

ACLU gets involved in Bonnet Shores voting rights dispute

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A voting-rights dispute is heating up in Bonnet Shores along with the summer sand and sun.

A group of residents in the Narragansett enclave have taken the Bonnet Shores Fire District to court over its voting rules, which base access to the ballot box on property ownership instead of residency.

On Wednesday the American Civil Liberties Union of Rhode Island inserted itself into the case, calling the Fire District's voting rules an unconstitutional "relic of a period of widespread disenfranchisement" in a friend-of-the-court brief supporting the plaintiffs.

Unlike other recent voting rules fights, the dispute at Bonnet Shores doesn't threaten to swing the balance of power in Town Hall or the State House, let alone Washington.

It involves more than 5,000 owners of houses, cabanas and "bathroom units" in the beachfront neighborhood and their choice for fire district offices, according to the complaint.

And potentially it could impact some of the other fire districts in the state that, like Bonnet Shores, no longer count firefighting among their responsibilities.

In coastal areas, some of these fire districts have evolved into real-estate entities and come under scrutiny by beach access advocates.

In Bonnet Shores, the dispute centers



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around whether the fire district is effectively a government or something closer to a private corporation or condo board.

The fire district's 1932 charter from the General Assembly gives it the power to tax, maintain utilities and pass ordinances enforced by penalty of fine or imprisonment. District ordinances include street parking regulations, dog ownership rules and property rental regulations, according to the lawsuit filed in Washington County Superior Court.

Given these "general governmental powers," allowing property owners who don't live in the district to elect its officers, while denying a ballot to non-

property owners, is unconstitutional, the plaintiffs argue.

The plaintiffs include one resident whose name is not on the deed of the house she lives in, so she can't vote in district elections, and six resident property owners who say their votes have been "diluted" by all the non-resident voters.

"Thus, commercial interests such as the Bonnet Shores Beach Club can exercise its vote through an authorized representative, while Plaintiff Melissa Jenkins, an actual person, is unable to cast a ballot," ACLU attorneys James Rhodes and Lynette Labinger write in the brief.

"One of the most profound impacts of

systemic disenfranchisement is what Rhode Island learned following the Dorr Rebellion," they added. "It leads to political apathy and distrust."

Late last year, Judge Sarah Taft-Carter threw out part of the lawsuit asking for non-residents to be barred from voting because those non-residents had not been named in the suit.

Taft-Carter allowed the rest of the suit to continue.

Tom Dickinson, the attorney representing the fire district, says the district maintains the beach, the beach club and a boat ramp, and picks up trash, but that's about it. Virtually all governmental services are provided by the Town of Narragansett, including policing, fire-fighting, drinking water, education, road maintenance and sewage.

If there is a dispute between residents or a beach brawl, Narragansett police will be called to sort it out, not the fire district.

"It's more like a condo association or homeowners association with a summer camp than something with general government services," he said.

He said he didn't think the outcome of the case would necessarily have any impact on other fire districts in the state.

The ACLU's entry into the case has pushed back the schedule for any decision. A hearing on a motion for summary judgment is slated for Sept. 21.

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