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June 13, 2014

Donna Travis
Warwick City Council
City Hall
3275 Post Road
Warwick, RI 02886

Dear Council President Travis:

We are writing in support of Raymond McKay's recent request to the City Council to amend certain ordinances that have barred him from running for United States Senate because of his status as a classified employee for the city. We express our support as a strictly non-partisan organization that has long promoted the right of public employees to participate in the political process without undue burden.

We realize that this matter has been the subject of litigation, and while we respectfully disagree with the Court's recent decision that these ordinances do not violate Mr. McKay's constitutional rights, the purpose of this letter is not to rehash those arguments. However, it is worth noting that, whatever the constitutional merits of his claims, there can be no dispute whatsoever that the ordinance is clearly in violation of state law, and particularly R.I.G.L. 17-1-5.1, which explicitly recognizes the right of municipal employees to run for various offices.

This conflict with state law would be reason enough for the City Council to amend these ordinances, but there are also important policy reasons for doing so. There is simply no logical basis for barring classified employees from running for office, as these ordinances do, while allowing unclassified employees to do so. It is especially unfair since it is the former categories that are likely to be political positions and create the much greater potential for conflicts of interest, or at least appearances of such conflicts.

Thus, under the ordinances at issue, a telecommunications supervisor like Mr. McKay cannot run for any public office. Yet confidential secretaries and clerks of city departments, high ranking employees of the police and school departments, and attorneys working as legal counsel for city authorities, to name a few, are all free to run for the office that he cannot. This makes no sense and serves only to unduly impede the free speech rights of city employees to participate in public service as candidates and elected officials. As the state law also recognizes, there is a world of difference between running for office in the same municipality in which the person is employed, which can understandably create conflicts, and seeking election in other venues.

Page Two
Donna Travis
June 13, 2014

For these reasons, we urge the City Council to amend the ordinances that have served to bar Mr. McKay from running for office. Even if they cannot be amended in time to benefit Mr. McKay, they deserve to be changed sooner rather than later in order to avoid similar controversies in future elections.

Thank you in advance for considering our views.

Sincerely,

Steven Brown
Executive Director

cc: City Council
The Hon. Scott Avedisian
Marie Ahlert, City Clerk
Solicitor Peter Ruggiero