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## **ACLU OF RI POSITION: OPPOSE**

### **TESTIMONY ON 24-H 7179, RELATING TO THE RHODE ISLAND LOBBYING REFORM ACT January 23, 2024**

This bill would bar lobbyists from making political donations to legislators during the legislative session. The ACLU opposes this bill because we believe lobbyists retain First Amendment rights to participate in the political process by making contributions to both incumbent legislators and challengers.

In striking down a Connecticut statute that banned lobbyists from making donations to state legislators, a federal appeals court noted: “The fact that speakers may have influence over or access to elected officials does not mean that these officials are corrupt, and favoritism and influence are unavoidable in representative politics. Influence and access, moreover, are not sinister in nature. Some influence, such as wise counsel from a trusted advisor—even if that advisor is a lobbyist—can enhance the effectiveness of our representative government.” *Green Party of Connecticut v. Garfield*, 616 F.3d 189, 206-207 (2nd Cir. 2010) (quotation marks and citations omitted).

We recognize that this bill is not a total ban on lobbyist contributions, but rather a durational one. However, any concerns about the impropriety – or even the appearance of impropriety – of lobbyists giving donations during the session are hardly resolved if the donations are given the week before the session starts or immediately after the session ends. This is not hypothetical. Maryland has a law similar to this proposal, and literally dozens of fundraisers are routinely scheduled and held in the beginning of January, the week before the legislative session starts.

We appreciate that this bill is well intentioned and may have the beneficial effect of freeing up the nights of lobbyists who might otherwise be attending political fundraisers during the session. But it impedes the exercise of First Amendment rights while failing to address issues of corruption in a meaningful way. For these reasons, the ACLU of RI opposes the bill.