



State of Rhode Island

Department of State | Office of the Secretary of State

Gregg M. Amore, *Secretary of State*

March 7, 2023

Robert E. Patterson
8 Parkman Road
Narragansett, RI 02882

Mr. Patterson:

Thank you for your February 24, 2023 letter and expressing your concerns regarding the Bonnet Shores Fire District. As you pointed out, Secretary Gorbey previously expressed concerns about the constitutionality of the Bonnet Shores Fire District's voter eligibility rules. Secretary Amore shares those concerns and is glad that the matter has been resolved pursuant to the decision of Superior Court Judge Sarah Taft-Carter.

The other issue you raise in your letter is whether Council Members may continue to serve until their "successor is elected and shall qualify." We recognize that this is an important legal issue which calls for the interpretation of Section 6 of the Bonnet Shores Fire District Charter and Article III of Bonnet Shores Fire District By-Laws. Secretary Amore believes that this legal issue is more properly addressed to the Rhode Island State Courts. We note that Section 6 of the Bonnet Shores Fire District Charter provides that "The district may elect a clerk, three assessors of taxes, a district council of not less than three and no more than seven qualified voters, one or more fire wardens, one or more police officers **and such other officers** and committees as said district may require for its corporate purposes." (Emphasis added.) Similarly, Section 1 of Article III of the Bonnet Shores Fire District By-Laws expressly provides: "In addition to the members of the district council, the officers of the district shall be a moderator, clerk, treasurer, three assessors of taxes, collector of taxes and one or more fire wardens, which officers shall be elected annually." It is possible that a Court will interpret Section 3 as including members of the district council as officers of the district because of the clause "[i]n addition to the members of the district council." We also note that Sections 2, 2(a) and 2 (b) of the Bonnet Shores Fire District By-Laws all reference "district council." A Court may find this significant since it is Section 2 which expressly provides: "Each officer shall be elected to serve until his successor is elected and shall qualify".

Secretary Amore is committed to making sure that every eligible voter has his or her voice heard and that there are no unconstitutional barriers to the right to vote. The issue you identify, however, is not related to the right to vote, but to whether Bonnet Shores Fire District Council Members are continuing to hold office consistent with the Bonnet Shores Fire District Charter and By-Laws. Secretary Amore believes the appropriate forum for that discussion is the Rhode Island State Courts.

If we can be of any further assistance in ensuring that every eligible voter has the opportunity to exercise their constitutional right to vote, please let us know.

All the best,

LeeAnn Byrne
Chief of Staff

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