

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

JONATHON ACOSTA, *et al.*

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Plaintiffs,

:

v.

C.A. No. 20-

:

:

JUAN PABLO RESTREPO, *et al.*

:

:

Defendants

:

AFFIDAVIT

I, Michael Fine, MD, hereby swear and affirm as follows:

1. I am currently Chief Health Strategist to Mayor James Diossa and the City of Central Falls, Rhode Island. I am a graduate Case Western Reserve University Medical School. I was formerly the Physician Operating Officer of Hillside Avenue Family and Community Medicine, the largest family practice in Rhode Island, and the former Physician-in-Chief of the Rhode Island and Miriam Hospitals' Departments of Family and Community Medicine. Thereafter, I was Director of the Rhode Island Department of Health from February of 2011 until March of 2015, overseeing a broad range of public health programs and service. As a result of the foregoing, I have personal knowledge of all matters to which I attest in this Affidavit, and all opinions are expressed to a reasonable degree of certainty in the field of medicine.

2. I have been a candidate for public office in Rhode Island, and so also have knowledge regarding the law and practicalities of the candidate nomination process, including the gathering of signatures on nomination petitions.

3. Covid-19 remains an imminent public health threat. Persons in Rhode Island continue to contract the disease on a daily basis. Some fundamentals about Covid-19 are pertinent to this discussion. Covid-19 is a highly contagious and easily transmitted disease. The disease can be transmitted via proximity to a person who is infected or to source contact with

droplets containing the virus. Severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) is the strain of coronavirus that causes Covid-19. There currently exists no test that allows the identification of asymptomatic carriers of SARS-CoV-2 with a reasonable degree of certainty.

4. Maintaining social distancing through limiting contact between members of the public and sanitizing “high touch” items used by the public (for instance, ATM’s) is critical to the containment of Covid-19.

5. It cannot be overemphasized that certain members of the public are most at risk to Covid-19. These persons include people over 60 years of age, persons with respiratory conditions, persons who are immunocompromised, and persons with certain other medical conditions. Additionally, persons who are at risk scrupulously need to maintain distance from the public, including those persons who are medical professionals treating Covid-19 patients.

6. It should also be emphasized that asymptomatic Covid-19 carriers can infect others. This point is of particular importance with respect to the solicitation and collection of signatures, as persons seeking or providing signatures may be Covid-19 positive without knowing it, thereby unwittingly exposing others.

7. The current “in person” signature solicitation and collection process as part of the candidate nomination process carries with it a high risk to the general public’s health. The signature collection process for state senate and house of representatives alone requires a minimum of 7500 separate signatures – assuming that only one candidate is seeking each office. The number of “in person” contacts expands greatly when all offices for which signatures are required and all candidates are considered. And, candidates solicit and collect more signatures then are required to mitigate against the disqualification of certain signatures on nomination petitions.

8. Timing is also an issue. The nomination process lasts from June 30 through July 10, a short time frame within which candidates conduct signature gathering. All told, signature solicitation and collection produces tens of thousands of “in person” contacts over the course of less than two weeks.

9. Limiting the amount of signatures required to qualify to be on the ballot somewhat mitigates the public health risk, but any “in person” contacts increases the risk of transmission of Covid-19.

10. The only way with which to mitigate fully the risk of transmission of Covid-19 with respect to the signature solicitation and collection process is to allow remote signing of petitions through electronic means.

Sworn under pains and penalties of perjury.

/s/ Michael Fine
Michael Fine, MD