

Att. Dickinson and Carolyn Dileo's written emails concerning voting: Public Document

Tom Dickinson <appealri@yahoo.com> Mon, Oct 2, 8:30 PM

to Tom, Carol, carolyn.dileo@bonnetshores.org

Carolyn -

I will try to answer your questions, although I believe that Judge Taft-Carter's decisions in this case have provided the guidance needed.

As you know, the consent judgment added legal residents of the Fire District as eligible voters in any future annual or special meeting.

As you also know, Judge Taft-Carter determined early in the case that she could not disenfranchise non-resident voters unless they were made parties to the lawsuit. The plaintiffs could have added the non-resident voters, but chose not to do so.

The judge did write an opinion indicating the need for more information to determine whether some or all non-resident voters lacked a sufficient interest to require that they be prohibited from voting.

The remedy that the parties agreed to -- and that the judge approved -- was the appointment of the charter commission to consider these factors and produce revisions for presentation to the General Assembly.

Rather than adding the non-resident voters as parties and continuing to litigate the case for the purpose of disenfranchising them, the plaintiffs agreed to pursue a democratic process.

As we know, that process did not produce legislation that could pass the General Assembly.

With regard to your question regarding the status of the Fire District, Judge Taft-Carter's decision appears to set forth that under some circumstances, non-resident voters with a substantial interest may be permitted to vote without violating the constitution.

With regard to your third question, the consent judgment requires that residents be deemed eligible to vote. As noted above, I read Judge Taft-Carter's decision as recognizing that non-residents with a substantial interest may be permitted to vote under some circumstances. She suggested that their relative weight in the voting population may be one factor in determining whether voting is allowable under the constitution.

We did not receive definitive answers on these points because we settled the case and set up a democratic process for attempting to work to a solution. That process involved the General Assembly and all voters with an opportunity to be heard on amending the charter.

Unfortunately, the bills proposed short-circuited the process by preventing non-residents from participating in the charter revision process, which was consistent with neither the terms of the consent agreement, or the Fire District's existing provisions for charter revision.

I hope this answers your questions.

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"There is never a good reason to be unkind."
-- Chief Justice Joseph Weisberger

carolyn.dileo@bonnetshores.org Tue, Oct 3, 9:39 AM

to Tom, Tom, Carol

So after two months of ignoring me, your response is a non-response in one important area. I asked you to either agree or disagree with Bill Conley's memo and provide a substantive explanation with some legal back up. You have given the same explanation you gave a year ago and that is what has caused all of the problems we now face. While she did not disenfranchise voters, the District did by agreeing to the dilution. You have completely ignored the fact that the District agreed that there was dilution and for the committee to ignore that is ridiculous.

For the other two responses to the questions, you were less obtuse but not much. None of the members of the public understand substantial interest. Is it \$1, #25, or \$500 of contribution to the district and must there be at least some type of residency as part of the contribution.

What your answer here indicates is that you don't have a substantive opinion but rather one that is without legal support and you simply want to appease me and the committee and hope we will go away.

We might be able to come up with a option for those with substantial interest but I doubt it will satisfy all. I am willing to try but I see the District going back to court.

Tom Dickinson <appealri@yahoo.com> Tue, Oct 3, 9:47 AM

to carolyn.dileo@bonnetshores.org, Tom, Carol

Carolyn -

The District did not agree to disenfranchise voters.

The District agreed to a process to address the issues raised in the lawsuit.

The Plaintiffs waived any remedy in the lawsuit other than the establishment of a process to amend the charter.

The Plaintiffs agreed to that process -- agreed that even if there had been vote dilution, the lone remedy would be to modify the charter through a democratic process that included the General Assembly and the voters at an annual or special meeting in accordance with existing law.

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