

November 7, 2022

Dear Attorney Conley and Madam Chair DiLeo:

Attached please find an alternative proposal for the voter qualification in the Charter. I have tried to capture the comments of the various segments of the District and to bring together this wonderful community that I have been a part of for more than sixty years.

I am asking the Chair to place this proposal on the agenda of the upcoming meeting for discussion as an alternative proposal to the voting sections drafted by Attorney Conley.

Additionally, I share my suggestions as they may help you, Bill, in the drafting process.

### **The Floor: Right to vote under RI law**

I believe we agree that the floor provided by the Consent Order uses the exact terminology from the R.I. Constitution of "home and residence", and that full-time residents of the District who qualify to vote in Narragansett, RI have a right to vote. Then it becomes who is given, gratuitously, a vote. These non-residents include seasonal or part-time homeowners, whose voting domicile is another city or state; BSBC condo unit owners; seasonal renters; even persons who occupy (not the actual renter/taxpayer) a home in Bonnet seasonally.

We also should be following the voting laws of the State now that the District is determined to be a municipal entity in the State.

When there is an expansion of suffrage, made gratuitously by those who have a right to vote under the R.I. Constitution, why can't taxpayer or taxable property ownership be an alternative qualification to expand suffrage? I have referenced three beach community Fire Districts in prior meetings (Misquamicut, Watch Hill and Shady Harbor), and recently also came across 2021 legislation involving the Richmond/Wyoming Fire District which has taxpayer as an alternative way to qualify to vote in addition to those who are eligible voters in the Towns of Richmond and Wyoming. While that legislation does not include corporations or trust, some of the others do. This, of course, is a matter for public discussion. One would expect that the General Assembly will be looking at other laws and legislation involving Fire Districts when the Bonnet proposal is presented.

### **Draft Proposal by Legal Counsel:**

**Expansion of suffrage:** As to your draft proposal, "possessed in their own right of real estate in the district" is vague. Possessed in their own right of real estate can be landlords, occupiers, renters, squatters? Full-time permanent residents who vote in Narragansett are troubled about this type of expansive extension of suffrage to people who do not have a right to vote now. The ninety days will allow in seasonal renters who are not registered to vote in the Town of Narragansett and potentially exclude people who own a home and pay substantial taxes, but are not residing there those ninety days.

**Verification/Voter Registration process:** May I suggest the verification process proposed is not as reliable and simple as my alternative proposal -- voter and taxpayer roles in Narragansett. The expense for an attorney and volunteer Council members' time with appeals is unnecessary. We are a simple, recreational beach community with garbage pick-up and a few other recreational services; no essential services like schooling, snowplow removal, fire suppression services, road maintenance, sewer maintenance, traffic control on the roadways. Narragansett police monitor our roads and community concerns re disturbances. We are blessed to have a parent government, Narragansett doing these things, which was not the case when the District was formed in the 1930s or my early years. The verification process is too complex for what we are, and an unnecessary expense. A more reliable and cost-efficient method is available, as proposed.

**ACLU Letter:** Just received this.

**Brief reading:**

1. Says it offers no opinion if seasonal residents (those who are not fulltime Narragansett voters) should be authorized to vote at all. (p. 1).
2. Never says that property ownership or taxpayer status cannot be an alternative to qualify to vote for persons who do not have a right to vote under RI law. In fact, it may be a basis for substantial interest.
3. Now that the District is recognized as a quasi-municipality, the language of the RI Constitution and the Consent Order "home and residence" define those who have a right to vote under RI law. The letter even references resident's registration in the state voting system, which, I believe, the District should rely on for purposes of the first group qualified for voting as "a right."
4. The letter recognizes that seasonal part-time residents who own homes are considered non-residents for voting law purposes as it is not their domicile. Voting for that category is "a matter of privilege, not of right." (p.2). They are in the same category of non residency for voting purposes as the BC units, the seasonal renters, the LLCs and trusts.
5. Says voter registration not clear in attorney's drafts. Clear and easily verifiable under my proposal: Narragansett voter and tax rolls.
6. Says that a time frame for registering not mentioned. My draft provides such a time frame for qualifying to vote.
7. Says citizen and age not covered in attorney's draft. Citizenship and age addressed in my draft.
8. Mentions date for Annual Meeting issue: Moving the meeting to late August will mean campaign signs all over Bonnet and on the sides of the roads and District land during the busy summer months when we want to enjoy the wonderful vista and natural resources of Bonnet. Does Bonnet really want this? Keep it no later than July 15<sup>th</sup>.
9. **Letter says Data Needed: Yes. 1.)** Number of Narragansett, fulltime residents who

qualify and register to vote in Narragansett. 2.) How to verify student/seasonal renters and landlords who are not registering their property as rentals with Narragansett; problematic? The District does not have documentation of the renters and the property

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owners who are renting; problematic? 3.) Info on the nature of substantial interest: taxes and services in kind, contributions to community, of those to whom we are extending suffrage); 3.) Transparency — who voted in the last two elections, what was the 'breakdown of Narragansett registered voters vs. seasonal homeowners, BC unit owners (don't if it qualified as a taxpayer), trusts, LLCs; 4.) What is the number of fulltime, registered voters of Narragansett in the District in 2022, in comparison to the non residents group? 5.) How can we even verify the number of non-residents who would vote under the 90-day rule?

10. ACLU letter says without data, any enlargement of the voting franchise beyond the fulltime residents who qualify to vote in Narragansett could be subject to a constitutional challenge: Without data, "the inclusion of this voting opportunity for non-residents remains subject to constitutional challenge." (p. 2).

It seems like the letter says that, unfortunately, as a result of the voting lawsuit, and lack of data, the only way to avoid future litigation is follow state law: Full-time residents of the District who qualify and register to vote in Narragansett, and have "a right to vote."

I am committed to working with you and everyone to arrive at a consensus on voting that will bring community unity. I feel my alternative proposal is a springboard reflecting community concerns, for discussion at the next public hearing, as we work through the scope of the new voting franchise.

Thank you, Bill, for your help so far, and Carolyn, please place this alternative proposal on the agenda.

Regards,

*/s/ Faith A. LaSalle*

Faith LaSalle