

Donna Perry: Little Compton Scores a Win for Citizen Taxpayers

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As the 2012 election season takes hold, ordinary citizens seeking to become engaged in local elections in their own cities and towns may want to take note of a big victory that occurred in a little noticed controversy involving a local citizen taxpayer group during the 2010 election season.

The ordeal that the RI Board of Elections (BOE) thrust upon a volunteer citizens group who comprise the Little Compton Taxpayers Association (LCTA) over a period of a year and half, is an important storyline that all locally organized citizen taxpayer groups across the state need to understand.

The basics of the story are these: in October of 2010, one month before the election, the LCTA published a sample ballot to guide its members and other local residents on who they were recommending in the races for local offices, including town council and school committee seats, which is hardly an unknown or radical practice conducted by a local good government group during an election season. Among the individuals listed on the ballot was Joseph Quinn, running for town School Committee. But because Mr. Quinn was also a member of the taxpayers' organization and was being endorsed by it on the sample ballot, another town resident, William McKenzie, who apparently opposed the LCTA, claimed there were various violations of both state and federal campaign reporting laws present, and filed complaints. That's where the story takes on a life of its own.



That BOE Director Robert Kando would undertake what was described as an exhaustive investigation of a citizen taxpayers group that often meets in each other's homes, and operates in a seaside hamlet that is so tiny it doesn't even have its' own high school, is outrageous enough. But the further treatment the LCTA received in a hearing process conducted by the BOE speaks volumes about the lack of respect, and frankly, outright hostility that certain members of the Elections Board hold for citizen taxpayer groups operating around the state.

During a May 2011 hearing at the BOE offices, BOE Commissioner Frank Rego was reported to have engaged in a tirade against the taxpayers' group and admonished the members who were present, claiming the "political speech" present in their newsletter warranted filings to his elections board. When the LCTA members asserted that the views as expressed through the endorsements in their newsletter constitute political speech that is protected by the First Amendment, Rego reportedly stormed out of the hearing, accusing the LCTA of "hiding behind the Constitution" (imagine doing such a thing??!!)and telling the LCTA he had "better things to do" than hear their case...! Needless to say, things went downhill from there. The BOE then ruled the LCTA and Quinn violated state laws, and were sanctioned, warned they could not engage in such activity in the future. To add insult to injury, when the LCTA requested an audio tape of the kangaroo court proceedings shortly after, the BOE provided them with a tape. Unfortunately, it just so happened the tape had a completely inaudible recording of the stormy hearing. How surprising.

One month later, the persistent LCTA filed a civil rights action against the Commissioners of the BOE in U.S. District Court, and by the fall of 2011, the case was on the calendar. But a funny thing happened as it approached the date where briefs were to be filed to the court. Following a closed door session with Judge McConnell, the BOE more or less backed down and withdrew its Order (sanction) against the LCTA. That led to the formal Consent Decree, effectively ending the case on January 25th. As for the federal complaint, no surprise that the FEC ultimately dismissed the case. The critical deciding factor, which the LCTA asserted at the very start of this long legal mess, was that there was no coordinated activity between the newsletter endorsement and the Board member/candidate, Mr. Quinn.

One final footnote on the conclusion of the case: the settlement stipulates the State of RI has to pay the LCTA, as plaintiffs, \$45,000 in legal costs. As several members of the LCTA have stated, it is a disgrace that so much time, resources and now, statewide taxpayer money has to be needlessly spent to battle a Board of Elections that often seems unduly aggressive and frankly, inappropriately hostile to the rights of citizen taxpayer organizations to simply exist, operate and lend their voices to the democratic process.

The legal work provided in this case by attorneys Robert Senville and Carolyn Mannis, who expertly guided the LCTA through the tangled web of election law, represents a critically important victory for the growing ranks of the citizen taxpayer. As the triple threat problems of deficits, pension debt and tax burden continue to mount for the state and local communities, the voice of the local citizen taxpayer will need to get louder—not be stifled.

The attorneys and the LCTA deserve all of our thanks for increasing the chances that those voices will not only grow in number, but will have a chance to be heard next November.

A Note of Disclosure: Robert Senville has also served as Legal Counsel to the statewide citizen taxpayers' organization, RISC, to which I serve as Communications Consultant.