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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO ELECTIONS - CONDUCT OF ELECTIONS AND CAMPAIGN FINANCE

Introduced By: Senators McCaffrey, Lombardi, Lynch Prata, Conley, and Nesselbush

Date Introduced: February 25, 2016

Referred To: Senate Judiciary

(Board of Elections)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 17-20-19, 17-20-23 and 17-20-29 of the General Laws in Chapter
2 17-20 entitled "Mail Ballots" are hereby amended to read as follows:

3 **17-20-19. Envelopes for return of ballots.** -- Envelopes for the enclosure and return of
4 mail ballots and their enclosing certified envelope shall have the printed or written address:
5 ~~"Board of Elections, 50 Branch Ave., Providence, Rhode Island 02904-2790"~~ [of the board of](#)
6 [elections](#); and shall be forwarded by the secretary of state to each mail voter whose application
7 for the mail ballot has been received and accepted.

8 **17-20-23. Marking and certification of ballot.** -- (a) A voter may vote for the
9 candidates of the voter's choice by making a mark in the space provided opposite their respective
10 names.

11 (b) In case a voter desires to vote upon a question submitted to the vote of the electors of
12 the state, the voter shall mark in the appropriate space associated with the answer that the voter
13 desires to give.

14 (c) Voters receiving a mail ballot pursuant to § 17-20-2(1), (2), and (4) shall mark the
15 ballot in the presence of two (2) witnesses or some officer authorized by the law of the place
16 where marked to administer oaths. Voters receiving a mail ballot pursuant to § 17-20-2(3) do not
17 need to have their ballot witnessed or notarized. Except as otherwise provided for by this chapter,
18 the voter shall not allow the official or witnesses to see how he or she marks the ballot and the
19 official or witnesses shall hold no communication with the voter, nor the voter with the official or

1 witnesses, as to how the voter is to vote. Thereafter, the voter shall enclose and seal the ballot in
2 the envelope provided for it. The voter shall then execute before the official or witnesses the
3 certification on the envelope. The voter shall then ~~enclose and seal the certified envelope with the~~
4 ~~ballot in the envelope addressed to the state board and~~ cause the certified envelope containing the
5 ballot to be delivered to the state board not later than the time prescribed by §17-18-11 for the
6 closing of polling places on the day of the election ~~on or before election day.~~

7 (d) These ballots shall be counted only if received within the time limited by this
8 chapter.

9 (e) There shall be a space provided on the general election ballot to allow the voter to
10 write in the names of persons not in nomination by any party as provided for in §§ 17-19-31 and
11 17-20-24.

12 **17-20-29. Mail applicant not permitted to vote at polls.** -- (a) No person, or one
13 claiming to be that person, whose name has been marked upon any voting list, provided for
14 official use at any election, with the mark as provided by § 17-20-10, shall be permitted to vote in
15 person at the election; provided, that the person may re-establish his or her right to vote in person
16 by presenting himself or herself at that person's local board ~~on or~~ before election day and
17 surrendering his or her mail ballot. Upon that surrender the person's name shall be restored to the
18 voting list. Any person whose name has been marked on the voting list ~~may also~~ as applying for a
19 mail ballot shall be permitted to ~~vote in person if that person executes and delivers to the local~~
20 ~~board an affidavit stating that the person did not receive the mail ballot, or that the mail ballot~~
21 ~~was lost or destroyed~~ cast a provisional ballot in accordance with §17-19-24.1.

22 (b) Each local board shall, immediately after the close of the polls, certify and deliver to
23 the state board the names and addresses of all persons restored to the voting list, together with the
24 affidavits and surrendered ballots received pursuant to this section.

25 SECTION 2. Section 17-23-2 of the General Laws in Chapter 17-23 entitled "Election
26 Offenses" is hereby repealed.

27 ~~**17-23-2. Signature of posters, fliers, and circulars.** -- No person shall intentionally~~
28 ~~write, print, post, or distribute, or cause to be written, printed, posted, or distributed, a circular,~~
29 ~~flier, or poster designed or tending to injure or defeat any candidate for nomination or election to~~
30 ~~any public office, by criticizing the candidate's personal character or political action, or designed~~
31 ~~or tending to aid, injure, or defeat any question submitted to the voters, unless there appears upon~~
32 ~~the circular, flier, or poster in a conspicuous place the name of the author and either the names of~~
33 ~~the chairperson and secretary, or of two (2) officers, of the political or other organization issuing~~
34 ~~the poster, flier, or circular, or of some voter who is responsible for it, with the voter's name and~~

1 ~~residence, and the street and numbers, if any.~~

2 SECTION 3. Sections 17-25-3, 17-25-10, 17-25-10.1 and 17-25-11 of the General Laws
3 in Chapter 17-25 entitled "Rhode Island Campaign Contributions and Expenditures Reporting"
4 are hereby amended to read as follows:

5 **17-25-3. Definitions.** -- As used in this chapter, unless a different meaning clearly
6 appears from the context:

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

18 (2) "Candidate" means any individual who undertakes any action, whether preliminary or
19 final, which is necessary under the law to qualify for nomination for election or election to public
20 office, and/or any individual who receives a contribution or makes an expenditure, or gives his or
21 her consent for any other person to receive a contribution or make an expenditure, with a view to
22 bringing about his or her nomination or election to any public office, whether or not the specific
23 public office for which he or she will seek nomination or election is known at the time the
24 contribution is received or the expenditure is made and whether or not he or she has announced
25 his or her candidacy or filed a declaration of candidacy at that time.

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

29 ~~(3)~~(4) "Contributions" and "expenditures" include all transfers of money, credit or debit
30 card transactions on-line or electronic payment systems such as "pay pal," paid personal services,
31 or other thing of value to or by any candidate, committee of a political party, or political action
32 committee or ballot question advocate. A loan shall be considered a contribution of money until it
33 is repaid.

34 (5) "Earmarked" means a designation, instruction, or encumbrance, whether direct or

1 indirect, express or implied, oral or written, which results in all or any part of a contribution or
2 expenditure being made to, or expended on behalf of, a clearly identified candidate or a
3 candidate's authorized committee.

4 ~~(4)~~(6) "Election" means any primary, general, or special election or town meeting for
5 any public office of the state, municipality, or district or for the determination of any question
6 submitted to the voters of the state, municipality, or district.

7 ~~(5)~~(7) "Election cycle" means the twenty-four (24) month period commencing on
8 January 1 of odd number years and ending on December 31 of even number years; provided, with
9 respect to the public financing of election campaigns of general officers under §§ 17-25-19, 17-
10 25-20, and 17-25-25, "election cycle" means the forty-eight (48) month period commencing on
11 January 1 of odd numbered years and ending December 31 of even numbered years.

12 ~~(6)~~(8) "In-Kind Contributions" means the monetary value of other things of value or paid
13 personal services donated to, or benefiting, any person required to file reports with the board of
14 elections.

15 ~~(7)~~(9) "Other thing of value" means any item of tangible real or personal property of a
16 fair market value in excess of one hundred dollars (\$100).

17 ~~(8)~~(10) "Paid personal services" means personal services of every kind and nature, the
18 cost or consideration for which is paid or provided by someone other than the committee or
19 candidate for whom the services are rendered, but shall not include personal services provided
20 without compensation by persons volunteering their time.

21 ~~(9)~~(11) "Person" means an individual, partnership, committee, association, corporation,
22 union, charity and/or any other organization. The term "person" shall not include any exempt
23 nonprofit as defined herein or any organization described in § 501(c)(3) of the Internal Revenue
24 Code of 1986, or any subsequent corresponding internal revenue code of the United States, as
25 amended from time to time, for the purposes of chapter 17-25.3 of the general laws only.

26 ~~(10)~~(12) "Political action committee" means any group of two (2) or more persons that
27 accepts any contributions to be used for advocating the election or defeat of any candidate or
28 candidates. Only political action committees that have accepted contributions from fifteen (15) or
29 more persons in amounts of ten dollars (\$10.00) or more within an election cycle shall be
30 permitted to make contributions, and those committees must make contributions to at least five
31 (5) candidates for state or local office within an election cycle.

32 ~~(11)~~(13) "Public office" means any state, municipal, school, or district office or other
33 position that is filled by popular election, except political party offices. "Political party offices"
34 means any state, city, town, ward, or representative or senatorial district committee office of a

1 political party or delegate to a political party convention, or any similar office.

2 ~~(12)~~(14) "State" means state of Rhode Island.

3 ~~(13)~~(15) "Testimonial affair" means an affair of any kind or nature including, but not
4 limited to, cocktail parties, breakfasts, luncheons, dinners, dances, picnics, or similar affairs
5 expressly and directly intended to raise campaign funds in behalf of a candidate to be used for
6 nomination or election to a public office in this state, or expressly and directly intended to raise
7 funds in behalf of any state or municipal committee of a political party, or expressly and directly
8 intended to raise funds in behalf of any political action committee.

9 ~~(14)~~(16) "Electioneering communication" means any print, broadcast, cable, satellite, or
10 electronic media communication not coordinated, as set forth in § 17-25-23, with any candidate,
11 authorized candidate campaign committee, or political party committee and which
12 unambiguously identifies a candidate or referendum and is made either within sixty (60) days
13 before a general or special election or town meeting for the office sought by the candidate or
14 referendum; or thirty (30) days before a primary election, for the office sought by the candidate;
15 and is targeted to the relevant electorate.

16 (i) A communication which refers to a clearly identified candidate or referendum is
17 "targeted to the relevant electorate" if the communication can be received by two thousand
18 (2,000) or more persons in the district the candidate seeks to represent or the constituency voting
19 on the referendum.

20 (ii) Exceptions: The term "electioneering communication" does not include:

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

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

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

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

33 (E) Any other communication exempted under such regulations as the board of elections
34 may promulgate (consistent with the requirements of this paragraph) to ensure the appropriate

1 implementation of this paragraph.

2 ~~(15)~~(17) "Independent expenditure" means an expenditure which, when taken as a
3 whole, expressly advocates the election or defeat of a clearly identified candidate, or the passage
4 or defeat of a referendum, or amounts to the functional equivalent of such express advocacy, and
5 is in no way coordinated, as set forth in § 17-25-23, with any candidate's campaign, authorized
6 candidate committee, or political party committee. An expenditure amounts to the functional
7 equivalent of express advocacy if it can only be interpreted by a reasonable person as advocating
8 the election, passage, or defeat of a candidate or referendum, taking into account whether the
9 communication mentions a candidate or referendum and takes a position on a candidate's
10 character, qualifications, or fitness for office. An independent expenditure is not a contribution to
11 that candidate or committee.

12 (i) Exceptions: The term "independent expenditure" does not include:

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

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

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

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

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

28 ~~(16)~~(18) "Covered transfer" means any transfer or payment of funds by any person,
29 business entity or political action committee to another person, business entity, or political action
30 committee if the person, business entity, or political action committee making the transfer: (i)
31 Designates, requests, or suggests that the amounts be used for independent expenditures or
32 electioneering communications or making a transfer to another person for the purpose of making
33 or paying for such independent expenditures or electioneering communications; (ii) Made such
34 transfer or payment in response to a solicitation or other request for a transfer or payment for the

1 making of or paying for independent expenditures or electioneering communications or making a
2 transfer to another person for the purpose of marking or paying for such independent expenditures
3 or electioneering communications; (iii) Engaged in discussions with the recipient of the transfer
4 or payment regarding independent expenditures or electioneering communications or making a
5 transfer to another person for the purpose of marking or paying for such independent expenditures
6 or electioneering communications; or (iv) Made independent expenditures or electioneering
7 communications in an aggregate amount of five thousand dollars (\$5,000) or more during the two
8 (2) year period ending on the date of the transfer or payment, or knew or had reason to know that
9 the person receiving the transfer or payment made such independent expenditures or
10 electioneering communications in such an aggregate amount during that two (2) year period.

11 (A) Exceptions: The term "covered transfer" does not include:

12 (I) A transfer or payment made by a person, business entity or political action committee
13 in the ordinary course of any trade or business conducted by the person, business entity or
14 political action committee or in the form of investments made by the person, business entity or
15 political action committee; or

16 (II) A transfer or payment made by a person, business entity or political action
17 committee if the person, business entity or political action committee making the transfer
18 prohibited, in writing, the use of such transfer or payment for independent expenditures,
19 electioneering communications, or covered transfers and the recipient of the transfer or payment
20 agreed to follow the prohibition and deposited the transfer or payment in an account which is
21 segregated from any account used to make independent expenditures, electioneering
22 communications, or covered transfers.

23 ~~(17)~~(19) For the purposes of chapter 17-25.3 of the general laws, "donation" means all
24 transfers of money, credit or debit card transactions on-line or electronic payment systems such as
25 "pay pal," paid personal services, or other thing of value to or by any person, business entity, or
26 political action committee. A loan shall be considered a donation of money until it is repaid.

27 ~~(18)~~(20) For the purposes of chapter 17-25.3 of the general laws, "donor" means a
28 person, business entity, or political action committee that makes a donation.

29 ~~(19)~~(21) "Exempt nonprofit" means any organization described in § 501(c)(4) of the
30 Internal Revenue Code that spends an aggregate annual amount of no more than ten percent
31 (10%) of its annual expenses or no more than fifteen thousand dollars (\$15,000), whichever is
32 less, on independent expenditures, electioneering communications, and covered transfers as
33 defined herein and certifies the same to the board of elections seven (7) days before and after a
34 primary election and seven (7) days before and after a general or special election.

1 ~~(20)~~(22) For purposes of chapter 17-25.3 of the general laws, "referendum" means the
2 same as the definition set forth in § 17-5-1 of the general laws.

3 **17-25-10. Lawful methods of contributing to support of candidates -- Reporting --**

4 **Disposition of anonymous contributions. [Effective January 1, 2016.] --** (a) No contribution
5 shall be made or received, and no expenditures shall be directly made or incurred, to support or
6 defeat a candidate except through:

7 (1) The candidate or duly appointed campaign treasurer or deputy campaign treasurer of
8 the candidate;

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

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

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

25 (c) Any anonymous contribution received by a candidate, campaign treasurer, or deputy
26 campaign treasurer shall not be used or expended, but shall be returned to the donor, if the donor's
27 identity can be ascertained; if not, the contribution shall escheat to the state.

28 **17-25-10.1. Political contributions -- Limitations. --** (a) (1) No person, other than the

29 candidate to his or her own campaign, nor any political action committee shall make a
30 contribution or contributions to any candidate, as defined by § 17-25-3, or political action
31 committee or political party committee which in the aggregate exceed one thousand dollars
32 (\$1,000) within a calendar year, ~~nor shall any person make contributions to more than one state or
33 local candidate, to more than one political action committee, or to more than one political party
34 committee, or to a combination of state and local candidates and political action committees and~~

1 ~~political party committees which in the aggregate exceed ten thousand dollars (\$10,000) within a~~
2 ~~calendar year~~, nor shall any political action committee make such contributions which in the
3 aggregate exceed twenty-five thousand dollars (\$25,000) within a calendar year, nor shall any
4 candidate or any political action committee or any political party committee accept a contribution
5 or contributions which in the aggregate exceed one thousand dollars (\$1,000) within a calendar
6 year from any one person or political action committee.

7 (2) Notwithstanding the provisions of subdivision (1) of this subsection, a person or
8 political action committee or political party committee may contribute an amount which in the
9 aggregate does not exceed ten thousand dollars (\$10,000) within a calendar year to a political
10 party committee, which funds can be utilized for organizational and party building activities, but
11 shall not be used for contributions to candidates state and local for public office.

12 (b) Contributions to a named candidate made to any political committee authorized by
13 that candidate to accept contributions on the candidate's behalf shall be considered to be
14 contributions made to the candidate. Contributions to a candidate by a political committee for
15 another person shall be considered to be contributions by that person.

16 (c) Expenditures made by any person in cooperation, consultation or concert with, or at
17 the request or suggestion of, a candidate, the candidate's authorized political committees, or their
18 agents shall be considered to be a contribution to the candidate.

19 (d) The financing by any person of the dissemination, distribution, or republication, in
20 whole or in part, of any broadcast or any written, graphic, or other form of campaign materials
21 prepared by the candidate, the candidate's campaign committees, or their authorized agents shall
22 be considered to be a contribution to a candidate.

23 (e) For purposes of the limitations imposed by this section, all contributions made by a
24 person, either directly or indirectly, on behalf of a particular candidate, including contributions
25 which are in any way earmarked or otherwise directed through an intermediary or conduit to such
26 candidate, shall be treated as contributions from such person to such candidate. The intermediary
27 or conduit shall report the original source and the intended recipient of such contribution to the
28 board of elections and to the intended recipient, in accordance with regulations and reporting
29 requirements promulgated by the board of elections.

30 ~~(e)~~(f) Nothing in this section shall be construed to restrict political party committees
31 organized pursuant to this title from making contributions to the candidates of that political party;
32 provided, that these contributions, other than allowable "in-kind" contributions, shall not exceed,
33 in the aggregate, twenty-five thousand dollars (\$25,000) to any one candidate within a calendar
34 year, nor shall any candidate accept a contribution or contributions, other than allowable "in-

1 kind" contributions, which in the aggregate exceed twenty-five thousand dollars (\$25,000) within
2 a calendar year from all committees of his or her political party. There shall be no restriction on
3 the amount of "in-kind" contributions that a political party committee may make to a candidate of
4 its political party; provided, that for the purposes of this subsection only, the cost of any
5 preparation and airing of television and/or radio advertisements and the cost of any print
6 advertisements shall not be considered an allowable "in-kind" contribution and shall be subject to
7 the aggregate limitation of twenty-five thousand dollars (\$25,000).

8 ~~(f)~~(g) (1) A contribution from an individual's dependent children, as defined in § 36-14-
9 2, shall be deemed a contribution from the individual for the purpose of determining whether
10 aggregate contributions exceed either the one hundred dollar (\$100) threshold for reporting
11 purposes or the one thousand dollar (\$1,000) maximum for contributions to a single candidate or
12 political action committee ~~or the ten thousand dollar (\$10,000) maximum for contributing to all~~
13 ~~candidates and political action committees~~ within a calendar year.

14 (2) No dependent child shall contribute an amount which, when added to contributions
15 already made by that child's parent or legal guardian and by other dependent children of that
16 parent or legal guardian, exceed the one thousand dollar (\$1,000) maximum for contributions to a
17 single candidate or political action committee ~~or exceed the ten thousand dollar (\$10,000)~~
18 ~~maximum for contributions to all state or local candidates and political action committees~~ within
19 a calendar year.

20 ~~(g)~~(h) Nothing in this section shall be construed to restrict the amount of money that a
21 candidate can borrow in his or her own name, and subsequently contribute or loan to his or her
22 own campaign.

23 ~~(h)~~(i) (1) It shall be unlawful for any corporation, whether profit or non-profit, domestic
24 corporation or foreign corporation, as defined in § 7-1.2-106, or other business entity to make any
25 campaign contribution or expenditure, as defined in § 17-25-3, to or for any candidate, political
26 action committee, or political party committee, or for any candidate, political action committee,
27 or political party committee to accept any campaign contribution or expenditure from a
28 corporation or other business entity. Any contribution made in the personal name of any
29 employee of a corporation or other business entity, for which the employee received or will
30 receive reimbursement from the corporation or other business entity, shall be considered as a
31 contribution by the corporation or other business entity, in violation of this section.

32 (2) Any voluntary payroll deduction and/or contribution made by employees of a
33 corporation or other business entity shall not be deemed a contribution of a corporation or other
34 business entity, notwithstanding that the contributions were sent to the recipient by the

1 corporation or other business entity.

2 ~~(j)~~ All contributions of funds shall be by check, money order, or credit card and may
3 be made over the Internet, but in each case the source of the funds must be identified; provided,
4 that candidates may accept contributions in cash which do not exceed twenty-five dollars
5 (\$25.00) in the aggregate from an individual within a calendar year. The cash contribution must
6 be delivered directly by the donor to the candidate, his or her campaign treasurer, or deputy
7 treasurer. The treasurer or deputy treasurer shall maintain a record of the name and address of all
8 persons making these cash contributions.

9 ~~(k)~~ Except as provided in subsection (h) of this section, no entity other than an
10 individual, a political action committee which is duly registered and qualified pursuant to the
11 terms of this chapter, political party committee authorized by this title, or an authorized
12 committee of an elected official or candidate established pursuant to this chapter shall make any
13 contribution to or any expenditure on behalf of or in opposition to any candidate, political action
14 committee, or political party.

15 **17-25-11. Dates for filing of reports by treasurers of candidates or of committees.**

16 **[Effective January 1, 2016.]** -- (a) During the period between the appointment of the campaign
17 treasurer for state and municipal committees and political action committees, or in the case of an
18 individual the date on which the individual becomes a "declared or undeclared candidate" as
19 defined in § 17-25-3(2), except when the ninety-day (90) reporting period ends less than forty
20 (40) days prior to an election in which case the ninety-day (90) report shall be included as part of
21 the report required to be filed on the twenty-eighth (28th) day next preceding the day of the
22 primary, general, or special election pursuant to subdivision (2) of this subsection, and the
23 election, with respect to which contributions are received or expenditures made by him or her in
24 behalf of, or in opposition to, a candidate, the campaign treasurer of a candidate, a political party
25 committee, or a political action committee shall file a report containing an account of
26 contributions received, and expenditures made, on behalf of, or in opposition to, a candidate:

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

29 (2) In a contested election, on the twenty-eighth (28th) and seventh (7th) days next
30 preceding the day of the primary, general, or special election; provided, that in the case of a
31 primary election for a special election where the twenty-eighth (28th) day next preceding the day
32 of the primary election occurs prior to the first day for filing declarations of candidacy pursuant to
33 § 17-14-1, the reports shall be due on the fourteenth (14th) and seventh (7th) days next preceding
34 the day of the primary election for the special election; and

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

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

6 (ii) The amount contributed by each person;

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

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

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

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

33 (2) In addition to the reports required pursuant to this section, a candidate or office
34 holder shall also file with the board of elections a paper copy of the account statement from the

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

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

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

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

33 (f) A campaign treasurer must file a report containing an account of contributions
34 received and expenditures made at the ninety-day (90) intervals provided for in subsection (c) of

1 this section for any ninety-day (90) period in which the campaign received contributions in excess
2 of a total of one hundred dollars (\$100) within a calendar year from any one source and/or made
3 expenditures in excess of one thousand dollars (\$1,000) within a calendar year; however, the time
4 to file under this subsection shall be no later than the last day of the month following the ninety-
5 day (90) period, except when the last day of the month filing deadline following the ninety-day
6 (90) reporting period occurs less than twenty-eight (28) days before an election, in which case the
7 report shall be filed pursuant to the provisions of subdivisions (a)(1) and (2) of this section.
8 Provided, however, if the last day of the month falls on a weekend or a holiday, the report shall be
9 due on the following business day.

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

13 (2) Any person or entity required to file reports with the board of elections pursuant to
14 this section and who or that has not filed the report by the required date, unless granted an
15 extension pursuant to subdivision (1) of this subsection, shall be fined twenty-five dollars
16 (\$25.00). Notwithstanding any of the provisions of this section, the board of elections shall have
17 the authority to waive late filing fees for good cause shown.

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

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

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LC005168
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO ELECTIONS - CONDUCT OF ELECTIONS AND CAMPAIGN FINANCE

1 This act would allow a voter who has requested a mail ballot, but has not voted to vote a
2 provisional ballot on election day. It would also add definitions for terms "conduit" and
3 "earmarked" for the purpose of reporting campaign contributions. It would clarify an ambiguity
4 concerning the reporting requirements for independent advocates, eliminate aggregate limits on
5 contributions, and add a prohibition on earmarked contributions. The act would additionally allow
6 the filing of a paper copy of a candidate/office holder's campaign account statement upon
7 dissolution of the account.

8 This act would take effect upon passage.

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LC005168
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