

## Testimony on H 7977--An Act Relating to Elections--Ballot Question Advocacy and Reporting

### Position: Support with amendments

Common Cause Rhode Island supports H 7977, a bill that requires certain disclosures for ballot question advocacy, but believes the bill must be amended to harmonize it with other chapters in Title 17.

In 2012 the General Assembly passed the Transparency in Political Spending (TIPS) Act (2012-H 7859 Sub B). That bill created a statutory scheme for disclosure of "independent expenditures" and "electioneering communications" for candidates and questions in Rhode Island. Among the innovative features the bill put into Rhode Island law were requirements that the top five donors funding certain advertisements or organizations paying for advertisements be featured on the advertisements themselves, much like H 7977 requires. However, the TIPS Act also required the reporting of "covered transfers" to the Rhode Island Board of Elections in order to reveal the underlying source of funding for these advertisements, and many other features not included in H 7977.

H 7977 would put some, but not all, of the features included in the TIPS Act in a standalone chapter of Title 17, but it would only apply to ads for ballot question advocacy. It does this without repealing the similar provisions in § 17-25.3-3 that also apply to ballot question advocacy, in certain cases. Nor does it repeal § 17-25.2 et seq., the predecessor statute to the TIPS Act.

Unlike the TIPS Act, H 7977 would apply to any advertisement, no matter when it is run, or how extensive its target audience. We believe requiring this enhanced disclosure of all advertisements, regardless of how little is spent, may create constitutional problems.

If the Committee on State Government chooses to advance H 7977 we urge it to amend the bill to harmonize it with Title 17, add the enhanced features found in the TIPS Act, and address the constitutional concerns.