, and large series of signatures where all either do not match, are not registered, or appear to be forged, which is highly irregular.

Mr. Lima said there is a clear pattern of fraud present on these particular forms that rises to the level of necessitating further information. Because this is a statewide process for state party recognition, and all forms will be turned over to the state BOE, he recommended that these suspicious forms likewise be formally turned over to the BOE so they can decide how best to proceed and which law enforcement agency should investigate. Mr. Lima said Jamestown has also flagged suspicious forms, and other towns may, as well, so it wouldn't make much sense to have each municipal police department investigate this separately, particularly since local police do not have the same resources or expertise in election law.

Justice Flanders asked which specific petitions were being discussed, and Mr. Lima said they have all been marked and will be read into the record presently. He said the control number, 10907, precedes the number that he has marked as "14, 15, 16, and 17" which is the order these have been set aside when discovered by staff. He noted this number is different from the number assigned statewide by the CVRS and is only for internal investigatory and tracking purposes. For clarity, forms 3840, 3985, 4010, and 3996 are the CVRS-marked forms in question this evening.

Ms. Moronta asked if any of the alleged forged signatures have multiple signatures on file. Mr. Lima said the CVRS tracks signatures over time, and when validating, our staff will look up previous signatures for the voter that are on file before rejecting it for being a mismatch. Mr. Lima said it is common to see some variation in a voter's signature over time due to age, health issues, and how the signature was captured, as a wet-ink signature vs. on an electronic pad. However, the staff is trained to recognize consistent patterns within those variations.

Ms. Moronta asked how often signatures may be updated. Mr. Lima said every time a voter interacts with the DMV, or files a new voter registration, that may result in a new signature being captured in the system. Disaffiliation forms are also signed by the voter and scanned into their record.

The Board reviewed the forms individually. Mr. Lima asked that they be entered into the record.

**MOTION:** By Mr. Donahue and seconded by Ms. Moronta to enter into the record suspicious No Labels forms marked as 14, 15, 16, 17 with their accompanying documentation as prepared by the Registrar.  
**PASSED ROLL CALL VOTE – 3-0 – Mr. McDonough, Mr. Donahue, and Ms. Moronta voting aye.**

Mr. McDonough asked for a motion to append the previous submission to the Board of Elections of suspicious forms reviewed by the Board at last week's meeting.

MOTION: By Ms. Moronta and seconded by Mr. Donahue to append the previous submission on Jan. 17, 2024 of suspicious No Labels petition forms to the state Board of Elections to add the four forms reviewed tonight to the original referral for investigation and/or possible referral by the state Board to law enforcement, and to instruct the Registrar to notify the Board of Elections of this action.  
PASSED ROLL CALL VOTE – 3-0 – Mr. McDonough, Mr. Donahue, and Ms. Moronta voting aye.

### NEW BUSINESS

#### A. THE BOARD MAY CONDUCT CHALLENGE HEARINGS PURSUANT TO R.I. GEN. LAWS § 17-9.1-28 (VOTES MAY BE TAKEN)

1. 2023-01 ALBERT LOFFREDO III
2. 2023-02 SAMUEL A. ORELLANA
3. 2023-03 EDWARD BRIMA KANNEH
4. 2023-04 JOSUE N. BAUTISTA
5. 2023-05 JANE MARIE COSTANZO
6. 2023-06 SIMEONA A. ESPINAL
7. 2023-07 JENNY K. LI

No voters who were challenged appeared at the hearing.

Mr. Lima asked the Board to dispense with the challenge to Jenny K. Li, because the voter responded to the certified letter and updated their address to a residential address. Mr. Lima said he is therefore withdrawing the challenge with permission from the Board.

MOTION: By Ms. Moronta and seconded by Mr. Donahue to dispense with Case 2023-07 Jenny K. Li with prejudice.  
PASSED ROLL CALL VOTE – 3-0 – Mr. McDonough, Mr. Donahue, and Ms. Moronta voting aye.

Mr. Lima said of the remaining six challenges, all voters had a right to appear before the Board and were sent certified letters notifying them of the hearing. Mr. Lima said he also attempted phone calls and emails for those voters who had them on file. If the voters had appeared, the Board could go as far as cancelling their registrations, but because they did not appear, under state law the most the Board can do would be to make the voters inactive.

If the voters do not vote or update their record between now and after the 2026 election cycle, their registrations will be automatically cancelled. If they do vote from these commercial addresses, however, this challenge process may be used against them in any follow-on legal action the Board at that time may choose to pursue. It is a felony to be registered and vote from an address that is not your actual place of residence.

Mr. Lima said the Board has gone through this process several times before, but it has been a few years now. He reviewed in detail the packets of materials the Board had copies of for each challenged voter, which included the challenge letter, records of correspondence and undeliverable mail, records of the return-receipt certified mailing and those that were also returned as undeliverable, and a letter from the Tax Assessor's office stating that there is no known residential unit at the address where the voter is registered from, among other information. Mr. Lima also provided copies of the pertinent challenge statute from Title 17 and the regulations for challenges adopted by the state Board of Elections. He said the packets and their supporting materials have been labeled in accordance with BOE regulations.

MOTION: By Mr. Donahue and seconded by Ms. Moronta to accept all documentation presented by Mr. Lima for the remaining six challenges into the record as marked.

PASSED ROLL CALL VOTE – 3-0 – Mr. McDonough, Mr. Donahue, and Ms. Moronta voting aye.

The Board reviewed the documentation. Mr. Lima said we started with 11 voters identified at commercial property; four of them updated their records upon receipt of initial notice, prior to the challenge being filed, and one of them updated their record after the challenge was filed, which the Board dispensed with. That leaves six cases, and with no one appearing, the Board's options are limited to making those voters inactive since they cannot be sworn in to provide testimony.

Mr. Donahue asked what the next procedural step would be. Mr. Lima said he would make the voters inactive in the CVRS as a result of the challenge hearing, which will generate a confirmation notice that will be mailed to the voters which will include a voter registration form. Mr. Lima said the voters also have a right to appeal the Board's decision to the state BOE.

Mr. McDonough noted that one of the voters has a different DMV address. Mr. Lima said that when a voter checks in at a polling place, the name and picture ID are what poll workers are looking for, and the address on a license can be and in many cases is different than the address where they are registered to vote, for a variety of reasons.

Mr. Iglizzi advised that if the Board chooses to act on all six cases in one motion, that each individual voter should be named in the motion.

MOTION: By Ms. Moronta and seconded by Mr. Donahue to make Albert Loffredo III, Samuel A. Orellana, Edward Brima Kanneh, Josue N. Bautista, Jane Marie Costanzo, and Simeona A. Espinal inactive in accordance with a finding of validity of the filed challenges and the failure of the challenged voters to appear.

PASSED ROLL CALL VOTE – 3-0 – Mr. McDonough, Mr. Donahue, and Ms. Moronta voting aye.

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

By unanimous consent, the Board moved this item to the end of the agenda as it only involved the Board signing several hundred forms.

C. THE BOARD MAY DISCUSS AND AUTHORIZE THE REGISTRAR TO SUBMIT TITLE CHANGES, JOB DESCRIPTION UPDATES, AND ONE-GRADE INCREASES TO THE PERSONNEL DEPARTMENT AND IN THE CANVASSING AUTHORITY BUDGET REQUEST FOR THE DATA ENTRY AND MAINTENANCE SPECIALIST POSITION TO BE THE "ELECTION OPERATIONS COORDINATOR," AND THE CANVASSING AIDE POSITION TO BE THE "DEPUTY REGISTRAR" (VOTES MAY BE TAKEN)

Mr. Lima said this is the third year he is requesting this in the Canvassing Authority's departmental budget request to the administration. He has drafted a rationale letter to the administration justifying the request, but would like authorization from the Board before continuing any further, pursuant to the Board's authority over its clerical staff under Title 17.

Mr. Lima said that this is long overdue, not just for the individual employees who have decades of service to the city, but also to ensure that the job titles better match the actual duties and responsibilities of the positions, in case they need to be advertised in the future. He said that the election duties of our office personnel have changed dramatically since their job descriptions and titles were last updated in 2007.

Mr. Donahue asked if there's an anticipated cost to these changes, and Mr. Lima said that according to the classification schedule for these steps and grades, it will be about \$4,400 for the full year, or \$2,200 for a half year at a little less than \$1,200 per position if it were to be effective Jan. 1, 2025. Mr. Donahue asked if these were new duties, or updates to reflect current duties. Mr. Lima said nothing new is being added to either job, and that these changes are intended solely to reflect the new reality of conducting elections in Rhode Island due to various changes in state law over the last 17 years.

Mr. Donahue asked whether the Deputy Registrar position would be considered management. Mr. Lima said the "Canvassing Aide" position is improperly titled, because it does not speak to the actual responsibilities or role the job currently has. Mr. Lima said that the Canvassing Aide is the senior staff position in the office after the Registrar, and has significant independent responsibilities to process mail ballot applications, records destruction, and other duties. If the Registrar position were to become vacant, the Board would have to rely on the Canvassing Aide to continue to function properly until the position is filled. The position is also expected to routinely and independently find list maintenance projects to work on, as opposed to being assigned them.

Mr. Lima said that the "deputy" designator is very common in the elections administration world, as most towns have a Deputy Town Clerk who performs similar election duties, and at the state level both the BOE and SOS have various Deputy Director of Elections positions. Outside of Rhode Island, it is also very common to find

positions with the Canvassing Aide's same duties and level of responsibilities called a Deputy Registrar. Mr. Lima said the position is heavily focused on the voter registration element of the office's day-to-day work and long-term projects, so the title fits well since the position is tasked with working directly with the Registrar to maintain the voter rolls accurately. There is no additional supervisory work being added, and the other full-time staff would not report to the position.

Ms. Moronta asked whether this year's budget would be very different from last year's. Mr. Lima said the current budget only has funding for the Presidential Preference Primary, whereas the upcoming budget will include funding for both the September and November elections, so it will be substantially different. Ms. Moronta asked what role the Council will have, and Mr. Lima said they will have oversight over the budget process once it is submitted to them by the Mayor. Mr. Lima said he will submit the updated job descriptions to the Personnel Department, contingent upon the positions being modified in the budget, as the Council does not have authority over the descriptions. Otherwise, everything will continue to remain as-is.

Mr. Lima said the timing is right to pursue this request now, given the over 50 years combined that the two staff members have been with the city, the need to modernize and update the positions generally to reflect today's elections and ensure qualified applicants for future hirings, and the fact that we have four city-wide elections scheduled this year which will be very challenging for our office. Also, the actual cost in the budget for the one-grade increases is also very reasonable.

Mr. Donahue asked if this is just a recommendation to the administration, and Mr. Lima said it is, and that we do not have unilateral authority to make these changes so this is just the start of the process. Mr. McDonough asked which budget year the special school bond will fall under, and Mr. Lima said that will be under the current FY24 budget, not the upcoming request.

MOTION: By Mr. Donahue and seconded by Ms. Moronta to authorize the Registrar to submit the request for title changes, job descriptions, and one-grade increases to the Personnel Department and in the Canvassing Authority FY25 budget request for the Data Entry and Maintenance Specialist position to become the "Election Operations Coordinator," and for the Canvassing Aide position to become the "Deputy Registrar."  
PASSED ROLL CALL VOTE – 3-0 – Mr. McDonough, Mr. Donahue, and Ms. Moronta voting aye.

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

##### A. STATUS OF LEGISLATION PREVIOUSLY SUPPORTED BY THE BOARD INTRODUCED IN THE GENERAL ASSEMBLY

Mr. Lima said he attended the state BOE meeting earlier today, and they heard six bills in total that our Board has previously voted to support. Mr. Lima said the drop box bill is going back to the BOE staff for revisions, while the rest, with one exception, were supported by the BOE. Mr. Lima said they tabled support for our precinct cap bill, as the



BOE first wanted clarity on the definition of active voters. The BOE supported the flashing light bill, write-in tabulation bill, and 3-day mail ballot transmission and signing with an "X" reform legislation. The BOE also supported the newspaper election notice modernization law that was submitted to the General Assembly at our request and by the Rhode Island Town and City Clerks' Association. Mr. Lima expects the RITCCA to also support all of the bills.

Mr. Lima said Rep. Jackie Baginski, Sen. Frank Lombardi, and Sen. Lou DiPalma are among the sponsors of our local election reform legislation this session. Sen. DiPalma is introducing the write-in bill as that is likewise a high priority for many of the East Bay local boards. Mr. Lima said he will submit written testimony on behalf of the Board for any of our supported legislation when it is posted in the coming weeks.

#### B. STATUS OF OPERATIONAL PREPARATIONS FOR THE APRIL 2, 2024 PRESIDENTIAL PREFERENCE PRIMARY ELECTION

Mr. Lima said the state BOE will soon be approving our submitted polls for the April 2 PPP. Ms. Bucci, Ms. Madonna, and Mr. Brito are working on recruiting our poll workers.

#### C. STATUS OF LEGISLATIVE AUTHORIZATION AND OPERATIONAL PREPARATIONS FOR THE TENTATIVE JUNE 4, 2024 SPECIAL REFERENDUM ELECTION

Mr. Lima said the six-poll plan for the June 4 Special Election should also be on a BOE agenda soon. Mr. Lima said it is prudent to send a city-wide mailing for both upcoming elections that involve polling place combinations, because we have not combined polls for a normal, non-mail ballot city-wide election since the 2016 PPP. Mr. Lima said the PPP mailer will need to be ready for print by the end of February, while the June 4 mailer will be prepared in April. Both mailers will go to 30,000 households.

Mr. Lima said the SOS will not code the CVRS for the Special Election or provide us with mail ballot applications for it until the state BOE approves the election calendar, however, the state BOE will not approve the calendar until either the City Council or the General Assembly act to set the election date. He has been in contact with Council President Jessica Marino, the administration, and bond counsel about this, and is hopeful either body will act to officially authorize the proposed June 4 election date soon so that the state agencies can begin providing us the support we need to conduct it. Until then, we will continue to do all we can to prepare, as due to the PPP, we will not have time in March or early April to do much of this prep work like selecting polls for June 4.

Ms. Moronta asked what the status was of the election being confirmed. Mr. Lima said there seems to be no disagreement about the June 4 date, and our Board has already passed a motion in December recommending it, but at this point we just need one legislative body or the other to formally act upon it. Normally we wouldn't have to do this much prep work this far out, but because our deadline to certify the ballot question to the SOS is April 15, we really can't afford to wait until late March or early April to begin that process as during that period our time will be monopolized in conducting the PPP.

Mr. Lima said that the enemy of good elections administration is uncertainty, so we do all we can as far in advance as we can to mitigate unexpected issues that tend to come up.

Mr. Murray, whose firm is bond counsel to the city and was present as a member of the public, noted that the bond act is being amended in the General Assembly, and there are other towns also putting school bond acts in although many are under different circumstances.

#### NEW BUSINESS CONTINUED

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

Mr. Lima presented several hundred petition papers to the Board from No Labels Rhode Island that have been validated by the office and require at least two signatures per form from Board members in order to be certified.

MOTION: By Mr. Donahue and seconded by Ms. Moronta to certify the validated No Labels Rhode Island petition papers that are before the Board.  
PASSED ROLL CALL VOTE – 3-0 – Mr. McDonough, Mr. Donahue, and Ms. Moronta voting aye.

#### ADJOURNMENT (VOTES MAY BE TAKEN)

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

The meeting was adjourned at 8:10 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