

2014 -- H 8097

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LC005271
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO ELECTIONS -- CAMPAIGN CONTRIBUTIONS--EXPENDITURES
REPORTING

Introduced By: Representative Donald J.Lally

Date Introduced: April 30, 2014

Referred To: House Judiciary

(Board of Elections)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 17-25-10 and 17-25-11 of the General Laws in Chapter 17-25
2 entitled "Rhode Island Campaign Contributions and Expenditures Reporting" are hereby amended
3 to read as follows:

4 **17-25-10. Lawful methods of contributing to support of candidates -- Reporting --**

5 **Disposition of anonymous contributions. --** (a) No contribution shall be made or received, and
6 no expenditures shall be directly made or incurred, to support or defeat a candidate except
7 through:

8 (1) The candidates, the duly appointed campaign treasurer, or deputy campaign
9 treasurers, of the candidates;

10 (2) The duly appointed campaign treasurer or deputy campaign treasurers of a political
11 party committee;

12 (3) The duly appointed campaign treasurer or deputy campaign treasurer of a political
13 action committee.

14 ~~(b) It shall be lawful for any person, not otherwise prohibited by law and not acting in~~
15 ~~concert with any other person or group, to expend personally from that person's own funds a sum~~
16 ~~which is not to be repaid to him or her for any purpose not prohibited by law to support or defeat~~
17 ~~a candidate; provided, that any person making the expenditure shall be required to report all of his~~
18 ~~or her expenditures and expenses, if the total of the money so expended exceeds one hundred~~

1 ~~dollars (\$100) within a calendar year, to the board of elections within seven (7) days of making~~
2 ~~the expenditure and to the campaign treasurer of the candidate or political party committee on~~
3 ~~whose behalf the expenditure or contribution was made, or to his or her deputy, within seven (7)~~
4 ~~days of making the expenditure, who shall cause the expenditures and expenses to be included in~~
5 ~~his or her reports to the board of elections. Whether a person is "acting in concert with any other~~
6 ~~person or group" for the purposes of this subsection shall be determined by application of the~~
7 ~~standards set forth in section 17-25-23.~~

8 ~~(e)~~(b) Any anonymous contribution received by a campaign treasurer, ~~or~~ deputy
9 campaign treasurer or candidate shall not be used or expended, but shall be returned to the donor,
10 if the donor's identity can be ascertained; if not, the contribution shall escheat to the state.

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

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

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

25 (2) In a contested election, on the twenty-eighth (28th) and seventh (7th) days next
26 preceding the day of the primary, general, or special election; provided, that in the case of a
27 primary election for a special election, where the twenty-eighth (28th) day next preceding the day
28 of the primary election occurs prior to the first day for filing declarations of candidacy pursuant to
29 section 17-14-1, the reports shall be due on the fourteenth (14th) and seventh (7th) days next
30 preceding the day of the primary election for the special election; and

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

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

1 received;

2 (ii) The amount contributed by each person;

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

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

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

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

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

33 ~~(2) However, even though the aggregate amount expended on behalf of the candidacy~~
34 ~~does not exceed one thousand dollars (\$1,000), reports must be made listing the source and~~

1 ~~amounts of all contributions in excess of a total of one hundred dollars (\$100) from any one~~
2 ~~source within a calendar year. Even though the aggregate amount expended on behalf of the~~
3 ~~candidacy does not exceed one thousand dollars (\$1,000) and no contribution from any one~~
4 ~~source within a calendar year exceeds one hundred dollars (\$100), the report shall state the~~
5 ~~aggregate amount of all contributions received. In addition, the report shall state the amount of~~
6 ~~aggregate contributions that were from individuals, the amount from political action committees,~~
7 ~~and the amount from political party committees.~~

8 ~~(e)~~(d) On or before the first date for filing contribution and expenditure reports, the
9 campaign treasurer may file a sworn statement that the candidate or treasurer will accept no
10 contributions which in the aggregate exceed one hundred dollars (\$100) from a single source
11 within a calendar year nor make aggregate expenditures in excess of ~~the minimum amounts for~~
12 ~~which a report is required by this chapter~~ one thousand dollars (\$1,000) within the same calendar
13 year; provided, however, that for the purpose of this section only, contributions by a candidate to
14 his or her own campaign or in-kind party contributions may exceed one hundred dollars (\$100)
15 within a calendar year. Thereafter, the campaign treasurer shall be excused from filing all the
16 reports for that campaign, other than the final report due on the twenty-eighth (28th) day
17 following the election.

18 ~~(f)~~(e) A campaign treasurer must file a report containing an account of contributions
19 received and expenditures made at the ninety (90) day intervals provided for in subsection (c) of
20 this section for any ninety (90) day period in which the campaign received contributions in excess
21 of a total of one hundred dollars (\$100) within a calendar year from any one source and/or made
22 expenditures in excess of one thousand dollars (\$1,000) within a calendar year; however, the time
23 to file under this subsection shall be no later than the last day of the month following the ninety
24 (90) day period, except when the last day of the month filing deadline following the ninety (90)
25 day reporting period occurs less than twenty-eight (28) days before an election, in which case the
26 report shall be filed pursuant to the provisions of subdivisions (a)(1) and (2) of this section.
27 Provided, however, if the last day of the month falls on a weekend or a holiday, the report shall be
28 due on the following business day.

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

32 (2) Any person or entity required to file reports with the board of elections pursuant to
33 this section and who has not filed the report by the required date, unless granted an extension
34 pursuant to subdivision (1) of this subsection, shall be fined twenty-five dollars (\$25.00).

1 Notwithstanding any of the provisions of this section, the board of elections shall have the
2 authority to waive late filing fees for good cause shown.

3 (3) The board of elections shall send a notice of non-compliance, by certified mail, to
4 any person or entity who fails to file the reports required by this section. A person or entity who is
5 sent a notice of non-compliance and fails to file the required report within seven (7) days of the
6 receipt of the notice shall be fined two dollars (\$2.00) per day from the day of receipt of the
7 notice of non-compliance until the day the report has been received by the state board.

8 Notwithstanding any of the provisions of this section, the board of elections shall have the
9 authority to waive late filing fees for good cause shown.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would allow a candidate to make campaign contributions to his or her campaign
2 or receive in-kind party contributions in excess of one hundred dollars (\$100) and remain exempt
3 from the reporting requirements except for the report due on the 28th day after the election, as
4 long as the aggregate total of the contributions from the candidate and in-kind party contributions
5 do not exceed one thousand dollars (\$1,000).

6 This act would take effect upon passage.

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