

## **2016 Board of Elections – Elections Legislative Package**

### **Suggested staff changes**

17-15-14 – Eliminating (c) would allow the local boards of canvassers to hire pollworkers for the primary that are employed by the United States, the State of RI or any city/town with RI.

17-19-1 – This statute may need to be amended in the event that new voting equipment is procured by the Office of the Secretary of State.

17-19-4 – Eliminates a specific minimum number of booths per number of voters and instead allows the Board of Elections to establish a quantity dependent on number of ballots sent by the Secretary of State, and whether it is a statewide election or local special election or referendum.

17-19-12 – Remove the requirement that the local boards of canvassers pick up election supplies from the Board of Elections, because due to logistical reasons these supplies are delivered by the Board of Elections to the polling place with the voting equipment.

17-19-13 – Allows the board flexibility whether to send tabulating equipment to each of the 39 regional sites across the state, which is necessary due to potential new voting equipment.

17-19-23 – Modify the statute to allow for the use of more than one bipartisan pair of supervisors within the polling place, which will allow for more bi-partisan pairs to be assigned and further eliminate lines.

17-19-31 – Updates the statute to reflect modern election administration practices with use of new voting equipment.

17-19-33 – Changes the statute to include current best practices, new voting equipment, and to accommodate the potential use of electronic poll books (voting lists) in future elections.

17-20-2.1 – (regular application) Change the mail ballot application allowing the application to serve as an affirmation form for inactive voters who request a mail ballot from the address from which the voter is currently registered.

17-20-2.2 - (emergency application) Change the mail ballot application allowing the application to serve as an affirmation form for inactive voters who request a mail ballot from the address from which are currently registered. Also eliminate the language on the application that requires voters to state what constitutes the emergency, and that the emergency occurred within 20 days prior to the 4pm deadline the day prior to an election/primary.

17-20-19 – Change the specific BOE address to become generic.

17-20-23 – Remove the language that the oath envelope has to be sealed in the outer envelope and also change the time the ballot must be received by the BOE to match other statutes that state when polls close or ballots must be received by the BOE.

17-20-29 – This change requires a voter who has requested a mail ballot but has not voted it, to vote a provisional ballot on primary/election day.

17-23-2 – Deletes signature on posters and fliers to be consistent with federal law.

17-25-3 - The proposed change to 17-25-10(b) will eliminate the ambiguity of reporting requirements for an independent advocate.

17-25-10 - The Supreme Court decision in *McCutcheon v. Federal Election Commission*, 134 S. Ct. 1434 (2014) struck down a federal law that imposed aggregate annual contribution limits for individuals. The Supreme Court recognized that the government can achieve its legitimate interest in preventing corruption with laws and regulations that prohibit earmarked contributions. In order to comply with Supreme Court precedent, the proposed amendments eliminate aggregate limits and add a prohibition on “earmarked” contributions.

17-25-11 - The proposed new law would include a provision for submitting a paper copy of a candidate’s or office holder’s account statement upon dissolution of the account with the Board of Elections.

## CHAPTER 17-15 Primary Elections

### SECTION 17-15-14

**§ 17-15-14 Qualifications of primary officials – Affidavit.** – (a) Each warden or moderator and each primary supervisor appointed under the provisions of §§ 17-15-13 and 17-15-16 shall be able to read the Constitution of the state in the English language, and to write his or her name, and shall, whenever possible, be a voter of the senatorial district, representative district, or town, ward, or voting district from which he or she is appointed.

(b) No person shall be appointed to serve as a primary official who has been convicted, found guilty, pleaded guilty or nolo contendere, or placed on a deferred or suspended sentence or on probation for any crime which involved moral turpitude or a violation of any of the election, caucus, or primary laws of this or any other state.

~~—(c) No person shall be appointed to serve as a primary official who is an officer or employee of the United States, of this state, or of any city or town of this state, but no person shall be disqualified solely because that person is a notary public or a teacher.~~

(d) No person who is seeking nomination or election at any primary election shall act as a primary official at that primary.

(e) Every primary official shall make an affidavit before the proper local board or some member of the board to the effect that that official is not disqualified by reason of the provisions of this section.

#### History of Section.

(P.L. 1947, ch. 1886, § 19; P.L. 1948, ch. 2100, § 1; G.L. 1956, § 17-15-14; P.L. 1958, ch. 18, § 1; P.L. 1966, ch. 116, § 11; P.L. 2004, ch. 278, § 2; P.L. 2004, ch. 480, § 2.)

#### Summary of Change

17-15-14 – Eliminating ( c ) would allow the local boards of canvassers to hire pollworkers for the primary that are employed by the united states, the state of RI or any city/town within RI, as is already permitted in the General Election.

# TITLE 17

## Elections

### CHAPTER 17-19

### Conduct of Election and Voting Equipment, and Supplies

#### SECTION 17-19-1

**§ 17-19-1 Definitions.** – As used in this chapter, except as otherwise required by the context:

(1) "Computer ballot" means the paper ballot prepared by the office of the secretary of state for use in conjunction with the optical scan precinct count system or the voting equipment precinct count system then in place and procured in accordance with this chapter;

(2) "Voting equipment" means an optical scan precinct count voting system or the voting equipment precinct count system then in place and procured in accordance with this chapter, related memory device, all related hardware and software, accessible voting systems required by federal law, and voting booths;

(3) "Warden" includes moderator and vice versa;

(4) "Candidate" means any individual who has qualified under law to have his or her name appear on the ballot for nomination for election or election to office;

(5) "Write-in candidate" means any individual receiving votes or seeking election to office by virtue of having irregular ballots cast for him or her pursuant to § 17-19-31;

(6) "Public office" means any state, municipal, school, or district office or other position that is filled by popular election, except political party offices which shall mean any state, city, town, ward, or representative or senatorial district committee office of a political party or delegate to a political party convention, or any similar office; and

(7) A "Vote" shall be any mark made with the appropriate marking device within the optech ballot voting area between the head and tail of the arrow on the computer

ballot next to the party, candidate, write-in candidate, or question, as is applicable, for whom the voter casts his or her ballot, except as provided in § 17-20-24.

**History of Section.**

(P.L. 1935, ch. 2195, § 2; G.L. 1938, ch. 318, § 2; P.L. 1940, ch. 818, § 1; impl. am. P.L. 1947, ch. 1886, §§ 36, 39; P.L. 1948, ch. 2151, § 1; G.L. 1956, § 17-19-1; P.L. 1958, ch. 18, § 1; P.L. 1996, ch. 277, § 12; P.L. 1996, ch. 298, § 12; P.L. 2004, ch. 264, § 1; P.L. 2004, ch. 295, § 1; P.L. 2004, ch. 472, § 1; P.L. 2004, ch. 483, § 1; P.L. 2015, ch. 176, § 3; P.L. 2015, ch. 201, § 3.)

**Note: This statute may need to be amended in the event that new voting equipment is procured by the Office of the Secretary of State.**

# TITLE 17

## Elections

### CHAPTER 17-19

### Conduct of Election and Voting Equipment, and Supplies

#### SECTION 17-19-4

**§ 17-19-4 Voting booths and optical scan precinct count units – Number to be furnished.** – (a) For each voting district and for each town not divided into voting districts, an optical scan precinct count unit shall be prepared and delivered by the state board or its designee.

~~(b) At each voting place, both in cities and in towns, one voting booth shall be furnished for every one hundred seventy five (175) qualified electors, whose names are upon the voting list used at the voting place and entitled to use the machines, as certified to the state board based on the voting list certified as a result of the final canvass, the number of polling place units and voting booths must be sufficient to permit the orderly conduct of the election.~~

~~–(c) In making the calculation required by this section, voters whose names are on the inactive list of voters shall not be included.–~~

#### History of Section.

(P.L. 1935, ch. 2195, § 5; P.L. 1938, ch. 2640, § 2; G.L. 1938, ch. 318, § 5; G.L. 1938, ch. 318, § 4; P.L. 1940, ch. 818, § 1; P.L. 1953, ch. 3203, § 1; G.L. 1956, § 17-19-5; G.L. 1956, § 17-19-4; P.L. 1958, ch. 18, § 1; P.L. 1994, ch. 171, § 8; P.L. 1996, ch. 277, § 12; P.L. 1996, ch. 298, § 12.)

#### Summary of Change

17-19-4 – Eliminates a specific minimum number of booths per number of voters and instead allows the Board of Elections to establish a quantity dependent on number of ballots sent by the secretary of state, and whether it is a statewide election or local special election or referendum.

# TITLE 17

## Elections

### CHAPTER 17-19

#### Conduct of Election and Voting Equipment, and Supplies

##### SECTION 17-19-12

**§ 17-19-12 Delivery of election supplies.** – All printed matter, stationery, and supplies required to be furnished by this chapter shall be delivered to or picked up by the proper officer as determined by the state board not later than ~~three (3) days~~ 4:00 p.m. the day before the election for which they are to be used. Computer ballots to be used at each polling place, ballot transfer cases, marking pens, secrecy sleeves and any other items related to the voting equipment shall be packaged by the state board and shall be ~~picked up by the local canvassing authority~~ delivered to or picked up by the proper officer as determined by the state board.

History of Section.

(P.L. 1935, ch. 2195, § 11; P.L. 1938, ch. 2640, § 2; G.L. 1938, ch. 318, § 7; G.L. 1938, ch. 318, § 6; P.L. 1940, ch. 818, § 1; G.L. 1956, § 17-19-13; G.L. 1956, § 17-19-12; P.L. 1958, ch. 18, § 1; P.L. 1996, ch. 277, § 12; P.L. 1996, ch. 298, § 12.)

#### Summary of Change

17-19-12 – Remove the requirement that the local boards of canvassers pick up election supplies from the Board of Elections, because due to logistical reasons these supplies are delivered by the Board of Elections to the polling place with the voting equipment.

# TITLE 17

## Elections

### CHAPTER 17-19

### Conduct of Election and Voting Equipment, and Supplies

#### SECTION 17-19-13

**§ 17-19-13 Exhibition of machines for instructional purposes.** – The local board shall ~~may~~ designate suitable and adequate times and places where optical scan voting equipment and sample ballots showing titles of offices to be filled and, so far as practicable, the names of candidates to be voted for at the next election shall be exhibited for the purpose of giving instructions as to the manner of casting a vote to all voters who apply. No optical scan precinct count unit that is to be used in an election shall be used for the instruction after it has been prepared and sealed for the election.

#### History of Section.

(P.L. 1935, ch. 2195, § 12; G.L. 1938, ch. 318, § 8; G.L. 1938, ch. 318, § 7; P.L. 1940, ch. 818, § 1; G.L. 1956, § 17-19-14; G.L. 1956, § 17-19-13; P.L. 1958, ch. 18, § 1.)

#### Summary of Change

17-19-13 – Allows the board flexibility whether to send tabulating equipment to each of the 39 regional sites across the state, which is necessary due to potential new voting equipment.

# TITLE 17

## Elections

### CHAPTER 17-19

### Conduct of Election and Voting Equipment, and Supplies

#### SECTION 17-19-23

**§ 17-19-23 Wardens and supervisors – Powers and duties.** – The wardens shall:

- (1) Have general supervision of the voting place;
- ~~(2) Assign the first, second, and any additional pairs of supervisors to their respective stations;~~
- ~~(32) From time to time, assign~~ Assign and reassign and relieve the bipartisan pairs of supervisors, as the efficient conduct of the election may require;
- (43) ~~Unlock~~ Access the voting list and set it before the ~~first~~ bipartisan pair (s), if it has not been divided in sections, or set each section before a bipartisan pair where it has been divided in sections, immediately preceding the opening of the polls;
- ~~(54) Assign the second or additional bipartisan pair of supervisors to watch the voters while they are in and about the voting booths, and to enter the voting booths for the purpose of assisting voters who are unable to vote, within the limits provided by this chapter;~~
- (65) Be vigilant and responsible to prevent any voter from voting more than once;
- (76) Cause to be established a single line of persons desiring to vote and enlist the assistance of the supervisors and the police in attendance to maintain that line;
- (87) As far as consistent with their other duties, station themselves at the entrance to the polling area and prevent any person from entering the ~~enclosed~~ designated voting area ~~space behind the rail~~, except under the authority of this chapter, and prevent any person from entering that ~~space~~ area for the purpose of voting until that person's name has been announced and that person's identity certified according to law by the

supervisors in charge of the voting list, and shall prevent any voter from departing the enclosed space while in possession of his or her computer ballot. A notice shall be provided by the state board and posted in a conspicuous place advising that it is a felony for a voter to leave the enclosed area while in possession of his or her ballot. The voter has the option of casting his or her ballot or surrendering the ballot to the warden whereby it will be marked void;

(~~98~~) Cause to be removed or arrested any person or official who commits a violation of the election law in their presence or disturbs the conduct of the voting; provided, that they shall not cause any removal or arrest without the approval of the election inspector, unless the clerk agrees with the wardens that the person or official should be arrested or removed;

(~~109~~) Have the power to administer oaths as required by this title, and to attest the oaths by signature in proof of the administration of the oaths.

#### History of Section.

(G.L. 1938, ch. 318, § 10; P.L. 1940, ch. 818, § 1; G.L. 1956, § 17-19-20; G.L. 1956, § 17-19-23; P.L. 1958, ch. 18, § 1; P.L. 1958 (s.s.), ch. 216, § 1; P.L. 1996, ch. 277, § 12; P.L. 1996, ch. 298, § 12.)

#### **Summary of Change**

17-19-23 – Changes the statute to allow for the use of more than one bipartisan pair of supervisors within the polling place, which will allow for more bi-partisan pairs to be assigned and further eliminate lines.

# TITLE 17

## Elections

### CHAPTER 17-19

#### Conduct of Election and Voting Equipment, and Supplies

##### SECTION 17-19-31

§ 17-19-31 **Irregular ballots.** – Ballots voted for any person whose name does not appear on the ballot as a nominated candidate for office are referred to in this section as "irregular ballots". In voting for presidential electors, a voter may vote an irregular ticket made up of the names of persons in nomination by different parties, or partly of names of persons in nomination and partly of names of persons not in nomination, or wholly of names of persons not in nomination by any party. ~~The Scanned images of the~~ computer ballot containing the irregular ballot shall be ~~stored deposited digitally on the physical electronic media of~~ in the optical scan precinct count unit. With that exception, no irregular ballot shall be voted for any person for any office whose name appears on the ballot as a nominated candidate for that office; any irregular ballot so voted shall not be counted. An irregular ballot must be cast in its appropriate place on the ballot, or it shall be void and not counted and no irregular ballots shall be counted at primaries; provided, that at any presidential primary, irregular ballots shall be counted for those persons whose names have been written in for the office of president. At the close of the polls, irregular ballots shall be packaged according to § 17-19-33 and shall be immediately delivered to the local board of canvassers. The local board shall ~~remain in session to~~ receive the tape from the optical scan precinct count unit containing printed images of each written name on the irregular ballots, or the physical electronic media containing images of the irregular ballots, ~~to open the package labeled as containing write-in votes, and to count~~ and record all write-in votes cast for all federal, state and local races listed on the ~~ballot~~ tape. The local board shall ~~immediately~~ notify the state board of the results through a procedure promulgated by the state board.

History of Section.

(P.L. 1935, ch. 2195, § 17; G.L. 1938, ch. 318, § 13; P.L. 1940, ch. 818, § 1; impl. am. P.L. 1947, ch. 1886, §§ 36, 39; G.L. 1956, § 17-19-27; G.L. 1956, § 17-19-31; P.L. 1958, ch. 18, § 1; P.L. 1966, ch. 199, § 1; P.L. 1992, ch. 7, § 1; P.L. 1992, ch. 205, § 2; P.L. 1996, ch. 277, § 12; P.L. 1996, ch. 298, § 12.)

#### Summary of Changes

17-19-31 – Updates the statute to reflect modern election administration practices with use of new voting equipment.

# TITLE 17

## Elections

### CHAPTER 17-19

### Conduct of Election and Voting Equipment, and Supplies

#### SECTION 17-19-33

**§ 17-19-33 Sealing of voting equipment – Sealing and forwarding of results, programmed memory cartridges ~~devices and keys.~~** – (a) The ~~four~~ (4) copies of the printout tape from the optical scan precinct count unit obtained pursuant to § 17-19-32 shall be distributed as follows:

(1) The first copy, which includes the opening of the polling place information, signatures of the warden and clerk, a timed audit trail of certain events occurring with respect to the optical scan precinct count system and the vote totals for each candidate, shall be attached to the return sheet as provided in § 17-19-11 and immediately delivered to the ~~indicated site as determined by the state board of elections~~ local board of canvassers where it is processed and delivered to the state board of elections ~~by 4:00 p.m. the day following the election through a procedure promulgated by the state board.~~

(2) The ~~second~~ A copy shall be ~~posted~~ made available for public view at the polling place;

(3) The ~~third~~ A copy shall be immediately delivered to the local board of canvassers attached to the return sheet as provided in § 17-19-11, together with the polling place supplies, including the keys to the optical scan precinct count unit and other voting equipment and containers; and

(4) The ~~fourth~~ A copy shall be included with the voted ballots and packaged pursuant to this chapter.

(5) The certified paper or electronic voter list containing voters' signatures shall be ~~packaged~~ secured separately and returned to the local board of canvassers.

(6) All completed official affidavits, forms, reports and supplies shall be packaged and delivered to the local board for subsequent delivery to the state board.

(b) The warden shall:

(1) Remove all voted ballots from the ~~second~~voted ballot compartment of the optical scan precinct count unit and package them in the container provided and labeled as ~~regularly~~voted ballots and stored pursuant to § 17-19-39.1;

~~(2) Remove all voted ballots from the first compartment and package them in the container provided and labeled as containing write-in votes; and~~

(3) Package all ballots from the emergency bin that have not been counted in the container provided and labeled as ~~uncounted~~manual count ballots, and delivered to the local canvassing authority. Any ballots packaged and labeled as ~~uncounted~~manual count ballots shall remain sealed and delivered to the state board ~~by 4:00 p.m. the following day for counting through a procedure promulgated by the state board~~

~~(c) All ballots so packaged shall be immediately delivered to the local canvassing authority. and the local board shall be in session for the counting of any write-in votes. Forthwith upon completion of the counting of all write-in votes the local canvassing authority shall place said ballots in an appropriately labeled container which shall remain in storage pursuant to the requirements of § 17-19-39.1.~~

~~(d) All marking pens, unused printout tapes, secrecy sleeves and other items related to the voting equipment shall be packaged and delivered to the local board for later delivery to the office of the state board of elections.~~

#### History of Section.

(P.L. 1935, ch. 2195, § 18; P.L. 1938, ch. 2640, § 2; G.L. 1938, ch. 318, § 14; P.L. 1940, ch. 818, § 1; P.L. 1944, ch. 1525, § 1; G.L. 1956, § 17-19-29; G.L. 1956, § 17-19-33; P.L. 1958, ch. 18, § 1; P.L. 1996, ch. 277, § 12; P.L. 1996, ch. 298, § 12; P.L. 2004, ch. 128, § 1; P.L. 2004, ch. 494, § 1; P.L. 2006, ch. 192, § 1; P.L. 2006, ch. 313, § 1.)

#### **Summary of Changes**

17-19-33 – Changes the statute to include current best practices, new voting equipment, and to accommodate the potential use of electronic poll books (voting lists) in future elections.

# CHAPTER 17-20

## Mail Ballots

### SECTION 17-20-2.1

**§ 17-20-2.1 Requirements for validity of mail ballot and mail ballot applications.** – (a) Any legally qualified elector of this state whose name appears upon the official voting list of the city, town, or district of the city or town where the elector is qualified, and who desires to avail himself or herself of the right granted to him or her by the Constitution and declared in this chapter, may obtain from the local board in the city or town an affidavit form prepared by the secretary of state as prescribed in this section, setting forth the elector's application for a mail ballot.

(b) Whenever any person is unable to sign his or her name because of physical incapacity or otherwise, that person shall make his or her mark "X".

(c) The application, when duly executed, shall be delivered in person or by mail so that it is received by the local board not later than four o'clock (4:00) p.m. on the twenty-first (21st) day before the day of any election referred to in § 17-20-1. The application for a mail ballot may serve as affirmation if the voter has been placed on the inactive list and the Box A voting address on the mail ballot application matches the address on the voters registration record.

(d) In addition to those requirements set forth elsewhere in this chapter, a mail ballot, in order to be valid, must have been cast in conformance with the following procedures:

(1) All mail ballots issued pursuant to subdivision 17-20-2(1) shall be mailed to the elector at the Rhode Island address provided by the elector on the application. In order to be valid, the signature on all certifying envelopes containing a voted ballot must be made before a notary public or before two (2) witnesses who shall set forth their addresses on the form.

(2) All applications for mail ballots pursuant to § 17-20-2(2) must state under oath the name and location of the hospital, convalescent home, nursing home, or similar institution where the elector is confined. All mail ballots issued pursuant to subdivision 17-20-2(2) shall be delivered to the elector at the hospital, convalescent home, nursing home, or similar institution where the elector is confined; and the ballots shall be voted and witnessed in conformance with the provisions of § 17-20-14.

(3) All mail ballots issued pursuant to subdivision 17-20-2(3) shall be mailed to the address provided by the elector on the application or sent to the board of canvassers in the city or town where the elector maintains his or her voting residence. In order to be valid, the signature of the elector on the certifying envelope containing voted ballots does not need to be notarized or witnessed. Any voter qualified to receive a mail ballot pursuant to subdivision 17-20-2(3) shall also be entitled to cast a ballot pursuant to the provisions of United States Public Law 99-410 ("UOCAVA Act").

(4) All mail ballots issued pursuant to subdivision 17-20-2(4) may be mailed to the elector at the address within the United States provided by the elector on the application or sent to the board of canvassers in the city or town where the elector maintains his or her voting residence. In order to be valid, the signature on all certifying envelopes containing a voted ballot must be made before a notary public, or other person authorized

by law to administer oaths where signed, or where the elector voted, or before two (2) witnesses who shall set forth their addresses on the form. In order to be valid, all ballots sent to the elector at the board of canvassers must be voted in conformance with the provisions of § 17-20-14.2.

(e) Any person knowingly and willfully making a false application or certification, or knowingly and willfully aiding and abetting in the making of a false application or certification, shall be guilty of a felony and shall be subject to the penalties provided for in § 17-26-1.

(f) In no way shall a mail ballot application be disqualified if the voter's circumstances change between the time of making the application and voting his or her mail ballot as long as voter remains qualified to receive a mail ballot under the provisions of § 17-20-2. The local board of canvassers shall provide the state board of elections with written notification of any change in circumstances to a mail ballot voter.

#### History of Section.

(P.L. 1983, ch. 172, § 9; P.L. 1984, ch. 231, § 1; P.L. 1984, ch. 391, § 1; P.L. 1985, ch. 161, § 1; P.L. 1985, ch. 294, § 1; P.L. 1987, ch. 386, § 1; P.L. 1987, ch. 439, § 1; P.L. 1989, ch. 435, § 1; P.L. 1990, ch. 227, § 1; P.L. 1991, ch. 314, § 1; P.L. 1992, ch. 205, § 1; P.L. 2001, ch. 56, § 1; P.L. 2001, ch. 121, § 1; P.L. 2005, ch. 354, § 1; P.L. 2005, ch. 396, § 1; P.L. 2011, ch. 190, § 1; P.L. 2011, ch. 217, § 1.)

#### Summary of Change

17-20-2.1 – (regular application) Change the mail ballot application allowing the application to serve as an affirmation form for inactive voters who request a mail ballot from the address from which the voter is currently registered.

## CHAPTER 17-20

### Mail Ballots

#### SECTION 17-20-2.2

**§ 17-20-2.2 Requirements for validity of emergency mail ballots.** – (a) Any legally qualified elector of this state whose name appears upon the official voting list of the town or district of the city or town where the elector is so qualified, who on account of circumstances ~~manifested~~ twenty (20) days or less prior to any election becomes eligible to vote by mail ballot according to this chapter, may obtain from the local board an application for an emergency mail ballot.

(b) The emergency mail ballot application, when duly executed, shall be delivered in person or by mail so that it shall be received by the local board not later than four o'clock (4:00) p.m. on the last day preceding the date of the election. The application for an emergency mail ballot may serve as affirmation if the voter has been placed on the inactive list and the Box A voting address on the mail ballot application matches the address on the voters registration record.

~~(c) The elector shall execute the emergency mail ballot application in accordance with the requirements of this chapter, which application shall contain a certificate setting forth the facts relating to the circumstances necessitating the application.~~

~~(d)~~ (c) In addition to those requirements set forth elsewhere in this chapter, an emergency mail ballot, in order to be valid, must have been cast in conformance with the following procedures:

(1) All mail ballots issued pursuant to subdivision 17-20-2(1) shall be mailed to the elector at the State of Rhode Island address provided on the application by the office of the secretary of state, or delivered by the local board to a person presenting written authorization from the elector to receive the ballots, or cast in private at the local board of canvassers. In order to be valid, the signature of the voter on the certifying envelope containing a voted ballot must be made before a notary public, or other person authorized by law to administer oaths where signed, or where the elector voted, or before two (2) witnesses who shall set forth their addresses on the form. In order to be valid, all ballots sent to the elector at the board of canvassers must be voted in conformance with the provisions of § 17-20-14.2.

(2) All applications for emergency mail ballots pursuant to subdivision 17-20-2(2) must state under oath the name and location of the hospital, convalescent home, nursing home, or similar institution where the elector is confined. All mail ballots issued pursuant to this subdivision shall be delivered to the elector by the bi-partisan pair of supervisors, appointed in conformance with this chapter, and shall be voted and witnessed in conformance with the provisions of § 17-20-14.

(3) All mail ballots issued pursuant to subdivision 17-20-2(3) shall be mailed by the office of the secretary of state to the elector at an address provided by the elector on the application, or cast at the board of canvassers in the city or town where the elector maintains his or her voting residence. The signature of the elector on the certifying envelope containing the voted ballots issued pursuant to the subdivision does not need to be notarized

or witnessed. Any voter qualified to receive a mail ballot pursuant to subdivision 17-20-2(3) shall also be entitled to cast a ballot pursuant to the provisions of United States Public Law 99-410 ("UOCAVA Act").

(4) All mail ballots issued pursuant to subdivision 17-20-2(4) shall be cast at the board of canvassers in the city or town where the elector maintains his or her voting residence or mailed by the office of the secretary of state to the elector at the address within the United States provided by the elector on the application, or delivered to the voter by a person presenting written authorization by the voter to pick up the ballot. In order to be valid, the signature of the voter on all certifying envelopes containing a voted ballot must be made before a notary public, or other person authorized by law to administer oaths where signed, or where the elector voted, or before two (2) witnesses who shall set forth their addresses on the form. In order to be valid, all ballots sent to the elector at the board of canvassers must be voted in conformance with the provisions of § 17-20-14.2.

(e) (d) The secretary of state shall provide each of the ~~several~~ boards of canvassers with a sufficient number of mail ballots for their voting districts so that the local boards may provide the appropriate ballot or ballots to the applicants. It shall be the duty of each board of canvassers to process each emergency ballot application in accordance with this chapter, and it shall be the duty of each board to return to the secretary of state any ballots not issued immediately after each election.

(f) (e) Any person knowingly and willfully making a false application or certification, or knowingly and willfully aiding and abetting in the making of a false application or certification, shall be guilty of a felony and shall be subject to the penalties provided for in § 17-26-1.

History of Section.

(P.L. 2001, ch. 56, § 2; P.L. 2001, ch. 121, § 2; P.L. 2011, ch. 190, § 1; P.L. 2011, ch. 217, § 1.)

### **Summary of Change**

17-20-2.2 - (emergency application) Change the mail ballot application allowing the application to serve as an affirmation form for inactive voters who request a mail ballot from the address from which are currently registered. Also eliminate the language on the application that requires voters to state what constitutes the emergency, and that the emergency occurred within 20 days prior to the 4pm deadline the day prior to an election/primary.

# CHAPTER 17-20

## Mail Ballots

### SECTION 17-20-19

**§ 17-20-19 Envelopes for return of ballots.** – Envelopes for the enclosure and return of mail ballots and their enclosing certified envelope shall have the printed or written address: "~~Board of Elections, 50 Branch Ave., Providence, Rhode Island 02904-2790~~" of the Board of Elections, and shall be forwarded by the secretary of state to each mail voter whose application for the mail ballot has been received and accepted.

History of Section.  
(P.L. 1978, ch. 258, § 2.)

#### **Summary of Change**

17-20-19 – Change the specific BOE address to become generic.

## CHAPTER 17-20

### Mail Ballots

#### SECTION 17-20-23

**§ 17-20-23 Marking and certification of ballot.** – (a) A voter desiring to vote for all candidates of one political party for national and state, or city or town, offices, shall fill in the appropriate space next to the designation of that party upon the appropriate ballot. A voter casting a straight party vote may also individually vote for candidates and, in doing so, the straight party vote will not be counted for that office and the individual vote, or votes in the case where more than one candidate will be elected for an office, will override the straight party vote for that office.

(b) A voter may omit to mark as provided in subsection (a) of this section and may vote for the candidates of the voter's choice by making a mark in the space provided opposite their respective names.

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

(d) Voters receiving a mail ballot pursuant to subdivisions 17-20-2(1), (2), and (4) shall mark the ballot in the presence of two (2) witnesses or some officer authorized by the law of the place where marked to administer oaths. Voters receiving a mail ballot pursuant to subdivision 17-20-2(3) do not need to have their ballot witnessed or notarized. Except as otherwise provided for by this chapter, the voter shall not allow the official or witnesses to see how he or she marks the ballot and the official or witnesses shall hold no communication with the voter, nor the voter with the official or witnesses, as to how the voter is to vote. Thereafter, the voter shall enclose and seal the ballot in the envelope provided for it. The voter shall then execute before the official or witnesses the certification on the envelope. The voter shall then ~~enclose and seal the certified envelope with the ballot in the envelope addressed to the state board and cause the~~ certified envelope containing the ballot to be delivered to the state board not later than the time prescribed by § 17-18-11 for the closing of polling places on the day of election. ~~on or before election day.~~

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

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

#### History of Section.

(P.L. 1978, ch. 258, § 2; P.L. 1991, ch. 143, § 1; P.L. 1991, ch. 291, § 1; P.L. 1996, ch. 277, § 13; P.L. 1996, ch. 298, § 13; P.L. 2001, ch. 56, § 1; P.L. 2001, ch. 121, § 1; P.L. 2011, ch. 190, § 1; P.L. 2011, ch. 217, § 1.)

#### **Summary of Change**

17-20-23 – Remove the language that the oath envelope has to be sealed in the outer envelope and also change the time the ballot must be received by the BOE to match other statutes that state when polls close or ballots must be received by the BOE.

# TITLE 17

## Elections

### CHAPTER 17-20

#### Mail Ballots

#### SECTION 17-20-29

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

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

History of Section.  
(P.L. 1978, ch. 258, § 2.)

#### **Summary of Change**

17-20-29 – This change requires a voter who has requested a mail ballot but has not voted it, to vote a provisional ballot on primary/election day.

## CHAPTER 17-23 Election Offenses

### SECTION 17-23-2

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

History of Section.

(P.L. 1923, ch. 457, § 2; G.L. 1938, ch. 325, § 2; G.L. 1956, § 17-23-2; P.L. 1958, ch. 18, § 1; P.L. 1975, ch. 282, § 1.)

#### Summary of Change

17-23-2 – deletes signature on posters and fliers to be consistent with federal law.

# TITLE 17

## Elections

### CHAPTER 17-25

## Rhode Island Campaign Contributions and Expenditures Reporting

### SECTION 17-25-10

**§ 17-25-10 Lawful methods of contributing to support of candidates – Reporting – Disposition of anonymous contributions.** [Effective January 1, 2016.]. – (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 candidate or duly appointed campaign treasurer or deputy campaign treasurer of the candidate;
- (2) The duly appointed campaign treasurer or deputy campaign treasurer of a political party committee;
- (3) The duly appointed campaign treasurer or deputy campaign treasurer of a political action committee.

~~(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 that 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.

**SUMMARY:**

***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***

# TITLE 17 Elections

## CHAPTER 17-25

### Rhode Island Campaign Contributions and Expenditures Reporting

#### SECTION 17-25-3

And

#### SECTION 17-25-10.1

As used in this chapter, unless a different meaning clearly appears from the context:

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

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

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

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

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(5) "Earmarked" means a designation, instruction, or encumbrance, whether direct or indirect, express or implied, oral or written, which results in all or any part of a contribution or expenditure being made to, or expended on behalf of, a clearly identified candidate or a candidate's authorized committee.

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

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

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

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

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

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

(4012) "Political action committee" means any group of two (2) or more persons that accepts any contributions to be used for advocating the election or defeat of any candidate or candidates. Only political action committees that have accepted contributions from fifteen (15) or more persons in amounts of ten dollars (\$10.00) or more within an election cycle shall be permitted to make contributions, and those committees must make contributions to at least five (5) candidates for state or local office within an election cycle.

(413) "Public office" means any state, municipal, school, or district office or other position that is filled by popular election, except political party offices. "Political party offices" means any state, city, town, ward, or representative or senatorial district committee office of a political party or delegate to a political party convention, or any similar office.

(4214) "State" means state of Rhode Island.

(4315) "Testimonial affair" means an affair of any kind or nature including, but not limited to, cocktail parties, breakfasts, luncheons, dinners, dances, picnics, or similar affairs expressly and directly intended to raise campaign funds in behalf of a candidate to be used for nomination or election to a public office in this state, or expressly and directly intended to raise funds in behalf of any state or municipal committee of a political party, or expressly and directly intended to raise funds in behalf of any political action committee.

~~(1416)~~ “Electioneering communication” means any print, broadcast, cable, satellite, or electronic media communication not coordinated, as set forth in § 17-25-23, with any candidate, authorized candidate campaign committee, or political party committee and which unambiguously identifies a candidate or referendum and is made either within sixty (60) days before a general or special election or town meeting for the office sought by the candidate or referendum; or thirty (30) days before a primary election, for the office sought by the candidate; and is targeted to the relevant electorate.

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

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(ii) Exceptions: The term “electioneering communication” does not include:

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

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

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

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

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

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~~(1517)~~ “Independent expenditure” means an expenditure which, when taken as a whole, expressly advocates the election or defeat of a clearly identified candidate, or the passage or defeat of a referendum, or amounts to the functional equivalent of such express advocacy, and is in no way coordinated, as set forth in § 17-25-23, with any candidate’s campaign, authorized candidate committee, or political party committee. An expenditure amounts to the functional equivalent of express advocacy if it can only be interpreted by a reasonable person as advocating the election, passage, or defeat of a candidate or referendum, taking into account whether the communication mentions a candidate or referendum and takes a position on a candidate’s character, qualifications, or fitness for office. An independent expenditure is not a contribution to that candidate or committee.

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(i) Exceptions: The term “independent expenditure” does not include:

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

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

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

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

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

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(+618) "Covered transfer" means any transfer or payment of funds by any person, business entity or political action committee to another person, business entity, or political action committee if the person, business entity, or political action committee making the transfer: (i) Designates, requests, or suggests that the amounts be used for independent expenditures or electioneering communications or making a transfer to another person for the purpose of making or paying for such independent expenditures or electioneering communications; (ii) Made such transfer or payment in response to a solicitation or other request for a transfer or payment for the making of or paying for independent expenditures or electioneering communications or making a transfer to another person for the purpose of marking or paying for such independent expenditures or electioneering communications; (iii) Engaged in discussions with the recipient of the transfer or payment regarding independent expenditures or electioneering communications or making a transfer to another person for the purpose of marking or paying for such independent expenditures or electioneering communications; or (iv) Made independent expenditures or electioneering communications in an aggregate amount of five thousand dollars (\$5,000) or more during the two (2) year period ending on the date of the transfer or payment, or knew or had reason to know that the person receiving the transfer or payment made such independent expenditures or electioneering communications in such an aggregate amount during that two (2) year period.

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

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

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

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~~(1719)~~ For the purposes of chapter 17-25.3 of the general laws, “donation” means all transfers of money, credit or debit card transactions on-line or electronic payment systems such as “pay pal,” paid personal services, or other thing of value to or by any person, business entity, or political action committee. A loan shall be considered a donation of money until it is repaid.

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~~(1820)~~ For the purposes of chapter 17-25.3 of the general laws, “donor” means a person, business entity, or political action committee that makes a donation.

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~~(1921)~~ “Exempt nonprofit” means any organization described in § 501(c)(4) of the Internal Revenue Code that spends an aggregate annual amount of no more than ten percent (10%) of its annual expenses or no more than fifteen thousand dollars (\$15,000), whichever is less, on independent expenditures, electioneering communications, and covered transfers as defined herein and certifies the same to the board of elections seven (7) days before and after a primary election and seven (7) days before and after a general or special election.

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~~(2022)~~ For purposes of chapter 17-25.3 of the general laws, “referendum” means the same as the definition set forth in § 17-5-1 of the general laws.

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**SUMMARY:**

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*The proposed amendments add definitions to the terms “conduit” and “earmarked” for the purpose of reporting campaign contributions under R.I. Gen. Laws § 17-25-10.1*

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**SECTION 17-25-10.1**

**§ 17-25-10.1 Political contributions – Limitations.** – (a)(1) No person, other than the candidate to his or her own campaign, nor any political action committee shall make a contribution or contributions to any candidate, as defined by § 17-25-3, or political action committee or political party committee which in the aggregate exceed one thousand dollars (\$1,000) within a calendar year, ~~nor shall any person make contributions to more than one state or local candidate, to more than one political action committee, or to more than one political party committee, or to a combination of state and local candidates and political action committees and political party committees which in the aggregate exceed ten thousand dollars (\$10,000) within a calendar year,~~ nor shall any political action committee make such contributions which in the aggregate exceed twenty-five thousand dollars (\$25,000) within a calendar year, nor shall any candidate or any political action committee or any political party committee accept a contribution or contributions which in the aggregate exceed one thousand dollars (\$1,000) within a calendar year from any one person or political action committee.

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

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

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

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

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

(ef) Nothing in this section shall be construed to restrict political party committees organized pursuant to this title from making contributions to the candidates of that political party; provided, that these contributions, other than allowable "in-kind" contributions, shall not exceed, in the aggregate, twenty-five thousand dollars (\$25,000) to any one candidate within a calendar year, nor shall any candidate accept a contribution or contributions, other than allowable "in-kind" contributions, which in the aggregate exceed twenty-five thousand dollars (\$25,000) within a calendar year from all committees of his or her political party. There shall be no restriction on the amount of "in-kind" contributions that a political party committee may make to a candidate of its political party; provided, that for the purposes of this subsection only, the cost of any preparation and airing of television and/or radio advertisements and the cost of any print advertisements shall not be considered an allowable "in-kind" contribution and shall be subject to the aggregate limitation of twenty-five thousand dollars (\$25,000).

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

(2) No dependent child shall contribute an amount which, when added to contributions already made by that child's parent or legal guardian and by other dependent children of that parent or legal guardian, exceed the one thousand dollar (\$1,000) maximum for contributions to a single candidate or political action committee ~~or exceed the ten thousand dollar (\$10,000) maximum for~~

~~contributions to all state or local candidates and political action committees~~ within a calendar year.

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

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

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

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

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

**SUMMARY:**

*The Supreme Court decision in McCutcheon v. Federal Election Commission, 134 S. Ct. 1434 (2014) struck down a federal law that imposed aggregate annual contribution limits for individuals. The Supreme Court recognized that the government can achieve its legitimate interest in preventing corruption with laws and regulations that prohibit earmarked contributions. In order to comply with Supreme Court precedent, the proposed amendments eliminate aggregate limits and add a prohibition on “earmarked” contributions.*

# TITLE 17

## Elections

### CHAPTER 17-25

#### Rhode Island Campaign Contributions and Expenditures Reporting

##### SECTION 17-25-11

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

[Effective January 1, 2016.]. – (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-day (90) reporting period ends less than forty (40) days prior to an election in which case the ninety-day (90) 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-day (90) 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 that have been made for the discharge of any obligations remaining unpaid at the time of dissolution.

(c)(1) Once the campaign treasurer certifies that the campaign fund has completed its business and been dissolved, no contribution that 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-day (90) 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-day (90) period, except when the last day of the month filing deadline following the ninety-day (90) 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.

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

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(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 nor make aggregate expenditures in excess of the minimum amounts for which a report is required by this chapter. 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.

(f) A campaign treasurer must file a report containing an account of contributions received and expenditures made at the ninety-day (90) intervals provided for in subsection (c) of this section for any ninety-day (90) 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-day (90) period, except when the last day of the month filing deadline following the ninety-day (90) 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-day (7) 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 or that 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 or that fails to file the reports required by this section. A person or entity who or that 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.

**SUMMARY:**

*The proposed new law would include a provision for submitting a paper copy of a candidate's or office holder's account statement upon dissolution of the account with the Board of Elections.*