

Providence City Council
City Hall
25 Dorrance St.
Providence, RI 02903

October 17, 2012

Dear City Council Members:

As agencies, community groups and organizations advocating for the residents of Providence, we are writing to express our serious concerns about the “lobbyist registration” ordinance that you have under consideration. We urge that its approval be delayed until those concerns can be addressed.

Some of us were aware that a version of this ordinance was adopted over a year ago but its actual implementation was put on hold. Others of us have only just learned about the ordinance. However, we are all extremely concerned to learn of the Council’s intent to implement the lobbyist registration program once some minor amendments are enacted. We fear that its approval will seriously chill and deter local advocacy efforts.

Listed below are just a few examples of the breadth and potential impact of the ordinance on our organizations:

- The bill’s definition of “lobbying” is extremely broad. It is defined as “any communication” with the Mayor, his staff, City Council members or any other city official “for the purpose of influencing a municipal decision,” and further includes “acting directly or soliciting others to act for that purpose.” If we issue or sign a public statement in support of or in opposition to any proposed ordinance or resolution and send it to a Councilor, we are “lobbying.” If we send an email to the chief of police, urging him to investigate an incident of police brutality, or formally assist a resident in filing a complaint with PERA, we are “lobbying.” If we send a copy of our newsletter to the Mayor with the hope of attempting to affect his actions because of an article in it, we have engaged in “lobbying.” If we share with a City Council member or any city official a report – such as the *RI Kids Count Fact Book* or an analysis that has been done on the prevalence of, say, homelessness in the city – for the purpose of seeking City action on that issue, we have engaged in “lobbying” and must register as a lobbyist.
- The ordinance’s definition of “lobbyist” is also very expansive. It applies to any paid employee, regardless of how incidental his or her “lobbying” activities are to his or her work. Making one phone call, writing one letter, urging one person to contact a city official turns that employee into a lobbyist. The definition also applies to the volunteers of our organizations, unless we are unincorporated or

have 501(c)(3) tax-exempt status. Even in those instances, our volunteers are deemed lobbyists if they are provided any sort of reimbursement for expenses or any other recompense, which could include providing them food before attending a rally.

- Every one of our “lobbyists” will have to pay an annual \$25 fee – or \$150 for larger organizations – to the City. By comparison, the fee for lobbyist registration at the State House is \$5. This is a significant imposition on small community organizations.
- The ordinance prohibits a person from engaging in any lobbying activity, as it is broadly defined, unless and until he or she has registered as a lobbyist. Thus, if our organization or an employee seeks to immediately respond to an incident in the city by, for example, writing a letter to the Mayor or the City Council about it, we will be in violation of the law if we have not first registered with the City.
- At the time of registration, the ordinance requires us to identify our subjects of concern or interest, as well as any city officials responsible for making municipal decisions related to those subjects. As subjects often cross the desks of a number of city officials before a final decision is made, it is impossible for any group to anticipate all the city officials we may need to interact with on any given topic, or all the topics we might end up addressing.
- We must submit quarterly reports about every instance of “lobbying” activity we have engaged in. If we neglect to include one email, one sign-on letter, or one contact in our report, we face potentially significant penalties. We fear this may encourage some of our opponents to play “gotcha” and subject us to harassment and intimidation.
- The ordinance gives the city clerk virtually unbridled discretion to determine the penalties (which can amount to \$250 a day) that will be imposed for violations of any aspect of the ordinance, and fails to specify any appeal mechanism to challenge those fines.
- Just as troubling, if any one of us or our employees is found to violate any provisions of the ordinance, we could be punished not only by the imposition of fines, but also by being barred from engaging in any “lobbying” activity (e.g., writing letters, contacting a City Council member or urging others to do the same) for up to a year.

Despite the good and sincere intentions underlying this proposal, we believe it will deter and chill robust community advocacy. We understand the City’s interest in

promoting transparency in government, but this ordinance is not a proper way to achieve that goal.

In light of the above concerns, we respectfully ask the City Council to abandon efforts to implement the lobbyist registration program until these concerns can be alleviated.

Sincerely,

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