

10/5/2017

Kenneth J. Block
8 Atlantic Crossing
Barrington, RI 02806

Lisa Pinsonneault, Esquire
Special Assistant Attorney General
Department of Attorney General
150 South Main Street
Providence, RI 02903

Dear Ms. Pinsonneault:

I am writing to file an Open Meetings Act (“OMA”) complaint against the Rhode Island Board of Elections (“Board”). I believe that the Board has repeatedly violated OMA by failing to post meeting minutes to the Secretary of State’s website. The Board has failed to file minutes for 14 meetings held since January 1, 2016.

The Secretary of State’s website states that there are no minutes on file for the following 14 Board of Elections meetings:

Meeting date	Description
4/28/17	Workshop on Security
4/26/17	Machine Testing
10/19/16	Full meeting
9/28/16	Full meeting
9/19/16	Full meeting
9/28/16	Work session
9/14/16	Full meeting
8/31/16	Full meeting
8/24/16	Full meeting
8/3/16	Full meeting
7/25/16	Full meeting
7/20/16	Full meeting
4/27/16	Full meeting
4/25/16	Full meeting

The Board is required to “file a copy of the minutes of all open meetings with the Secretary of State for inspection by the public within thirty-five (35) days of the meeting.” See R.I. Gen. Laws § 42-46-7(d). In each of the cases listed above, the 35 day period for filing the minutes has long expired.

In Block V. Board of Elections (OM 13-25), your office found as follows:

With respect to this allegation, you contend that as of June 13, 2013, you visited the Secretary of State's website and that "there are no minutes on file for the March 11, 2013 meeting." While the Board maintains that draft minutes were available at the Board within thirty-five (35) days of the March 11, 2013 meeting in accordance with R.I. Gen. Laws § 42-46-7(b), the Board was nonetheless required to post "official and/or approved" minutes on the Secretary of State's website in accordance with R.I. Gen. Laws § 42-46-7(d). No evidence has been presented that this was accomplished. The Board's failure to comply with R.I. Gen. Laws § 42-46-7(d) violated the OMA.

In each of the fourteen cases referenced in my chart above, the Board has failed to post to the Secretary of State's website 'official and/or approved' minutes, and therefore has violated the OMA – repeatedly.

In OM 13-25, your office did not find that the Board 'knowingly or willfully violated the OMA'. In light of the fact that I now need to refer not just one more OMA violation, but 14 new violations, it is clear that this Board: 1) is fully aware that meeting minutes must be posted in a timely way and 2) continues to violate the OMA.

I ask that you consider assessing the maximum possible penalty against the Rhode Island Board of Elections for these violations. The Board plays a critical role in Rhode Island elections, and as such transparency demands that the Board adhere to every rule under which they are bound to operate. It is not tolerable that the Board of Elections is a repeat violator of Rhode Island's Open Meetings Act.

Sincerely,

Kenneth J. Block