

2021 -- H 5187

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO ELECTIONS -- CAMPAIGN FINANCE REPORTING

Introduced By: Representatives Casimiro, Noret, Vella-Wilkinson, Ackerman, and  
Fenton-Fung

Date Introduced: January 27, 2021

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 17-25-11 of the General Laws in Chapter 17-25 entitled "Rhode  
2 Island Campaign Contributions and Expenditures Reporting" is hereby amended to read as follows:

3 **17-25-11. Dates for filing of reports by treasurers of candidates or of committees.**

4 (a) During the period between the appointment of the campaign treasurer for state and  
5 municipal committees and political action committees, or in the case of an individual the date on  
6 which the individual becomes a "declared or undeclared candidate" as defined in § 17-25-3(2),  
7 except when the ninety-day (90) reporting period ends less than forty (40) days prior to an election  
8 in which case the ninety-day (90) report shall be included as part of the report required to be filed  
9 on the twenty-eighth (28th) day next preceding the day of the primary, general, or special election  
10 pursuant to subdivision (2) of this subsection, and the election, with respect to which contributions  
11 are received or expenditures made by him or her in behalf of, or in opposition to, a candidate, the  
12 campaign treasurer of a candidate, a political party committee, or a political action committee shall  
13 file a report containing an account of contributions received, and expenditures made, on behalf of,  
14 or in opposition to, a candidate:

15 (1) At ninety-day (90) intervals commencing on the date on which the individual first  
16 becomes a candidate, as defined in § 17-25-3(2);

17 (2) In a contested election, on the twenty-eighth (28th) and seventh (7th) days next  
18 preceding the day of the primary, general, or special election; provided, that in the case of a primary  
19 election for a special election where the twenty-eighth (28th) day next preceding the day of the

1 primary election occurs prior to the first day for filing declarations of candidacy pursuant to § 17-  
2 14-1, the reports shall be due on the fourteenth (14th) and seventh (7th) days next preceding the  
3 day of the primary election for the special election; and

4 (3) A final report on the twenty-eighth (28th) day following the election. The report shall  
5 contain:

6 (i) The name and address and place of employment of each person from whom  
7 contributions in excess of a total of one hundred dollars (\$100) within a calendar year were  
8 received;

9 (ii) The amount contributed by each person;

10 (iii) The name and address of each person to whom expenditures in excess of one hundred  
11 dollars (\$100) were made; and

12 (iv) The amount and purpose of each expenditure.

13 (b) Concurrent with the report filed on the twenty-eighth (28th) day following an election,  
14 or at any time thereafter, the campaign treasurer of a candidate, or political party committee, or  
15 political action committee, may certify to the board of elections that the campaign fund of the  
16 candidate, political party committee, or political action committee having been instituted for the  
17 purposes of the past election, has completed its business and been dissolved or, in the event that  
18 the committee will continue its activities beyond the election, that its business regarding the past  
19 election has been completed. The certification shall be accompanied by a final accounting of the  
20 campaign fund, or of the transactions relating to the election, including the final disposition of any  
21 balance remaining in the fund at the time of dissolution or the arrangements that have been made  
22 for the discharge of any obligations remaining unpaid at the time of dissolution.

23 (c)(1) Once the campaign treasurer certifies that the campaign fund has completed its  
24 business and been dissolved, no contribution that is intended to defray expenditures incurred on  
25 behalf of, or in opposition to, a candidate during the campaign can be accepted. Until the time that  
26 the campaign treasurer certifies that the campaign fund has completed its business and been  
27 dissolved, the treasurer shall file reports containing an account of contributions received and  
28 expenditures made at ninety-day (90) intervals commencing with the next quarterly report  
29 following the election; however, the time to file under this subsection shall be no later than the last  
30 day of the month following the ninety-day (90) period, except when the last day of the month filing  
31 deadline following the ninety-day (90) reporting period occurs less than twenty-eight (28) days  
32 before an election, in which case the report shall be filed pursuant to the provisions of subdivisions  
33 (a)(1) and (2) of this section. Provided, however, if the last day of the month falls on a weekend or  
34 a holiday, the report shall be due on the following business day.

1           (2) In addition to the reports required pursuant to this section, a candidate or office holder  
2 shall also file with the board of elections a paper copy of the account statement from the office  
3 holder's campaign account, which account statement shall be the next account statement issued by  
4 their financial institution after the filing of the fourth quarterly campaign expense report. The  
5 account statement shall be submitted to the board within thirty (30) days of its receipt by the  
6 candidate, officeholder, treasurer, or deputy treasurer. The account statement shall not be deemed  
7 a public record pursuant to the provisions of chapter 2 of title 38. The board of elections, its agents,  
8 and employees shall not publish, deliver, copy, or disclose, to any person or entity any account  
9 statement or information contained therein for any candidate, former candidate, officeholder, party,  
10 or political action committee. Provided, as to state and municipal political parties, the requirements  
11 of this subsection (c)(2) shall apply to the annual report required pursuant to § 17-25-7.

12           (d)(1) There shall be no obligation to file the reports of expenditures required by this  
13 section on behalf of, or in opposition to, a candidate if the total amount to be expended in behalf of  
14 the candidacy by the candidate, by any political party committee, by any political action committee,  
15 or by any person shall not in the aggregate exceed one thousand dollars (\$1,000).

16           (2) However, even though the aggregate amount expended on behalf of the candidacy does  
17 not exceed one thousand dollars (\$1,000), reports must be made listing the source and amounts of  
18 all contributions in excess of a total of one hundred dollars (\$100) from any one source within a  
19 calendar year. Even though the aggregate amount expended on behalf of the candidacy does not  
20 exceed one thousand dollars (\$1,000) and no contribution from any one source within a calendar  
21 year exceeds one hundred dollars (\$100), the report shall state the aggregate amount of all  
22 contributions received. In addition, the report shall state the amount of aggregate contributions that  
23 were from individuals, the amount from political action committees, and the amount from political  
24 party committees.

25           (e) On or before the first date for filing contribution and expenditure reports, the campaign  
26 treasurer may file a sworn statement that the treasurer will accept no contributions nor make  
27 aggregate expenditures in excess of the minimum amounts for which a report is required by this  
28 chapter. Thereafter, the campaign treasurer shall be excused from filing all the reports for that  
29 campaign, other than the final report due on the twenty-eighth (28th) day following the election.

30           (f) A campaign treasurer must file a report containing an account of contributions received  
31 and expenditures made at the ninety-day (90) intervals provided for in subsection (c) of this section  
32 for any ninety-day (90) period in which the campaign received contributions in excess of a total of  
33 one hundred dollars (\$100) within a calendar year from any one source and/or made expenditures  
34 in excess of one thousand dollars (\$1,000) within a calendar year; however, the time to file under

1 this subsection shall be no later than the last day of the month following the ninety-day (90) period,  
2 except when the last day of the month filing deadline following the ninety-day (90) reporting period  
3 occurs less than twenty-eight (28) days before an election, in which case the report shall be filed  
4 pursuant to the provisions of subdivisions (a)(1) and (2) of this section. Provided, however, if the  
5 last day of the month falls on a weekend or a holiday, the report shall be due on the following  
6 business day.

7 (g)(1) The board of elections may, for good cause shown and upon the receipt of a written  
8 or electronic request, grant a seven-day (7) extension for filing a report; provided, that the request  
9 must be received no later than the date upon which the report is due to be filed.

10 (2) Any person or entity required to file reports with the board of elections pursuant to this  
11 section and who or that has not filed the report by the required date, unless granted an extension  
12 pursuant to subdivision (1) of this subsection, shall be fined for a first offense twenty-five dollars  
13 (\$25.00), for a second offense one hundred dollars (\$100), for a third offense five hundred dollars  
14 (\$500), and for all subsequent offenses, one thousand dollars (\$1,000). Notwithstanding any of the  
15 provisions of this section, the board of elections shall have the authority to waive late filing fees  
16 for good cause shown.

17 (3) The board of elections shall send a notice of non-compliance, by certified mail, to any  
18 person or entity who or that fails to file the reports required by this section. A person or entity who  
19 or that is sent a notice of non-compliance and fails to file the required report within seven (7) days  
20 of the receipt of the notice, shall be fined two dollars (\$2.00) per day from the day of receipt of the  
21 notice of non-compliance until the day the report has been received by the state board.  
22 Notwithstanding any of the provisions of this section, the board of elections shall have the authority  
23 to waive late filing fees for good cause shown.

24 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO ELECTIONS -- CAMPAIGN FINANCE REPORTING

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1           This act would increase the fines for the late filing of campaign finance reports to one  
2 hundred dollars (\$100) for a second offense, five hundred dollars (\$500) for a third offense, and  
3 one thousand dollars (\$1,000) for all subsequent offenses.

4           This act would take effect upon passage.

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