

2021 -- H 5289

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO ELECTIONS - RHODE ISLAND CAMPAIGN CONTRIBUTIONS AND
EXPENDITURES REPORTING

Introduced By: Representatives Caldwell, Donovan, and McEntee

Date Introduced: January 29, 2021

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 17-25-7.2 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 **17-25-7.2. Personal use of campaign funds prohibited.**

4 (a) The personal use by any elected public office holder or by any candidate for public
5 office, as defined in § 17-25-3, of campaign funds contributed after April 29, 1992, is prohibited.
6 For the purposes of this section, "personal use" is defined as any use other than expenditures related
7 to gaining or holding public office and for which the candidate for public office or elected public
8 official would be required to treat the amount of the expenditure as gross income under § 61 of the
9 Internal Revenue Code of 1986, 26 U.S.C. § 61, or any subsequent corresponding Internal Revenue
10 Code of the United States, as from time to time amended.

11 (b) Expenditures that are specifically prohibited under this chapter include:

12 (1) Any residential or household items, supplies, or expenditures, including mortgage, rent,
13 or utility payments for any part of any personal residence of a candidate or officeholder or a member
14 of the candidate's or officeholder's family;

15 (2) Mortgage, rent, or utility payments for any part of any non-residential property that is
16 owned by a candidate or officeholder or a member of a candidate's or officeholder's family and
17 used for campaign purposes, to the extent the payments exceed the fair-market value of the property
18 usage;

1 (3) Funeral, cremation, or burial expenses, including any expenses related to deaths within
2 a candidate's or officeholder's family;

3 (4) Clothing, other than items of de minimis value that are used in the campaign;

4 (5) Tuition payments;

5 (6) Dues, fees, or gratuities at a country club, health club, recreational facility or other
6 nonpolitical organization, unless they are part of a specific fundraising event that takes place on the
7 organization's premises;

8 (7) Salary payments to a member of a candidate's family, unless the family member is
9 providing bona fide services to the campaign. If a family member provides bona fide services to a
10 campaign, any salary payments in excess of the fair-market value of the services provided is
11 personal use;

12 (8) Admission to a sporting event, concert, theater, or other form of entertainment, unless
13 part of a specific campaign or officeholder activity;

14 (9) Payment of any fines, fees, or penalties assessed pursuant to this chapter.

15 (c) Any expense that results from campaign or officeholder activity is permitted use of
16 campaign funds. Such expenditures may include:

17 (1) The defrayal of ordinary and necessary expenses of a candidate or officeholder;

18 (2) Office expenses and equipment, provided the expenditures and the use of the equipment
19 can be directly attributable to the campaign or the officeholder's duties and responsibilities;

20 (3) Donations to charitable organizations, provided the candidate or officeholder does not
21 personally benefit from the donation or receive compensation from the recipient organization;

22 (4) Travel expenses for an officeholder, provided that the travel is undertaken as an
23 ordinary and necessary expense of seeking, holding, or maintaining public office, or seeking,
24 holding, or maintaining a position within the legislature or other publicly elected body. If a
25 candidate or officeholder uses campaign funds to pay expenses associated with travel that involves
26 both personal activities and campaign or officeholder activities, the incremental expenses that result
27 from the personal activities are personal use, unless the person(s) benefiting from this use
28 reimburse(s) the campaign account within thirty (30) days for the amount of the incremental
29 expenses;

30 (5) Gifts of nominal value and donations of a nominal amount made on a special occasion
31 such as a holiday, graduation, marriage, retirement, or death, unless made to a member of the
32 candidate's or officeholder's family;

33 (6) Meal expenses that are incurred as part of a campaign activity or as a part of a function
34 that is related to the candidate's or officeholder's responsibilities, including meals between and

1 among candidates and/or officeholders that are incurred as an ordinary and necessary expense of
2 seeking, holding, or maintaining public office, or seeking, holding, or maintaining a position within
3 the legislature or other publicly elected body;

4 (7) Food and beverages that are purchased as part of a campaign or officeholder activity;

5 (8) Communication access expenses that are incurred as part of a campaign activity and
6 operation to ensure that deaf and hard-of-hearing citizens are fully participating, are volunteers,
7 and/or are otherwise maintaining a position with the campaign committee. Examples of
8 communication access expenses include, but are not limited to, the following: captioning on
9 television advertisements; video clips; sign language interpreters; computer-aided real-time
10 (CART) services; and assistive listening devices-;

11 [\(9\) Child care expenses that are incurred as a result of campaign activity or officeholder's](#)
12 [responsibilities.](#)

13 (d) Any campaign funds not used to pay for the expenses of gaining or holding public office
14 may:

15 (1) Be maintained in a campaign account(s);

16 (2) Be donated to a candidate for public office, to a political organization, or to a political
17 action committee, subject to the limitation on contributions in § 17-25-10.1;

18 (3) Be transferred, in whole or in part, into a newly established political action committee
19 or ballot question advocate;

20 (4) Be donated to a tax-exempt charitable organization as that term is used in § 501(c)(3)
21 of the Internal Revenue Code of 1986, 26 U.S.C. § 501, or any subsequent, corresponding internal
22 revenue code of the United States as from time to time amended;

23 (5) Be donated to the state of Rhode Island; or

24 (6) Be returned to the donor; provided, however:

25 (e) Any funds remaining in a campaign account(s) of a candidate or officeholder, or former
26 candidate or former officeholder, who dies, after repayment of loans and accounts payable, shall
27 be disposed, in accordance with the instructions in writing, on a form prescribed by the board of
28 elections, which funds may:

29 (1) Be donated to a candidate for public office, to a political organization, or to a political
30 action committee, subject to the limitation on contributions in § 17-25-10.1;

31 (2) Be transferred, in whole or in part, into a newly established political action committee
32 or ballot question advocate;

33 (3) Be donated to a tax-exempt charitable organization as that term is used in § 501(c)(3)
34 of the Internal Revenue Code of 1986, 26 U.S.C. § 501, or any subsequent, corresponding internal

1 revenue code of the United States as from time to time amended; or

2 (4) Be returned to the donor.

3 (5) The candidate's or officeholder's, or former candidate's or former officeholder's,
4 campaign account(s) shall be dissolved by the board of elections;

5 (6) Any penalties assessed to the candidate or officeholder, or former candidate or former
6 officeholder, that are outstanding at the time of their death shall be waived by the board of elections.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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- 1 This act would permit campaign funds to be used to pay all child care expenses that are
- 2 incurred as a direct result of campaign activity.
- 3 This act would take effect upon passage.

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