

**R. I. STATE BOARD OF ELECTIONS
MINUTES OF MEETING
May 11, 2011**

The Rhode Island State Board of Elections convened at 3:40 PM at the Rhode Island Board of Elections, a quorum included, Chairman John Daluz, Vice-Chairman Frank Rego, Commissioners William West, Richard DuBois, and Richard Pierce. Executive Director Robert Kando and Board legal counsel Raymond Marcaccio were also in attendance.

First order of Business: Motion to approve the minutes of the meetings held on 4-5-2011 by Vice-Chairman Rego and seconded by Commissioner DuBois and passed unanimously.

Next order of business: Hearing on a campaign finance complaint filed by William B. McKenzie against the Little Compton Taxpayers Association (LCTA) a non-profit corporation, and Joseph Quinn, candidate for Little Compton school committee. Attorney Robert Senville, represented the Association and Mr. Quinn acted pro se. Attorney Robert Kando presented the staff position alleging that LCTA & Mr. Quinn violated campaign finance law by coordinating LCTA's corporate expenditure with a candidate's (Mr. Quinn) campaign for office by distributing LCTA's newsletter endorsing its officer/director's (Mr. Quinn) election to non-members, during the election cycle when Mr. Quinn served as officer/director of LCTA.

An agreed statement of facts was entered into evidence as exhibit #1, the LCTA newsletter dated October 27, 2010 was entered into evidence as exhibit #2, and the constitution of the Little Compton Taxpayers Association was entered into evidence as exhibit #3.

A motion to dismiss citing 3 grounds for dismissal was considered by the Board after arguments by the parties. Commissioner Pierce moved to deny the motions, seconded by Vice-Chairman Rego and voted unanimously. Vice-Chairman Rego, due to a scheduling conflict left prior to the conclusion of the items following the approval vote of this motion.

The staff presented its position by citing the Rules and Regulations on Reporting Requirements for Coordinated and Independent Expenditures Section 3 (b), (c), and (e). Section 3 (b) that deemed expenditures coordinated if a person including any officer/director of the person is authorized to raise funds for the candidate, during the election cycle, as well as, similar violations in (c) & (e).

The staff's position was that LCTA, was the person in question and as a candidate Mr. Quinn is authorized to raise funds. Since Mr. Quinn served as a director/officer during the election cycle and Mr. Quinn was authorized to raise funds for himself, the expenditure by LCTA was coordinated. Additionally, there was no provision within the regulation that allowed an officer/director to abstain or recuse during the endorsement

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process to avoid coordination, since director/officers control an entity and that abstaining during a single endorsement vote did not free the officer/director of the rules of independent and coordinated expenditures.

LCTA, through its attorney Mr. Senville, and Mr. Quinn, stated that there was no coordination because LCTA and Mr. Quinn did not coordinate and that Mr. Quinn did not participate in the endorsement process and did not have anything to do with the publication of the newsletter. It was further argued that the Citizens United case allowed for corporate speech and that any rule that prevented cooperative speech was unconstitutional.

Citing the U.S. Supreme court decision of Colorado Republican Fed. Campaign Committee, that made a finding that a court must find more than simple membership to determine that coordination occurred, and that if no evidence was presented of coordination, then the Board must return a finding of no coordination, or it would be acting contrary to Colorado. The facts of the Colorado case were distinguished by the staff, since as an officer/director of LCTA, held a LCTA leadership role.

After conclusion of the hearing, Commissioner Pierce moved to find a violation by LCTA, since Mr. Quinn was an officer/director and was on the executive board, seconded by Commissioner DuBois, and voted unanimously. Commissioner West moved that no fine should be assessed and that LCTA shall be warned not to repeat this action, seconded by Commissioner Pierce and passed unanimously.

A motion to find Mr. Quinn in violation for acting as officer/director and member of the executive board and receiving an endorsement by LCTA was made by Commissioner Pierce, seconded by Commissioner DuBois, was voted unanimously. A motion that no fine should be assessed and that a warning be issued to Mr. Quinn that he shall not repeat this action, was made by Commissioner Pierce, and seconded by Commissioner DuBois,

Next order of business: Commissioner Pierce moved pursuant to R.I.G.L. 42-46-5(a)(4) to adjourn into executive session, seconded by Commissioner West and passed unanimously.

At the close of the executive session, Commissioner Pierce moved to seal the records, seconded by Commissioner West and passed unanimously.

Commissioner Pierce moved to adjourn the meeting, seconded by Commissioner West and passed unanimously.

Andreza Skipworth