

2011-2012 Legislative Scorecard Edition Scores rise as major reforms in campaign finance and open

This is the tenth edition of the Common Cause Legislative Scorecard, marking two decades of service to our members. It is a tool we provide to our members to judge the performance of your state elected representatives. We have seen a rise in the average score over last session's all-time low score. Here are the areas of interest to Common Cause Rhode Island.

government pass

Campaigns and Elections

Common Cause reacted to the U.S. Supreme Court decision in *Citizens United* in two significant ways; by beefing up the state's disclosure laws for independent political spending and urging passage of a federal constitutional amendment. In addition we fought attempts to shorten the voting day, and supported efforts to safeguard our system of public financing for general officers among other changes.

Ethics/Lobbying Reform

We cannot score legislators on the most important ethics issues facing Rhode Island; restoring the jurisdiction of the Ethics Commission over the General Assembly. They did not take a vote in 2011-2012. For this session we largely look at small changes to the registration system for lobbyists, and creation of a public corruption unit in the Attorney General's office.

Judicial Selection

Our system of merit selection saw no reform in 2011-2012. The only votes taken were to renew a sunset provision allowing the Governor to chose from lists provided by the Judicial Nominating Commission for up to five years. Common Cause opposes this circumvention of our merit selection system.

Open Government/Rules

In 2012 the General Assembly passed a significant set of amendments to the state's Access to Public Records Act (APRA) after years of struggle. In addition to that significant legislation we also saw votes to put legislative votes online, and declare other pieces of information made public.

Separation of Powers

While it has slowed, we continue to see implementation of the 2004 SOP amendments. In addition, we have opposed efforts by the General Assembly to restrict executive power.

Computing Votes

Noting abstentions, absences, and consideration

Common Cause counted 27 Senate votes (weight equals 43) and 28 House votes (weight equals 45) from the Senate and House Journals in this two-year scorecard. Our lobbying, testimony, printed communications, or emails laid out Common Cause positions on most of the issues. In some cases, amendments proposed on the floor of the House and Senate focused the issue more clearly than final votes, or complimented votes on the entire bill. To better draw distinctions about what votes are most important to Common Cause, this scorecard utilizes a three-point scale for ranking votes:

1 Point – Routine pro-votes or anti-votes based on positions advocated by Common Cause;

2 Point – Votes that uphold or attack long-standing, clearly enunciated Common Cause principles; and

3 Point – Votes on legislation or resolutions initiated by Common Cause, or on issues of critical importance to government reform.

It's important to note that Common Cause takes positions on issues based on concerns for process rather than issues of substantive public policy. The votes selected for this scorecard reflect that emphasis. A State Governing Board elected by the membership of Common Cause Rhode Island at its Annual Meeting each fall establishes our positions.

The votes are divided into issue areas, including Elections and Campaign Finance, Ethics and Lobbying Reform, Judicial Selection, Open Government and Rules and Separation of Powers. Within these issue areas the number of pro-votes is divided by the total possible in that area (e.g. 3 pro-Common Cause votes out of 4 results in a 75%). On some occasions lawmakers abstain, or recuse, on votes because of potential conflicts. In instances of recusal they are required by law to note the reason for the recusal in the House and Senate Journals. Since the Rhode Island Supreme Court's case in the *Irons* decision, however, no body exists to sanction legislators who do not recuse when they have a conflict.

The formula used to calculate the final score is:

(Pro-votes) / ((Pro-votes + Anti-votes) + (Non-voting/2)) = (Final average)

Common Cause never endorses candidates for any public office. This scorecard reports only how members of the General Assembly voted on particular bills and resolutions of concern to Common Cause. Scoring does not constitute opposition or endorsement.

Elections and Campaign Finance

Common Cause has long stood for reform of the electoral process, most notably campaign finance reform. In the wake of the U.S. Supreme Court decision in Citizens United Common Cause has faced the most difficult legal environment in our four-decade history. Fortunately the General Assembly supported efforts to overturn that decision as well as deal with its impact on our disclosure and public financing systems here in Rhode Island.

- 11-S 233 (Lynch)/11-H 5161 (San Bento) A modification to the system of public financing of elections for the General Officers bringing it into line with recent federal court decisions. *Common Cause supports efforts to protect our system of publicly financed campaigns.*
- 11-H 5804 (Carnevale) Increase the number of voters served by a polling place from 1,900 to 4,000. Common Cause sought safeguards against overcrowded polls, but those amendments were rejected.
- 11-S 341 SUB A (Bates)/11-H 5661 Sub A (O'Neill) Set a uniform opening time for polls, and moved poll closing up one hour to 8:00 p.m. *Common Cause opposed effort to shorten the voting day without creating a system of early voting.*
- 11-S 364 (Hodgson)/11-H 5646 (Ajello) A resolution creating a legislative study commission to examine potential improvements to the publicly funded election system. Common Cause supports efforts to enhance our system for public financing of elections.
- 11-S 391 as amended (Doyle)/11-H 5933 (San Bento) Allows for those not registered to vote to cast a ballot for President/Vice President at a location other than city or town hall. *Common Cause supports efforts to enhance access to the ballot for all qualified voters.*
- 11-S 400 (Metts)/11-H 5680 (Brien) Requires all voters to show non-photo ID in 2012, and photo ID in 2014 to cast a ballot at a polling place. *Common Cause opposes efforts that might prevent qualified voters from casting a ballot.*
- 11-S 924 (McCaffrey)/11-H 6096 (Ucci) Creates an 18-member commission charged with developing plans for reapportioning and redistricting the General Assembly and United States Congressional districts. *Common Cause sought changes to the commission structure to make it truly independent.*
- 12-S 2335 as amended (Pichardo)/12-H 7100 (Gallison) Would change Rhode Island law pertaining to absentee ballots to bring it in line with federal

requirements for military and overseas voters. *Common Cause supports efforts to comply with the MOVE Act.*

- 12-S 2336 (DiPalma)/12-H 7060 (Edwards) Requires that advocates for questions before financial town meetings or on city/town charters report contributions over \$100. Common Cause supports efforts to bring to light the money being spent to influence voters.
- 12-S 2569 SUB A (Pichardo)/12-H 7859 SUB A (Blazejewski) Enhances the system for disclosure of contributions to independent political spending in Rhode Island elections. Common Cause spearheaded this initiative to bring light to money unleashed by Citizens United.
- 12-H 7859 SUB A floor amendment (Costa) This amendment would raise the minimum expenditure for disclosure rendering the bill ineffective in most instances. Common Cause opposes efforts to weaken our campaign finance disclosure system.
- 12-S 2656 (Paiva Weed)12-/H 7899 (Fox) A resolution calling on the U.S. Congress to pass an amendment reversing the *Citizens United* decision and return it to the states for ratification. *Common Cause opposes the U.S. Supreme Court's decision in Citizens United and supports efforts to repeal it.*
- 11-H 5458 (Edwards) Requires that advocates for questions before financial town meetings or on city/town charters report contributions over \$100.
 Common Cause supports efforts to bring to light the money being spent to influence voters.
- 12-H 7055 (Carnevale) Another bill to increase the number of voters served at a single polling location. *Common Cause sought safeguards against overcrowded polls, but those amendments were rejected.*

Ethics/Lobbying Reform

In the wake of the 2009 Rhode Island Supreme Court decision in Irons Common Cause's top priority has been restoring the jurisdiction of the Ethics Commission over the General Assembly. Unfortunately no vote was taken on our resolution to put that issue on the ballot during 2011-2012 and those does not appear here.

• 11-S 702 (Goodwin) A resolution creating a special 10-member study commission to examine the creation of a classification plan for legislative employees. Common Cause supports efforts to restrict patronage at the General Assembly by professionalizing the staff.

- 11-S 735 (Pichardo)/11-H 5802 (Ruggiero) A bill that would not allow legislative lobbyists to register in subsequent years unless they are up-to-date on their filings. Common Cause supports efforts to enforce our public integrity laws.
- 12-S 2334 (Doyle)/12-H 7122 (Ruggiero) Further enhancements to the laws for lobbyists registration allowing for better enforcement. *Common Cause supports efforts to enforce our public integrity laws*.
- 11-H 5644 as amended (Marcello) This bill would create a public corruption and white collar crime unit within the department of the Attorney General. *Common Cause supports efforts to fight public corruption*.

Judicial Selection

Common Cause has long advocated for a rigorous system of merit selection of judges in Rhode Island. Unfortunately our top priority in this area, putting magistrate selection through the same system, has not received a vote in over half a decade.

- 11-S 686 (Goodwin)/11-H 6242 (Lally) A bill that renews the ability of the Governor to select judicial nominees from expired lists provided by the Judicial Nominating Commission for up to five years. Common Cause opposes efforts to undermine our judicial selection process.
- 12-S 2680 (Goodwin)/12-H 8043 (Petrarca) A bill that renews the ability of the Governor to select judicial nominees from expired lists provided by the Judicial Nominating Commission for up to five years. Common Cause opposes efforts to undermine our judicial selection process.

Open Government and Rules

One of the primary tenets of the Common Cause mission is fighting for open government. After more than five years of fighting, Common Cause and other open government advocates saw major changes to the state's Access to Public Records Act signed into law in 2012.

- 11-S 215 SUB A (De Vall) A change to the state's Access to Public Records (APRA)
 Act specifying that contracts of public employees are public records. Common
 Cause supports efforts to make information about how tax dollars are spent
 public.
- 12-S 2652 SUB A (Sheehan)/12-H 7555 (Marcello) A comprehensive series of amendments to APRA led by Common Cause and other open government

advocates. Common Cause worked over a half dozen years to seek these changes.

- 12-S 3040 (McCaffrey)/12-H 7615 (Ucci) A bill to require payroll records of contractor and subcontractors working on public works projects be made public. Common Cause supports efforts to make information about how tax dollars are spent public.
- 11-H 5316 (Palumbo) The Rules of the House for 2011-2012 that for the first time required votes cast on the floor of the House be put on the General Assembly's website. Common Cause supports this important step toward greater transparency at the General Assembly.
- 11-H 5316 floor amendment (Newberry) This floor amendment to the House Rules for 2011-2012 would have required that the substitute budget articles sit for 24 hours before being voted on by the House Finance Committee. Common Cause supports efforts to allow public scrutiny of the budget before votes are taken.
- 11-H 6322 (Mattiello) In these amendments to the House Rules for the special session for pension reform required that the bill not be considered by the full House for seven (7) days after passage by the House Finance Committee.

 Common Cause urged lawmakers to take extra time to consider the pension bill.

Separation of Powers

For more than 15 years Common Cause has made Separation of Powers in Rhode Island one of our top priorities. We continue to support efforts to implement those changes more than half a decades after their passage.

- 11-S 114 SUB A as amended (Ruggerio)/11-H 5994 (Carnevale) A bill making significant changes to the I-195 Redevelopment Commission including making it subject to the separation of powers amendments. Common Cause opposed early versions of the bill, and sought significant changes that were addressed in the final bill.
- 11-S 142 (Sosnowski) A bill reconstituting the Coastal Resource Management Council (CRMC) to bring it in line with the separation of powers amendments. Common Cause believes this version does not provide sufficient discretion for the governor in making appointments to the CRMC.
- 11-S 314 SUB A (McCaffrey) Would bring the Rhode Island Airport Corporation board in line with the separation of powers amendments. *Common Cause*

- sought changes allowing for discretion of the governor in making appointments and supported the bill as amended.
- 11-S 889 (Ciccone) /12-H 7851 (O'Neill) This bill removed members of the General Assembly from the Criminal Justice Policy Board. *Common Cause supports efforts to make Rhode Island laws conform with the separation of powers amendments from 2004.*
- 11-H 5901 (McNamara) Made the board created by the Rhode Island Public School Employee Uniform Benefit Act advisory. *Common Cause supports making boards and commissions to which appointments are made by someone other than the Governor advisory only.*
- 12-S 2157 (Tassoni) This bill requires advice and consent of the Senate for gubernatorial appointees to several executive boards and commission. *Common Cause supports efforts to bring Rhode Island law into compliance with the Separation of Powers amendments.*
- 12-S 2190 (Sosnowski) A bill reconstituting the Coastal Resource Management Council (CRMC) to bring it in line with the separation of powers amendments. Common Cause believes this version does not provide sufficient discretion for the governor in making appointments to the CRMC.

Rhode Island House of Representatives

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First Name	Last Name	District	Party	Elections and Campaign Finance (14 votes/weight = 23)	Ethics/Lobbying Reform (3 votes/weight = 3)	Judicial Selection (2 votes/weight = 4)	Open Government and Rules (5 votes/weight = 10)	Separation of Powers (4 votes/weight = 5)	Pro-CC total	Anti-CC total	Non-Voting	Final Score
Edith	Ajello	3	D	78%	100%	0%	80%	100%	37	11	0	77%
Samuel	Azzinaro	37	D	70%	100%	0%	80%	100%	35	13	0	73%
Lisa	Baldelli-Hunt	49	D	52%	100%	0%	70%	80%	29	12	7	65%
David	Bennett	20	D	74%	67%	0%	80%	100%	35	11	2	74%
Christopher	Blazejewski	2	D	70%	100%	0%	80%	80%	34	14	0	71%
Jon	Brien	50	D	61%	100%	0%	80%	100%	33	11	4	72%
John	Carnevale	13	D	52%	100%	0%	80%	80%	30	11	7	67%
Michael	Chippendale	40	R	26%	100%	0%	90%	60%	24	24	0	50%
Maria	Cimini	7	D	87%	100%	0%	100%	100%	41	7	0	85%
Elaine	Coderre	60	D	57%	67%	0%	60%	60%	27	11	10	63%
Arthur	Corvese	55	D	70%	100%	0%	80%	100%	35	13	0	73%
Doreen	Costa	31	R	22%	100%	0%	70%	80%	22	25	3	45%
Roberto	DaSilva	63	D	65%	100%	0%	80%	100%	34	13	1	72%
John	DeSimone	5	D	39%	67%	0%	80%	60%	26	9	14	62%
Grace	Diaz	11	D	65%	100%	0%	80%	80%	33	11	4	72%
Spencer	Dickinson	35	D	70%	100%	0%	70%	80%	33	14	1	69%
John	Edwards	70	D	78%	100%	0%	70%	80%	35	12	1	74%
Laurence	Ehrhardt	32	R	52%	100%	0%	90%	80%	31	16	1	65%
Deborah	Fellela	43	D	65%	100%	0%	80%	60%	33	13	3	69%
Frank	Ferri	22	D	78%	100%	0%	50%	100%	34	11	3	73%
Robert	Flaherty	23	D	48%	100%	0%	20%	40%	22	6	21	57%
Gordon	Fox	4	D	70%	100%	0%	80%	100%	35	13	0	73%
Raymond	Gallison, Jr.	69	D	70%	100%	0%	80%	100%	35	13	0	73%
Daniel	Gordon, Jr.	71	R	26%	100%	0%	30%	80%	19	19	10	44%
Scott	Guthrie	28	D	61%	100%	0%	80%	100%	33	11	4	72%
Arthur	Handy	18	D	65%	100%	0%	80%	100%	34	11	3	73%
Joy	Hearn	66	D	78%	100%	0%	70%	80%	35	11	2	74%
Raymond	Hull	6	D	70%	100%	0%	80%	100%	35	13	0	73%
J. Russell	Jackson	73	D	52%	100%	0%	80%	100%	31	13	4	67%
Robert	Jacquard	17	D	65%	67%	0%	70%	100%	32	5	11	75%
Raymond	Johnston, Jr.	61	D	70%	100%	0%	80%	100%	35	13	0	73%
Cale	Keable	47	D	70%	67%	0%	80%	100%	34	13	1	72%
Brian	Kennedy	38	D	65%	100%	0%	80%	100%	34	13	1	72%
Donald	Lally	33	D	57%	33%	0%	80%	100%	30	13	5	66%
Charlene	Lima	14	D	74%	67%	0%	100%	100%	37	8	3	80%

Average per	rcentages/Total	vote	es:	61%	92%	1%	75%	88%	2379	957	270	68%
Thomas	Winfield	53	D	65%	100%	0%	30%		29	11	8	66%
Anastasia	Williams	9	D	65%	100%	0%	80%		34	13	1	72%
Robert	Watson	30	R	35%	33%	50%	40%		19	17	12	45%
Donna	Walsh	36	D	78%	100%	0%	100%		39	9	0	81%
Larry	Valencia	39	D	78%	100%	0%	80%		37	11	0	77%
Stephen	Ucci	42	D	48%	67%	0%	80%	80%	28	13	7	63%
Joseph	Trillo	24	R	43%	100%	0%	50%		24	23	1	51%
Lisa	Tomasso	29	D	57%	100%	0%	80%	100%	32	13	3	69%
Michael	Tarro	8	D	70%	100%	0%	80%	100%	35	13	0	739
Teresa	Tanzi	34	D	78%	100%	0%	100%	100%	39	9	0	819
Scott	Slater	10	D	65%	100%	0%	80%	80%	33	11	4	729
Agostinho	Silva	56	D	70%	100%	0%	80%	100%	35	12	1	749
Patricia	Serpa	27	D	65%	100%	0%	80%	80%	33	13	2	70%
Gregory	Schadone	54	D	43%	33%	0%	40%	100%	23	12	13	55%
John	Savage	65	R	61%	100%	0%	80%	80%	32	14	2	68%
William	SanBento	58	D	61%	100%	0%	80%	100%	34	11	4	729
Deborah	Ruggiero	74	D	78%	100%	0%	80%	100%	37	11	0	779
Daniel	Reilly	72	R	52%	100%	0%	90%	100%	32	16	0	679
Robert	Phillips	51	D	48%	100%	0%	80%	100%	30	16	2	64%
Peter	Petrarca	44	D	70%	100%	0%	80%	100%	35	13	0	739
Peter	Palumbo	16	D	13%	100%	0%	60%	60%	18	10	20	479
J. Patrick	O'Neill	59	D	48%	100%	0%	80%	100%	30	13	5	669
Jeremiah	O'Grady	46	D	65%	100%	0%	100%	100%	36	11	1	769
Jared	Nunes	25	D	70%	100%	0%	70%	80%	33	14	1	69º
Brian	Newberry	48	R	26%	100%	0%	80%	80%	24	23	1	519
Eileen	Naughton	21	D	70%	100%	0%	60%	100%	33	11	4	729
Richard	Morrison	68	D	78%	100%	0%	70%	100%	36	12	0	75°
Patricia	Morgan	26	R	52%	100%	0%	90%	80%	31	16	1	65°
Mary	Messier	62	D	65%	100%	0%	70%	100%	33	14	1	699
Rene	Menard	45	D	57%	100%	0%	80%	60%	30	16	2	649
Helio	Melo	64	D	70%	100%	0%	80%	100%	35	13	0	739
Leo	Medina	12	D	61%	67%	0%	70%	100%	31	12	5	689
Joseph	McNamara	19	D	74%	100%	0%	80%	100%	36	11	1	76°
James	McLaughlin	57	D	70%	67%	0%	70%	100%	33	12	3	71°
John	McCauley, Jr.	1	D	26%	67%	0%	40%	20%	16	11	21	439
Nicholas	Mattiello	15	D	70%	100%	0%	80%	100%	35	13	0	73°
Peter	Martin	75	D	70%	100%	0%	80%	100%	35	13	0	739
Michael	Marcello	41	D	78%	100%	0%	70%	100%	36	12	0	75°
Jan	Malik	67	D	48%	67%	0%	80%	40%	26	10	12	629
Karen	MacBeth	52	D	57%	67%	0%	80%	80%	30	12	6	679

Rhode Island State Senate

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First Name	Last Name	District	Party	Elections and Campaign Finance (11 votes/weight = 19)	Ethics/Lobbying Reform (3 votes/weight = 4)	Judicial Selection (2 votes/weight = 4)	Open Government and Rules (3 votes/weight = 5)	Separation of Powers (8 votes/weight = 11)	Pro-CC total	Anti-CC total	Non-Voting	Final Score
Dennis	Algiere	38	R	68%	100%	0%	100%	55%	28	15	0	65%
David	Bates	32	R	53%	100%	0%	100%	64%	26	14	3	63%
Frank	Ciccone	7	D	37%	100%	0%	100%	45%	21	13	9	55%
Marc	Cote	24	D	53%	100%	0%	100%	55%	25	16	2	60%
Elizabeth	Crowley	16	D	79%	50%	0%	100%	55%	28	12	3	67%
Daniel	DaPonte	14	D	68%	100%	0%	40%	64%	26	10	7	66%
Frank	DeVall, Jr.	18	D	68%	50%	0%	100%	64%	27	14	2	64%
Louis	DiPalma	12	D	53%	50%	0%	100%	64%	24	14	5	59%
James	Doyle, II	8	D	68%	100%	0%	100%	64%	29	9	5	72%
Walter	Felag, Jr.	10	D	68%	100%	0%		64%	29	10	4	71%
Paul	Fogarty	23	D	79%	100%	0%	100%	55%	30	12	1	71%
Hanna	Gallo	27	D	79%	100%	0%	100%	64%	31	12	0	72%
Maryellen	Goodwin	1	D	79%		0%	100%	64%	31	11	1	73%
Dawson	Hodgson	35	R	68%		0%		55%	28	13	2	67%
Paul	Jabour	5	D	89%	100%	0%	100%	64%	33	10	0	77%
Nicholas	Kettle	21	R	63%	100%	0%	100%	55%	27	16	0	63%
Beatrice	Lanzi	26	D	68%	100%	0%	100%	64%	29	14	0	67%
Frank	Lombardo, III	25	D	68%	100%	0%	100%	64%	29	12	2	69%
Erin	Lynch	31	D	68%	50%	0%	100%	64%	27	14	2	64%
Francis	Maher, Jr.	34	R	53%		0%		45%	24	18	1	56%
Michael	McCaffrey	29	D	68%		0%		64%	29	14	0	67%
Harold	Metts	6	D		100%	0%						72%
Joshua	Miller	28	D	89%	50%	0%	100%	64%	31	10	2	74%
Bethany	Moura	19	R	37%	50%	0%	80%	45%	18		10	47%
Donna	Nesselbush	15	D	68%		0%		64%	29		1	68%
Edward	O'Neill	17	I	68%	50%		100%	55%	26		0	60%
Christopher	Ottiano	11	R	53%		0%		55%	24	14	5	59%
M. Teresa	Paiva-Weed	13	D	68%		0%		64%	29	14	0	67%
Rhoda	Perry	3	D	68%		0%		55%	28	10	5	69%
Roger	Picard	20	D	53%		0%	80%	55%	24	12	7	61%
Juan	Pichardo	20	D	53%		0%	80%	55%	24	14	5	59%
Michael	Pinga	9	D	79%			100%	64%	31	12	0	72%
Dominick	Ruggerio	4	D	79%			100%	64%	31	12	0	72%
James	Sheehan	36	D	47%		0%		55%	24	11	8	62%
Glenford	Shibley	33	R	53%		0%	100%	55%	25		3	60%
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V. Susan	Sosnowski	37	D	68%	100%	0%	100%	64%	29	14	0	67%
John	Tassoni, Jr.	22	D	79%	100%	0%	100%	64%	31	12	0	72%
William	Walaska	30	D	68%	100%	0%	100%	64%	29	14	0	67%
Average percentages/Total votes:				66%	91%	0%	96%	59%	1044	492	98	66%