



Rhode Island Democratic State Committee

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July 28, 1993

Jonathan Levin, Esq.
Federal Election Commission
Office of the General Counsel
999 E Street, N.W.
Washington, D.C.

Supplement To
AOR 1993-14

Dear Mr. Levin:

Attached please find the amendments that we discussed on the phone. I regret any inconvenience that was caused by the prior information.

If you need any further information, please do not hesitate to contact me.

Very truly yours,

Susann G. Della Rosa
Susann G. Della Rosa

17-23-18

ELECTIONS

CAMPAIGN

History of Section.

P.L. 1991, ch. 147, § 2.
Compiler's Notes. P.L. 1991, ch. 241, § 1 also enacted a section designated as 17-23-17. In 1991, the law revision officer of the joint

committee on legislative services, pursuant to § 43-2-2.1, redesignated § 17-23-17, as enacted by P.L. 1991, ch. 241, § 1, as § 17-23-18.

17-23-18. Political advertising from official budgets prohibited. — (a) No elected official shall permit the expenditure of public funds from any official budget under his or her authority for any publication, advertisement, broadcast, or telecast of his or her photograph, voice, or other likeness to be broadcast or distributed to the public during the one hundred and twenty (120) days preceding any primary or general election in which he or she is a candidate.

(b) This section shall not be construed to prohibit an official from appearing on regular capital television programming operated by the general assembly or on television stations operated by the Rhode Island public telecommunications authority during said period of time.

History of Section.

P.L. 1991, ch. 241, § 1.
Compiler's Notes. As enacted by P.L. 1991, ch. 241, § 1, this section was designated as § 17-23-17. Inasmuch as P.L. 1991, ch. 147, § 2 also enacted a section designated as § 17-23-17, this section was redesignated as § 17-23-18 by the law revision officer of

the joint committee on legislative services pursuant to § 43-2-2.1.

As enacted by P.L. 1991, ch. 241, § 1, this section contained a subsection (a) designation but did not contain a subsection (b) designation. In 1991, the compiler inserted the subsection (b) designation.

CHAPTER 25

RHODE ISLAND CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORTING

SECTION.		SECTION.	
17-25-3.	Definitions.	17-25-16.	Enjoining of illegal acts — Forfeiture of contributions.
17-25-7.	Contents of reports to be filed by treasurers of candidates and committees.	17-25-17.	Severability.
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17-25-7.2.	Personal use of campaign funds prohibited.	17-25-19.	Public financing of election campaigns — Outlined.
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17-25-15.	Political action committee — Notice of formation.	17-25-29.	Appropriations.
		17-25-30.	Public financing of election cam-

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SECTION.

paings — Compliance benefits.

17-25-30.1. Community antenna television
— Rules and regulations.

17-25-3. Definitions. — As used in this chapter unless a different meaning clearly appears from the context:

(a) The term "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.

(b) The terms "contributions" and "expenditures" include all transfers of money, paid personal services, or other thing of value to or by any candidate, committee of a political party, or political action committee. A loan shall be considered a contribution of money until it is repaid.

(c) The term "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.

(d) The term "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.

(e) The term "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.

(f) The term "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).

(g) The term "state" means state of Rhode Island.

(h) The term "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" 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.

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(i) The term "person" means an individual, partnership, committee, association, corporation, and any other organization.

(j) The term "political action committee" means any group of two (2) or more persons which accepts any contributions to be used for advocating the election or defeat of any candidate or candidates or to be used for advocating the approval or rejection of any question or questions submitted to the voters. Only political action committees which 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 said committees must make contributions to at least five (5) or more candidates.

(k) The term "election cycle" means the twenty-four month period commencing on January 1 of odd number years and ending on December 31 of even number years.

(l) The term "business entity" means any corporation, whether for profit or not for profit, domestic corporation or foreign corporation, as defined in § 7-1.1-2, 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.

History of Section.

P.L. 1974, ch. 296, § 1; P.L. 1981, ch. 188, § 1; P.L. 1984, ch. 2, § 1; P.L. 1988, ch. 420, § 3; P.L. 1992, ch. 21, § 1.

Compiler's Notes: Section 5 of P.L. 1992, ch. 21 provides that all provisions of that Act regarding the reporting of campaign contributions and expenditures shall apply to all contributions donated and expenditures

made after the effective date of that Act (April 29, 1992), and that all provisions regarding the maximum amount which may be contributed or expended shall, for the purpose of tabulating the total amount contributed or expended, apply to all contributions donated and expenditures made after December 31, 1991.

17-25-7. Contents of reports to be filed by treasurers of candidates and committees. — (a) Each campaign treasurer of a candidate, each state and municipal committee of a political party, and each political action committee shall keep accurate records and make a full report, upon a form prescribed by the board of elections, of all contributions received by it in excess of a total of one hundred dollars (\$100) from any one source within a calendar year, in furtherance of the nomination, election, or defeat of any candidate or the approval or rejection of any question submitted to the voters during the period from the date of the last report, or in the case of the initial report, beginning on the date of the appointment of the campaign treasurer for state and municipal committees and political action committees and on the date a person becomes a "candidate" as defined in § 17-25-3(a) for individual candidates. The report shall contain the name and address and place of employment of each person or source from whom the contributions in excess of one hundred

dollars (\$100) were received, and the amount contributed by each such person or source. The report shall be filed with the board of elections on the dates designated in § 17-25-11. The campaign treasurer of the candidate, or committee reporting, shall certify to the correctness of each report.

(b) Each state and municipal committee of a political party shall also file with the board of elections, not later than March 1 of each year, an annual report setting forth in the aggregate all contributions received and all expenditures made during the previous calendar year, whether or not these expenditures were made, incurred, or authorized in furtherance of the election or defeat of any candidate. The treasurer of the committee or organization reporting shall certify to the correctness of each report.

(c) Any report filed pursuant to the provisions of this section shall include contributions received from any "testimonial affair" as defined in § 17-25-3 held since the date of the most recent report filed.

History of Section.

P.L. 1974, ch. 292, § 1; P.L. 1981, ch. 186, § 1; P.L. 1982, ch. 347, § 1; P.L. 1984, ch. 2, § 1; P.L. 1992, ch. 21, § 1.

Compiler's Notes. Section 6 of P.L. 1982, ch. 21 provides that all provisions of that Act regarding the reporting of campaign contributions and expenditures shall apply to all contributions donated and expenditures

made after the effective date of that Act (April 29, 1992), and that all provisions regarding the maximum amount which may be contributed or expended shall, for the purpose of tabulating the total amount contributed or expended, apply to all contributions donated and expenditures made after December 31, 1991.

17-25-7.1. [Repealed.]

Compiler's Notes. P.L. 1992, ch. 21, § 5, provides that all provisions of that Act regarding the reporting of campaign contributions and expenditures shall apply to all contributions donated and expenditures made after the effective date of that Act (April 29, 1992), and that all provisions regarding the maximum amount which may be contributed or expended shall for the purpose of tabulat-

ing the total amount contributed or expended apply to all contributions donated and expenditures made after December 31, 1991.

Repealed Sections. Former § 17-25-7.1 (P.L. 1984, ch. 2, § 2), concerning reports of testimonial proceeds intended for personal use, was repealed by P.L. 1992, ch. 21, § 4, effective April 29, 1992.

17-25-7.2. Personal use of campaign funds prohibited. — The personal use by any elected public office holder or by any candidate for public office as defined in § 17-25-3 of campaign funds contributed after [April 29, 1992] shall be prohibited. For the purposes of this section "personal use" is defined as any use other than expenditures related to gaining or holding public office and for which said candidate for public office or elected public official would be required to treat the amount of the expenditure as gross income under § 61 of the Internal Revenue Code of 1986 or any subsequent corresponding internal revenue code of the United States, as from time to time amended.

Any campaign funds not used to pay for the expenses of gaining or holding public office may: (1) be maintained in a campaign account(s), (2) be donated to a candidate for public office, to a political

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organization or to a political action committee, subject to the limitation on contributions in § 17-25-10.1, (3) be transferred in whole or in part into a newly established political action committee, (4) be donated to a tax exempt charitable organization as that term is used in § 501(c)(3) of the Internal Revenue Code of 1986 or any subsequent corresponding internal revenue code of the United States as from time to time amended, (5) be donated to the state of Rhode Island, or (6) be returned to the donor.

History of Section.

P.L. 1992, ch. 21, § 2.

Compiler's Notes. The bracketed date in the first sentence of the first paragraph was substituted by the compiler for "the effective date of this act".

Section 5 of P.L. 1992, ch. 21 provides that all provisions of that Act regarding the reporting of campaign contributions and expenditures shall apply to all contributions de-

noted and expenditures made after the effective date of that Act (April 29, 1992), and that all provisions regarding the maximum amount which may be contributed or expended shall, for the purpose of tabulating the total amount contributed or expended, apply to all contributions donated and expenditures made after December 31, 1991.

17-25-7.3. Testimonial proceeds intended for personal use prohibited. — It shall be unlawful for any candidate for public office as defined in § 17-25-3 or any elected public office holder to accept the proceeds of any testimonial as defined in § 17-25-3 for personal use as defined in § 17-25-7.2 which were received after [April 29, 1992]. Notwithstanding, nothing in this section shall be construed to prohibit the use of testimonials for the lawful purpose of raising campaign funds.

History of Section.

P.L. 1992, ch. 21, § 2.

Compiler's Notes. The bracketed date in the first sentence was substituted by the compiler for "the effective date of this act".

Section 5 of P.L. 1992, ch. 21 provides that all provisions of that Act regarding the reporting of campaign contributions and expenditures shall apply to all contributions de-

noted and expenditures made after the effective date of that Act (April 29, 1992), and that all provisions regarding the maximum amount which may be contributed or expended shall, for the purpose of tabulating the total amount contributed or expended, apply to all contributions donated and expenditures made after December 31, 1991.

17-25-7.4. Limitations on repayment of loans. — Campaign contributions received pursuant to this chapter shall not be used to repay cumulative personal loans which were made on or after [April 29, 1992] to a campaign by a candidate in excess of two hundred thousand dollars (\$200,000) during an election cycle.

History of Section.

P.L. 1992, ch. 21, § 2.

Compiler's Notes. The bracketed date in this section was substituted by the compiler for "the effective date of this act".

As enacted by P.L. 1992, ch. 21, § 2, this section contained a reference to "this act" after the phrase "pursuant to". The apparent reference is to "this chapter", and "this chapter" was substituted for "this act" by the compiler.

Section 5 of P.L. 1992, ch. 21 provides that

all provisions of that Act regarding the reporting of campaign contributions and expenditures shall apply to all contributions donated and expenditures made after the effective date of that Act (April 29, 1992), and that all provisions regarding the maximum amount which may be contributed or expended shall, for the purpose of tabulating the total amount contributed or expended, apply to all contributions donated and expenditures made after December 31, 1991.

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17-25-10. Lawful methods of contributing to support of candidates — Reporting — Disposition of anonymous contributions. — (a) No contribution shall be made or received, and no expenditures shall be directly made or incurred, to support or defeat a candidate or to advocate the approval or rejection of any question in any election except through:

(1) The duly appointed campaign treasurer, or deputy campaign treasurers, of the candidates;

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

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

(b) It shall be lawful, however, for any person, not otherwise prohibited by law and not acting in concert with any other person or group, to expend personally from that person's own funds a sum which is not to be repaid to him or her for any purpose not prohibited by law to support or defeat a candidate or to advocate the approval or rejection of any question; provided, however, that any person making the expenditure shall be required to report all 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 such 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 such 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.

(c) Any anonymous contribution received by a 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.

History of Section.

P.L. 1974, ch. 398, § 1; P.L. 1981, ch. 188, § 1; P.L. 1984, ch. 2, § 1; P.L. 1992, ch. 21, § 1.

Compiler's Notes. Section 5 of P.L. 1992, ch. 21 provides that all provisions of that Act regarding the reporting of campaign contributions and expenditures shall apply to all contributions donated and expenditures

made after the effective date of that Act (April 29, 1992) and that all provisions regarding the maximum amount which may be contributed or expended shall, for the purpose of tabulating the total amount contributed or expended, apply to all contributions donated and expenditures made after December 31, 1991.

17-25-10.1. Political contributions — Limitations. — (a) 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 candidate, to more than one political action committee, or to more than one political party committee or to a combination of 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 (\$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.

Notwithstanding the foregoing 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 for public office.

(b) Contributions to a named candidate made to any political committee authorized by such a 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 such 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) Nothing herein shall be construed to restrict political party committees organized pursuant to this title from making contributions to the candidates of that political party; provided, however, that such 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

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committee may make to a candidate of its political party; provided, however, 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 aforementioned aggregate limitation of twenty five thousand dollars (\$25,000).

(f) 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 (\$100) dollar threshold for reporting purposes or the one thousand (\$1,000) dollars maximum for contributions to a single candidate or political action committee or the ten thousand dollars (\$10,000) maximum for contributing to all candidates and political action committees within a calendar year.

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 dependant children of that parent or legal guardian exceed the one thousand dollars (\$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 candidates and political action committees within a calendar year.

(g) Nothing herein 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.

(h) It shall be unlawful for any corporation, whether profit or non-profit, domestic corporation or foreign corporation, as defined in § 7-1.1-2 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 such contribution 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 said corporation or other business entity, in violation of this section.

(i) All contributions of funds shall be by check or money order identifying the source of said funds, provided however, 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. Said 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 such cash contributions.

(j) No entity other than an individual, a political action committee which is duly registered and qualified pursuant to the terms of this

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chapter, political party committee authorized by title 17, 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, ballot question, political action committee or political party.

History of Section.

P.L. 1982, ch. 430, § 1; P.L. 1989, ch. 348, § 1; P.L. 1992, ch. 21, § 1.

Compiler's Notes. Section 5 of P.L. 1992, ch. 21 provides that all provisions of that Act regarding the reporting of campaign contributions and expenditures shall apply to all contributions donated and expenditures

made after the effective date of that Act (April 29, 1992), and that all provisions regarding the maximum amount which may be contributed or expended shall, for the purpose of tabulating the total amount contributed or expended, apply to all contributions donated and expenditures made after December 31, 1991.

17-25-11. Dates for filing of reports by treasurers of candidates or of committees. — (a) During the period between the appointment of the campaign treasurer for state and municipal committees, and political action committees, or in the case of an individual, the date on which the individual becomes a "declared or undeclared candidate" as defined in § 17-25-3(a), 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 or question, 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 or question: (1) at ninety (90) day intervals commencing on the date on which the individual first becomes a candidate as defined in § 17-25-3(a), (2) on the twenty-eighth and seventh days next preceding the day of the primary, general, or special election; provided, however, 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 such primary election for such special election, and (3) a final report on the twenty-eighth day following the election. The report shall contain 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, and the amount contributed by each person, and the name and address of each person to whom expenditures in excess of one hundred dollars (\$100) were made, and the amount and purpose of each expenditure.

(b) Concurrent with the report filed on the twenty-eighth 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,

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has completed its business and been dissolved or, in the event that the committee will continue its activities beyond the election, that its business regarding the past election has been completed; and the certification shall be accompanied by a final accounting of the campaign fund, or of the transactions relating to the election, including the final disposition of any balance remaining in the fund at the time of dissolution or the arrangements which have been made for the discharge of any obligations remaining unpaid at the time of dissolution.

(c) Once the campaign treasurer certifies that the campaign fund has completed its business and been dissolved, no contribution which is intended to defray expenditures incurred on behalf of or in opposition to a candidate or to advocate the approval or rejection of any question during the campaign can be accepted. Until such time as the campaign treasurer certifies that the campaign fund has completed its business and been dissolved, the treasurer shall file reports containing an account of contributions received and expenditures made at ninety (90) day intervals commencing one hundred twenty (120) days following the election.

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

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 which 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 day following the election.

(f) A campaign treasurer must file a report containing an account of contributions received and expenditures made at the ninety (90) day intervals provided for in subsection (c) for any such ninety (90) day period in which the campaign received contributions in excess of a total of one hundred dollars (\$100) within a calendar year from any

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one (1) source and/or made expenditures in excess of one thousand dollars (\$1,000) within a calendar year.

History of Section.

P.L. 1974, ch. 238, § 1; P.L. 1961, ch. 188, § 1; P.L. 1962, ch. 247, § 1; P.L. 1964, ch. 2, § 1; P.L. 1990, ch. 33, § 1; P.L. 1992, ch. 21, § 1.

Compiler's Notes. Section 5 of P.L. 1992, ch. 21 provides that all provisions of that Act regarding the reporting of campaign contributions and expenditures shall apply to all contributions donated and expenditures

made after the effective date of that Act (April 29, 1992), and that all provisions regarding the maximum amount which may be contributed or expended shall, for the purpose of tabulating the total amount contributed or expended, apply to all contributions donated and expenditures made after December 31, 1991.

17-25-13. Penalties. — Any person who willfully and knowingly violates the provisions of this chapter shall upon conviction be guilty of a misdemeanor and shall be fined not more than one thousand dollars (\$1,000) per violation.

History of Section.

P.L. 1974, ch. 238, § 1; P.L. 1992, ch. 21, § 1.

Compiler's Notes. Section 5 of P.L. 1992, ch. 21 provides that all provisions of that Act regarding the reporting of campaign contributions and expenditures shall apply to all contributions donated and expenditures

made after the effective date of that Act (April 29, 1992), and that all provisions regarding the maximum amount which may be contributed or expended shall, for the purpose of tabulating the total amount contributed or expended, apply to all contributions donated and expenditures made after December 31, 1991.

17-25-15. Political action committee — Notice of formation. — (a) No political action committee shall accept any contributions or make any expenditures prior to filing notice of its organization with the board of elections. The notice shall contain:

- (1) The name or names of any candidates whose election or defeat the committee intends to advocate and/or the question or questions whose approval or rejection the committee intends to advocate;
- (2) The names and addresses of all officers of the committee; and
- (3) The mailing address or addresses of the committee.
- (4) The goals and purposes of the political action committee; and
- (5) A statement indicating whether the membership and/or contributor base the political action committee is derived primarily from the employees of one corporation or business entity or from one business or professional group or association or labor union and, if so, the identity of that employer or group or association or union.

(b) No committee shall advocate the election or defeat of any candidate or question other than that set forth in its notice of organization or amendment thereto. A political action committee may amend its notice of organization at any time. The board of elections shall prescribe forms in compliance with this section.

(c) In addition to all other reporting requirements, each political action committee shall include in each report required to be filed by this chapter:

- (1) The source and amount of all funds received by the committee; provided however, that funds received through a regular payroll

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checkoff plan in which the aggregate contribution from each individual does not exceed one hundred dollars (\$100) per calendar year shall report the name and address of each entity transferring such funds to the committee, the aggregate amount received from the payroll checkoff, and the total number of contributors; and provided however, that funds received by the political action committee of a labor organization from the members of said labor organization in amounts not exceeding twenty-five dollars (\$25.00) per calendar year from a single source shall be reported by the aggregate amount received and the total number of members of the labor organization contributing;

(2) The name and address of each person to whom expenditures were made, and the amount and purpose of each expenditure, and

(3) The name and address of each elected official and candidate for elected office to whom a contribution was made, and the amount of the contribution.

(d) The board of elections may reject the use by a political action committee of a name which is misleading and/or does not accurately identify the membership or contributor base of the committee.

(e) If a political action committee derives more than fifty percent (50%) of its funds from the employees, officers, directors, investors and/or stockholders of a corporation or other business entity, the name of said political action committee must incorporate the name of that corporation or business entity. If a political action committee derives more than fifty percent (50%) of its funds from persons affiliated with one industry, profession, trade organization, or association or labor union, the name of said political action committee must identify that industry, profession, trade organization or association, or labor union.

(f) Notwithstanding any provision to the contrary, a political action committee organized exclusively for the purpose of promoting or opposing a ballot question may expend in excess of twenty-five thousand dollars (\$25,000) to promote or oppose that referendum, and shall not be subject to the requirement of making contributions to at least five (5) candidates, said political action committee shall terminate all activity within thirty (30) days following that election.

History of Section.

P.L. 1981, ch. 183, § 2; P.L. 1984, ch. 2, § 1; P.L. 1992, ch. 21, § 1.

Compiler's Notes. Section 5 of P.L. 1992, ch. 21 provides that all provisions of that Act regarding the reporting of campaign contributions and expenditures shall apply to all contributions donated and expenditures

made after the effective date of that Act (April 29, 1992), and that all provisions regarding the maximum amount which may be contributed or expended shall, for the purpose of tabulating the total amount contributed or expended, apply to all contributions donated and expenditures made after December 31, 1991.

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guarding the maximum amount which may be contributed or expended shall, for the purpose of tabulating the total amount contributed or expended, apply to all contributions donated and expenditures made after December 31, 1991.

17-25-18. Public financing of election campaigns — General purpose. [Effective January 1, 1993.] — Whereas, the general assembly hereby finds that the cost of running for statewide office has risen over the last decade at a rate far in excess of the increase in the cost of living; and

Whereas, the general assembly hereby finds that the need to raise ever larger sums of money to effectively compete for general office threatens the essence of our democratic system by excluding many well qualified candidates; and

Whereas, the general assembly hereby finds that the candidate's need to raise large sums of money can result in disproportionate and inappropriate influence being obtained by those who possess the financial ability to make large contributions to campaigns; and

Whereas, the general assembly finds that the state cannot impose limitations on the amount of private funds raised and expended for election purposes by a candidate unless it provides for at least partial public financing of campaigns;

Therefore, the general assembly determines that it is in the best interest of the citizens of the state to provide public financing to qualified candidates for general office.

History of Section.

P.L. 1988, ch. 420, § 1; P.L. 1992, ch. 31, § 3.

Delayed Effective Dates. Section 3 of

P.L. 1992, ch. 31 provides that the amendment of this section by that Act shall take effect January 1, 1993.

17-25-19. Public financing of election campaigns — Outlined. [Effective January 1, 1993.] — To effectuate the purpose stated in § 17-25-18, public funds shall be made available under the terms and conditions of this section and §§ 17-25-20 through 17-25-27 to qualifying candidates for general office who agree to abide by a limitation on the total amount of campaign contributions received and expenditures made for election purposes. The nominees for general office of each political party as defined in § 17-12.1-12 and independent candidates for those offices who meet the requirements set forth in § 17-25-20(6) shall be eligible to receive two dollars (\$2.00) of public funds for each qualified dollar (\$1.00) of private funds contributed which do not exceed an aggregate of two hundred and fifty dollars (\$250) from a single source within an election cycle and one dollar (\$1.00) of public funds for each qualified dollar (\$1.00) of private funds contributed which exceed an aggregate of two hundred and fifty dollars (\$250) from a single source within an election cycle but do not exceed the limitations on aggregate contributions which are eligible to be matched set in subsection (3) of § 17-25-20. The total amount of public funds provided to a candidate shall not exceed seven hundred fifty thousand dollars (\$750,000) in matching