

RHODE ISLAND ETHICS COMMISSION

Advisory Opinion No. 2026-19

Approved: June 2, 2026

Re: J. Clement Cicilline, M.S.

QUESTION PRESENTED:

The Petitioner, a member of the Newport Canvassing Authority, a municipal appointed position, requests an advisory opinion regarding whether he is prohibited by the Code of Ethics from serving in his private capacity as a member of a host committee that would conduct fundraising activities on behalf of, and organize a reception in honor of, a congressional candidate.

RESPONSE:

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, a member of the Newport Canvassing Authority, a municipal appointed position, is not prohibited by the Code of Ethics from serving in his private capacity as a member of a host committee that would conduct fundraising activities on behalf of, and organize a reception in honor of a congressional candidate, subject to the conditions specified herein.

The Petitioner is a member of the Newport Canvassing Authority, having served in this position since his initial appointment by the Newport City Council in 2023. The Petitioner represents that the canvassing authority is comprised of three sitting and two alternate members. According to the city's website, the canvassing authority "is charged with conducting all elections for the City of Newport" and "under the direction of the State Board of Elections, and in cooperation with the Secretary of State, the [c]anvassing [a]uthority is involved in all phases of the electoral process, from voter registration to tallying the votes after the polls close on election day."¹ The Petitioner states that the canvassing authority is supported by two full-time employees hired by the city manager, but that during election days a large number of temporary poll workers are hired. The Petitioner explains that the canvassing authority members ordinarily meet monthly to review incoming information regarding elections and any legislation relating to elections and voting. He adds that, during election days, canvassing authority members monitor the elections and are available to the voters and poll workers to answer questions or concerns. The Petitioner explains that,

¹ <https://www.newportri.gov/city-hall/boards-commissions/authorities/canvassing-authority> (last visited May 14, 2026).

following an election, the canvassing authority members, among other things, review and certify the election results.

The Petitioner represents that he has been asked, in his private capacity, to serve as a member of the host committee that will conduct fundraising activities on behalf of Congressman Gabe Amo, which includes organizing a reception in honor of the congressman that will be held in June. The Petitioner states that as a member of the host committee, he will be part of Congressman Amo's campaign team but that the extent of the Petitioner's participation would be limited to the inclusion of the Petitioner's name on fundraising materials soliciting campaign contributions and inviting people to attend the reception. Given this set of facts, the Petitioner seeks guidance regarding whether he can serve on the host committee.

Under the Code of Ethics, a public official may not participate in any matter in which he has an interest, financial or otherwise, that is in substantial conflict with the proper discharge of his duties in the public interest. R.I. Gen. Laws § 36-14-5(a). A substantial conflict of interest exists if a public official has reason to believe or expect that he, any person within his family, his business associate, or any business by which he is employed or which he represents will derive a direct monetary gain or suffer a direct monetary loss by reason of his official activity. R.I. Gen. Laws § 36-14-7(a). The Code of Ethics also prohibits a public official from using his public office, or confidential information received through his holding public office, to obtain financial gain for himself, any person within his family, his business associate, or any business by which he is employed or which he represents. § 36-14-5(d). Additionally, a public official must recuse from participation when his business associate, or another person authorized by his business associate to act on their behalf, appears or presents evidence or arguments before the public official's state or municipal agency. 520-RICR-00-00-1.2.1(A)(2) Additional Circumstances Warranting Recusal (36-14-5002). A business associate is defined as "a person joined together with another person to achieve a common financial objective." R.I. Gen. Laws § 36-14-2(3). Furthermore, § 36-14-5(c) prohibits the use and/or disclosure of confidential information received through one's public employment for the purpose of pecuniary gain.

Finally, Commission Regulation 520-RICR-00-00-1.4.4 Transactions with Subordinates (36-14-5011) (Regulation 1.4.4) prohibits a public official or employee from soliciting or requesting, directly or through a surrogate, any political contributions from a subordinate for whom, in his official duties and responsibilities, he exercises supervisory responsibilities. Regulation 1.4.4(B). This regulation, however, does not prohibit or limit the First Amendment rights of a subordinate to make political contributions. *Id.* For the purposes of the prohibition on solicitations, the term "subordinate" includes other employees, contractors, consultants, or appointed officials of the official's or employee's agency. Regulation 1.4.4(C).

While the above-cited provisions of the Code of Ethics serve to *regulate* the potential interaction between the Petitioner's execution of his public duties as a member of the canvassing authority and his private duties as a member of a congressional candidate's election campaign, including fundraising, they do not *bar* such simultaneous endeavors, provided that the requirements of the Code of Ethics cited above are followed. For example, in Advisory Opinion 2001-64, the Ethics Commission opined that a member of the Woonsocket Board of Canvassers could manage a mayoral candidate's campaign in his private capacity while serving on the board of canvassers, but was required to recuse from participation in matters relating to or affecting that candidate, other mayoral candidates, and/or the mayoral election. Similarly, in Advisory Opinion 2001-65, the Ethics Commission opined that a member of the Newport Board of Canvassers could continue to serve in that capacity, notwithstanding that his spouse was a Newport School Committee candidate, provided that he recused himself from participation and/or vote on all board of canvassers matters relating to or affecting the candidacy of his spouse and/or other school committee candidates. See also A.O. 2003-69 (opining that a mail ballot clerk for the City of East Providence Board of Canvassers could continue to serve in that position, notwithstanding her spouse's potential candidacy for a seat on the East Providence City Council, provided that she did not exercise discretionary or decision-making authority with respect to the city council election and she recused from participation in any matters affecting the candidacy of her spouse and/or any other city council candidates); A.O. 98-122 (opining that a Scituate Board of Canvassers member could continue to serve on the board, notwithstanding her spouse's candidacy for the Scituate School Committee, provided that she recused herself from participation and/or vote on all board matters relating to or affecting the candidacy of her spouse and/or other school committee candidates). Compare A.O. 2000-75 (opining that a file clerk for the Cranston Board of Canvassers could continue to exercise all of her duties in that position, notwithstanding her spouse's candidacy for city council, given the petitioner's representation that her position did not involve exercising discretionary authority that could affect her spouse's candidacy).

Here, should the instant Petitioner join the congressional candidate's fundraising team and solicit funds on behalf of that candidate, the Petitioner will become a business associate with the candidate since he will be "joined together with [the candidate] to achieve a common financial objective." § 36-14-2(3). For that reason, and consistent with the advice given in the above-cited prior advisory opinions, the Petitioner will be required to recuse from participation in the canvassing authority's discussions and/or decision-making in matters relating to or affecting that candidate, his opponents, and/or the congressional election. Such matters may include, but are not limited to, those related to nomination papers, certifying election results, and the like.

Additionally, the Petitioner is prohibited from soliciting political/campaign contributions from his subordinates, including the two employees of the canvassing authority. In Advisory Opinion 2006-41, for example, the Ethics Commission opined that the Director of Municipal and External Affairs in the Office of the Governor was not prohibited from

serving as the honorary chair of the Carcieri for Governor Committee, which was Governor Carcieri's primary re-election political committee, provided that, among other things, the petitioner did not solicit her subordinates to purchase fundraising tickets and/or make other political contributions on behalf of the committee. See also A.O. 2020-45 (opining that the then director of the Rhode Island Department of Administration, who was interested in exploring the possibility of running for mayor of the City of Providence, was not prohibited by the Code of Ethics from soliciting and receiving campaign contributions from persons who were not state employees or vendors, provided that: the persons solicited were not otherwise the petitioner's subordinates as defined under the Code of Ethics; there was no understanding that the campaign contributions would affect any official action by that petitioner; and that no public time or resources will be utilized by the petitioner in furtherance of his campaign); A.O. 2008-3 (opining that the solicitor for the City of Providence was not prohibited by the Code of Ethics from campaigning for election to the position of Attorney General of the State of Rhode Island provided, among other things, that he did not solicit his subordinates to make political contributions, purchase tickets, or otherwise assist in campaign-related events).

The Ethics Commission has also enforced the provisions of Regulation 1.4.4(B) in a complaint context. For example, in In re: Donald L. Carcieri, Complaint No. 2006-9, the Ethics Commission found that the Respondent, the Governor of the State of Rhode Island, violated Regulation 1.4.4(B) by mailing at least five separate mailings soliciting campaign contributions from state employees appointed by the Respondent and under his direct supervision and control. Likewise, the Ethics Commission found that the Respondent in In re: A. Ralph Mollis, Complaint No. 2006-6, who was the mayor of the Town of North Providence and a candidate for Secretary of State, violated the same regulation by mailing correspondence soliciting campaign contributions from employees of the Town of North Providence.

Accordingly, based on the Petitioner's above-representations, and consistent with the applicable provisions of the Code of Ethics, past advisory opinions issued, and the complaint matters cited above, it is the opinion of the Ethics Commission that the Petitioner is not prohibited from serving, in his private capacity, as a member of the campaign team of a congressional candidate. However, the Petitioner is required to recuse from participating in any decision-making or discretionary actions that involve candidates for the subject congressional election or that congressional election itself.

Furthermore, the Petitioner is not prohibited from soliciting campaign contributions on behalf of the candidate he is supporting, provided that he does not solicit campaign contributions from his subordinates as defined herein and that no public time or resources will be utilized by the Petitioner in furtherance of the candidate's campaign. Finally, all campaign work by the Petitioner must be performed on his own time and without the use of public resources. Because this advisory opinion provides only general guidance as to the application of the Code of Ethics to the facts as represented above, the Petitioner is

encouraged to seek additional advice from the Ethics Commission in the future if more specific questions regarding this matter arise.

This Advisory Opinion is strictly limited to the facts stated herein and relates only to the application of the Rhode Island Code of Ethics. An advisory opinion rendered by the Commission, until amended or revoked by a majority vote of the Commission, is binding on the Commission in any subsequent proceedings concerning the person who requested the opinion and who acted in reliance on it in good faith, unless material facts were omitted or misstated by the person in the request for the opinion. Under the Code of Ethics, advisory opinions are based on the representations made by, or on behalf of, a public official or employee and are not adversarial or investigative proceedings. Finally, this Commission offers no opinion on the effect that any other statute, regulation, agency policy, ordinance, constitutional provision, charter provision, or canon of judicial or professional ethics may have on this situation.

Code Citations:

§ 36-14-2(3)

§ 36-14-5(a)

§ 36-14-5(c)

§ 36-14-5(d)

§ 36-14-7(a)

520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal (36-14-5002)

520-RICR-00-00-1.4.4 Transactions with Subordinates (36-14-5011)

Related Advisory Opinions:

A.O. 2020-45

A.O. 2008-3

A.O. 2006-41

A.O. 2003-69

A.O. 2001-65

A.O. 2001-64

A.O. 2000-75

A.O. 98-122

Other Related Authorities:

In re: Donald L. Carcieri, Complaint No. 2006-9

In re: A. Ralph Mollis, Complaint No. 2006-6

Keywords:

Campaign Contributions

Candidate

Discretionary Authority

Political Activity