

2019 -- H 6006

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LC002413
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO ELECTIONS -- RHODE ISLAND CAMPAIGN CONTRIBUTIONS AND
EXPENDITURES REPORTING

Introduced By: Representatives Solomon, Johnston, Blazejewski, Casey, and
Maldonado

Date Introduced: April 12, 2019

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

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

4 **17-25-11. Dates for filing of reports by treasurers of candidates or of committees.**

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

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

18 (2) ~~In a contested election~~ For all elections, whether the candidate has a contested

1 [primary or not](#), on the twenty-eighth (28th) and seventh (7th) days next preceding the day of the
2 primary, general, or special election; provided, that in the case of a primary election for a special
3 election where the twenty-eighth (28th) day next preceding the day of the primary election occurs
4 prior to the first day for filing declarations of candidacy pursuant to § 17-14-1, the reports shall be
5 due on the fourteenth (14th) and seventh (7th) days next preceding the day of the primary election
6 for the special election; and

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

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

12 (ii) The amount contributed by each person;

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

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

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

27 (c)(1) Once the campaign treasurer certifies that the campaign fund has completed its
28 business and been dissolved, no contribution that is intended to defray expenditures incurred on
29 behalf of, or in opposition to, a candidate during the campaign can be accepted. Until the time
30 that the campaign treasurer certifies that the campaign fund has completed its business and been
31 dissolved, the treasurer shall file reports containing an account of contributions received and
32 expenditures made at ninety-day (90) intervals commencing with the next quarterly report
33 following the election; however, the time to file under this subsection shall be no later than the
34 last day of the month following the ninety-day (90) period, except when the last day of the month

1 filing deadline following the ninety-day (90) reporting period occurs less than twenty-eight (28)
2 days before an election, in which case the report shall be filed pursuant to the provisions of
3 subdivisions (a)(1) and (2) of this section. Provided, however, if the last day of the month falls on
4 a weekend or a holiday, the report shall be due on the following business day.

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

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

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

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

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

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

15 (2) Any person or entity required to file reports with the board of elections pursuant to
16 this section and who or that has not filed the report by the required date, unless granted an
17 extension pursuant to subdivision (1) of this subsection, shall be fined twenty-five dollars
18 (\$25.00). Notwithstanding any of the provisions of this section, the board of elections shall have
19 the authority to waive late filing fees for good cause shown.

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

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO ELECTIONS -- RHODE ISLAND CAMPAIGN CONTRIBUTIONS AND
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- 1 This act would require all candidates to file the same number of campaign finance
- 2 reports, all due at the same times, whether or not they have a contested primary election.
- 3 This act would take effect upon passage.

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