

CITY OF CRANSTON
BOARD OF CANVASSERS
Special Meeting of July 2, 2018 – APPROVED MINUTES

The Cranston Board of Canvassers met on July 2, 2018, in a meeting advertised in accordance with the Rhode Island Open Meetings Act on June 28, 2018. The meeting was called to order by the Chairperson, Randall Jackvony, at 4 p.m. It was held in the Canvassing Office at Cranston City Hall, Room 100.

MEMBERS PRESENT: Randall Jackvony, Gary Vierra, Fred Joslyn

MEMBERS ABSENT: None

NON-MEMBERS PRESENT: Nicholas Lima (Registrar), Theresa Bucci (Canvassing Aide), Maria Madonna (Data Entry and Maintenance Specialist), Emerson Brito (Canvassing Assistant), Stephen Angell (Assistant City Solicitor), Lucia Edwards (Candidate), Michael Sepe (Cranston Democratic Party Chair)

The chair declared a quorum present.

AGENDA

- I. CALL TO ORDER
- II. THE BOARD MAY HOLD A HEARING TO DISCUSS AND VOTE ON THE MATTER OF THE VALIDITY OF LUCIA A EDWARDS' DECLARATION OF CANDIDACY FOR "DEMOCRATIC CITY COMMITTEE – WARD/DISTRICT 15"
- III. ADJOURNMENT

NEW BUSINESS

A. THE BOARD MAY HOLD A HEARING TO DISCUSS AND VOTE ON THE MATTER OF THE VALIDITY OF LUCIA A EDWARDS' DECLARATION OF CANDIDACY FOR "DEMOCRATIC CITY COMMITTEE – WARD/DISTRICT 15"

Mr. Jackvony said this special meeting was called to discuss one item, which is the matter of the validity of the declaration of candidacy for Ms. Edwards, whom he noted was present. He asked the Registrar to provide some background to the Board.

Mr. Lima said that the declaration period was on Monday, Tuesday, and Wednesday last week. He said shortly before the 4 p.m. deadline on Wednesday, Ms. Edwards came into the office to turn in her declaration of candidacy form. On Thursday morning, while the office staff was reviewing the forms that were received late in the afternoon on Wednesday, it was noticed that the form does not appear to declare for an office that is valid. As the form stated "15" in the Ward/District line, it was initially entered into the CVRS for Representative District 15. Mr. Lima said that because the office declared for is "Democratic City Committee," it could just as easily be construed as a declaration for a ward committee, although there is no "Ward 15." Mr. Lima said the Board needs to make a determination on the validity of the declaration and, if an error was made, determine whether or not the declaration can be corrected at this stage.

Mr. Jackvony swore in Lucia Edwards of 38 Blueberry Ln., Cranston, and Ms. Edwards introduced herself to the Board. She said she intended to declare her candidacy for the Democratic City Committee in the ward in which she resides. She said that she made an error in filling out the form as she lives in Rep. District 15 and thought that was what she should put on the form; she said she later learned she should have put down Ward 4. She clarified that her intent is to run for the Ward 4 Democratic Committee and respectfully requested the Board permit her to declare her candidacy as such.

Mr. Vierra asked for a list of other declarations received for the Ward 4 Democratic Committee, and Mr. Lima provided the list of eight declarations to the Board.

Mr. Jackvony asked for clarification on the state statute regarding declarations, and Mr. Angell said the statute is clear on its face in terms of what is required when filling out a declaration of candidacy form, namely, that among the requirements is that the candidate declare for a valid office. Mr. Angell said allowing changes to be made to the form after the deadline for filing has passed could set a precedent allowing candidates to change information on declaration forms after-the-fact.

Mr. Lima said there are nine seats on each Ward Committee, and, not counting Ms. Edwards, there are eight endorsed Democratic candidates. Mr. Vierra asked the solicitor whether the other eight candidates would be harmed if Ms. Edwards was allowed by the Board to change her form, as her inclusion would not force a primary given that there would be as many declarations as there are seats. Mr. Angell said the statute describes what the candidate must include on the form, but it does not provide instruction on what to do if someone claims a mistake.

Ms. Edwards said she understands the thought-process of setting a precedent, however she said she didn't intend to declare for "Ward 15" and made a clear error, because she was trying to identify where she lived, as she is a resident of both Ward 4 and of District 15.

Mr. Vierra asked if Ms. Edwards had the proper title, "Democratic City Committee." Mr. Lima said candidates for party offices such as ward committees utilize several variations on the term, ranging from "Ward Committee" to "Democratic Ward Committee" et. al, however if they write their correct ward number, the intent is clear. Mr. Vierra asked if there were separate at-large positions and ward positions, and the members said there were just ward positions, and no at-large seats on the city party committees. Mr. Vierra said the intent of Ms. Edwards was clear to declare for the Ward 4 Democratic Committee.

Mr. Joslyn said he agreed with counsel that the statute is clear on its face, and that it is regrettable that Ms. Edwards, who wants to participate in the process, is in this situation. Mr. Joslyn said the provisions of the statute, R.I.G.L. § 17-14-1, are not ambiguous in any way, and for that reason he said he is not willing to extend an opportunity for the declaration to be amended at this time.

Mr. Jackvony said he was concerned about establishing a dangerous precedent about allowing a declaration form to be amended after the deadline.

Mr. Vierra said he feels the intent is clear, and hates to turn away new people from getting involved in the city over a technical error.

Mr. Vierra asked if Mr. Sepe, the chair of the Democratic Party in Cranston, had any testimony to provide to the Board. Mr. Sepe was sworn in by Mr. Jackvony.

Mr. Sepe said he feels it does set a precedent, and that it is something the Board should be careful about, as there could be five or six amendments next time around. Given that there are eight declarations and a vacant seat, he said he is empowered to appoint Ms. Edwards to the vacant seat at the appropriate time and would be willing to do so. Mr. Jackvony said that could be a solution that both prevents the establishment of a precedent and allows Ms. Edwards to get involved.

Mr. Joslyn asked the Registrar to confirm that there are only eight candidates declared. Mr. Lima confirmed on the CVRS that there are eight candidates entered into the system. Mr. Angell clarified to the Board that while the statute is clear, it does not prevent the Board from permitting the change to be made, however he still cautioned about setting a precedent for the future. He said this would not have been an issue if it had been discovered before the deadline.

Mr. Vierra asked if the canvassing office has a responsibility to review the form for accuracy when it is submitted. Mr. Angell said that the job of the clerks in the office is to accept the form, but not to give legal advice on how to fill it out or whether it is valid.

MOTION: By Mr. Joslyn and seconded by Mr. Jackvony to uphold the action of the Registrar in rendering the declaration of candidacy by Lucia Edwards to be invalid.

Mr. Lima clarified that he has not taken an action to render the declaration of candidacy invalid, and is asking the Board to take an action of their choosing. Mr. Joslyn said that Mr. Lima did, in his letter to Ms. Edwards, find a discrepancy, and his motion is that it be upheld and to render the declaration invalid.

Mr. Jackvony clarified with Mr. Joslyn that his motion is to concur and have the Board agree that the declaration does not clearly identify a valid office, and Mr. Joslyn said he agreed. Mr. Jackvony reiterated that he is concerned about the precedent and the potential of a Pandora's Box that would be opened in the future.

Mr. Lima asked for clarification on the wording of the motion before the Board took a vote. Mr. Jackvony said the motion is to confirm that the declaration form does not clearly identify a valid office and is therefore rejected.

POINT OF ORDER: By Mr. Angell, who said the wording of Mr. Jackvony's second is different than Mr. Joslyn's motion.
POINT OF ORDER SUSTAINED

Mr. Angell provided guidance to the Board that Mr. Joslyn should amend his motion to conform with Mr. Jackvony's second, or that Mr. Jackvony withdraw his second and a Board member make a new motion.

Mr. Jackvony withdrew his second, and Mr. Vierra declined to second Mr. Joslyn's original motion.

MOTION FAILED FOR LACK OF A SECOND

MOTION: By Mr. Jackvony and seconded by Mr. Joslyn to declare the form submitted by Ms. Lucia Edwards of 38 Blueberry Ln to be invalid because it does not clearly identify a valid office.

PASSED ROLL CALL VOTE – 2-1 – Mr. Jackvony and Mr. Joslyn voted aye. Mr. Vierra voted no.

Mr. Jackvony said there is no further business on the agenda.

ADJOURNMENT

MOTION: By Mr. Vierra and seconded by Mr. Joslyn to adjourn.

PASSED UNANIMOUSLY – VOICE VOTE

The meeting was adjourned at 4:22 p.m.

Respectfully Submitted,

Nicholas J. Lima
Registrar
Cranston Board of Canvassers

APPROVED, AS AMENDED by the Cranston Board of Canvassers: July 11, 2018