



Election spending reports probed

The Board of Elections and an advocacy group are looking into whether some organizations need to disclose what they spent lobbying for ballot questions.

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BY LIZ ANDERSON
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PROVIDENCE -- The 14 referendum questions on this month's ballot brought out plenty of groups to sound clarion calls for ye-or-nay votes.

But tracking what every camp spent on the measures is proving a bit more muddled.

Both the Board of Elections and the citizens' advocacy group Operation Clean Government are investigating whether some groups failed to file required financial disclosure reports, and whether others that did report their spending filed properly.

Operation Clean Government Vice Chairwoman Beverly Clay said her group expects to deliver a formal complaint about the filing issues to the Board of Elections by the end of the week.

"I think that several of them just didn't know" about the filing requirements, Clay said. "I think there's others that really knew better."

Richard Thornton, the supervising accountant at the Board of Elections, said he is looking into a variety of groups that may need to disclose what they spent on lobbying efforts for ballot issues such as improvements at the University of Rhode Island, money to renovate the Cranston Street Armory and historic preservation grants.

Thornton said he is also investigating whether some groups that filed a "schedule of independent expenditures" form are eligible to do so.

The form indicates a person or group spent more than \$100 to advocate for or against a ballot measure, but does not require any disclosure of the money's source. In addition to individuals, the board has historically allowed nonprofit corporations such as the Greater Providence Chamber of Commerce to file in this category.

But Thornton said it remains unclear whether coalitions that formed specifically to support or contest an issue can file under the rule -- as some have done -- particularly if they have not incorporated.

"That is the \$64,000 question," he said, adding that he expected to "seek guidance" on the issue from the Board of Elections' lawyer and potentially from the board itself.

The other option would be to require such coalitions to file as political action committees. Under rules for PACs, they would have to disclose both fundraising and spending, abide by financial caps, and could not

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Exhibit XVIII

have taken any money from corporations. The rules would be a particular problem for groups such as the Complete Quonset Coalition, which reported raising nearly \$125,000 -- almost exclusively from businesses -- to advocate for a bond issue to upgrade the industrial site.

Another coalition, Citizens for Representative Government, which lobbied against a Constitutional Convention, filed a mishmash of paperwork that is still being sorted out, Thornton said. The group included union-backed issues organizations, as well as advocacy groups such as Common Cause of Rhode Island and the Rhode Island Affiliate of the American Civil Liberties Union.

The coalition filed a notice of organization on a form used for PACs, creating a new and unauthorized category for itself of "Non-PAC Coalition," and submitted a related contributions form. But it also disclosed its spending using the forms for the other category: groups with independent expenditures.

In addition, Thornton said he was also looking into the Right Now Coalition for Reform, which advocated for passage of a separation-of-powers constitutional amendment. So far, he said, it appears the group spent money "above and beyond" what a related political action committee has reported.

Common Cause Executive Director H. Philip West Jr., who participated in the Right Now coalition, said Common Cause had disclosed its own spending on the ballot measure, that the PAC would be disclosing additional spending, and individual member groups would probably pay off other outstanding bills.

"It's a disaster; it really is," West said of the widespread confusion swirling around the spending report requirements.

The Board of Elections has indicated it will return after the elections to a more stringent interpretation of who qualifies for the "independent expenditures" form.

But West said the law itself should be changed to make sure an individual company -- for example, Harrahs Entertainment -- could not spend unlimited amounts of money to push a referendum while opponents are constrained by spending limits.

Both Clay, of Operation Clean Government, and Thornton, at the Board of Elections, said the legislature was supposed to clarify the boundaries years ago, but never did. Clay, whose group argued vigorously but unsuccessfully in support of a Constitutional Convention, said the questions should have been resolved "before it went this far."

In a related matter, Thornton said he is also looking into spending by the union coalition Working Rhode Island, which ran television advertising urging voters to turn away from Governor Carcieri, and by implication, Republican Assembly candidates, in the general election.

Thornton sent a letter to the group Oct. 29 asking it to disclose the money it spent "for advocacy purposes" and included an independent expenditures form for the group to fill out.

But on Nov. 9, the group's secretary/treasurer, Robert A. Walsh Jr., responded that the group does not believe it has to reveal its spending because "no funds were expended to support or defeat a candidate for office in the last election cycle."

Said Thornton this week: "It certainly seemed from the ads I saw they were taking an advocacy position.

"It's an open issue, let's put it that way," he said.

Local groups spent thousands on this month's ballot questions

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Independent expenditures reported to support or oppose ballot questions:

Common Cause of Rhode Island: Advocating for Question 1 (separation of powers) and against Question 2 (Constitutional Convention). \$990 to prepare and mail a solicitation for donations for the SOP campaign; \$441 to prepare and mail invitations to the group's annual meeting; \$14.40 to prepare CD-ROM presentations for area newspaper editors; \$69.76 in mileage costs for the executive director; and \$678 to prepare and mail 2,200 anti-convention flyers.

Operation Clean Government: advocating for Questions 1 and 2 (separation of powers and constitutional convention): \$20,220 for newspaper inserts in various publications around the state; \$201 to rent the Roger Williams Conference Center for a forum on Question 2; \$1,537 in costs related to a dinner forum at the Crowne Plaza hotel; \$186 to Rod Driver for posters and fliers; \$1,181 for lawn signs; \$215 for media materials, printing and postage.

RI Shoreline Coalition: advocating for Questions 1 and 2 (separation of powers and Constitutional Convention), legislative candidates, and favoring a split in the Chariho school district. \$2,126 for preparing and mailing newsletters to members; \$2,812 for newspaper advertising; \$280 for a table at the Operation Clean Government dinner; \$1,702 for a letter to Charlestown voters on the school issue; \$1,045 to prepare and mail a letter supporting various candidates.

Rhode Island Separation of Powers Committee: Advocating for Question 1. \$29,386 for billboard advertising and \$2,210 for radio advertising.

Bank Rhode Island: \$960, estimated cost of advocating separation of powers on an existing bank billboard.

Citizens for Representative Government: Opposing Question 2 (Constitutional Convention). \$1,750 for telephone calls; \$9,986 for television advertising; \$9,773 for radio advertising; \$1,175 for signs.

Construction Industries of Rhode Island: Advocating for Question 3, providing bonds for transportation improvements. \$73,630 to Moore Media Inc. for advertising; \$28,985 to Ryan, Wellnitz & Associates for advertising and public relations; \$6,398 to Cogens Printing Services.

Environment Council of Rhode Island: Advocating for Question 8, open space, clean water and recreation bonds. \$1,587 for printing fliers.

Coalition for Progressive Economic Development: Supporting Question 13, in favor of a URI biotechnology center. \$20,000 to Trion Communications for radio advertising, and \$6,000 expected to be spent for polling by the Taubman Center for Public Policy at Brown University.

Complete Quonset Coalition: Advocating for Question 14, for upgrades to the Quonset Point/Davisville Industrial Park. \$4,035 for yard signs and bumper stickers, plus \$12,000 expected to be paid to the Taubman Center for polling.

Source: Rhode Island Board of Elections filings

Online at: http://www.projo.com/extra/election/content/projo_20041118_spendit.309ed3.html

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