

STATE OF RHODE ISLAND

BOARD OF ELECTIONS

RHODE ISLAND REPUBLICAN STATE CENTRAL COMMITTEE and SUZANNE M. CIENKI IN HER CAPACITY AS CHAIRWOMAN AND QUALIFIED ELECTOR

PETITIONERS

vs.

LATINO POLITICAL VICTORY FUND

RESPONDENT

VERIFIED COMPLAINT OF RHODE ISLAND REPUBLICAN STATE CENTRAL COMMITTEE and SUZANNE M. CIENKI, CHAIRWOMAN

1. On approximately September 6, 2022, the Latino Victory Political Fund spent \$135,930 on a television advertisement entitled “Who’s Worse” in support of Nellie Gorbea, a Democratic candidate seeking the office of Rhode Island Governor. The advertisement stated that Helena Foulkes was “basically a Republican” and Governor Dan McKee “better lawyer up.”¹
2. The television advertisement failed to list the top five donors to the Latino Victory Political Fund.²
3. R.I.G.L. §17-25.3-3(c)(3) requires that any “independent expenditure ... for paid television advertising” made by a “person, business entity or political action committee” which “is a tax-exempt organization under § 501(c) of the Internal Revenue Code of 1986 ... or an exempt nonprofit as defined in § 17-25-3,... or an organization organized under Section 527 of said code ... include a written message in the following form: ‘The top five (5) donors to the organization responsible for this advertisement are’ followed by a list of the five (5) persons or entities making the largest aggregate donations during the twelve (12) month period before the date of such advertisement.”
4. The Latino Victory Fund never aired a corrected advertisement disclosing their top five donors. News reporting indicated that this was likely a violation of the state law. However, it continued to air their advertisement through the election without disclosing their top five donors.³
5. In response to one media inquiry, the Latino Victory Fund claimed that because it was organized as a federal PAC with the Federal Election Commission, it is not required to list its top five donors on ads “because, under Rhode Island law, that requirement applies only to entities organized as 501(c) or 527 organizations with the IRS.” However, Latino

¹ “Super PAC spends in bid to elect Rhode Island’s first Latina governor”, *Politico* (9/7/2022); “Who's worse? Pro-Gorbea TV attack ad comes under fire again,” *Providence Journal* (9/9/2022); “Nesi’s Notes”, WPRI 12 (9/10/22);

² *Id.*

³ *Id.*

Victory stated on its website that it “is the only national Latino organization that is a 501(c)(3), 501(c)(4), and Super PAC.”⁴

6. Among the top five donors to the Latino Victory Political Fund appears to have been the American Federation of Teachers.⁵
7. R.I.G.L. §17-25.3-4 states that “any person who willfully and knowingly violates the provisions of this chapter,” the Board of Election “may impose a civil penalty upon any person, business entity, or political action committee who violates the provisions of this chapter in the amount of ... up to one hundred fifty percent (150%) of the aggregate amount of the independent expenditures, electioneering communications, or covered transfers per violation.”

WHEREFORE, the Complainants request that the Board of Elections find that: (1) the Latino Victory Political Fund violated R.I.G.L. §17-25.3-3(c)(3); (2) this violation was willful and knowing because Latino Victory Political Fund must have been aware from media reporting their advertisement was not in compliance with state law and yet it refused to alter or take down the advertisement; and (3) the Latino Victory Political Fund be fined in the amount of \$203,895, which is 150 percent of the amount spent on the illegal advertisement, the maximum amount allowed under law in order to deter any other organization from blatantly ignoring Rhode Island campaign finance law. If the Board of Elections does not impose this type of fine on the Latino Victory Political Fund, other organizations will violate state campaign finance law with impunity because they will have determined that the Board of Elections will do nothing to anyone who breaks campaign finance law in Rhode Island.

VERIFICATION

I, Suzanne M. Cienki, as Chairman of the Rhode Island Republican State Central Committee and a qualified elector in the State of Rhode Island, having been duly sworn, do hereby swear and affirm that I have read the foregoing Verified Complaint and that to the best of my information, knowledge and belief, the allegation contained therein are true and accurate.



Suzanne M. Cienki

85 Walnut Drive

East Greenwich, RI 02818

⁴ “Attack ad aimed at boosting Gorbea draws fresh fire, Boston Globe (9/9/22).

⁵ Latino Political Victory Fund, BOE Filing dated 9/6/22, Part II, at page 81.

STATE OF RHODE ISLAND

KENT COUNTY

In KENT COUNTY, Rhode Island on this 16th day of September 2022 before me personally appeared Suzanne M. Cienki, who made an oath that he knows the contents thereof and that same are true, excepting those matters stated upon information and belief and as to those matters he believes to be true.



Notary Public # 754711

My commission expires: 02-10-2025

