



Canvassing Authority

Town of Portsmouth

2200 East Main Road
Portsmouth, Rhode Island 02871

(401) 683-3157

TO: MEMBERS OF THE PORTSMOUTH CANVASSING AUTHORITY

FROM: Jacqueline S. Schulz, Registrar

Please be advised that there will be an **in-person meeting** of the
PORTSMOUTH CANVASSING AUTHORITY:

DATE: Thursday, November 3, 2022

TIME: 2:00 PM

PLACE: PORTSMOUTH TOWN HALL—Planning Board Room
2200 EAST MAIN ROAD
PORTSMOUTH, RI 02871

AGENDA:

1. Welcome & roll call
2. Review/approve unofficial minutes from BOC meetings held August 23, September 15, and October 18
3. Discuss complaint received on October 31 from RIGOP Chairwoman Suzanne Cienki concerning BOC notice of withdrawal of Candidate Andrew Kelly from RI Senate District 11 race. (attachments)
4. Review/certify mail ballot applications for the November General Election
5. Discuss remaining preparations for November 8 General Elections
6. Future meetings:
 - Tuesday, November 8—General Election
 - Friday, November 18, at 3:00 pm
 - Tuesday, December 13, at 3:00 pm rescheduled to Tuesday, December 20 at 3:00 pm

Jacqueline S. Schulz

From: Richard A. Rainer
Sent: Monday, October 31, 2022 1:27 PM
To: kevingavinlaw@gmail.com; Jacqueline S. Schulz
Subject: FW: Election interference in Portsmouth

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r/ Rich

From: Sue Cienki <scienki7@gmail.com>
Sent: Monday, October 31, 2022 1:02 PM
To: jshultz@portsmouthri.com
Cc: Rob Rock <rrock@sos.ri.gov>; Richard A. Rainer <rrainer@portsmouthri.com>; Dan Reilly <dancogroup@msn.com>; Clerk's Office <clerksoffice@portsmouthri.gov>; Kpgavin <Kpgavin@aol.com>
Subject: Election interference in Portsmouth

Canvassing Authority
Portsmouth Town Hall
2200 E. Main Street
Portsmouth, RI 02871

October 31,2022

Delivered Via email: jshultz@portsmouthri.com

CEASE AND DESIST ELECTION INTERFERENCE

Dear Ms. Shultz:

The Town of Portsmouth recently put in the paper a legal notice noting that, according to the Board of Canvassers, Andrew V. Kelly withdrew from the race for State Senate in District 11. Mr. Kelly garnered the necessary signatures to be on the ballot for the November 8, 2022 election, and made no legal attempt to withdraw from the race prior to the ballots being printed. As you are aware, there is a legal process for a candidate to remove themselves from the ballot. That date has passed and under the law Mr. Kelly already appears on the ballot. We request that you immediately cease and desist from any further public-facing communication - of any kind - involving Andrew Kelly's candidacy.

The Board of Canvassers in Portsmouth has no legal authority to place any ad in any publication, post any signage, or publish and/or promulgate any communication involving a candidate who has been placed on the ballot and who wishes to no longer actively campaign for office. This includes any mention of the candidate's withdrawal anywhere in proximity to the polls (including early in-person, via mail ballot, and voting on Election Day). Further, there is no such legal status for a candidate who appears on the ballot to be deemed by any Board of Canvassers to have withdrawn or otherwise is not actively campaigning - they are a candidate and will appear on the ballot unless they have withdrawn by the statutory deadline.

A Board of Canvassers that engages in such conduct opens the door to government-funded and sanctioned communication regarding a candidate and what they deem their status in a race to be. Needless to say, this is a slippery slope, and the Town should simply refrain from communicating on the intent of any candidate in a race. A candidate is always free to communicate those messages on their own.

We request you immediately cease and desist from any further public-facing communication of any kind involving Andrew Kelly's candidacy. If such communication from your office continues, we reserve our right to seek - and will seek - any and all legal and equitable remedies to protect the integrity of the election. This will include filing suit in Superior Court to enjoin the Town from publishing any information about a candidate that does not appear on the official ballot.

Sincerely,
Suzanne Cienki
RIGOP Chairwoman
Chair@ri.gop

Cc: Rob Rock, Director of Elections SOS
Rich Rainer Town Administrator
Dan Reilly General Counsel RIGOP
Kevin Gavin. Portsmouth Town Solicitor
Town Clerk

Andrew V. Kelly
33 Pine Street
Portsmouth, RI 02871
10/21/22

Portsmouth Board of Canvassers
C/O: Jacqueline Schulz Registrar of Voters
Portsmouth Town Hall
2200 East Main Road
Portsmouth, RI 02871

To whom it may concern:

Given my job and life circumstances, I believe I will be unable to adequately represent the needs of the citizens of District 11. I cannot in good conscience continue my run for the office knowing that at this point in my life I cannot dedicate the necessary time, energy, and passion that the people of Senate District 11 deserve. Therefore, I formally withdraw from the Senate District 11 Race.

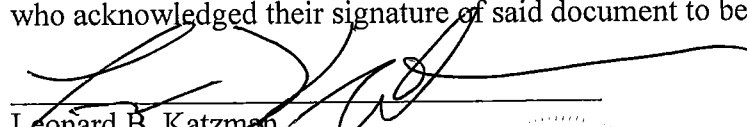
Sincerely,

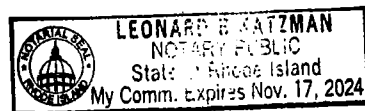


Andrew V. Kelly

State of Rhode Island
County of Newport

In Portsmouth in said County on the 19th day of October, 2022, before me personally appeared Andrew V. Kelly, to me known, and known by me to be the person signing this document, and who acknowledged their signature of said document to be their free act and deed.


Leonard B. Katzman
Notary Public, ID# 54288
My commission expires November 17, 2024



RECEIVED
2022 OCT 24 AM 8:23
PORTSMOUTH
CANVASSING UNIT

