

2010 -- S 2643

LC01426

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

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

Introduced By: Senators Lynch, and Maselli

Date Introduced: March 04, 2010

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 17-25-19, 17-25-20, 17-25-22 and 17-25-30 of the General Laws
2 in Chapter 17-25 entitled "Rhode Island Campaign Contributions and Expenditures Reporting"
3 are hereby amended to read as follows:

4 **17-25-19. Public financing of election campaigns -- Outlined.** -- (a) To effectuate the
5 purpose stated in section 17-25-18, public funds shall be made available under the terms and
6 conditions of this section and sections 17-25-20 -- 17-25-27 to qualifying candidates for general
7 office who agree to abide by a limitation on the total amount of campaign contributions received
8 and expenditures made for election purposes.

9 (b) ~~The nominees~~ Candidates for general office ~~of each political party, as defined in~~
10 ~~section 17-1-2(9), and independent candidates for those offices who meet the requirements set~~
11 ~~forth in section 17-25-20(6)~~, shall be eligible to receive two dollars (\$2.00) of public funds for
12 each qualified dollar (\$1.00) of private funds contributed which do not exceed an aggregate of
13 five hundred dollars (\$500) from a single source within an election cycle and one dollar (\$1.00)
14 of public funds for each qualified dollar (\$1.00) of private funds contributed which exceed an
15 aggregate of five hundred dollars (\$500) from a single source within an election cycle but do not
16 exceed the limitations on aggregate contributions which are eligible to be matched set in section
17 17-25-20(3), subject to the provisions of section 17-25-20(2). The total amount of public funds
18 provided to a candidate shall not exceed seven hundred fifty thousand dollars (\$750,000) in

1 matching funds for a total of one million five hundred thousand dollars (\$1,500,000) for
2 candidates for governor; and one hundred eighty-seven thousand five hundred dollars (\$187,500)
3 in matching funds for a total of three hundred seventy-five thousand dollars (\$375,000) for
4 candidates for other general offices.

5 (c) In order to be eligible for matching public funds, each candidate at the time he or she
6 becomes a candidate, as defined in section 17-25-3(2), [but no later than 4:00 pm on the last day](#)
7 [for filing declarations of candidacy for general office](#), must sign a statement under oath pledging
8 to comply with the limitations on campaign contributions and expenditures and with all of the
9 terms and conditions set forth in this chapter. Any candidate who fails to file the statement with
10 his or her declaration for office shall be ineligible to receive public funds.

11 **17-25-20. Eligibility criteria for matching public funds.** -- In order to receive matching
12 public funds under section 17-25-19, a qualifying candidate must comply with the following
13 requirements:

14 (1) The candidate must sign a statement under oath, as provided for in section 17-25-19,
15 pledging to comply with the limitations on contributions and expenditures for election purposes
16 and with all the terms and conditions set forth in this chapter. Upon the filing of the statement, a
17 candidate for general office shall be bound to abide by the limitations on contributions and
18 expenditures set forth in this chapter and may not withdraw from his or her obligation to abide by
19 these restrictions.

20 (2) (i) Subject to the provisions of paragraph (ii) of this subdivision, no participating
21 candidate shall either receive or expend for election purposes more than a total of public and
22 private funds in the sum of one million five hundred thousand dollars (\$1,500,000) in an election
23 cycle. No participating candidate for general office other than governor shall receive or expend
24 for election purposes more than a total of public and private funds in the sum of three hundred
25 seventy-five thousand dollars (\$375,000) in an election cycle.

26 (ii) The limitations on contributions received from private sources, matching funds
27 available from the state, and total permitted expenditures shall apply in the 1994 general election
28 and, subject to appropriations by the general assembly, shall increase by a percentage to be
29 determined by the board of elections in January of each year in which a general election involving
30 general offices is held, beginning in 1998. In no case shall the increase exceed the total increase
31 in the consumer price index since the month in which the previous general election involving
32 general was held.

33 (3) (i) Only the first two thousand dollars (\$2,000) of the aggregate private monetary
34 contributions from a single private source within an election cycle shall be eligible for matching

1 public funds for candidates for governor; provided, that the entire amount contributed shall be
2 considered toward the dollar limits provided in subdivision (2) of this section.

3 (ii) Only the first one thousand dollars (\$1,000) of the aggregate private monetary
4 contributions from a single private source within an election cycle shall be eligible for matching
5 public funds for candidates for lieutenant governor, secretary of state, attorney general, and
6 general treasurer; provided, that the entire amount contributed shall be considered toward the
7 dollar limits provided for in subdivision (2) of this section.

8 (iii) Any private funds lawfully contributed during the current election cycle shall be
9 eligible for matching public funds subject to the terms and conditions of this section, and private
10 funds donated during a preceding election cycle shall not be eligible for matching public funds.

11 (4) The direct costs incurred in connection with raising campaign funds on behalf of a
12 candidate shall not be deemed to be expenditures for the purposes of the limitations on
13 expenditures set forth in subdivision (2) of this section. Direct costs shall include costs of printing
14 and mailing invitations to fundraising events, solicitations for contributions, costs of hosting
15 fundraising events, and travel to those events, but shall not include any portion of the salary or
16 wages of campaign employees, nor the cost of any radio, television, [computer/Internet/electronic](#)
17 [device](#), or printed advertisement. The cost of a fundraising event must be less than the amount of
18 money realized from the gross proceeds generated by the fundraising event in order to qualify for
19 this exclusion.

20 (5) If a candidate who has accepted public funds makes expenditures in excess of the
21 permitted amounts, the candidate shall be liable for a civil assessment payable to the state in an
22 amount equal to three (3) times the amount of excess funds expended. In addition, the candidate
23 shall be ineligible for further participation in the public financing program during the same
24 election cycle.

25 (6) In order to receive payments under this section, any ~~independent~~ candidate [for](#)
26 [general office](#) shall first meet the following additional minimum requirements:

27 (i) Raise an amount in qualified private contributions equal to twenty percent (20%) of
28 the total amount eligible to be matched for election as to the office sought;

29 (ii) Receive private contributions from a minimum of two hundred fifty (250) individuals
30 contributing at least twenty-five dollars (\$25.00) each [for candidates for governor and receive](#)
31 [private contributions from a minimum of one hundred \(100\) individuals contributing at least](#)
32 [twenty-five dollars \(\\$25.00\) each, for candidates for lieutenant governor, secretary of state,](#)
33 [attorney general and general treasurer](#); and

34 (iii) Comply with any and all applicable nomination provisions in this title and qualify

1 for the general election ballot pursuant to the process set forth in this title.

2 (7) No public funds received by any candidate pursuant to sections 17-25-19 -- 17-25-27
3 of this chapter and no private funds used to qualify for the public funds shall be expended by the
4 candidate for any purpose except to pay reasonable and necessary expenses directly related to the
5 candidate's campaign.

6 (8) No public funds shall be expended by the candidate, except for one or more of the
7 following uses directly related to the campaign of the candidate:

8 (i) Purchase of time on radio or television stations; provided, however, the content of all
9 television time shall include captioning for the deaf and hard of hearing and the content of all
10 radio time must be available in a written or text format at the time of request;

11 (ii) Purchase of rental space on outdoor signs or billboards;

12 (iii) Purchase of advertising space on the computer/Internet/electronic device and in
13 newspapers and regularly published magazines and periodicals;

14 (iv) Payment of the cost of producing the material aired or displayed on radio, television,
15 outdoor signs or billboards, and computer/Internet/electronic device and in newspapers, regularly
16 published magazines, and periodicals;

17 (v) Payment of the cost of printing and mailing campaign literature and brochures;

18 (vi) Purchase of signs, bumper stickers, campaign buttons, and other campaign
19 paraphernalia;

20 (vii) Payment of the cost of legal and accounting expenses incurred in complying with
21 the public financing law and regulations as required by this chapter;

22 (viii) Payment of the cost of telephone deposits, installation charges, and monthly
23 billings in excess of deposits;

24 (ix) Payment of the costs of public opinion polls and surveys; and

25 (x) Payment of rent, utilities and associated expenses connected with the operation of an
26 election headquarters or satellite election offices.

27 (9) Contributions received and expended by any candidate for the purpose of defraying
28 any expense or satisfying any loan obligations incurred prior to January 1, 1991, by the candidate
29 in furtherance of his or her candidacy in a previous election cycle, as defined in section 17-25-
30 3(5), shall not be counted toward any contribution or expenditure limitation in sections 17-25-18 -
31 - 17-25-27.

32 (10) No candidate who has elected to receive public funds shall contribute to or loan to
33 his or her own campaign a sum in excess of five percent (5%) of the total amount that a candidate
34 is permitted to expend in a campaign for the office pursuant to sections 17-25-19 and 17-25-21.

1 **17-25-22. Time period for payment of public funds.** -- (a) No public funds shall be
2 dispersed to candidates until after the date of the primary election. In order to receive matching
3 public funds, the candidate must be ~~the nominee for general office of a political party, as defined~~
4 ~~in section 17-12.1-12, or an independent~~ a candidate for general office who meets all of the
5 requirements set forth in section 17-25-20(6). The candidate must submit to the board of elections
6 proof of receipt of qualifying private contributions and supporting documentation as required by
7 the board. The board of elections shall, within five (5) business days of the receipt of the request
8 for payment of matching funds, either pay over funds to the candidate or disallow all or a portion
9 of the request and state in writing the reasons for the disallowance.

10 (b) A candidate may submit supplemental applications for public funds until the time
11 that the permitted limits are reached.

12 **17-25-30. Public financing of election campaigns -- Compliance benefits.** -- (1)
13 Entitled to an additional benefit of free time on community antenna tele vision to be allocated
14 pursuant to rules determined by the administrator for the division of public utilities. During all
15 allocated free time, the candidate shall personally appear and present the message of the
16 advertisement; provided, however, the content of all television time shall include captioning for
17 the deaf and hard of hearing and the content of all radio time must be available in a written or text
18 format at the time of request; and

19 (2) Entitled to an additional benefit of free time on any public broadcasting station
20 operating under the jurisdiction of the Rhode Island public telecommunications authority
21 pursuant to rules determined by the authority. During all allocated free time, the candidate shall
22 personally appear and personally present the message of the advertisement; provided, however,
23 the content of all television time shall include captioning for the deaf and hard of hearing and the
24 content of all radio time must be available in a written or text format at the time of request; ~~and~~

25 ~~(3) Entitled to accept a contribution or contributions that in the aggregate do not exceed~~
26 ~~two thousand dollars (\$2,000) from any person or political action committee within a calendar~~
27 ~~year.~~

28 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 eliminate the additional qualification requirements of independent
2 candidates who wish to participate in the matching public funds program, clarify the time frame
3 in which any candidate may apply for the matching public funds program, eliminate the two
4 thousand dollar (\$2,000) maximum annual contributions limit from any individual or political
5 action committee and apply equally the minimum requirements for participation in matching
6 funds for nominated and independents candidates.

7 This act would take effect upon passage.

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