

# TITLE 17

## Elections

### CHAPTER 17-25

#### Rhode Island Campaign Contributions and Expenditures Reporting

#### SECTION 17-25-8

**§ 17-25-8 Appointment of campaign treasurer by candidate – Filings.** – (a) Each candidate in an election shall file a "notice of organization" with the board of elections and appoint one campaign treasurer before receiving any contribution or expending any money in furtherance or aid of the candidate's candidacy. The "notice of organization" shall include the name and address of the candidate, the campaign treasurer and the committee being established.

(b) A candidate may appoint deputy campaign treasurers as required. The candidate shall file the names and addresses of deputy campaign treasurers with the board of elections.

(c) A candidate may remove a campaign treasurer or deputy campaign treasurer. In the case of the death, resignation, or removal of a campaign treasurer, the candidate shall appoint a successor as soon as practicable and shall file his or her name and address with the board of elections within ten (10) days. A candidate may serve as his or her own campaign treasurer, and upon failure to designate a treasurer, the candidate shall be designated his or her own treasurer by the board of elections; provided, however that any candidate required to electronically file reports pursuant to §17-25-7.6 (a)(1)(2) shall not be allowed to serve as his or her own campaign treasurer.

**§ 17-25-10 Lawful methods of contributing to support of candidates – Reporting – Disposition of anonymous contributions.** – (a) No contribution shall be made or received, and no expenditures shall be directly made or incurred, to support or defeat a candidate except through:

(1) The duly appointed campaign treasurer, or deputy campaign treasurers, of the candidates; or the candidate, subject to the provisions under §17-25-8(c)

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

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

(4) All candidates are required to designate a bank or other authorized financial institution as a depository of campaign funds. Any and all campaign funds must be maintained in a separate bank account and shall not be comingled with any monies from other sources, provided, however, a separate bank account is not required when the only campaign contributions are received in-kind or when a candidate receives aggregate contributions of one thousand dollars (\$1,000.00) or less in a calendar year, including contributions or loans by a candidate to his or her own campaign.

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

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

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

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

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

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

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

(ii) The amount contributed by each person;

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

(iv) The amount and purpose of each expenditure.

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

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

(d)(1) There shall be no obligation to file the reports of expenditures required by this section on behalf of or in opposition to a candidate if the total amount to be expended in behalf of the

candidacy by the candidate, by any political party committee, by any political action committee, or by any person shall not in the aggregate exceed one thousand dollars (\$1,000).

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

(e) On or before the first date for filing contribution and expenditure reports, the campaign treasurer may file a sworn statement that the treasurer will accept no contributions in excess of one hundred dollars (\$100.00) from a single source within a calendar year nor make aggregate expenditures in excess of ~~the minimum amounts for which a report is required by this chapter: one thousand dollars (\$1000.00) in the same calendar year.~~ Provided, however, that for the purpose of this section only aggregate loans or contributions by a candidate to his or her own campaign or aggregate contributions received in-kind from the political party committee of the candidate may exceed one hundred dollars (\$100.00) within a calendar year. Thereafter, the campaign treasurer shall be excused from filing all the reports for that campaign, other than the final report due ~~on the twenty-eighth (28th) day following the election.~~ by January 31 of the year next following the year for which the sworn statement is filed.

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

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

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

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

(h)(1) Total fines and fees assessed by the Board to any candidate, political action committee or political party committee pursuant to this section shall not exceed one thousand dollars (\$1,000.00).

(2) Any candidate or officeholder required to file reports pursuant to this chapter and having failed to file two (2) or more reports, or who has outstanding fines and fees totaling one thousand dollars (\$1,000.00), shall be prohibited from receiving any contributions or making any expenditures and may not declare as a candidate for public state, local or general office until all delinquent reports are filed and all fines and fees are paid in full. The Board of Elections may, after a hearing, allow a filer whose filings are current but whose fines remain owing, to declare for office provided the Board finds that the filer has no ability to pay his or her fines or it accepts a schedule of payments to pay off the outstanding fines.

(3) Any political action committee or political party committee required to file reports pursuant to this chapter and having failed to file two (2) or more reports, or who has outstanding fines and fees of one thousand dollars (\$1,000.00), may, upon duly noticed hearing and determination by the Board, be prohibited from making any expenditures until all delinquent reports are filed and fines are paid in full. Any persons issuing a check or making an expenditure in violation of this section shall be personally and severally responsible for any fines assessed for the violation.

(4) Any candidate, officeholder, committee member or other person found in violation of sections (2) and (3) shall be subject to the penalty provisions of this chapter.

**SUMMARY:**

*The proposed change to 17-25-10(a)(1) and 17-25-10(c) will include the candidate as an allowable recipient of campaign contributions, consistent with language throughout other sections of Chapter 25.*

*The proposed addition of 17-25-10(a)(4) will require all candidates to maintain a separate bank account as a depository of campaign funds which shall not be comingled with monies from other sources.*

*The proposed change to 17-25-10(b) will eliminate the ambiguity of reporting requirements for an independent advocate following the enactment of 17-25.3*

*The proposed change to 17-25-11(e) will allow a candidate who funds his/her own campaign, or who receives contributions in-kind from its political party to qualify for the annual filing exemption.*

*The change to 17-25-11(g) will cap total fines at \$1,000 and prohibit non-filers and candidates and committees with outstanding fines from declaring for office or accepting contributions or making expenditures until the non-compliance is remedied.*