

Concern: It does not follow the wording of the consent order or the qualifications for electors in State of Rhode Island or Narragansett, which Bonnet Shores is a part of. Based upon prior Committee discussions, the proposal is not consistent with the term "home and residence" has defined by the RI Supreme Court as "voting domicile." Must say qualified elector, duly registered and eligible voter in the town, or reference RIGL 17-1-3.1.

Counsel to consider some research done:

"The standard or test to be employed in ascertaining an elector's qualification "as to his residence and home," in accordance with the constitutional provision in question, is not that of mere residence or actual placed of abode without more; but it is rather the **elector's voting domicile in the legal meaning of that term.**"

In re Opinion of Justices, 16 A.2d 331 (RI 1940)

The Gloucester Fire District case.

"those persons who reside in the district and are **eligible to vote in a general or special election in the town of Gloucester**, shall be permitted to vote, whether or not they own taxable property."

Flynn v. King, 433 A.2d 172 (RI 1981)

A SOLUTION FOR CONSIDERATION is what other beach community Fire Districts with non-voting domicile members of the community have done: Watch Hill, Misquamicut, and Shady Harbor are examples.

Two ways you qualify to vote:

Either you own property OR you are duly registered and eligible to vote in an election in the Town of Narragansett thirty days before the BSFD Annual or Special meeting (consistent with the meaning of "residence and home", i.e. voting domicile, in the RI Constitution and as defined by the RI Supreme Court.)

Watch Hill: "duly registered and eligible to vote in the Town of Westerly from a registered address within the District (a "registered voter")

Misquamicut: "inhabitant of the town of Westerly who is qualified and registered to vote in said town's affairs and is a legal or permanent resident with the

**CONSIDERATIONS FOR LEGAL COUNSEL REGARDING VOTING
PROVISIONS OF THE CHARTER**

Would like legal counsel to consider and weigh in on the following:

The Consent Order reads:

"every citizen of the United States of the age eighteen years or over who has had residence and home in the Bonnet Shores Fire District for thirty days next preceding the time of voting, who has resided thirty days in the Bonnet Shores Fire District, and whose name shall be registered at least thirty days next preceding the time of voting as provided by the Bonnet Shores Fire District Charter, shall have the right to vote for all offices to be elected and on all questions submitted to the electors."

The Constitution reads:

"Every citizen of the United States of the age of eighteen years or over who has had residence and home in this state for thirty days next preceding the time of voting, who has resided thirty days in the town or city from which the citizen desires to vote, and who name shall be registered at least thirty days next preceding the time of voting as provided by law, shall have the right to vote for all officers to be elected and on all questions submitted to the electors..."

The Proposed draft for Section two of the Charter reads, and does not conform to the language of the consent order:

Effective immediately and hereafter, every person who is a citizen of the United States of the age eighteen (18) years or over, who has lived in a residence and home located within the Bonnet Shores Fire District for at least thirty (30) days in the twelve (12) month period immediately preceding the time of voting, and who has been registered to vote with the Bonnet Shores Fire District for at least thirty (30) days immediately preceding the time of voting, shall have the right to vote for all offices to be elected and on all questions submitted to the electors at an Annual or Special Meeting. Every person qualified to vote as aforesaid shall vote in person or personally by such other means as may be approved by the Bonnet Shores Fire District Charter or By Laws; no person shall cast a ballot on behalf of another person.