

2023 -- H 5123

LC000249

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO ELECTIONS -- RHODE ISLAND CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORTING

Introduced By: Representatives McGaw, Donovan, Cortvriend, Ajello, Kislak, Tanzi, Cotter, Stewart, Spears, and Felix

Date Introduced: January 12, 2023

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 17-25-3 of the General Laws in Chapter 17-25 entitled "Rhode Island
2 Campaign Contributions and Expenditures Reporting" is hereby amended to read as follows:

3 **17-25-3. Definitions.**

4 As used in this chapter, unless a different meaning clearly appears from the context:

5 (1) "Business entity" means any corporation, whether for profit or not for profit, domestic
6 corporation or foreign corporation, as defined in § 7-1.2-106, financial institution, cooperative,
7 association, receivership, trust, holding company, firm, joint stock company, public utility, sole
8 proprietorship, partnership, limited partnership, or any other entity recognized by the laws of the
9 United States and/or the state of Rhode Island for the purpose of doing business. The term "business
10 entity" shall not include a political action committee organized pursuant to this chapter or a political
11 party committee or an authorized campaign committee of a candidate or office holder. The term
12 "business entity" shall not include any exempt nonprofit as defined herein or any organization
13 described in § 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding
14 internal revenue code of the United States, as amended from time to time, for the purposes of
15 chapter 25.3 of title 17.

16 (2) "Candidate" means any individual who undertakes any action, whether preliminary or
17 final, which is necessary under the law to qualify for nomination for election or election to public
18 office, and/or any individual who receives a contribution or makes an expenditure, or gives his or

1 her consent for any other person to receive a contribution or make an expenditure, with a view to
2 bringing about his or her nomination or election to any public office, whether or not the specific
3 public office for which he or she will seek nomination or election is known at the time the
4 contribution is received or the expenditure is made and whether or not he or she has announced his
5 or her candidacy or filed a declaration of candidacy at that time.

6 (3) "Conduit" or "intermediary" means any person who receives and forwards an
7 earmarked contribution to a candidate or a candidate's authorized committee, except as otherwise
8 limited in this chapter.

9 (4) "Contributions" and "expenditures" include all transfers of money, credit or debit card
10 transactions, on-line or electronic payment systems such as "pay pal," paid personal services, or
11 other thing of value to or by any candidate, committee of a political party, or political action
12 committee or ballot question advocate. A loan shall be considered a contribution of money until it
13 is repaid.

14 (5) "Earmarked" means a designation, instruction, or encumbrance, whether direct or
15 indirect, express or implied, oral or written, that results in all or any part of a contribution or
16 expenditure being made to, or expended on behalf of, a clearly identified candidate or a candidate's
17 authorized committee.

18 (6) "Election" means any primary, general, or special election or town meeting for any
19 public office of the state, municipality, or district, or for the determination of any question
20 submitted to the voters of the state, municipality, or district.

21 (7) "Election cycle" means the twenty-four month (24) period commencing on January 1
22 of odd number years and ending on December 31 of even number years; provided, with respect to
23 the public financing of election campaigns of general officers under §§ 17-25-19, 17-25-20, and
24 17-25-25, "election cycle" means the forty-eight month (48) period commencing on January 1 of
25 odd numbered years and ending December 31 of even numbered years.

26 (8) "Electronic mail" or "email" means communication, information or messages
27 distributed by electronic means from a computer, a cell phone or other electronic device to one or
28 more recipients via a network.

29 ~~(8)~~(9) "In-kind contributions" means the monetary value of other things of value or paid
30 personal services donated to, or benefiting, any person required to file reports with the board of
31 elections.

32 ~~(9)~~(10) "Other thing of value" means any item of tangible real or personal property of a
33 fair-market value in excess of one hundred dollars (\$100).

34 ~~(10)~~(11) "Paid personal services" means personal services of every kind and nature, the

1 cost or consideration for which is paid or provided by someone other than the committee or
2 candidate for whom the services are rendered, but shall not include personal services provided
3 without compensation by persons volunteering their time.

4 (12) "Messaging" means digital communication.

5 ~~(11)~~(13) "Person" means an individual, partnership, committee, association, corporation,
6 union, charity, and/or any other organization. The term "person" shall not include any exempt
7 nonprofit as defined herein or any organization described in § 501(c)(3) of the Internal Revenue
8 Code of 1986, or any subsequent corresponding internal revenue code of the United States, as
9 amended from time to time, for the purposes of chapter 25.3 of title 17 only.

10 ~~(12)~~(14) "Political action committee" means any group of two (2) or more persons that
11 accepts any contributions to be used for advocating the election or defeat of any candidate or
12 candidates. Only political action committees that have accepted contributions from fifteen (15) or
13 more persons in amounts of ten dollars (\$10.00) or more within an election cycle shall be permitted
14 to make contributions, and those committees must make contributions to at least five (5) candidates
15 for state or local office within an election cycle.

16 ~~(13)~~(15) "Public office" means any state, municipal, school, or district office or other
17 position that is filled by popular election, except political party offices. "Political party offices"
18 means any state, city, town, ward, or representative or senatorial district committee office of a
19 political party or delegate to a political party convention, or any similar office.

20 ~~(14)~~(16) "State" means state of Rhode Island.

21 ~~(15)~~(17) "Testimonial affair" means an affair of any kind or nature including, but not
22 limited to, cocktail parties, breakfasts, luncheons, dinners, dances, picnics, or similar affairs
23 expressly and directly intended to raise campaign funds in behalf of a candidate to be used for
24 nomination or election to a public office in this state, or expressly and directly intended to raise
25 funds in behalf of any state or municipal committee of a political party, or expressly and directly
26 intended to raise funds in behalf of any political action committee.

27 (18) "Text" means an electronic communication sent by and reviewed by a cell or mobile
28 phone.

29 ~~(16)~~(19) "Electioneering communication" means any print, broadcast, cable, satellite, or
30 electronic media communication not coordinated, as set forth in § 17-25-23, with any candidate,
31 authorized candidate campaign committee, or political party committee and that unambiguously
32 identifies a candidate or referendum and is made either within sixty (60) days before a general or
33 special election or town meeting for the office sought by the candidate or referendum; or thirty (30)
34 days before a primary election, for the office sought by the candidate; and is targeted to the relevant

1 electorate.

2 (i) A communication, to include, but not limited to, electronic mail (email), a text or any
3 communication or messaging sent over the Internet, that refers to a clearly identified candidate or
4 referendum is “targeted to the relevant electorate” if the communication can be received by two
5 thousand (2,000) or more persons in the district the candidate seeks to represent or the constituency
6 voting on the referendum.

7 (ii) Exceptions: The term “electioneering communication” does not include:

8 (A) A communication appearing in a news story, commentary, or editorial distributed
9 through the facilities of any broadcasting station, unless such facilities are owned or controlled by
10 any political party, political committee, or candidate;

11 (B) A communication that constitutes a candidate debate or forum conducted pursuant to
12 regulations adopted by the board of elections or that solely promotes such a debate or forum and is
13 made by or on behalf of the person sponsoring the debate or forum;

14 (C) A communication made by any business entity to its members, owners, stockholders,
15 or employees;

16 (D) A communication over the internet, except for (I) Communications placed for a fee on
17 the website of another person, business entity, or political action committee; and (II) Websites
18 formed primarily for the purpose, or whose primary purpose is, to expressly advocate the election
19 or defeat of a clearly identified candidate or the passage or defeat of a referendum; or (III) an
20 electronic mail or Internet communication provided pursuant to subsection (19)(i) of this section;
21 or

22 (E) Any other communication exempted under such regulations as the board of elections
23 may promulgate (consistent with the requirements of this paragraph) to ensure the appropriate
24 implementation of this paragraph.

25 ~~(17)~~(20) “Independent expenditure” means an expenditure that, when taken as a whole,
26 expressly advocates the election or defeat of a clearly identified candidate, or the passage or defeat
27 of a referendum, or amounts to the functional equivalent of such express advocacy, and is in no
28 way coordinated, as set forth in § 17-25-23, with any candidate’s campaign, authorized candidate
29 committee, or political party committee. An expenditure amounts to the functional equivalent of
30 express advocacy if it can only be interpreted by a reasonable person as advocating the election,
31 passage, or defeat of a candidate or referendum, taking into account whether the communication
32 mentions a candidate or referendum and takes a position on a candidate’s character, qualifications,
33 or fitness for office. An independent expenditure is not a contribution to that candidate or
34 committee.

1 (i) Exceptions: The term “independent expenditure” does not include:

2 (A) A communication appearing in a news story, commentary, or editorial distributed
3 through the facilities of any broadcasting station, unless such facilities are owned or controlled by
4 any political party, political committee, or candidate;

5 (B) A communication that constitutes a candidate debate or forum conducted pursuant to
6 regulations adopted by the board of elections or that solely promotes such a debate or forum and is
7 made by or on behalf of the person sponsoring the debate or forum;

8 (C) A communication made by any business entity to its members, owners, stockholders,
9 or employees;

10 (D) A communication over the internet, except for (I) Communications placed for a fee on
11 the website of another person, business entity, or political action committee; and (II) Websites
12 formed primarily for the purpose, or whose primary purpose is, to expressly advocate the election
13 or defeat of a clearly identified candidate or the passage or defeat of a referendum; or

14 (E) Any other communication exempted under such regulations as the board of elections
15 may promulgate (consistent with the requirements of this paragraph) to ensure the appropriate
16 implementation of this paragraph.

17 ~~(18)~~(21) “Covered transfer” means any transfer or payment of funds by any person,
18 business entity, or political action committee to another person, business entity, or political action
19 committee if the person, business entity, or political action committee making the transfer: (i)
20 Designates, requests, or suggests that the amounts be used for independent expenditures or
21 electioneering communications or making a transfer to another person for the purpose of making
22 or paying for such independent expenditures or electioneering communications; (ii) Made such
23 transfer or payment in response to a solicitation or other request for a transfer or payment for the
24 making of or paying for independent expenditures or electioneering communications or making a
25 transfer to another person for the purpose of making or paying for such independent expenditures
26 or electioneering communications; (iii) Engaged in discussions with the recipient of the transfer or
27 payment regarding independent expenditures or electioneering communications or making a
28 transfer to another person for the purpose of making or paying for such independent expenditures
29 or electioneering communications; or (iv) Made independent expenditures or electioneering
30 communications in an aggregate amount of five thousand dollars (\$5,000) or more during the two-
31 year (2) period ending on the date of the transfer or payment, or knew or had reason to know that
32 the person receiving the transfer or payment made such independent expenditures or electioneering
33 communications in such an aggregate amount during that two-year (2) period.

34 (A) Exceptions: The term “covered transfer” does not include:

1 (I) A transfer or payment made by a person, business entity, or political action committee
2 in the ordinary course of any trade or business conducted by the person, business entity, or political
3 action committee or in the form of investments made by the person, business entity, or political
4 action committee; or

5 (II) A transfer or payment made by a person, business entity, or political action committee
6 if the person, business entity, or political action committee making the transfer prohibited, in
7 writing, the use of such transfer or payment for independent expenditures, electioneering
8 communications, or covered transfers and the recipient of the transfer or payment agreed to follow
9 the prohibition and deposited the transfer or payment in an account that is segregated from any
10 account used to make independent expenditures, electioneering communications, or covered
11 transfers.

12 ~~(19)~~(22) For the purposes of chapter 25.3 of title 17, "donation" means all transfers of
13 money, credit or debit card transactions, on-line or electronic payment systems such as "pay pal,"
14 paid personal services, or other thing of value to or by any person, business entity, or political
15 action committee. A loan shall be considered a donation of money until it is repaid.

16 ~~(20)~~(23) For the purposes of chapter 25.3 of title 17, "donor" means a person, business
17 entity, or political action committee that makes a donation.

18 ~~(21)~~(24) "Exempt nonprofit" means any organization described in § 501(c)(4) of the
19 Internal Revenue Code that spends an aggregate annual amount of no more than ten percent (10%)
20 of its annual expenses or no more than fifteen thousand dollars (\$15,000), whichever is less, on
21 independent expenditures, electioneering communications, and covered transfers as defined herein
22 and certifies the same to the board of elections seven (7) days before and after a primary election
23 and seven (7) days before and after a general or special election.

24 ~~(22)~~(25) For purposes of chapter 25.3 of title 17, "referendum" means the same as the
25 definition set forth in § 17-5-1.

26 SECTION 2. Chapter 17-25.3 of the General Laws entitled "Independent Expenditures and
27 Electioneering Communications" is hereby amended by adding thereto the following section:

28 **17-25.3-5. Definitions.**

29 As used in this chapter, words and terms shall have the same meaning as defined in § 17-
30 25-3.

31 SECTION 3. Sections 17-25.3-1, 17-25.3-2, 17-25.3-3 and 17-25.3-4 of the General Laws
32 in Chapter 17-25.3 entitled "Independent Expenditures and Electioneering Communications" are
33 hereby amended to read as follows:

34 **17-25.3-1. Independent expenditures and electioneering communications for**

1 **elections.**

2 (a) It shall be lawful for any person, business entity or political action committee, not
3 otherwise prohibited by law and not acting in coordination with a candidate, authorized candidate
4 campaign committee, political action committee, or political party committee, to expend personally
5 from that person's own funds a sum which is not to be repaid to him or her for any purpose not
6 prohibited by law to support or defeat a candidate or referendum. Whether a person, business entity
7 or political action committee is "acting in coordination with a candidate, authorized candidate
8 campaign committee, political action committee or political party committee" for the purposes of
9 this subsection shall be determined by application of the standards set forth in § 17-25-23. All terms
10 used in this chapter shall have the same meaning as defined in § 17-25-3.

11 (b) Any person, business entity or political action committee making independent
12 expenditures, electioneering communications, [including electronic mail or text](#), or covered
13 transfers shall report all such campaign finance expenditures and expenses to the board of elections,
14 provided the total of the money so expended exceeds one thousand dollars (\$1,000) within a
15 calendar year, to the board of elections within seven (7) days of making the expenditure.

16 (c) A person, business entity or political action committee who makes or contracts to make
17 independent expenditures, electioneering communications, [including electronic mail or text](#), or
18 covered transfers with an aggregate value of one thousand dollars (\$1,000) or more shall
19 electronically file a campaign finance report to the board of elections describing the expenditures.
20 [For purposes of the provisions of this section, an electronic mail \(email\), text or Internet](#)
21 [communication which can be received by two thousand \(2,000\) or more persons shall be presumed](#)
22 [to have an aggregate value in excess of one thousand dollars \(\\$1,000\).](#)

23 (d) After a person, business entity or political action committee files a report under
24 subsection (b), the person, business entity or political action committee shall file an additional
25 report after each time the person, business entity or political action committee makes or contracts
26 to make independent expenditures, electioneering communications, [including electronic mail or](#)
27 [text](#), or covered transfers aggregating an additional one thousand dollars (\$1,000) with respect to
28 the same election as that to which the initial report relates.

29 (e) When a report is required by subsection (c) or (d) of this section within thirty (30) days
30 prior to the election to which the expenditure was directed, it shall be filed within twenty-four (24)
31 hours of the expenditure. When such a report is required at any other time, it shall be filed within
32 seven (7) days after the expenditure.

33 (f) Reports of independent expenditures, electioneering communications, [including](#)
34 [electronic mail or text](#), or covered transfers by a person shall contain the name, street address, city,

1 state, zip code, occupation, employer (if self-employed, the name and place of business), of the
2 person responsible for the expenditure, the name, street address, city, state, and zip code of the
3 person receiving the expenditure the date and amount of each expenditure, and the year to date
4 total.

5 (g) The report shall also include a statement identifying the candidate or referendum that
6 the independent expenditure or electioneering communication [including electronic mail or text](#), is
7 intended to promote the success or defeat, and affirm under penalty of false statement that the
8 expenditure is not coordinated with the campaign in question, and provide any information that the
9 board of elections requires to facilitate compliance with the provisions of this chapter.

10 (h) Reports of independent expenditures, electioneering communications, [including](#)
11 [electronic mail or text](#), or covered transfers by a person, business entity or political action
12 committee shall also disclose the identity of all donors of an aggregate of one thousand dollars
13 (\$1,000) or more to such person, business entity or committee within the current election cycle, if
14 applicable, unless the person, business entity or political action committee has established a
15 separate campaign-related account for independent expenditures, electioneering communications,
16 [including electronic mail or text](#), and covered transfers as detailed in § 17-25.3-2 in which case this
17 paragraph applies only to donors to the person's, business entity's or political action committee's
18 separate campaign-related account; provided that no person, business entity, or political action
19 committee shall be required to disclose in a report to the board of elections the identity, which
20 includes name, address, place of employment, and donation amount, of any donor who makes no
21 donation to such person, business entity, or political action committee after the date of enactment
22 of this section.

23 (i) If a person, business entity or political action committee and a donor mutually agree, at
24 the time a donation, payment, or transfer to the person, business entity or political action committee
25 which is required to disclose the identification under subsection (f) that the person, business entity
26 or political action committee will not use the donation, payment, or transfer for independent
27 expenditures, electioneering communications, [including electronic mail or text](#), or covered
28 transfers, then not later than thirty (30) days after the person, business entity or political action
29 committee receives the donation, payment, or transfer the person, business entity or political action
30 committee shall transmit to the donor a written certification by the chief financial officer of the
31 person, business entity or political action committee (or, if the organization does not have a chief
32 financial officer, the highest ranking financial official of the organization) that:

33 (1) The person, business entity or political action committee will not use the donation,
34 payment, or transfer for independent expenditures, electioneering communications, [including](#)

1 [electronic mail or text](#), or covered transfers; and

2 (2) The person, business entity or political action committee will not include any
3 information on the donor in any report filed by the person, business entity or political action
4 committee under this section with respect to independent expenditures, electioneering
5 communications, [including electronic mail or text](#), or covered transfers, so that the donor will not
6 be required to appear in the list of donors.

7 (3) Exception for payments made pursuant to commercial activities. Subsections (e) and
8 (f) do not apply with respect to any payment or transfer made pursuant to commercial activities in
9 the regular course of a person's, business entity's or political action committee's business.

10 (j) For the purposes of this chapter, two (2) or more entities (other than an exempt nonprofit
11 as defined in § 17-25-3 or an organization described in § 501(c)(3) of the Internal Revenue Code
12 of 1986, or any subsequent corresponding internal revenue code of the United States, as amended
13 from time to time) are treated as a single entity if the entities:

- 14 (1) Share the majority of members on their boards of directors;
- 15 (2) Share two (2) or more officers;
- 16 (3) A candidate committee and a political committee other than a candidate committee are
17 for the purposes of this section treated as a single committee if the committees both have the
18 candidate or a member of the candidate's immediate family as an officer;
- 19 (4) Are owned or controlled by the same majority shareholder or shareholders or persons;
- 20 (5) Are in a parent-subsidary relationship; or
- 21 (6) Have bylaws so stating.

22 **17-25.3-2. Optional use of separate campaign-related account by person, business**
23 **entity or political action committee for independent expenditures, electioneering**
24 **communications, and covered transfers.**

25 (a) A person, business entity or political action committee may make disbursements for
26 independent expenditures, electioneering communications, [including electronic mail or text](#), or
27 covered transfers using amounts from a bank account established and controlled by the person,
28 business entity or political action committee to be known as the separate campaign-related account
29 (hereafter in this section referred to as the "account"), which shall be maintained separately from
30 all other accounts of the person, business entity or political action committee and which shall
31 consist exclusively of funds that were paid directly to such account by one or more person, business
32 entity, or political action committee other than the person, business entity, or political action
33 committee that controls the account. A person, business entity, or political action committee shall
34 not make transfers from its general treasury into an account established under this section that such

1 person, business entity, or political action committee controls.

2 (b) Mandatory use of account after establishment. If a person, business entity or political
3 action committee establishes an account under this section, it may not make disbursements for
4 independent expenditures, electioneering communications, [including electronic mail or text](#), or
5 covered transfers from any source other than amounts from the account.

6 (c) Exclusive use of account for independent expenditures, electioneering communications,
7 [including electronic mail or text](#), and covered transfers. Amounts in the account shall be used
8 exclusively for disbursements by the person, business entity or political action committee for
9 independent expenditures, electioneering communications, [including electronic mail or text](#), or
10 covered transfers. After such disbursements are made, information with respect to deposits made
11 to the account shall be disclosed in accordance with subsection 17-25.3-1(f).

12 **17-25.3-3. Disclaimers.**

13 (a) No person, business entity or political action committee shall make or incur an
14 independent expenditure or fund an electioneering communication for any written, typed, or other
15 printed communication, [including electronic mail or text](#), unless such communication bears upon
16 its face the words “Paid for by” and the name of the entity, the name of its chief executive officer
17 or equivalent, and its principal business address. In the case of a person, business entity or political
18 action committee making or incurring such an independent expenditure or electioneering
19 communication, [including electronic mail or text](#), which entity is a tax-exempt organization under
20 § 501(c) of the Internal Revenue Code of 1986 (other than an organization described in § 501(c)(3)
21 of such Code) or an exempt nonprofit as defined in § 17-25-3, or any subsequent corresponding
22 internal revenue code of the United States, as amended from time to time, or an organization
23 organized under Section 527 of said code, such communication shall also bear upon its face the
24 words “Top Five Donors” followed by a list of the five (5) persons or entities making the largest
25 aggregate donations to such person, business entity or political action committee during the twelve
26 (12) month period before the date of such communication, provided that no donor shall be listed
27 who is not required to be disclosed in a report to the board of elections by the person, business
28 entity, or political action committee.

29 (b) The provisions of subsections (a) of this section shall not apply to:

30 (1) Any editorial, news story, or commentary published in any newspaper, magazine or
31 journal on its own behalf and upon its own responsibility and for which it does not charge or receive
32 any compensation whatsoever;

33 (2) Political paraphernalia including pins, buttons, badges, emblems, hats, bumper stickers
34 or other similar materials; or

1 (3) Signs or banners with a surface area of not more than thirty-two (32) square feet.

2 (c) No person, business entity or political action committee shall make or incur an
3 independent expenditure or fund an electioneering communication, [including electronic mail or](#)
4 [text](#), for paid television advertising or paid Internet video advertising, unless at the end of such
5 advertising there appears simultaneously, for a period of not less than four (4) seconds:

6 (1) A clearly identifiable video, photographic or similar image of the entity's chief
7 executive officer or equivalent; and

8 (2) A personal audio message, in the following form: "I am (name of entity's chief
9 executive officer or equivalent), (title) of (entity), and I approved its content."

10 (3) In the case of a person, business entity or political action committee making or incurring
11 such an independent expenditure or electioneering communication, [including electronic mail or](#)
12 [text](#), which person, business entity or political action committee is a tax-exempt organization under
13 § 501(c) of the Internal Revenue Code of 1986 (other than an organization described in § 501(c)(3)
14 of such Code) or an exempt nonprofit as defined in § 17-25-3, or any subsequent corresponding
15 internal revenue code of the United States, as amended from time to time, or an organization
16 organized under Section 527 of said code, such advertising shall also include a written message in
17 the following form: "The top five (5) donors to the organization responsible for this advertisement
18 are" followed by a list of the five (5) persons or entities making the largest aggregate donations
19 during the twelve (12) month period before the date of such advertisement, provided that no donor
20 shall be listed who is not required to be disclosed in a report to the board of elections by the person,
21 business entity, or political action committee.

22 (d) No person, business entity or political action committee shall make or incur an
23 independent expenditure or fund an electioneering communication, [including electronic mail or](#)
24 [text](#), for paid radio advertising or paid Internet audio advertising, unless the advertising ends with
25 a personal audio statement by the entity's chief executive officer or equivalent;

26 (1) Identifying the entity paying for the expenditure; and

27 (2) A personal audio message, in the following form: "I am (name of entity's chief
28 executive officer or equivalent), (title), of (entity), and I approved its content."

29 (3) In the case of a person, business entity or political action committee making or incurring
30 such an independent expenditure or electioneering communication, [including electronic mail or](#)
31 [text](#), which entity is a tax-exempt organization under § 501(c) of the Internal Revenue Code of
32 1986 (other than an organization described in § 501(c)(3) of such Code) or an exempt nonprofit as
33 defined in § 17-25-3, or any subsequent corresponding internal revenue code of the United States,
34 as amended from time to time, or an organization organized under Section 527 of said code, such

1 advertising shall also include:

2 (A) An audio message in the following form: “The top five (5) donors to the organization
3 responsible for this advertisement are” followed by a list of the five (5) persons or entities making
4 the largest aggregate donations during the twelve (12) month period before the date of such
5 advertisement, provided that no donor shall be listed who is not required to be disclosed in a report
6 to the board of elections by the person, business entity, or political action committee; or

7 (B) In the case of such an advertisement that is thirty (30) seconds in duration or shorter,
8 an audio message providing a website address that lists such five (5) persons or entities, provided
9 that no contributor shall be listed who is not required to be disclosed in a report to the board of
10 elections by the person, business entity, or political action committee. In such case, the person,
11 business entity or political action committee shall establish and maintain such a website with such
12 listing for the entire period during which such person, business entity or political action committee
13 makes such advertisement.

14 (e) No person, business entity or political action committee shall make or incur an
15 independent expenditure or fund an electioneering communication, including electronic mail or
16 text, for automated telephone calls, unless the narrative of the telephone call identifies the person,
17 business entity or political action committee making the expenditure and its chief executive officer
18 or equivalent. In the case of a person, business entity or political action committee making or
19 incurring such an independent expenditure, which entity is a tax-exempt organization under §
20 501(c) of the Internal Revenue Code of 1986 (other than an organization described in § 501(c)(3)
21 of such Code) or an exempt nonprofit as defined in § 17-25-3, or any subsequent corresponding
22 internal revenue code of the United States, as amended from time to time, or an organization
23 organized under Section 527 of said code, such narrative shall also include an audio message in the
24 following form: “The top five (5) donors to the organization responsible for this telephone call are”
25 followed by a list of the five (5) persons or entities making the largest aggregate donations during
26 the twelve (12) month period before the date of such telephone call, provided that no donor shall
27 be listed who is not required to be disclosed in a report to the board of elections by the person,
28 business entity, or political action committee.

29 **17-25.3-4. Penalties.**

30 (a) Any person who willfully and knowingly violates the provisions of this chapter shall,
31 upon conviction, be guilty of a misdemeanor and shall be fined not more than one thousand dollars
32 (\$1,000) per violation.

33 (b) The state board of elections may impose a civil penalty upon any person, business
34 entity, or political action committee who violates the provisions of this chapter in the amount of

1 one thousand dollars (\$1,000), or up to one hundred fifty percent (150%) of the aggregate amount
2 of the independent expenditures, electioneering communications, [including electronic mail or text](#),
3 or covered transfers per violation, whichever is greater.

4 SECTION 4. This act shall take effect upon passage.

=====
LC000249
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO ELECTIONS -- RHODE ISLAND CAMPAIGN CONTRIBUTIONS AND
EXPENDITURES REPORTING

- 1 This act would include electronic mail or text, which can be received by two thousand
- 2 (2,000) or more persons, to those independent expenditures that must be reported under this act.
- 3 This act would take effect upon passage.

=====
LC000249
=====