

BONNET SHORES FIRE DISTRICT
Monthly Council Meeting
Wednesday, May 20, 2026

ATTACHMENTS

Attachment #1: Legal Opinion submitted by Attorney Thomas Dickinson and revised Draft Recall Bylaw submitted by Jane Duran

JUDGE,
WOONSOCKET
PROBATE COURT
2003-2013

THOMAS MORE DICKINSON

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ADMITTED IN
RHODE ISLAND,
MASSACHUSETTS
& U.S. SUPREME
COURT

appealRI@yahoo.com

DATE: May 6, 2026

TO: Jane Duran, Vice Chair
Bonnet Shores Fire District Council

FROM: Thomas M. Dickinson
Legal Counsel

RE: Proposed amendment to District By-laws

You have requested my opinion on the legality of a proposed by-law amendment that would establish a procedure for recalling elected officers of the district.¹ A copy of the proposed amendment is attached.

¹ Council member Melissa Jenkins suggested that I have a potential conflict in responding to your question because I previously represented the district against her in the so-called voting litigation. She suggested I seek an advisory opinion from the Supreme Court's Ethics Advisory Panel as I had in an earlier matter. The panel advised me in that situation that I had no conflict. See EAP Opinion 25-14. Because the instant request is for legal advice to the entire Council and I do not perceive even the potential for a conflict, I see no reason to seek guidance from the panel.

The first issue is whether it would be necessary to amend the charter in order to add a recall procedure to the by-laws. I conclude that the change can be accomplished by an amendment to the by-laws, with one caveat which I will address.

Section 6 of BSFD's charter allows for the election of officers, including a clerk, assessors, a tax collector, and a district council of "not less than three and no more than seven qualified voters." Section 6 goes on to provide for the election of officers and committee members at the annual meeting and that they "may be elected in such manner and for such terms of office as may be prescribed in the by-laws." It goes on to allow for staggered terms of not more than three years for members of the council.

Although the charter does not include any language permitting recall of officers, as noted above it does delegate to the by-laws the power to establish the "manner" and "terms" of election. Council members who have been elected under the existing by-laws hold their offices for a term of three years. There is nothing about recall in the charter or bylaws, so as of today it is not manner or terms of their election.

If the by-laws contained a recall provision, that would be attendant to the manner of election and the term of office for which an official was elected. I therefore conclude that adding a recall provision to the by-laws is

not inconsistent with the charter. But because incumbent council members and officers were elected under by-laws that contained no recall provision, it is my opinion that the recall amendment could only apply to officers who have been elected (or reelected) once the by-law amendment takes effect.²

To illustrate, assume council member A was elected to a three-year term in 2024, and assume further that the annual meeting in 2026 adopts the proposed recall amendment. Having been elected under the terms of the by-laws that were in effect in 2024, council member A would not be subject to recall during that three-year term. Should council member A be reelected to another three-year term in 2027, he or she would be subject to recall because the recall amendment would have been part of the “manner” and “terms” of that year’s election.

To illustrate further, by-laws Article III, section 10 authorizes the council to remove an officer who has 6 absences within a 12 month period. That provision was added to the by-laws in 1999. So any officer elected since 1999 has been elected subject to that provision of the by-laws and would be subject to removal under that section.

² By way of analogy, the Twenty-Second Amendment to the United States Constitution, which established limited terms for presidents, was made prospective when it was adopted and ratified in 1951. It did not bar the incumbent – President Truman – from seeking reelection in 1952 (although he chose not to).

Other comments.

1. Electronic signatures. The amendment includes a petition process for gathering signatures to initiate the recall procedure. The draft permits submission of signatures electronically. This, I believe, poses practical challenges. At some point in the future the collection and verification of electronic signatures might be fairly simple, but such a process at this point seems to me to be fraught with potential problems, leading to confusion and possible challenges to the recall. It is possible that other states or municipalities have adopted electronic signature verification for recall petitions or nominations. But those jurisdictions likely have one or more full-time officials who oversee elections. By its very nature a recall election is generally even more contentious than regular elections. The use of electronic signature verification could be introducing a factor that would be difficult to administer. I therefore recommend that the District stick with written signatures, at least until procedures for electronic verification have been tested in other jurisdictions and found simple and effective.

2. Election of replacement. The amendment proposes that the council would elect someone to fill the seat made vacant by the successful recall. Since the recall would be conducted at a district meeting, you might

consider the California recall method³, and replace the recalled officer by election at the same meeting as the recall vote. In California, when a recall is conducted the voters are given a ballot that includes an up or down vote on the recall, together with the names of candidates to fill the position if the recall succeeds. This would fill the vacated position immediately. And adopting this method permits the voters, rather than the council, to fill the newly vacant seat.

3. Suggested revisions.

A. To accomplish the recommendation that the amendment be prospective only, I suggest modifying the first sentence as follows:

“Any officer elected by the voters of the Bonnet Shores Fire District on or after the effective date of this section may be removed . . . ”

B. I suggest that the electronic signature verification language be removed and that you substitute language providing for written signatures to be verified by the tax assessors as set out in the amendment.

³ I have enclosed a copy of California’s recall language, set forth in the California Constitution, Art. II, sec. 14.

C. If you want to combine the recall with the election of the possible replacement, I suggest you take a look at the enclosed California language and adapt it to the District's situation.

I hope this memorandum responds adequately to your request. Please let me know if you need anything further from me on this issue.

BONNET SHORES FIRE DISTRICT

Bylaw: ARTICLE 3 | Section 11 – RECALL OF ELECTED OFFICIALS

Council Decisions:

1) Filling Vacancies Options:

- a. Fill vacancies according to Article IV, Section 1 of the district bylaws (see Draft 1)
- b. Community votes at the same time for a replacement if the recall is successful - as is done in California (see Draft 2)

2) Recall Vote Threshold Options

- a. **Majority Vote Present at the meeting** – as is done in Narragansett (both Draft Versions 1 and 2 reflect this)

Or

- b. **Add in a minimum turnout considering our quorum is only 50** (as is done in Tiverton).
Replace majority vote with this language:

Approval shall require (i) the affirmative vote of a majority of the qualified voters present and voting at the meeting, and (ii) attendance at the meeting by a number of qualified voters equal to at least forty percent (40%) of the total number of voters who cast ballots in the election at which the officer being recalled was elected.

DRAFTS

Option 1 – Fill vacancies according to Article IV, Section 1 of the district bylaws

Any officer elected by the voters of the Bonnet Shores Fire District on or after the effective date of this section may be removed from office by recall. A recall may be initiated by a petition signed by not less than twenty-five percent (25%) of the total number of voters who cast a ballot in the last district election and petitioners shall have sixty (60) days to collect the required signatures. The petition shall identify the officer whose removal is sought and include a brief statement of the grounds for recall, and shall be submitted to the District Moderator. All petition signatures must be submitted in written form and signed by hand by qualified voters. Within ten (10) business days of submission, the Tax Assessors

shall verify that all written signatures are from qualified voters using the most recent certified voter list. If the petition is insufficient, the Moderator shall notify the petitioners in writing, specifying the deficiencies; if sufficient, the petition shall be certified and forwarded to the District Council. Upon certification of a sufficient petition, the District Council shall, within sixty (60) days, either (a) call a special district meeting to act upon the recall, or (b) if an annual meeting is scheduled to occur within such sixty (60) day period, place the recall on the ballot for that meeting. If no annual meeting is scheduled within such period, a special district meeting shall be called. The elected official(s) subject to recall shall be notified in writing at least ten (10) days prior to the meeting and shall have the opportunity to address the voters before any vote is taken. Removal shall require the affirmative vote of a majority of the qualified voters present and voting at the meeting. **If the recall vote succeeds, the office(s) shall be deemed vacant immediately upon certification of the vote, and shall be filled in accordance with the vacancy provision in Article IV, Section 1 of the district bylaws.** No recall petition shall be filed against any elected official within the first six (6) months of their term, within six (6) months preceding the expiration of their term, or within twelve (12) months following a failed recall attempt.

Option 2 – Fill vacancies at time of recall (see California Recall)

Any officer elected by the voters of the Bonnet Shores Fire District on or after the effective date of this section may be removed from office by recall. A recall may be initiated by a petition signed by not less than twenty-five percent (25%) of the total number of voters who cast a ballot in the last district election, and petitioners shall have sixty (60) days to collect the required signatures. The petition shall identify the officer whose removal is sought and include a brief statement of the grounds for recall, and shall be submitted to the District Moderator. All petition signatures must be submitted in written form and signed by hand by qualified voters. Within ten (10) business days of submission, the Tax Assessors shall verify that all written signatures are from qualified voters using the most recent

certified voter list. If the petition is insufficient, the Moderator shall notify the petitioners in writing, specifying the deficiencies; if sufficient, the petition shall be certified and forwarded to the District Council. Upon certification of a sufficient petition, the District Council shall, within sixty (60) days, either (a) call a special district meeting to act upon the recall, or (b) if an annual meeting is scheduled to occur within such sixty (60) day period, place the recall on the ballot for that meeting. If no annual meeting is scheduled within such period, a special district meeting shall be called. The elected official(s) subject to recall shall be notified in writing at least ten (10) days prior to the meeting and shall have the opportunity to address the voters before any vote is taken. At the same meeting and on the same ballot as the recall vote, the qualified voters shall also vote to elect a successor to serve the remainder of the term of any officer subject to recall. Candidates for successor shall be identified and qualified in advance of the meeting in accordance with procedures established by the District Council. The successor candidate receiving the highest number of votes shall be elected contingent upon approval of the recall. Removal of the recalled official shall require the affirmative vote of a majority of the qualified voters present and voting at the meeting. If the recall vote succeeds, the recalled officer shall be removed from office immediately upon certification of the vote, and the successor elected at the same meeting shall immediately assume office for the remainder of the unexpired term. If the recall vote fails, the successor vote shall have no effect.

No recall petition shall be filed against any elected official within the first six (6) months of their term, within six (6) months preceding the expiration of their term, or within twelve (12) months following a failed recall attempt.

Recall Language Comparison Chart

Element Summary	BSFD Proposed Recall Language	Proposed Bonnet Shores Fire District	Town of Narragansett	Town of Tiverton
1. Petition Signature threshold & timeline	A recall may be initiated by a petition signed by not less than twenty-five percent (25%) of the total number of voters who cast a ballot in the last district election and petitioners shall have sixty (60) days to collect the required signatures.	25% of last election voters 60 days to collect	25% of last election voters 60 days to collect	25% of voters from election that the official was elected; 20 days to collect signatures
2. Grounds required	The petition shall identify the officer whose removal is sought and include a brief statement of the grounds for recall, and shall be submitted to the District Moderator.	Petition must state grounds	Petition must state grounds	Petition must state grounds
3. Verification process	Within ten (10) business days of submission, the Tax Assessors shall verify that all signatures, whether electronic or written, are from qualified voters using the most recent certified voter list.	Tax Assessors verify in 10 business days	Certified by the Board of Canvassers – no committed timeline	Board of Canvassers certifies within ~7 days
4. Notice of Certification Outcomes	If the petition is insufficient, the Moderator shall notify the petitioners in writing, specifying the deficiencies; if sufficient, the petition shall be certified and forwarded to the District Council.	Moderator notifies outcomes in writing to petitioners	Canvassing authority notifies outcomes in writing to petitioners	Canvassing authority notifies outcomes in writing to petitioners
5. Timing of recall vote/meeting	Within sixty (60) days of certification of a valid petition, a special district meeting shall be called to consider the recall or placed on the ballot of an annual meeting if one is scheduled to occur within such sixty (60) day period.	Special District Mtg/Recall Election within 60 days after certification	Recall election 75 days after certification	Recall Election 60 days after certification
6. Notice & right to be heard	The elected official(s) subject to recall shall be notified in writing at least ten (10) days prior to the meeting and shall have the opportunity to address the voters before any vote is taken.	Official notified; may address voters	Official notified; may address voters	Official notified by certified mail; may address voters
7. Vote threshold	Removal shall require the affirmative vote of a majority of the qualified voters present and voting at the meeting. Or Approval shall require (i) the affirmative vote of a majority of the qualified voters present and voting at the meeting, and (ii) attendance at the meeting by a number of qualified voters equal to at least forty percent (40%) of the total number of voters who cast ballots in the election at which the officer being recalled was elected.	Majority of voters present at meeting Or Majority vote + ≥40% turnout of the election that the official was elected	Majority of voters present at meeting	55% YES vote + ≥40% turnout of the election that the official was elected

Element Summary	BSFD Proposed Recall Language	Proposed Bonnet Shores Fire District	Town of Narragansett	Town of Tiverton
8. Timing restrictions	No recall petition shall be filed against any elected official within the first six (6) months of their term, within six (6) months preceding the expiration of their term, or within twelve (12) months following a failed recall attempt.	Restricts early/late-term recalls + cooldown after failure	Must have served for a minimum of 6 months in Office	Does not specify

Attachment #2: Legal Opinion on Proxy Voting submitted by Attorney Michael Marcello



MEMORANDUM

TO: Bonnet Shores Fire District Council
FROM: Michael Marcello, Special Legal Counsel
DATE: April 22, 2026
RE: Proxy Votes

Our firm was recently retained by an affirmative vote of the Bonnet Shores Fire District (“BSFD”) at the March 30, 2026, Special Council Meeting and Executive Session to provide an independent, qualified legal opinion regarding proxy-voting in its upcoming Annual Election. This opinion comes after Robert Patterson, the Clerk of the BSFD (“Clerk Patterson”), informed the BSFD Council (“Council”) of his intention to disallow proxy-voting at the 2026 Annual Meeting through the powers he believes have been granted to him in the BSFD Charter. His decision stems from concerns about the constitutionality of restricting use of proxies to owners of real estate with equity exceeding four hundred dollars (\$400.00) over all liens on that property.

The purpose of this memo is to analyze the powers bestowed on the Clerk of the BSFD through the Charter and the Bylaws and to evaluate the constitutionality of restricting use of proxies to owners of real estate.

Based on our review of the relevant precedent, it is our opinion that:

1. The Clerk does not have the authority to unilaterally approve a blanket denial of proxy-voting.
2. The Charter’s current language regarding proxy-voting does not violate the Constitution should it effectuate a legitimate state purpose.

3. The BSFDC Cannot Provide the Option of Proxy Voting to Non-Property Owners
Under the Current Language of the Charter

Discussion

As stated above, Clerk Patterson previously advised the Council of his interpretation of the powers delegated to him under the Charter and of his intention to use those supposed powers to disallow proxy-voting at the 2026 Annual Meeting. The January 21, 2026, BSFD Annual Meeting/Election Process and Fiscal Responsibility Workshop Meeting Minutes read as follows:

[Clerk] Patterson then discussed proxy-voting and his intention as clerk by indicating the following: the Charter states voters shall vote in person with one exception for proxy-voting if you were in common ownership of property. That's no longer the case with the addition of non-property owner residents now added to the electorate. These voters do not own property and therefore cannot have a proxy... [He] went on to say that in a footnote in the charter, it states the Rhode Island General Assembly added the requirement that the BSFD clerk must approve all proxy votes when it amended the BSFD Charter in 1985.

As the clerk, he is not comfortable giving special rights to landowners that he can't give to all voters. He does not see how we can change the rules on our own from what the charter says. However, from what the legislature approved, which said all votes must be in person. So, he is not going to accept the proxies without either 1) a court order 2) a legal opinion from a lawyer that is not averse to him telling him why he has to allow some people to vote by proxy, and it's okay not to allow everyone to vote by proxy, he will take this opinion into serious consideration.

After this meeting, Clerk Patterson sent a memorandum dated January 25, 2026 ("Memorandum"), to the Council to memorialize the comments made during the Workshop. The Memorandum states that because of Clerk Patterson's position, "any proxy to be used, and any proxy votes cast, at the upcoming June 25, 2026, Annual Meeting, must be approved by me. After careful consideration, and as I advised the Council at the January 21, 2026, Workshop, I will not approve any form of proxy for use at the 2026 Annual Meeting, and I will not approve any votes cast by proxy at that meeting." The Memorandum referred to the outcomes of BSFD's prior litigation with several residents in *Patterson v. The Bonnet Shores Fire District*, C.A. No. WC-2020-0130 as a deciding factor in his refusal to approve any votes cast by proxy. Specifically, the Memorandum states:

For the same reasons it was unconstitutional to restrict voting in Fire District elections to owners of real estate, it is equally unconstitutional to restrict use of proxies to owners of real estate, as the current Charter language does. Under Rhode Island law, all qualified voters are entitled to equal access to voting (see attached statement from the Rhode Island Secretary of State). Making it easier for owners of real estate to vote, while making it more difficult for those who don't, violates both Rhode Island law and the U.S. Constitution.

The Memorandum continues, "Given these circumstances, pending amendment of the Charter to comply with the Judge's ruling, the only equitable thing to do is to treat all qualified voters equally and, as the Charter provides, require that all voters vote in person."

1. The Clerk Does Not Have the Authority to Unilaterally Approve a Blanket Denial of Proxy-voting

a. The Clerk's Powers

Important to this analysis is an understanding of the Clerk's typical powers and responsibilities under the documents governing BSFD's existence. The Charter discusses the clerk in Section two, discussed below, Section six, empowering the BSFD to elect a clerk, Section nine, discussing the requirement that the Clerk file a certificate disclosing that the BSFD has accepted the Charter and/or its amendments, and a footnote to Section three of the Bonnet Shores LAND TRUST Charter clarifying that the reference to the BSFD "secretary" should be presumed as meaning the Clerk. Nowhere does the Charter confer authority on the Clerk to curtail, redefine, or abolish voting methods authorized by the Charter.

Article III Section four of the BSFD Bylaws lists the Clerk's duties as:

It shall be the duty of the clerk to attend all meetings of the district and of the district council and to keep the records of all meetings of the district and the district council; to give or cause to be given notice of all meetings of the district council of which notice is required. He shall also perform such other duties as may from time to time be assigned to him by the district council. In the absence of the clerk at any meeting of the district or the district council, the records of the proceedings shall be kept and authenticated by such other person as may be appointed for that purpose at the meeting.

The Bylaws reveal the Clerk's duties are ministerial in nature, including attending, record keeping at, and giving notice of meetings. Other duties must be assigned by the Council. Clerk

Patterson has made no assertion that the Council assigned him the duty of determining whether proxy-voting should be allowed at elections. Nowhere in the Bylaws is the Clerk given the authority to curtail, redefine, or abolish voting methods authorized by the Charter.

b. The Clerk's Role in Proxy-Voting

The Rhode Island Supreme Court has consistently read municipal charters "in accordance with the customary rules of statutory construction." *Purcell v. Johnson*, 297 A.3d 464, 471 (R.I. 2023); see also *Foster Gloucester Regional School Bldg. Committee v. Sette*, 996 A.2d 1120, 1126 (R.I. 2010). Where the charter contains clear and unambiguous language, the Court will give the charter's words their "plain and ordinary meanings." *Id.* Where the language is ambiguous, or susceptible to more than one meaning, those rules of statutory construction become relevant in determining the likely intent of the Legislature. See *Sette*, 996 A.2d at 1126.

Under a plain language reading of the BSFD Charter and the BSFD Bylaws, the Clerk does not have the authority to unilaterally approve a blanket denial of proxy-voting. Section two of the Charter and Article I, Section five of the Bylaws both contain the following requirements for proxy-voting.

The proxy-voting provision within the Charter reads:

Every person qualified to vote as aforesaid shall vote in person, except that a person in common ownership to real estate may vote as the proxy of the other person who has been verified as being in common ownership in said real estate, provided that such proxy shall be in writing and filed with the Clerk at the meeting at which such proxy shall be used. The proxy shall be in a form to be furnished by the Clerk or otherwise approved by the Clerk.

The first sentence of the proxy-voting provisions begins with the mandate that all qualified voters are required to vote in person. However, an exception exists to any eligible voter for proxy-voting cast by another person upon the meeting of the following conditions:

- The voter has been verified as being in common ownership with the eligible proxy voter.
- The proxy is in writing.

- The proxy is filed with the Clerk at the relevant meeting.

Clerk Patterson has correctly pointed out that the proxy-voter exception is permissive, not mandatory, as the Charter’s language states that “a person... **may** vote as the proxy of [another] person.” *Emphasis added*. The Rhode Island Supreme Court has consistently held that “the use of the term ‘may’ denotes a permissive, rather than an imperative, condition” *Downey v. Carcieri*, 996 A.2d 1144, 1151 (R.I. 2010). However, the sentence permits voting by proxy upon meeting the ownership, writing, and filing requirements. Under no reading of the first sentence does the Charter bestow upon the Clerk general approval power over proxy-voting. Nowhere else in the Charter or Bylaws is the Clerk given authority to override the grant of proxy-voting power once a voter has met the ownership, writing, and filing requirements.

The second sentence of the proxy-voting provision reads, “[t]he proxy shall be in a **form** to be furnished by the Clerk or otherwise approved by the Clerk.” *Emphasis added*. A plain language reading of the second sentence reveals the Clerk’s duty is administrative, he must ensure proper form of proxy votes. The Clerk is given two options, either personally furnish a form proxy-voting document or approve a form proxy-voting document created by someone else. Nowhere in this sentence is he granted discretionary authority to eliminate the proxy-voting mechanism entirely. The scope of the administrative power granted to the Clerk does not include the power to refuse to furnish or approve any form of proxy for policy-based concerns. Such a reading would make the Clerk the sole arbitrator of whether proxy voting is allowed at all – a power that a plain common sense reading of the Charter language does not grant.

Using Rhode Island’s statutory interpretation tools, the result is the same. To honor legislative intent, Rhode Island Courts will read meaning into each word where two possible interpretations of a clause can exist. *See Neves v. State*, 316 A.3d 1197 (R.I. 2024). Should a proposed reading make a term redundant, the Court is reluctant to adopt that reading. Here, treating “furnished by the Clerk or otherwise approved by the Clerk” as a general power to deny proxy use would render the limiting reference to approval of the “form” superfluous and expand the clause beyond its text. The “form” qualifier must be given its narrow effect, otherwise its inclusion is redundant, as a general power over the use of proxies would include the ability to approve the form of such proxies.

The same analysis applies to Footnote 7, which reads “[t]he R.I. General Assembly added the requirement that the BSFD Clerk must approve all proxy votes when it amended the BSFD Charter in 1985.” This footnote is meant to grant context to the 1985 amendment, and should not be read as part of the Act itself. The footnotes describe the amendments made by the R.I. General Assembly, meant to provide context from the BSFD itself. For example, footnote 28 reads “The Fire District does not have a secretary; it is assumed that this reference refers to the Fire District Clerk.” Should members of the General Assembly itself have written these footnotes, such assumptions would not be necessary. The governing meaning of the Section comes from the operative language within the Section, not from the footnote. To do so would prove contrary to the plain meaning of the provision, render the actual language of the text superfluous, and inappropriately grant legislative power to the author of the footnote, a non-member of the Rhode Island General Assembly.

The Clerk’s unilateral refusal to honor otherwise-compliant proxies would undercut his duties and invert his role from administrative to legislative, something the Charter and Bylaws do not permit.

2. The Charter’s Current Language Regarding Proxy-voting Does Not Violate The Constitution if it Effectuates a Legitimate State Purpose

The United States Constitution protects the right of all qualified citizens to vote, in state as well as in federal elections. *See Reynolds v. Sims*, 377 U.S. 533, 554 (1964). In elections of general interest, restrictions on the franchise other than residence, age, or citizenship must promote a compelling state interest. *Kramer v. Union Free School District No. 15*, 395 U.S. 621 (1969). Where these restrictions fail to promote a compelling state interest, the governing body has violated the equal protection rights of those disenfranchised. *Id.*

In Judge Taft-Carter’s Summary Judgment decision (“Decision”), she confirmed that the BSFD exercises sufficient governmental powers to make its elections matters of general interest to all residents. *See Decision*, p. 16. As the Charter denied a certain class of people the right to vote, it was evaluated under strict scrutiny, and the BSFD was required to show that its property-based voting restriction was “necessary to promote a compelling state interest.” *Decision*, p. 19. As the BSFD failed to argue any compelling interest existed to disenfranchise non-property owners, there

was no question that the practice was unconstitutional under the Fourteenth Amendment of the United States Constitution and article 1, section 2 of the Rhode Island Constitution. *See* Decision, p. 19 (“[t]he Court cannot conceive of any circumstances in which the BSFD could permissibly use the property ownership requirement to prevent otherwise qualified residents from voting in BSFD elections.”)

Clerk Patterson’s memorandum applies this same logic to the right to vote by proxy, as the Charter restricts use of proxies to owners of real estate using the same qualifications that the Court struck down as unconstitutional. The Memorandum states, “[u]nder Rhode Island law, all qualified voters are entitled to equal access to voting... Making it easier for owners of real estate to vote, while making it more difficult for those who don't, violates both Rhode Island law and the U.S. Constitution.” This raises an important distinction, as the Decision discusses restrictions on the **ability** to vote, not on the right to vote by a particular voting method. A blanket prohibition on voting by otherwise eligible people is clearly constitutionally disallowed, but for the purposes of this memo, the relevant question is whether the restriction of proxy-voting to property owners constitutes a similar violation.

Courts have consistently examined restrictions on the right to vote under a different standard of review than restrictions on the right to vote through certain avenues. *See McDonald v. Bd. of Election Comm'rs of Chi.*, 22 L.Ed.2d 739 (1969); *see also Tully v. Okeson*, 481 F.Supp.3d 816 (S.D. Ind. 2020) (holding that unless a restriction on absentee voting absolutely prohibits someone from voting, the right to vote is not at stake and thus do not compel “close scrutiny”). The United States Supreme Court analyzed the right to absentee voting in *McDonald*, examining an Illinois statute allowing absentee voting for certain classes of people. In reviewing the constitutionality of the statute, it first questioned which standard of review to use. *See id.* The Court opted not to evaluate the statute using a strict scrutiny approach, explaining that the statute did discriminate against a protected class nor did it impact the **right** to vote, only the right to receive absentee ballots. *Id.* (emphasis added). As such, the Court reviewed statute using the rational basis standard. *Id.* This standard asks whether there is any rational relationship between a legitimate state interest and the statute and finds no Equal Protection Clause violation if so. *Id.* A non-suspect classification, distinguishing one group of individuals from another group, will be

struck down for constitutional reasons only if “no grounds can be conceived to justify them.” *In Re Cranston City Charter*, 2004 WL 2821645 (Sup. Ct. 2004) (quoting *McDonald*).¹

Should a party with standing challenge the proxy-voting section of the Charter, a Rhode Island Court would likely undergo the same analysis as that in *McDonald*. The Charter’s distinction between property holders and non-property holders does not implicate a protected class and is therefore not a suspect classification. Similarly, the Charter’s requirements do not serve as a blanket-prohibition on non-property owners’ right to vote. As such, a Court would review the limitation under the rational basis standard, asking only if the challengers of the Charter can disqualify any conceivable set of facts that could provide a rational basis for the classification. The BSFD could argue several reasons should it choose, including the protection of election integrity through the paperwork requirements set forth in proving dual ownership. Though impossible to predict the outcome of potential litigation with certainty, this is a high bar for any challenger to clear. As such, it is our opinion that the Charter’s current language regarding proxy-voting would most likely survive a constitutional challenge.

It is unclear where Clerk Patterson’s argument that the Charter violates Rhode Island state law arises from, or what law he claims is being violated. Rhode Island has no statute creating a right to vote by mail, absentee, or proxy in local district elections. *See Dias v. Portsmouth Water and Fire Dist.*, 534 A.2d 178, 179 (R.I. 1987) (holding R.I. Gen. Laws § 17-20-1 did not extend the right to an absentee ballot to local elections). Mail ballots are authorized for general, special, and primary elections, not local district elections; local charters cannot implicitly expand that

¹ In *Re Cranston City Charter*, the rational basis standard was described further:

“The distinctions drawn by a challenged statute must bear some rational relationship to a legitimate state end and will be set aside as violative of the Equal Protection Clause only if based on reasons totally unrelated to the pursuit of that goal.” In fact, if “any reasonably conceivable state of facts that could provide a rational basis for the classification” exists, this Court must uphold the distinction as constitutional. The burden is on the individual challenging the classification to disqualify “any reasonable conceivable state of facts that could provide a rational basis for the classification.” “The distinctions drawn by a challenged statute must bear some rational relationship to a legitimate state end and will be set aside as violative of the Equal Protection Clause only if based on reasons totally unrelated to the pursuit of that goal.”

authority. *See id*; *see also* R.I. Gen. Laws § 17-1-2. Further, Rhode Island Courts have found no violation where the method of voting is not equal across all groups of voters. *Morrison v. Lamarre*, 75 R.I. 176, 193 (1949) (“[i]n our opinion mere minor inconvenience in the method of casting a vote does not afford sufficient reason to declare that a legislative act is unconstitutional beyond a reasonable doubt.”) For this reason, it is again our opinion that there has been no violation of Rhode Island State law.

3. The BSFDC Cannot Provide the Option of Proxy Voting to Non-Property Owners Under the Current Language of the Charter

The Consent Judgment required the BSFD to franchise “every citizen of the United States of the age eighteen years or over who has had residence and home in the [BSFD] for thirty days next preceding the time of voting, who has resided thirty days in the [BSFD], and whose name shall be registered at least thirty days next preceding the time of voting as provided by the [BSFD] Charter.” The BSFDC has adhered to this requirement after the decision was rendered, allowing such eligible voters to participate in all elections. However, the question has been raised whether the BSFDC can expand the right to vote by proxy to those voters made eligible by the Consent Judgment. As constructed, the Charter requires eligible voters “shall vote in person, except that a person in common ownership to real estate may vote as the proxy of the other person...” The language does not allow room for the BSFDC to expand voting methods, even if the Consent Judgment expands the eligible voter pool. The Charter requires in-person voting with a single carve out for proxy voting by a person in common ownership. The Consent Judgment expands who may vote, but it does not itself authorize proxy voting for that expanded electorate. Voting methods must remain those authorized by the unamended Charter until amendments are adopted.

Section 9 of the Charter dictates that amendments of the Charter become effective only once:

accepted by the affirmative vote of a majority of the voters of said district present... at a special or annual meeting of said district duly held within two years after the passage of such amendment, at which meeting a quorum shall be present, and in the notice of which meeting there shall be contained the statement that the acceptance or rejection of such amendment is to be voted upon, and until there shall have been filed with the secretary of state a certificate of the clerk of the district that such amendment has been accepted as aforesaid.

Until such actions have been taken, the Charter may not be amended. As such, the current language of the Charter must govern, and the right to vote by proxy may not be expanded to all those voters otherwise eligible to cast a vote in person.

Conclusion

For the stated reasons, the Clerk does not have the authority to unilaterally approve a blanket denial of proxy-voting. In addition, the Charter's current language regarding proxy-voting does not violate the Constitution should it effectuate a legitimate state purpose. Our review of Rhode Island law revealed no statute guaranteeing equal right to vote by proxy to all members of a Municipality or a Fire District.

Thank you for your attention to this matter.

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Attachment #3: Draft 2026 Annual Meeting Agenda

BONNET SHORES FIRE DISTRICT 2026 ANNUAL MEETING

Thursday June 25, 2026

Bonnet Shores Community Center

130 Bonnet Shores Road

Narragansett RI 02882

Voting 3:00 pm – 7 pm

Meeting Presentation 7:30 pm

Agenda

1. Call to Order by Moderator
 - a. Pledge of Allegiance
 - b. Remembrance of deceased BSFD community members
2. Attestation of proper notice and quorum
3. Approval of minutes of 2025 Annual Meeting
4. State of the Fire District – Council Chair
5. Vote to approve Land Trust Operating Budget
6. Vote to approve rates of compensation for the following elected officials: Tax Collector, Clerk and Treasurer, pursuant to the BSFD By Laws.
7. Old Business
8. New Business
9. Public Comment
10. Election Results
 - a. Recount requests
11. Adjourn

(Individuals requesting interpreter services for the hearing impaired must contact the District manager by June 22, 2026)

Attachment #4: Proposed Role for M. Jenkins submitted by Melissa Jenkins

Intergovernmental Liaison Role

Purpose

The Council shall designate a **Council Intergovernmental Liaison** to monitor and report on municipal and state governmental actions that may affect the District.

The liaison serves strictly as an **information-gathering and reporting resource** for the Council and the public.

The liaison **does not establish policy, advocate on behalf of the District without authorization, or exercise decision-making authority.**

2. **Responsibilities** The liaison may:

A. Monitor Municipal Government

Track actions of the **Narragansett Town Council**, boards, and commissions that could affect the District, including:

- ordinances
- budgets
- zoning or land-use matters
- municipal services affecting District operations

B. Monitor State Government

Track legislation and policy activity in the **Rhode Island General Assembly** affecting fire districts or special districts, including:

- governance laws
- taxation or municipal authority
- public records and open meetings laws

C. Information Collection

The liaison may:

- review public agendas and documents
- attend public meetings or hearings
- monitor publicly available legislative materials
- gather publicly available information relevant to the District

3. Reporting to the Council

The liaison shall provide **informational updates during regular Council meetings.**

Reports may include:

- upcoming town agenda items affecting the District
- proposed state legislation affecting fire districts
- regulatory or policy developments
- scheduled hearings or public meetings

Reports are **informational only** unless the Council places a specific item on the agenda for discussion or action.

4. Public Input

Each monthly Council agenda may include an item such as:

“Intergovernmental Update and Public Comment.”

During this agenda item:

1. The liaison provides a brief update.
2. Members of the public may comment on the issues raised.
3. The Council may discuss whether an issue should be placed on a **future agenda for possible action.**

No policy decisions or advocacy positions are adopted unless **separately noticed on the agenda and voted on by the Council.**

5. Limitations of Authority

The liaison **shall not:**

- speak on behalf of the District
- advocate for legislation
- negotiate with government officials
- commit District resources
- represent that they are authorized to take District positions

Any official communication or advocacy must be **authorized by Council vote at a public meeting.**

6. Compliance with Open Meetings Law

All discussions regarding intergovernmental matters shall occur during properly noticed meetings of the Council in compliance with the **Rhode Island Open Meetings Act.**

Because the liaison acts individually and **does not convene meetings of multiple Council members**, the liaison function itself does not constitute a separate public body.

The Intergovernmental Liaison may meet with residents, stakeholders, or community groups to gather information regarding matters affecting the District. Such meetings are informational only and do not constitute meetings of the Council. The liaison shall report relevant concerns to the Council at a properly noticed public meeting.

Attachment #5 Land Trust Rules and Regulations as drafted by Faith LaSalle

Executive Summary: Bonnet Shores Land Trust Rules and Regulations

These rules and regulations outline how the **BSFD Land Trust** came into existence, its governance, and basic operational procedures, in a separate document as recommended in the January Foundation discussion. The Trust does not have separate bylaws. The rules and regulations will be used to amend the 501 c 3 submission with the IRS.

They are modelled after two other Land Trust Rules and Regulations, which were also set up by the R.I. General Assembly. They are tailored specifically to incorporate the provisions in the two Acts of the R.I. General Assembly that constitute the Trust Charter.

Three changes have been made since the approval by the Land Trust.

The citations were changed for the two Acts creating the Land Trust to reflect how they are identified in the Acts at State House Law Library. The dates the laws went into effect are also identified.

The section on reference to the Robert Rules section on meetings was changed to indicate that the Robert Rules' section on meetings will be used as guidance only in conducting meetings.

Draft: Rules and Regulations (Highlights reflect updates from previous version)

BONNET SHORES LAND TRUST RULES AND REGULATIONS

I. ESTABLISHMENT - In June of 1991, the Rhode Island General Assembly authorized the Bonnet Shores Fire District Council to establish the Bonnet Shores Land Trust (hereinafter called the "Trust"), defined as "a body politic and corporate and a public instrumentality" for the purposes outlined in as outlined in the applicable law, an Act "Establishing the Bonnet Shores Land Trust – Public Laws of the State of Rhode Island, Chapter 91-419," effective June 20, 1991.

The Act authorizes the Trustees to adopt reasonable rules and regulations governing the conduct of Trust affairs, including the acquisition and management of its holdings, provided they are not inconsistent with the provisions of the Act. Pursuant to an Act "Establishing the Bonnet Shores Land Trust – Public Laws of the State of Rhode Island, Chapter 92-491," effective July 21, 1992, these Rules and Regulations are subject to the approval of the Bonnet Shores Fire District Council. The two Acts establishing the Trust are hereinafter collectively called the "Trust Charter." Where a discrepancy exists between the Trust Charter and these Rules and Regulations, the Trust Charter shall take precedence.

II. TRUSTEES - The Trust is administered by five (5) Trustees who are elected by qualified voters of the Bonnet Shores Fire District at its Annual Meeting. A Trustee is elected to serve a three-year term and shall be ineligible for re-election for one year following the expiration of said term.

A vacancy occurring during a term shall be filled by the Bonnet Shores Fire District Council. The appointed Trustee shall serve until the next Bonnet Shores Fire District Annual Meeting, at which time a Trustee will be elected to serve the remainder of the unexpired term. The Trustees may recommend candidate(s) to the Bonnet Shores Fire District Council for the appointed position.

III. OFFICERS - The officers of the Trust shall be the Chair, the Vice Chair, and the Secretary. Pursuant to the Trust Charter, these offices are held by Trustees, with the exception that the Secretary may or may not be a Trustee.

- **The Chair** has general charge and supervision of the business of the Trust and shall preside at all meetings. The Chair shall perform other duties regarding Trust properties and maintenance as requested by the Bonnet Shores Fire District Council and shall ensure all meeting notices comply with the Rhode Island Open Meetings Act (R.I.G.L. Section 42-46-1 et. seq.)
- **The Vice Chair** shall perform duties as prescribed by the Chair. When acting as Chair, the Vice Chair shall have the same powers, duties, and restrictions of that office.
- **The Secretary** shall maintain the minutes of all meetings. Once approved by the Trust, the Secretary shall submit the minutes to the Bonnet Shores Fire District Clerk.

IV. ELECTION OF OFFICERS - At the first meeting following the Annual Meeting and the election of new Trustees, the Trustees shall elect a Chair, Vice Chair, and elect or appoint a Secretary for one-year terms. If a vacancy occurs in the office of Chair, the Vice Chair shall serve as Chair for the remainder of the term. If a vacancy occurs in the office of Vice Chair the Trustees shall elect another Trustee to serve the remainder of the term, and in the office of Secretary, the Trustees shall either elect a member or appoint a non-member to fill that vacancy.

V. MEETINGS - Meetings shall be held and records maintained in compliance with the Open Meetings Act. The Trust shall meet quarterly, with at least four (4) meetings per year. Additional meetings may be called by the Chair as needed.

The section on meetings in the current edition of the Robert's Rules of Order will serve as guidance in conducting the Trust's meetings. However, the Trust Charter and these Rules and Regulations shall prevail over any conflict with *Robert's Rules* on meetings.

A quorum for decisions is a majority of Trustees present and voting, except for land acquisitions or other specific actions for land use outlined in the Trust Charter that require a majority or supermajority vote of the full Board of Trustees.

VI. OPERATING BUDGET AND FINANCIAL MATTERS - An operating budget for the Trust shall be prepared annually and submitted to the Bonnet Shores Fire District Council for review and approval. The budget must also be presented at the Annual Meeting for final approval by the qualified voters of the Bonnet Shores Fire District.

Funds collected for Trust activities shall be deposited in a designated fund maintained by the Bonnet Shores Fire District. Lawfully incurred operating expenses must be evidenced by proper vouchers, including invoices and receipts, and shall be paid by the Bonnet Shores Fire District Treasurer upon approval by the Bonnet Shores Fire District Council.

Funds released for land acquisitions or other purposes set forth in Section One of the Trust Charter require approval of the majority of Trustees and a majority vote of the Bonnet Shores Fire District Council.

The Trust may only incur debt if the Bonnet Shores Fire District Council has authorized the debt and the qualified voters have approved it at a Bonnet Shores Fire District Annual Meeting or Special Meeting.

VII. ACQUISITIONS AND DISPOSITIONS OF LAND

- **Acquisition of Property:** All acquisitions require dual approval by the Trustees and the Bonnet Shores Fire District Council and must be consistent with R.I.G.L. Chapter 91-419. An acquisition proposal and report shall be prepared for each parcel.
- **Acquisition Criteria:** Criteria include, but are not limited to:
 1. Open space significance;
 2. Environmental significance;
 3. Protection of drinking water and aquifer recharge areas;
 4. Recreational significance;
 5. Historical preservation;
 6. Wildlife and habitat protection;
 7. Agricultural significance; and
 8. Intrinsic value to the community.
- **Acquisition Reports:** Reports must include a property description (including maintenance burdens), identification of special requirements, the rationale for acquisition, and associated costs/funding sources.
- **Disposition of Property:** Disposition requires the following:
 1. A determination by the Trustees that the property is unsuitable for Trust purposes;
 2. An affirmative vote of four (4) out of five (5) Trustees;
 3. An affirmative vote of five (5) out of seven (7) Bonnet Shores Fire District Council members;
 4. An affirmative vote of two-thirds (2/3) of qualified voters at an Annual Meeting.
- **Disposition Reports:** Reports must include the reasons for disposition, a cost-benefit analysis, and the projected impact on the community.

VIII. TAX EXEMPTION The Trustees are aware of and when needed, shall notify government bodies that Trust revenues, income, and property used in furtherance of its public purpose are tax-exempt pursuant to R.I.G.L. 91-419, Section 7, and the Trust is not required to pay any tax, excise, or assessment to the State of Rhode Island, the Town of Narragansett, or any political subdivision.

IX. ADOPTION, REVIEW, AND AMENDMENT These Rules and Regulations and any subsequent amendments shall take effect upon dual approval by the Trust and the Bonnet Shores Fire District Council. Upon such approval, they supersede any prior rules and regulations that have not received dual approval

and take effect upon passage. The Trust shall review these Rules and Regulations at least every five (5) years.

X. SEVERABILITY If any provision of these Rules or Regulations is held invalid, such invalidity shall not affect the remaining provisions.

Adopted by the Bonnet Shores Land Trust on this _____ day of _____, 2026.

Secretary, Bonnet Shores Land Trust