



NIXON PEABODY LLP **Armando E. Batastini**
ATTORNEYS AT LAW *Partner*
T 401-454-1015
NIXONPEABODY.COM F 401-866-680-8453
@NIXONPEABODYLLP abatastini@nixonpeabody.com

Nixon Peabody LLP
One Citizens Plaza, Suite 500
Providence, RI 02903-1345
401-454-1000

October 29, 2020

Via .pdf (Robert.Rapoza@elections.ri.gov; boe.elections@elections.ri.gov)

Robert Rapoza
Executive Director
Rhode Island Board of Elections
2000 Plainfield Pike
Cranston, RI 02921

RE: Woonsocket Change of Polling Place

Dear Executive Director Rapoza:

This firm serves as counsel for American Civil Liberties Union of Rhode Island (the “Rhode Island ACLU”). We understand that the Rhode Island Board of Elections (the “Board”) will be discussing changes of polling places, including changes of polling places to locations outside of voting districts, at its Board meeting tomorrow.

It has come to the Rhode Island ACLU’s attention, as of yesterday, that the City of Woonsocket violated R.I.G.L. § 17-11-1. In relevant part, that statute states:

A polling place may be located either within or without the voting district for which it is established; provided, that a polling place may be located outside the district only upon unanimous determination of the local board and subject to the approval of the state board that a suitable place is not available within the voting district.

On the on June 16, 2020, the Woonsocket Board of Canvassers (“BOC”) voted to change the location for voting for Voting District 3 from Fairmount Heights to the Harris Elementary School. Attached hereto as Exhibit A is a true and accurate copy of the BOC minutes for the June 16, 2020 meeting.

The Harris Elementary School is located in Voting District 4. Attached hereto as Exhibit B is a true and accurate copy of the Woonsocket Voting District Map, taken from the City’s website.

At the time that the BOC voted to consolidate polling places, it did not consider alternate polling places within Voting District 3. Thereafter, our understanding is that the BOC discussed possible alternate sites at its October 2020 meeting, but apparently decided those sites were either not available or not accessible. Undersigned counsel was not able to locate the minutes for the October 2020 BOC meeting, so that it is not clear which alternate locations were under consideration.

However, there is a vacant fire station at 504 Fairmont Street, in the middle of Voting District 3, with large garage doors capable of being opened, that is city-owned and appears to be a suitable site. Also, RiverzEdge Arts, a non-profit community art center, located at 196 2nd Avenue, also in Voting District 3, would be willing to serve as a polling place.

BOC ultimately issued a postcard containing a notice regarding the change of polling place. Attached hereto as Exhibit C is the BOC notice. Unfortunately, BOC sent these notices to households, and not individual voters. Significantly, BOC sent this notice after the mail ballot application deadline – despite the fact that BOC knew about the change of polling location as of June 16.

It bears emphasis that Fairmount Heights has a high number of non-white and low income voters, so that these populations are particularly effected by moving of the polling place to a less convenient location outside the voting district. It does not appear that the BOC has taken any steps to mitigate the negative effect on persons in Voting District 3 occasioned by the change of polling place.

Most importantly, BOC failed to comply with R.I.G.L § 17-11-1. Specifically, the BOC never sought approval from the Rhode Island Board of Elections (the “Board”) for the change of polling place to one outside the voting district, thereby avoiding scrutiny as to whether alternate sites were available. And, that failure is inexcusable, as BOC had several months to do so. As a result, by design or not, the BOC’s actions in changing the polling place and providing late notice thereof threatens to disenfranchise the residents of Voting District 3.

The Rhode Island ACLU and certain residents of Voting District 3 may be filing an Administrative Complaint with the Board in the near future. However, because the Board will be discussing this topic tomorrow, we wanted to bring these issues to your attention now.

Respectfully submitted,

/s/ Armando E. Batastini

Armando E. Batastini

cc: Raymond Marcaccio, RIBOE Legal Counsel (via .pdf)
John J. DeSimone, Woonsocket City Solicitor (via .pdf)