

AD HOC VOTING COMMITTEE (“COMMITTEE”) PROPOSAL TO CHANGE THE VOTING PROVISIONS CONTAINED IN SECTION 2 OF THE SHELTER HARBOR FIRE DISTRICT (“SHFD”) BYLAWS

Original Motion Establishing the SHFD Ad Hoc Voting Committee:

The following motion was presented by Betty Waters which was seconded by Dorothy Bruno: I move we establish a committee to study the Shelter Harbor Fire District voting practices including multiple votes based on multiple properties and proxy voting. Said Committee to prepare a report with options going forward to the community by March 15, 2021.

Current Voting Provisions and Practices Contained in Section 2 of the SHFD Bylaws:

The current SHFD voting provisions provide for two groups of qualified voters. The first group of qualified voters is made up of owners of at least a forty percent (40%) present undivided interest in SHFD real property. Owners may be individuals, entities¹, or estates. (“Group 1 Voters”)

The second group of voters is made up of individuals who are qualified voters of the town of Westerly and who also reside in the SHFD (“Group 2 Voters”)

Under the current interpretation of the SHFD Charter and Bylaws, any Group 1 Voter that owns the requisite 40 percent (40%) or greater ownership interest in more than one SHFD property, is entitled to an additional vote for each additional property owned.

Each qualified and registered voter may vote either in person or by a written signed proxy. The proxy can be given only to a qualified and registered voter of the SHFD.

No qualified and registered voter of the SHFD can represent more than three (3) other SHFD voters at any SHFD meeting.

Committee Proposed Changes to SHFD Voting Provisions and Practices Contained in Section 2 of the SHFD Bylaws:

The Committee proposes to amend the SHFD Bylaws by making three changes to Article 2, Section 1. The first change impacts owners of at least a forty percent (40%) present undivided interest in multiple parcels of SHFD real property. We are recommending if a Group 1 Voter owns at least a forty percent (40%) undivided present interest in more than one parcel of SHFD property, the Group 1 owner shall not vote more than ONCE in any SHFD election. We are recommending this change to make sure we are in compliance with Federal and Rhode Island laws which strictly apply the “One Person One Vote” rule to voting in elections held by local governments like the SHFD.

The second recommended change impacts any person who is a qualified voter of the Town of Westerly and resides in the SHFD and also owns at least a forty percent (40%) present undivided interest in SHFD real property. We are reaffirming our historical practice that if a person is both a Group 1 and a Group 2 voter, that such person shall not have the right to vote more than ONCE in any SHFD election. We are recommending this change to make sure we are in compliance with Federal and Rhode Island laws which

require strict compliance with the “One Person One Vote” rule in election voting in a local governments like the SHFD.

The third recommended change involves proxy voting. Currently a Group 1 or Group 2 Voter can vote in person at a SHFD meeting or by a written signed proxy. A written signed proxy may only be given to another qualified and registered SHFD voter. We propose to change the maximum number of proxies which can be voted by another qualified and registered voter from a maximum of three (3) to a maximum of one (1).

The reason for this change is to limit the opportunities for voter harvesting in SHFD elections.

COMMITTEE PROPOSED LANGUAGE CHANGES TO SHFD BYLAWS ARTICLE 2 (QUALIFIED VOTERS):

We propose amending SHFD Bylaw Article 2 to add a new section (c) to read: “ a person qualified and registered to vote under section 1(a) and (b) (“Voter”) may cast only one vote on their own behalf with respect to the election of any Shelter Harbor Fire District Officer, or the determination of any other issue or question which is to be voted upon at the Annual or any Special Meeting of the Shelter Harbor Fire District.. For example, ownership of a forty percent (40%) or greater undivided present interest in more than one real property in the Shelter Harbor Fire District, DOES NOT entitle a Voter to cast more than one vote in any District election or Meeting. Additionally, if a Voter owns a forty (40%) or greater interest in a Shelter Harbor District real property AND is also a qualified voter in the Town of Westerly and a resident of the District, such Voter may not cast more than one vote in any District election or Meeting.”

Current Bylaw Article 2 section 1(c) should be renumbered as 1(d). In the newly renumbered section 1(d) the last sentence which currently reads: “ No person shall represent, as proxy , more than three (3) voters at any meeting.” We would change three (3) to one(1) .

ⁱ SHFD real property owned by an entity includes the following: 1) a UDT – a property owned under a declaration of a trust; 2) QPRT – a Qualified Personal Residence Trust; 3) a Revocable Trust, an Irrevocable Trust, a Living Trust, a Family Trust, a Marital Trust, or any other form of trust; 4) Corporation; 5) LLC – Limited Liability Company; 6) LP – Limited Partnership; 7) or any other form of entity.