

2021 -- H 5142

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

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

Introduced By: Representative Joseph J. Solomon

Date Introduced: January 25, 2021

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

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

3 **17-25-11. Dates for filing of reports by treasurers of candidates or of committees.**

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

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

17 (2) ~~In a contested election~~ For all elections, whether the candidate has a contested primary
18 or not, on the twenty-eighth (28th) and seventh (7th) days next preceding the day of the primary,

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

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

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

11 (ii) The amount contributed by each person;

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

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

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

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

1 (a)(1) and (2) of this section. Provided, however, if the last day of the month falls on a weekend or
2 a holiday, the report shall be due on the following business day.

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

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

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

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

32 (f) A campaign treasurer must file a report containing an account of contributions received
33 and expenditures made at the ninety-day (90) intervals provided for in subsection (c) of this section
34 for any ninety-day (90) period in which the campaign received contributions in excess of a total of

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

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

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

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

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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

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