

2015 -- S 0633

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO ELECTIONS - CAMPAIGN CONTRIBUTORS

Introduced By: Senators McCaffrey, and Lombardi

Date Introduced: March 05, 2015

Referred To: Senate Judiciary

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 duly appointed campaign treasurer, or deputy campaign treasurers, of the
9 candidates, or the candidate;

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 (4) All candidates are required to designate a bank or other authorized financial
15 institution as a depository of campaign funds. Any and all campaign funds must be maintained in
16 a separate bank account and shall not be comingled with any monies from other sources;
17 provided, however, a separate bank account is not required when the only campaign contributions
18 are received in-kind or when a candidate receives aggregate contributions of one thousand dollars
19 (\$1,000) or less in a calendar year, including contributions or loans by a candidate to his or her

1 [own campaign.](#)

2 ~~(b) It shall be lawful for any person, not otherwise prohibited by law and not acting in~~
3 ~~concert with any other person or group, to expend personally from that person's own funds a sum~~
4 ~~which is not to be repaid to him or her for any purpose not prohibited by law to support or defeat~~
5 ~~a candidate; provided, that any person making the expenditure shall be required to report all of his~~
6 ~~or her expenditures and expenses, if the total of the money so expended exceeds one hundred~~
7 ~~dollars (\$100) within a calendar year, to the board of elections within seven (7) days of making~~
8 ~~the expenditure and to the campaign treasurer of the candidate or political party committee on~~
9 ~~whose behalf the expenditure or contribution was made, or to his or her deputy, within seven (7)~~
10 ~~days of making the expenditure, who shall cause the expenditures and expenses to be included in~~
11 ~~his or her reports to the board of elections. Whether a person is "acting in concert with any other~~
12 ~~person or group" for the purposes of this subsection shall be determined by application of the~~
13 ~~standards set forth in § 17-25-23.~~

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

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

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

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

31 (2) In a contested election, on the twenty-eighth (28th) and seventh (7th) days next
32 preceding the day of the primary, general, or special election; provided, that in the case of a
33 primary election for a special election, where the twenty-eighth (28th) day next preceding the day
34 of the primary election occurs prior to the first day for filing declarations of candidacy pursuant to

1 § 17-14-1, the reports shall be due on the fourteenth (14th) and seventh (7th) days next preceding
2 the day of the primary election for the special election; and

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

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

8 (ii) The amount contributed by each person;

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

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

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

23 (c) Once the campaign treasurer certifies that the campaign fund has completed its
24 business and been dissolved, no contribution which 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 (90) day 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
30 last day of the month following the ninety (90) day period, except when the last day of the month
31 filing deadline following the ninety (90) day reporting period occurs less than twenty-eight (28)
32 days before an election, in which case the report shall be filed pursuant to the provisions of
33 subdivisions (a)(1) and (2) of this section. Provided, however, if the last day of the month falls on
34 a weekend or a holiday, the report shall be due on the following business day.

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

5 (2) However, even though the aggregate amount expended on behalf of the candidacy
6 does not exceed one thousand dollars (\$1,000), reports must be made listing the source and
7 amounts of all contributions in excess of a total of one hundred dollars (\$100) from any one
8 source within a calendar year. Even though the aggregate amount expended on behalf of the
9 candidacy does not exceed one thousand dollars (\$1,000) and no contribution from any one
10 source within a calendar year exceeds one hundred dollars (\$100), the report shall state the
11 aggregate amount of all contributions received. In addition, the report shall state the amount of
12 aggregate contributions that were from individuals, the amount from political action committees,
13 and the amount from political party committees.

14 (e) On or before the first date for filing contribution and expenditure reports, the
15 campaign treasurer may file a sworn statement that the treasurer will accept no contributions in
16 excess of one hundred dollars (\$100) from a single source within a calendar year nor make
17 aggregate expenditures in excess of ~~the minimum amounts for which a report is required by this~~
18 ~~chapter~~ one thousand dollars (\$1,000) in the same calendar year. Provided, however, that for the
19 purpose of this section only, aggregate loans or contributions by a candidate to his or her own
20 campaign or aggregate contributions received in-kind from the political party committee of the
21 candidate may exceed one hundred dollars (\$100) within a calendar year. Thereafter, the
22 campaign treasurer shall be excused from filing all the reports for that campaign, other than the
23 final report due ~~on the twenty-eighth (28th) day following the election~~ by January 31 of the year
24 next following the year for which the sworn statement is filed.

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

1 due on the following business day.

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

5 (2) Any person or entity required to file reports with the board of elections pursuant to
6 this section and who has not filed the report by the required date, unless granted an extension
7 pursuant to subdivision (1) of this subsection, shall be fined twenty-five dollars (\$25.00).
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 (3) The board of elections shall send a notice of non-compliance, by certified mail, to
11 any person or entity who fails to file the reports required by this section. A person or entity who is
12 sent a notice of non-compliance and fails to file the required report within seven (7) days of the
13 receipt of the notice shall be fined two dollars (\$2.00) per day from the day of receipt of the
14 notice of non-compliance until the day the report has been received by the state board.
15 Notwithstanding any of the provisions of this section, the board of elections shall have the
16 authority to waive late filing fees for good cause shown.

17 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 CONTRIBUTORS

1 This act would add candidates to an existing list of allowable recipients of campaign
2 contributions and would require all candidates to maintain separate financial accounts only for
3 campaign funds. In addition, it would repeal certain provisions regarding reporting requirements
4 for independent advocates. It would also allow candidates who fund their campaign or who
5 receive political party in-kind contributions to qualify for the annual filing exemption.

6 This act would take effect upon passage.

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