

2020 -- H 7721

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO ELECTIONS -- CAMPAIGN FINANCE -- FORFEITURE OF  
CONTRIBUTIONS

Introduced By: Representatives McKiernan, Caldwell, McEntee, O'Brien, and Craven

Date Introduced: February 26, 2020

Referred To: House Judiciary

(Governor)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 17-14-1 of the General Laws in Chapter 17-14 entitled "Nomination  
2 of Party and Independent Candidates" is hereby amended to read as follows:

3 **17-14-1. Declarations of candidacy.**

4 During the last consecutive Monday, Tuesday, and Wednesday in June in the even years  
5 and during the thirty-ninth (39th) and fortieth (40th) days preceding a primary election for a special  
6 election, or for an election regularly scheduled for a time other than the biennial general statewide  
7 election, each voter desiring to be a candidate at the upcoming primary or an independent candidate  
8 on final nomination papers shall, on a form that shall be provided by the secretary of state, file a  
9 declaration of his or her candidacy not later than four (4:00) p.m. of the last day for the filing with  
10 the secretary of state for congressional and statewide general offices, or with the local board of the  
11 place of the candidate's voting residence for general assembly, or state committee or senatorial and  
12 representative district committee or with the appropriate local board for local officers. The  
13 declaration shall be signed by the candidate as his or her name appears on the voting list. The  
14 signature shall be accepted as valid if it can be reasonably identified to be the name and signature  
15 of the voter it purports to be. A variation of the voter's signature by the insertion or omission of  
16 identifying titles or by the substitution of initials for the first or middle names of both shall not in  
17 itself be grounds for invalidation of the signature. The declaration shall also include the following  
18 information:

1 (1) The candidate's name as it appears on the voting list, subject to the same provisions as  
2 relate to the voter's signature on the declaration;

3 (2) The address as it appears on the voting list, provided that an address which is  
4 substantially the same as the address on the voting list shall be valid;

5 (3) The party declaration if seeking to run in a party primary;

6 (4) The office sought;

7 (5) The place and date of birth;

8 (6) The length of residence in the state and in the town or city where he or she resides;

9 (7) A certification that he or she is neither serving a sentence, including probation or parole,  
10 for which he or she was imprisoned upon final conviction of a felony imposed on any date nor  
11 serving any sentence, whether incarcerated or suspended, on probation or parole, upon final  
12 conviction of a felony committed after November 5, 1986;

13 (8) A certification that he or she has not been lawfully adjudicated to be non compos  
14 mentis, of unsound mind;

15 (9) If a person is a candidate for state or local office, a certification that, as of the date of  
16 declaration, they have no campaign finance reports, due on or after July 1, 2019, to the state board  
17 of elections, pursuant to chapter 25 of this title, that are more than thirty (30) days overdue;

18 (10) If a person is a candidate for state or local office, a certification that, as of the date of  
19 declaration, they have no unpaid fines, fees, or penalties assessed on or after July 1, 2019, by the  
20 state board of elections, pursuant to its authority granted under chapter 7 or 25 of this title, that are  
21 overdue by more than thirty (30) days; provided that, any fines, fees, or penalties, that are subject  
22 to payment plans as agreed to with the state board of elections or being appealed pending  
23 determination by the state board of elections or a court of competent jurisdiction, or for which the  
24 time to appeal to the state board of elections or a court of competent jurisdiction has not expired  
25 shall not be considered overdue for purposes of this subsection;

26 ~~(9)~~(11) In the case of candidates for party nomination, a certification that he or she has not  
27 been a member of a political party other than the declared party within ninety (90) days of the filing  
28 date; and

29 ~~(10)~~(12) If a person is a candidate for a state or local office, a certification that the person  
30 has not within the preceding three (3) years served any sentence, incarcerated or suspended, on  
31 probation or parole, for a crime committed after November 5, 1986, upon a plea of nolo contendere  
32 or guilty or upon a conviction of a felony or for a misdemeanor for which a sentence of  
33 imprisonment for six (6) months or more, whether suspended or to be served as imposed.

34 SECTION 2. Sections 17-25-11, 17-25-13, 17-25-16 and 17-25-27 of the General Laws in

1 Chapter 17-25 entitled "Rhode Island Campaign Contributions and Expenditures Reporting" are  
2 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  
20 primary election occurs prior to the first day for filing declarations of candidacy pursuant to § 17-  
21 14-1, the reports shall be due on the fourteenth (14th) and seventh (7th) days next preceding the  
22 day of the primary election for the special election; and

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

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

28 (ii) The amount contributed by each person;

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

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

32 (b) Concurrent with the report filed on the twenty-eighth (28th) day following an election,  
33 or at any time thereafter, the campaign treasurer of a candidate, or political party committee, or  
34 political action committee, may certify to the board of elections that the campaign fund of the

1 candidate, political party committee, or political action committee having been instituted for the  
2 purposes of the past election, has completed its business and been dissolved or, in the event that  
3 the committee will continue its activities beyond the election, that its business regarding the past  
4 election has been completed. The certification shall be accompanied by a final accounting of the  
5 campaign fund, or of the transactions relating to the election, including the final disposition of any  
6 balance remaining in the fund at the time of dissolution or the arrangements that have been made  
7 for the discharge of any obligations remaining unpaid at the time of dissolution.

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

20 (2) In addition to the reports required pursuant to this section, a candidate or office holder  
21 shall also file with the board of elections a paper copy of the account statement from the office  
22 holder's campaign account, which account statement shall be the next account statement issued by  
23 their financial institution after the filing of the fourth quarterly campaign expense report. [A](#)  
24 [campaign treasurer certifying that the campaign fund has completed its business and has been](#)  
25 [dissolved shall also file with the board of elections a paper copy of the account statement from the](#)  
26 [candidate's or office holder's campaign account, which account statement shall be the account](#)  
27 [statement issued by the candidate's or office holder's financial institution following the date of](#)  
28 [dissolution. In each instance, the](#) ~~The~~ account statement shall be submitted to the board within thirty  
29 (30) days of its receipt by the candidate, officeholder, treasurer, or deputy treasurer. The account  
30 statement shall not be deemed a public record pursuant to the provisions of chapter 2 of title 38.  
31 The board of elections, its agents, and employees shall not publish, deliver, copy, or disclose, to  
32 any person or entity any account statement or information contained therein for any candidate,  
33 former candidate, officeholder, party, or political action committee. Provided, as to state and  
34 municipal political parties, the requirements of this subsection (c)(2) shall apply to the annual report

1 required pursuant to § 17-25-7.

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

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

16 (e) On or before the first date for filing contribution and expenditure reports, the campaign  
17 treasurer may file a sworn statement that the treasurer will accept no contributions in excess of one  
18 hundred dollars (\$100) within a calendar year from any one source other than the candidate or in  
19 excess of one thousand dollars (\$1,000) from the candidate for their own campaign within a  
20 calendar year nor make aggregate expenditures in excess of ~~the minimum amounts for which a~~  
21 ~~report is required by this chapter~~ one thousand dollars (\$1,000) within a calendar year. Thereafter,  
22 the 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.

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

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

4 (2) Any ~~person or entity~~ candidate or campaign treasurer of the political action committee  
5 or political party committee required to file reports with the board of elections pursuant to this  
6 section and who or that 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)~~ one  
8 hundred dollars (\$100) for each act of non-compliance in the case of a candidate and for each act  
9 of non-compliance which occurred during their tenure in the case of a campaign treasurer of a  
10 political action committee or political party committee, respectively. Notwithstanding any of the  
11 provisions of this section, the board of elections shall have the authority to waive late filing fees  
12 for good cause shown.

13 (3) The board of elections shall send a notice of non-compliance, by certified mail, ~~to any~~  
14 ~~person or entity who or that fails to file the reports required by this section~~ to the candidate or the  
15 campaign treasurer, as applicable, within fourteen (14) days following the date on which any report  
16 is required to be filed pursuant to this section. ~~A person or entity who or that is sent a notice of non-~~  
17 ~~compliance and~~ If the candidate or campaign treasurer, as applicable fails to file the required report  
18 within seven (7) days of the receipt of the notice, they shall be fined ~~two dollars (\$2.00)~~ ten dollars  
19 (\$10.00) per day from the day of receipt of the notice of non-compliance until the day the report  
20 has been received by the state board, up to one thousand dollars (\$1,000) in fines per report.  
21 Notwithstanding any of the provisions of this section, the board of elections shall have the authority  
22 to waive late filing fees for good cause shown.

### 23 **17-25-13. Penalties.**

24 (a) Any person who willfully and knowingly violates the provisions of this chapter shall,  
25 upon conviction, be guilty of a misdemeanor and shall be fined not more than one thousand dollars  
26 (\$1,000) per violation.

27 (b) The state board may fine any person or entity who violates the provisions of this chapter  
28 in an amount not more than ~~one hundred dollars (\$100)~~ five hundred dollars (\$500) per violation.

29 (c) Fines, fees and penalties imposed by the state board for violations of this chapter shall  
30 be paid for by the candidate, officeholder or entity against whose campaign the fines, fees or  
31 penalties have been levied. Fines, fees and penalties levied by the state board pursuant to this  
32 chapter shall not be paid for from contributions or funds available in a campaign account.

33 (d) There is hereby created within the general fund a restricted receipt account to be known  
34 as the "board of elections' fines and penalties account." All fines, penalties, and judgements

1 [collected by the board of elections shall be deposited into this account and funds shall be used to](#)  
2 [support the board's auditing, compliance, and enforcement activities.](#)

3 **17-25-16. Enjoining of illegal acts -- Forfeiture of contributions.**

4 (a) [In addition to any and all other rights and remedies that may exist at law, including, but](#)  
5 [not limited to § 11-41-31.1, whenever](#) ~~Whenever~~ the board of elections has reason to believe that a  
6 candidate, political party committee, or political action committee, or the campaign treasurer or  
7 deputy campaign treasurer of the candidate or committee, has accepted a contribution or made an  
8 expenditure in violation of the provisions of this chapter, or willfully and knowingly has made a  
9 false statement in any of the reports required under this chapter or failed to file any report, or has  
10 otherwise violated this chapter, the board may, in addition to all other actions authorized by law,  
11 request the attorney general to bring an action in the name of the state of Rhode Island in the  
12 superior court against the person and/or committee to enjoin them from continuing the violation,  
13 or doing any acts in furtherance of the violation, and for any other relief that the court deems  
14 appropriate. In addition, the court may order the forfeiture of any or all contributions accepted in  
15 violation of and/or not reported as required by this chapter. All contributions so forfeited shall  
16 become the property of the state.

17 (b) The court shall also impose a civil penalty not exceeding three (3) times the amount of:

18 (1) Contributions made or accepted in violation of this chapter;

19 (2) Expenditures made in violation of this chapter; and/or

20 (3) Contributions or expenditures not reported as required by this chapter.

21 (c) All funds collected pursuant to this section shall be deposited in the fund established  
22 for the public financing of the electoral system pursuant to this chapter.

23 **17-25-27. Post-audit of accounts -- Publication.**

24 (a) The board may conduct a post-audit of all accounts and transactions for any election  
25 cycle and may conduct any other special audits and post-audits that it may deem necessary. The  
26 board shall publish a summary of the reports filed by candidates for general office pursuant to the  
27 public financing provision of this chapter on or before April 1 of the year following any year in  
28 which elections are held for statewide elective office.

29 (b) [No later than January 1, 2020, the board shall select a statistically random sample of at](#)  
30 [least twelve and one-half percent \(12.5%\) of candidates for general office, who raised or expended](#)  
31 [more than ten thousand dollars \(\\$10,000\) in either year of the 2018 election cycle, at least twelve](#)  
32 [and one-half percent \(12.5%\) of other candidates who raised or expended more than ten thousand](#)  
33 [dollars \(\\$10,000\) in either year of the 2018 election cycle, and at least twelve and one-half percent](#)  
34 [\(12.5%\) of political action committees which raised or expended more than ten thousand dollars](#)

1 (\$10,000) in either year of the 2018 election cycle. The board shall conduct a post-audit of each  
2 selected candidate and political action committee by December 31, 2021. In conducting such a  
3 post-audit, the board shall review at least two (2) years of records for each candidate and political  
4 action committee that has been active for at least two (2) years.

5 (c) Beginning in January 2022 and in the January of each odd numbered year thereafter,  
6 the board shall select a statistically random sample of at least twenty-five percent (25%) of  
7 candidates for general office, who raised or expended more than ten thousand dollars (\$10,000) in  
8 either year of the previous election cycle, at least twenty-five percent (25%) of other candidates  
9 who raised or expended more than ten thousand dollars (\$10,000) in either year of the 2018 election  
10 cycle, and at least twenty-five percent (25%) of political action committees which raised or  
11 expended more than ten thousand dollars (\$10,000) in either year of the previous election cycle.  
12 The board shall conduct a post-audit of each selected candidate and political action committee, by  
13 the end of the following even numbered year. In conducting such a post-audit, the board shall  
14 review at least two (2) years of records for each candidate and political action committee that has  
15 been active for at least two (2) years.

16 SECTION 3. Section 17-25.2-5 of the General Laws in Chapter 17-25.2 entitled "Ballot  
17 Question Advocacy and Reporting" is hereby amended to read as follows:

18 **17-25.2-5. Reporting by ballot question advocates.**

19 (a) Every ballot-question advocate shall file periodic reports signed by an individual  
20 responsible for its contents on a form prescribed by the board of elections setting forth the name  
21 and address of the ballot-question advocate, including any other name under which the ballot-  
22 question advocate conducts ballot-question advocacy, the name and address of the person filing the  
23 report; and

24 (1) The name, address and, if applicable, the place of employment of each person making  
25 a contribution or contributions that in the aggregate exceed one thousand-eight hundred dollars  
26 (\$1,800) per election cycle to a ballot-question advocate for purposes of ballot question advocacy  
27 and the amount contributed by each person or source; provided, however, this information shall be  
28 reported only if:

29 (i) The contributions received by a ballot-question advocate are solicited in any way,  
30 including by written, electronic, or verbal means, by the ballot-question advocate specifically for  
31 ballot-question advocacy; or

32 (ii) The contributions were specifically designated by the contributor for ballot-question  
33 advocacy; or

34 (iii) The ballot question advocate knew or had reason to know that the contributor intended



1 or expected that the majority of the contributions be used for ballot question advocacy; and

2 (2) The name and address of every person or entity receiving an expenditure for ballot-  
3 question advocacy, which in the aggregate exceeds one hundred dollars (\$100), the amount of each  
4 expenditure for ballot-question advocacy, and the total amount of expenditures for ballot-question  
5 advocacy made by the ballot-question advocate as of the last report date; and

6 (3) A statement of the position of the ballot-question advocate in support of or opposition  
7 to the ballot-question; and

8 (4) The names and addresses of all identified members or endorsing organizations,  
9 corporations, and/or associations that authorize the ballot-question advocate to represent to the  
10 public that they support the positions of the ballot-question advocate; and

11 (5) The name and address of at least one of the officers of the ballot question advocate, if  
12 any, or one individual that is responsible for the ballot question advocate's compliance with the  
13 provisions of this chapter.

14 (b) The first report must be filed by a ballot-question advocate for the period beginning  
15 when the ballot-question advocate expends a cumulative total that exceeds one thousand dollars  
16 (\$1,000) for ballot-question advocacy and ending the last day of the first full month following such  
17 date, to be filed with the board of elections due no later than seven (7) days after the end of the  
18 month. A ballot-question advocate must thereafter file calendar month reports with the board of  
19 elections due no later than seven (7) days after the end of the month; provided, that in lieu of filing  
20 for the last full calendar month preceding the ballot question election, a report must be filed due no  
21 later than seven (7) days before the election.

22 (c) A ballot-question advocate must file a final report of contributions received and  
23 expenditures made for ballot-question advocacy no later than thirty (30) days after the election for  
24 the ballot question is held subject to the provisions of § 17-25.2-6. All reports filed with the board  
25 of elections must be received no later than 4:00 p.m. on the due date.

26 (d)(1) The board of elections may, for good cause shown and upon receipt of a written or  
27 electronic request, grant a seven (7) day extension for filing a report; provided, however, that the  
28 request must be received no later than the date and time upon which the report is due to be filed,  
29 and further if the election for the ballot question is to be held less than seven (7) days from the  
30 report due date and time, the report must be filed prior to the election date.

31 (2) Any ballot-question advocate required to file reports with the board of elections  
32 pursuant to this section and who has not filed the report by the required date and time, unless  
33 granted an extension by the board, shall be fined ~~twenty five dollars (\$25.00)~~ one hundred dollars  
34 (\$100).

1 (3) The board of elections shall send a notice of noncompliance, by certified mail, to the  
2 ballot-question advocate who fails to file the reports required by this section. A ballot-question  
3 advocate that has been sent a notice of noncompliance and fails to file the required report within  
4 seven (7) days of the receipt of the notice shall be fined ~~two dollars (\$2.00)~~ ten dollars (\$10.00) per  
5 day from the date of the receipt of the notice of noncompliance until the day the report is received  
6 by the board of elections; provided that, no fine for any one late report shall exceed one thousand  
7 dollars (\$1,000). Notwithstanding any of the provisions of this section, the board of election shall  
8 have the authority to waive late filing fees for good cause shown.

9 SECTION 4. Chapter 17-14 of the General Laws entitled "Nomination of Party and  
10 Independent Candidates" is hereby amended by adding thereto the following sections:

11 **17-14-18. Campaign reporting.**

12 A person shall be disqualified as a candidate for elective office if that person has, as of the  
13 date of filing of a declaration of candidacy pursuant to chapter 14 of this title, or as of the date on  
14 which an irregular, or "write-in," ballot for such person is cast pursuant to § 17-19-31, whichever  
15 is applicable, any reports due on or after July 1, 2019, to the state board of elections pursuant to  
16 chapter 25 of this title that are more than thirty (30) days overdue.

17 **17-14-19. Payments.**

18 A person shall be disqualified as a candidate for elective office if the person has, as of the  
19 date of filing a declaration of candidacy pursuant to chapter 14 of this title, or as of the date on  
20 which an irregular, or "write-in," ballot for such person is cast pursuant to § 17-19-31, whichever  
21 is applicable, any unpaid fines, fees, or penalties assessed on or after July 1, 2019, by the state  
22 board of elections pursuant to its authority granted under chapter 7 or 25 of this title that are overdue  
23 by more than thirty (30) days; provided, however, that any fines, fees, or penalties that are subject  
24 to payment plans as agreed with the state board of elections, or being appealed pending  
25 determination by the state board of elections or a court of competent jurisdiction, or for which the  
26 time to appeal to the state board of elections or a court of competent jurisdiction has not expired  
27 shall not be considered overdue for purposes of this section.

28 SECTION 5. Chapter 11-41 of the General Laws entitled "Theft, Embezzlement, False  
29 Pretenses, and Misappropriation" is hereby amended by adding thereto the following section:

30 **11-41-31.1. Forfeiture of campaign contributions.**

31 (a) For purposes of this section:

32 (1) "Candidate," "contributions," "person," "public office," and "state" shall have the same  
33 meanings provided to them respectively, in § 17-25-3.

34 (2) "Convicted of any specified crime" means being convicted of any specified crime, as

1 defined in this section, in this state or being convicted under the laws in any other state or the United  
2 States of America, of a crime which, if committed in this state, would be considered a specified  
3 crime, and for which the person has not received a pardon, from the governor of this state, the  
4 governor or other officer authorized to grant pardons in another state, or the president of the United  
5 States of America.

6 (3) "Pleads guilty or nolo contendere" does not include any plea of nolo contendere which  
7 does not constitute a conviction under §§ 12-10-12 or 12-18-3.

8 (4) "Specified crime" means any felony involving the accepting or giving, or offering to  
9 give, any bribe relating to a public office, the embezzlement of campaign contributions or public  
10 money, extortion or theft of campaign contributions or public money, or conspiracy to commit any  
11 of the above.

12 (b) Notwithstanding any law to the contrary, if any candidate or former candidate is  
13 convicted of, or pleads guilty or nolo contendere to, any specified crime, the judge, as part of any  
14 sentence imposed, may order the forfeiture of any or all campaign contributions of the candidate  
15 or former candidate to pay campaign debts and expenses already incurred, return donations to  
16 contributors, donate to the general fund of this state, or a combination of the above.

17 (c) In determining whether campaign funds shall be forfeited, the court shall consider and  
18 make an express finding on the following factors:

19 (1) The severity of the specified crime of which the candidate or former candidate has been  
20 convicted or to which the candidate or former candidate has pleaded guilty or nolo contendere;

21 (2) The amount of monetary loss suffered by any person as a result of the underlying  
22 specified crime; and

23 (3) Any other factors that, in the judgment of the court, justice may require.

24 SECTION 6. 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 -- FORFEITURE OF  
CONTRIBUTIONS

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1           This act creates a statutory scheme to better enforce campaign finance reporting laws by  
2   expanding the possible penalties for late or non-compliance. It would promote audits and authorize  
3   the forfeiture of campaign funds for criminal convictions for the embezzlement of campaign funds  
4   or other campaign finance violations.

5           This act would take effect upon passage.

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