

## **Written Testimony of J.H. Snider on a Constitutional Convention's Possible Agenda**

I appreciate the opportunity to present this written testimony for the public record concerning the value of holding a Constitutional convention. I believe a constitutional convention could be an effective mechanism to improve Rhode Island's voting systems in general and campaign finance ballot measure disclosure laws in particular. Please mark my viewpoint as "neutral."

At the last meeting of the Preparatory Commission on July 30, a question arose concerning the quality of Rhode Island's campaign finance disclosure rules regarding the constitutional convention referendum. One commission member indicated that they would follow up to get an answer to this question. I hope the following information will help in that endeavor.

Please review the extensive published literature on this subject as it relates to Rhode Island's last two convention referendums in 2004 and 2014. You will find much more than I've included here if you query the public records at the Rhode Island Board of Elections concerning the subjects mentioned here. You will also discover that the Rhode Island Board of Elections has not enforced key parts of the the law when it concerns Rhode Island's most powerful and wealthy interest groups, who, for example, only need to threaten a countersuit to shut down enforcement of Rhode Island's disclosure laws. In particular, the denouement of the "Mr. O'Brien" affair beginning in 2004 has many lessons for needed reforms.

### **2004 Convention Referendum**

- Achorn, Ed, "Citizens for Special-Interest Government," Providence Journal, Dec. 14, 2004;
- Achorn, Ed, "Hiding behind Mr. O'Brien," Providence Journal, Jan. 25, 2005;
- Murphy, Timothy, "[Insiders maneuver against Rhode Island](#)," Providence Journal, Oct. 28, 2014.
- Brown, Jim, "Clean government fingers follow reformers," Pawtucket Times, Nov. 5, 2004;
- Letter from Rhode Island Board of Elections to Rhode Island ACLU, Nov. 17, 2004;
- Anderson, Liz, "Election Spending Reports Probed," Providence Journal, Nov. 18, 2004;
- Complaint filed by Operation Clean Government to the Rhode Island Board of Elections, Jan. 5, 2005, 25 pages plus 31 exhibits;
- Complaint filed by Operation Clean Government to the Rhode Island State Police, Nov. 10, 2005, 3 pages;
- Snider, J.H., and Beverly Clay, 'Dark money' drives R.I. constitutional convention votes," Providence Journal, June 13, 2014.

### **2014 Convention Referendum**

- Murphy, Timothy, "[Insiders maneuver against Rhode Island](#)," Providence Journal, Oct. 28, 2014.
- Borg, Linda, "[The Board of Elections issues warning to group opposing Constitutional Convention](#)," Providence Journal, Oct. 31, 2014.

- Snider, J.H., and Beverly Clay, “[Yes Coalition Files Complaint with Board of Elections; BOE Rules on Complaint](#),” The Rhode Island State Constitutional Convention Clearinghouse Blog, Oct. 31, 2014; [Note: After the Nov. 2014 election, the “no” campaign threatened to sue the “yes” campaign if it pursued its claims of campaign finance violations with the Rhode Island Board of Elections. Given that such litigation would be prohibitively costly and make no difference because the election was already over, the “no” side dropped its complaints and the Board of Elections pursued the case no further.]

I hope the Preparatory Commission will include in its report that fixing Rhode Island’s ballot measure disclosure laws could be an appropriate activity for a Rhode Island state constitutional convention. More than two decades ago the Ballot Initiative Strategy Center Foundation issued an excellent [report](#) on how ballot measure disclosure could be improved. Despite the vast improvement in information technology since then, its list of recommendations still provides a good starting point for reforming Rhode Island’s ballot measure disclosure laws. California’s and Washington’s ballot measure disclosure laws could also provide a good benchmark.

At the July 30 meeting, the U.S Supreme Court’s *Citizens United v. FEC* case was mentioned. Whatever flaws that court decision might have, it is important to understand that it created no obstacles to dramatically improving campaign finance disclosure for state ballot measures. Consequently, a Rhode Island constitutional convention could seek modern, high-quality campaign finance ballot measure disclosure laws for Rhode Island.

For a more detailed list of voting system reforms your commission might consider including in its report, please consult my web page, [Reform Ideas](https://rhodeisland.concon.info/?page_id=1967), ([https://rhodeisland.concon.info/?page\\_id=1967](https://rhodeisland.concon.info/?page_id=1967)).

Sincerely,

J.H. Snider, Editor

The Rhode Island State Constitutional Convention Clearinghouse