

2018 -- H 7722

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO CRIMINAL OFFENSES -- THEFT, EMBEZZLEMENT, FALSE  
PRETENSES, AND MISAPPROPRIATION

Introduced By: Representatives Morin, Messier, Casey, Phillips, and Solomon

Date Introduced: February 28, 2018

Referred To: House Judiciary

(Governor)

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 11-41 of the General Laws entitled "Theft, Embezzlement, False  
2 Pretenses, and Misappropriation" is hereby amended by adding thereto the following section:

3 **11-41-31.1. Forfeiture of campaign contributions.**

4 (a) For the purpose of this section:

5 (1) "Candidate," "contributions," "person," "public office," and "state" have the same  
6 meanings ascribed to them, respectively, in § 17-25-3.

7 (2) "Convicted of any specified crime" means being convicted of any specified crime in  
8 this state and being convicted under the laws in any other state or the United States of America of  
9 a crime that, if committed in this state, would be a specified crime, and for which the person has  
10 not received a pardon from the governor of this state, the governor or other officer authorized to  
11 grant pardons in another state, or the president of the United States of America.

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

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

18 (b) Notwithstanding any law to the contrary, if any candidate or former candidate is

1 convicted of, or pleads guilty or nolo contendere to, any specified crime, the judge, as part of any  
2 sentence imposed, may order the forfeiture of any or all campaign contributions of the candidate  
3 or former candidate to pay campaign debts and expenses already incurred, return donations to  
4 contributors, donate to the general fund of this state, or a combination of the above.

5 (c) In determining whether campaign funds shall be forfeited, the court shall consider and  
6 make a finding on the following factors:

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

10 (2) The amount of monetary loss suffered by any person as a result of the subject  
11 specified crime; and

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

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

15 **17-14-1. Declarations of candidacy.**

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

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

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

- 1 (3) The party declaration if seeking to run in a party primary;
- 2 (4) The office sought;
- 3 (5) The place and date of birth;
- 4 (6) The length of residence in the state and in the town or city where he or she resides;
- 5 (7) A certification that he or she is neither serving a sentence, including probation or
- 6 parole, for which he or she was imprisoned upon final conviction of a felony imposed on any date
- 7 nor serving any sentence, whether incarcerated or suspended, on probation or parole, upon final
- 8 conviction of a felony committed after November 5, 1986;

9 (8) A certification that he or she has not been lawfully adjudicated to be non compos

10 mentis, of unsound mind;

11 (9) If a person is a candidate for state or local office, a certification that, as of the date of

12 declaration, they have no reports due on or after July 1, 2018, to the state board of elections

13 pursuant to chapter 25 of title 17 that are more than thirty (30) days overdue;

14 (10) If a person is a candidate for state or local office, a certification that, as of the date of

15 declaration, they have no unpaid fines, fees, or penalties assessed on or after July 1, 2018, by the

16 state board of elections pursuant to its authority granted under chapter 7 of title 17 or chapter 25

17 of title 17 that are overdue by more than thirty (30) days, provided that any fines, fees, or

18 penalties that are subject to payment plans as agreed with the state board of elections, or being

19 appealed pending determination by the state board of elections or a court of competent

20 jurisdiction, or for which the time to appeal to the state board of elections or a court of competent

21 jurisdiction has not expired shall not be considered overdue for purposes of this provision;

22 ~~(9)~~(11) In the case of candidates for party nomination, a certification that he or she has

23 not been a member of a political party other than the declared party within ninety (90) days of the

24 filing date; and

25 ~~(10)~~(12) If a person is a candidate for a state or local office, a certification that the person

26 has not within the preceding three (3) years served any sentence, incarcerated or suspended, on

27 probation or parole, for a crime committed after November 5, 1986, upon a plea of nolo

28 contendere or guilty or upon a conviction of a felony or for a misdemeanor for which a sentence

29 of imprisonment for six (6) months or more, whether suspended or to be served as imposed.

30 SECTION 3. Chapter 17-14 of the General Laws entitled "Nomination of Party and

31 Independent Candidates" is hereby amended by adding thereto the following sections:

32 **17-14-18. Campaign reporting.**

33 A person shall be disqualified as a candidate for elective office if the person has, as of the

34 date of filing of a declaration of candidacy pursuant to chapter 14 of title 17, or as of the date on

1 which an irregular, or “write-in” ballot for such person is cast pursuant to § 17-19-31, whichever  
2 is applicable, any reports due on or after July 1, 2018, to the state board of elections pursuant to  
3 chapter 25 of title 17 that are more than thirty (30) days overdue.

4 **17-14-19. Payments.**

5 A person shall be disqualified as a candidate for elective office if the person has, as of the  
6 date of filing a declaration of candidacy pursuant to chapter 14 of title 17, or as of the date on  
7 which an irregular, or “write-in,” ballot for such person is cast pursuant to § 17-19-31, whichever  
8 is applicable, any unpaid fines, fees, or penalties assessed on or after July 1, 2018, by the state  
9 board of elections pursuant to its authority granted under chapter 7 of title 17 or chapter 25 of title  
10 17 that are overdue by more than thirty (30) days; provided, that any fines, fees, or penalties that  
11 are subject to payment plans as agreed with the state board of elections, or being appealed  
12 pending determination by the state board of elections or a court of competent jurisdiction, or for  
13 which the time to appeal to the state board of elections or a court of competent jurisdiction has  
14 not expired shall not be considered overdue for purposes of this provision.

15 SECTION 4. Sections 17-25-11, 17-25-13, 17-25-16 and 17-25-27 of the General Laws  
16 in Chapter 17-25 entitled "Rhode Island Campaign Contributions and Expenditures Reporting"  
17 are hereby amended to read as follows:

18 **17-25-11. Dates for filing of reports by treasurers of candidates or of committees.**

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

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

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

1 of the primary election occurs prior to the first day for filing declarations of candidacy pursuant to  
2 § 17-14-1, the reports shall be due on the fourteenth (14th) and seventh (7th) days next preceding  
3 the day of the primary election for the special election; and

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

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

9 (ii) The amount contributed by each person;

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

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

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

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

1 a weekend or a holiday, the report shall be due on the following business day.

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

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

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

32 (e) On or before the first date for filing contribution and expenditure reports, the  
33 campaign treasurer may file a sworn statement that the treasurer will accept no contributions, in  
34 excess of one hundred dollars (\$100) within a calendar year from any one source other than the

1 candidate or in excess of one thousand dollars (\$1,000) from the candidate for their own  
2 campaign with a calendar year nor make aggregate expenditures in excess of ~~the minimum~~  
3 ~~amounts for which a report is required by this chapter~~ one thousand dollars (\$1,000) within a  
4 calendar year. Thereafter, the campaign treasurer shall be excused from filing all the reports for  
5 that campaign, other than the final report due on the twenty-eighth (28th) day following the  
6 election.

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

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

21 (2) Any ~~person or entity~~ candidate or campaign treasurer of the political action committee  
22 or political party committee required to file reports with the board of elections pursuant to this  
23 section and who or that has not filed the report by the required date, unless granted an extension  
24 pursuant to subdivision (1) of this subsection, shall be fined ~~twenty five dollars (\$25.00)~~ one  
25 hundred dollars (\$100) for each non-compliance in the case of a candidate and for each non-  
26 compliance arisen during their tenure in the case of a campaign treasurer of a political action  
27 committee or political party committee, respectively. Notwithstanding any of the provisions of  
28 this section, the board of elections shall have the authority to waive late filing fees for good cause  
29 shown.

30 (3) The board of elections shall send a notice of non-compliance, by certified mail, ~~to any~~  
31 ~~person or entity who or that fails to file the reports required by this section~~ to the candidate or the  
32 campaign treasurer, as applicable, within fourteen (14) days following the date on which any  
33 report is required to be filed pursuant to this section. ~~A person or entity who or that is sent a~~  
34 ~~notice of non-compliance and~~ If the candidate or campaign treasurer, as applicable fails to file the

1 required report within seven (7) days of the receipt of the notice, they shall be fined ~~two dollars~~  
2 ~~(\$2.00)~~ ten dollars (\$10.00) per day from the day of receipt of the notice of non-compliance until  
3 the day the report has been received by the state board up to one thousand dollars (\$1,000) in  
4 finer per report. Notwithstanding any of the provisions of this section, the board of elections shall  
5 have the authority to waive late filing fees for good cause shown.

6 **17-25-13. Penalties.**

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

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

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

17 (d) There is hereby created within the general fund a restricted receipt account to be  
18 known as the "board of elections fines and penalties account." All fines, penalties, and  
19 judgements collected by the board of elections shall be deposited into this account and funds shall  
20 be used to support the board's auditing, compliance, and enforcement activities.

21 **17-25-16. Enjoining of illegal acts -- Forfeiture of contributions.**

22 (a) In addition to any and all other rights and remedies that may exist at law, including,  
23 but not limited to, § 11-41-31.1, whenever ~~Whenever~~ the board of elections has reason to believe  
24 that a candidate, political party committee, or political action committee, or the campaign  
25 treasurer or deputy campaign treasurer of the candidate or committee, has accepted a contribution  
26 or made an expenditure in violation of the provisions of this chapter, or willfully and knowingly  
27 has made a false statement in any of the reports required under this chapter or failed to file any  
28 report, or has otherwise violated this chapter, the board may, in addition to all other actions  
29 authorized by law, request the attorney general to bring an action in the name of the state of  
30 Rhode Island in the superior court against the person and/or committee to enjoin them from  
31 continuing the violation, or doing any acts in furtherance of the violation, and for any other relief  
32 that the court deems appropriate. In addition, the court may order the forfeiture of any or all  
33 contributions accepted in violation of and/or not reported as required by this chapter. All  
34 contributions so forfeited shall become the property of the state.



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

- 3 (1) Contributions made or accepted in violation of this chapter;  
4 (2) Expenditures made in violation of this chapter; and/or  
5 (3) Contributions or expenditures not reported as required by this chapter.

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

8 **17-25-27. Post-audit of accounts -- Publication.**

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

14 (b) No later than January 1, 2019, the board shall select a statistically random sample of  
15 at least twelve and one-half percent (12.5%) of candidates for general office who raised or  
16 expended more than ten thousand dollars (\$10,000) in either year of the 2018 election cycle, at  
17 least twelve and one-half percent (12.5%) of other candidates who raised or expended more than  
18 ten thousand dollars (\$10,000) in either year of the 2018 election cycle, and at least twelve and  
19 one-half percent (12.5%) of political action committees which raised or expended more than ten  
20 thousand dollars (\$10,000) in either year in the 2018 election cycle. The board shall conduct a  
21 post-audit of each selected candidate and political action committee by December 31, 2020. In  
22 conducting such a post-audit, the board shall review at least two (2) years of records for each  
23 candidate and political action committee that has been active for at least two (2) years.

24 (c) Beginning in January 2021 and in the January of each odd numbered year thereafter,  
25 the board shall select a statistically random sample of at least twenty-five percent (25%) of  
26 candidates for general office who raised or expended more than ten thousand dollars (\$10,000) in  
27 either year of the previous election cycle, at least twenty-five percent (25%) of other candidates  
28 who raised or expended more than ten thousand dollars (\$10,000) in either year of the previous  
29 election cycle, and at least twenty-five percent (25%) of political action committees which raised  
30 or expended more than ten thousand dollars (\$10,000) in either year of the previous election  
31 cycle. The board shall conduct a post-audit of each selected candidate and political action  
32 committee by the end of the following even numbered year. In conducting such a post-audit, the  
33 board shall review at least two (2) years of records for each candidate and political action  
34 committee that has been active for at least two (2) years.

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

3 **17-25.2-5. Reporting by ballot question advocates.**

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

9 (1) The name, address and, if applicable, the place of employment of each person making  
10 a contribution or contributions that in the aggregate exceed one thousand-eight hundred dollars  
11 (\$1,800) per election cycle to a ballot-question advocate for purposes of ballot question advocacy  
12 and the amount contributed by each person or source; provided, however, this information shall  
13 be reported only if:

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

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

19 (iii) The ballot question advocate knew or had reason to know that the contributor  
20 intended or expected that the majority of the contributions be used for ballot question advocacy;  
21 and

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

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

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

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

34 (b) The first report must be filed by a ballot-question advocate for the period beginning

1 when the ballot-question advocate expends a cumulative total that exceeds one thousand dollars  
2 (\$1,000) for ballot-question advocacy and ending the last day of the first full month following  
3 such date, to be filed with the board of elections due no later than seven (7) days after the end of  
4 the month. A ballot-question advocate must thereafter file calendar month reports with the board  
5 of elections due no later than seven (7) days after the end of the month; provided, that in lieu of  
6 filing for the last full calendar month preceding the ballot question election, a report must be filed  
7 due no later than seven (7) days before the election.

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

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

17 (2) Any ballot-question advocate required to file reports with the board of elections  
18 pursuant to this section and who has not filed the report by the required date and time, unless  
19 granted an extension by the board, shall be fined ~~twenty five dollars (\$25.00)~~ one hundred dollars  
20 (\$100).

21 (3) The board of elections shall send a notice of noncompliance, by certified mail, to the  
22 ballot-question advocate who fails to file the reports required by this section. A ballot-question  
23 advocate that has been sent a notice of noncompliance and fails to file the required report within  
24 seven (7) days of the receipt of the notice shall be fined ~~two dollars (\$2.00)~~ ten (\$10.00) per day  
25 from the date of the receipt of the notice of noncompliance until the day the report is received by  
26 the board of elections, provided that no fine for any one report shall exceed one thousand dollars  
27 (\$1,000). Notwithstanding any of the provisions of this section, the board of election shall have  
28 the authority to waive late filing fees for good cause shown.

29 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 CRIMINAL OFFENSES -- THEFT, EMBEZZLEMENT, FALSE  
PRETENSES, AND MISAPPROPRIATION

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1           This act would amend certain campaign contribution and expenditure reporting  
2 requirements and would provide for forfeiture of campaign contributions upon a conviction or  
3 plea of nolo contendere to specified felony crimes relating to public office.

4           This act would take effect upon passage.

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