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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

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

Introduced By: Representatives Kislak, Blazejewski, Donovan, Lyle, and Cortvriend

Date Introduced: February 27, 2019

Referred To: House Judiciary

(Board of Elections)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 17-25-3, 17-25-18, 17-25-19, 17-25-20 and 17-25-22 of the
2 General Laws in Chapter 17-25 entitled "Rhode Island Campaign Contributions and Expenditures
3 Reporting" are hereby amended to read as follows:

4 **17-25-3. Definitions.**

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

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

17 (2) "Candidate" means any individual who undertakes any action, whether preliminary or
18 final, which is necessary under the law to qualify for nomination for election or election to public

1 office, and/or any individual who receives a contribution or makes an expenditure, or gives his or
2 her consent for any other person to receive a contribution or make an expenditure, with a view to
3 bringing about his or her nomination or election to any public office, whether or not the specific
4 public office for which he or she will seek nomination or election is known at the time the
5 contribution is received or the expenditure is made and whether or not he or she has announced
6 his or her candidacy or filed a declaration of candidacy at that time.

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

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

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

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

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

27 (8) "Eligible office" means general office or legislative office.

28 ~~(8)~~(9) "In-kind contributions" means the monetary value of other things of value or paid
29 personal services donated to, or benefiting, any person required to file reports with the board of
30 elections.

31 ~~(9)~~(10) "Other thing of value" means any item of tangible real or personal property of a
32 fair-market value in excess of one hundred dollars (\$100).

33 ~~(10)~~(11) "Paid personal services" means personal services of every kind and nature, the
34 cost or consideration for which is paid or provided by someone other than the committee or

1 candidate for whom the services are rendered, but shall not include personal services provided
2 without compensation by persons volunteering their time.

3 ~~(11)~~(12) "Person" means an individual, partnership, committee, association, corporation,
4 union, charity, and/or any other organization. The term "person" shall not include any exempt
5 nonprofit as defined herein or any organization described in § 501(c)(3) of the Internal Revenue
6 Code of 1986, or any subsequent corresponding internal revenue code of the United States, as
7 amended from time to time, for the purposes of chapter 25.3 of title 17 only.

8 ~~(12)~~(13) "Political action committee" means any group of two (2) or more persons that
9 accepts any contributions to be used for advocating the election or defeat of any candidate or
10 candidates. Only political action committees that have accepted contributions from fifteen (15) or
11 more persons in amounts of ten dollars (\$10.00) or more within an election cycle shall be
12 permitted to make contributions, and those committees must make contributions to at least five
13 (5) candidates for state or local office within an election cycle.

14 ~~(13)~~(14) "Public office" means any state, municipal, school, or district office or other
15 position that is filled by popular election, except political party offices. "Political party offices"
16 means any state, city, town, ward, or representative or senatorial district committee office of a
17 political party or delegate to a political party convention, or any similar office.

18 (15) "Qualified candidate" means a natural person who is certified by the board of
19 elections to receive voucher funds under § 17-25-20.1.

20 (16) "Qualifying contribution" means a monetary contribution, excluding a loan, in an
21 aggregate amount greater than or equal to twenty-five dollars (\$25.00) and less than the
22 contribution limit specified under § 17-25-19.1 made by a natural person who is a resident of the
23 state and is not prohibited from making a contribution under 52 U.S.C. § 30121.

24 ~~(14)~~(17) "State" means state of Rhode Island.

25 ~~(15)~~(18) "Testimonial affair" means an affair of any kind or nature including, but not
26 limited to, cocktail parties, breakfasts, luncheons, dinners, dances, picnics, or similar affairs
27 expressly and directly intended to raise campaign funds in behalf of a candidate to be used for
28 nomination or election to a public office in this state, or expressly and directly intended to raise
29 funds in behalf of any state or municipal committee of a political party, or expressly and directly
30 intended to raise funds in behalf of any political action committee.

31 ~~(16)~~(19) "Electioneering communication" means any print, broadcast, cable, satellite, or
32 electronic media communication not coordinated, as set forth in § 17-25-23, with any candidate,
33 authorized candidate campaign committee, or political party committee and that unambiguously
34 identifies a candidate or referendum and is made either within sixty (60) days before a general or

1 special election or town meeting for the office sought by the candidate or referendum; or thirty
2 (30) days before a primary election, for the office sought by the candidate; and is targeted to the
3 relevant electorate.

4 (i) A communication that refers to a clearly identified candidate or referendum is
5 "targeted to the relevant electorate" if the communication can be received by two thousand
6 (2,000) or more persons in the district the candidate seeks to represent or the constituency voting
7 on the referendum.

8 (ii) Exceptions: The term "electioneering communication" does not include:

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

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

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

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

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

24 ~~(17)~~(20) "Independent expenditure" means an expenditure that, when taken as a whole,
25 expressly advocates the election or defeat of a clearly identified candidate, or the passage or
26 defeat of a referendum, or amounts to the functional equivalent of such express advocacy, and is
27 in no way coordinated, as set forth in § 17-25-23, with any candidate's campaign, authorized
28 candidate committee, or political party committee. An expenditure amounts to the functional
29 equivalent of express advocacy if it can only be interpreted by a reasonable person as advocating
30 the election, passage, or defeat of a candidate or referendum, taking into account whether the
31 communication mentions a candidate or referendum and takes a position on a candidate's
32 character, qualifications, or fitness for office. An independent expenditure is not a contribution to
33 that candidate or committee.

34 (i) Exceptions: The term "independent expenditure" does not include:

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

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

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

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

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

16 ~~(18)~~(21) "Covered transfer" means any transfer or payment of funds by any person,
17 business entity, or political action committee to another person, business entity, or political action
18 committee if the person, business entity, or political action committee making the transfer: (i)
19 Designates, requests, or suggests that the amounts be used for independent expenditures or
20 electioneering communications or making a transfer to another person for the purpose of making
21 or paying for such independent expenditures or electioneering communications; (ii) Made such
22 transfer or payment in response to a solicitation or other request for a transfer or payment for the
23 making of or paying for independent expenditures or electioneering communications or making a
24 transfer to another person for the purpose of making or paying for such independent expenditures
25 or electioneering communications; (iii) Engaged in discussions with the recipient of the transfer
26 or payment regarding independent expenditures or electioneering communications or making a
27 transfer to another person for the purpose of making or paying for such independent expenditures
28 or electioneering communications; or (iv) Made independent expenditures or electioneering
29 communications in an aggregate amount of five thousand dollars (\$5,000) or more during the
30 two-year (2) period ending on the date of the transfer or payment, or knew or had reason to know
31 that the person receiving the transfer or payment made such independent expenditures or
32 electioneering communications in such an aggregate amount during that two-year (2) period.

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

34 (I) A transfer or payment made by a person, business entity, or political action committee

1 in the ordinary course of any trade or business conducted by the person, business entity, or
2 political action committee or in the form of investments made by the person, business entity, or
3 political action committee; or

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

11 ~~(19)~~(22) For the purposes of chapter 25.3 of title 17, "donation" means all transfers of
12 money, credit or debit card transactions, on-line or electronic payment systems such as "pay pal",
13 paid personal services, or other thing of value to or by any person, business entity, or political
14 action committee. A loan shall be considered a donation of money until it is repaid.

15 ~~(20)~~(23) For the purposes of chapter 25.3 of title 17, "donor" means a person, business
16 entity, or political action committee that makes a donation.

17 ~~(21)~~(24) "Exempt nonprofit" means any organization described in § 501(c)(4) of the
18 Internal Revenue Code that spends an aggregate annual amount of no more than ten percent
19 (10%) of its annual expenses or no more than fifteen thousand dollars (\$15,000), whichever is
20 less, on independent expenditures, electioneering communications, and covered transfers as
21 defined herein and certifies the same to the board of elections seven (7) days before and after a
22 primary election and seven (7) days before and after a general or special election.

23 ~~(22)~~(25) For purposes of chapter 25.3 of title 17, "referendum" means the same as the
24 definition set forth in § 17-5-1.

25 (26) "Voucher-eligible resident" means a natural person who satisfies all of the following
26 conditions:

27 (i) Is at least eighteen (18) years old;

28 (ii) Currently resides in the state and has resided in the state for more than thirty (30)
29 days; and

30 (iii) Is not prohibited from making a contribution under 52 U.S.C. § 30121.

31 **17-25-18. Public financing of election campaigns -- General purpose.**

32 Whereas, the general assembly finds that the cost of running for statewide office has risen
33 over the last decade at a rate far in excess of the increase in the cost of living; and

34 Whereas, the general assembly finds that the need to raise ever larger sums of money to

1 effectively compete for general [and legislative](#) office threatens the essence of our democratic
2 system by excluding many well qualified candidates; and

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

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

9 Therefore, the general assembly determines that it is in the best interest of the citizens of
10 the state to provide public financing to qualified candidates for general [and legislative](#) office.

11 **17-25-19. Public financing of election campaigns -- Outlined.**

12 (a) To effectuate the purpose stated in § 17-25-18, public funds shall be made available
13 under the terms and conditions of this section and §§ 17-25-20 -- 17-25-27 to qualifying
14 candidates for general [and legislative](#) office ~~who agree to abide by a limitation on the total~~
15 ~~amount of campaign contributions received and expenditures made for election purposes.~~

16 (b) Candidates for general office shall be eligible to receive two dollars (\$2.00) of public
17 funds for each qualified dollar (\$1.00) of private funds contributed which do not exceed an
18 aggregate of five hundred dollars (\$500) from a single source within an election cycle and one
19 dollar (\$1.00) of public funds for each qualified dollar (\$1.00) of private funds contributed which
20 exceed an aggregate of five hundred dollars (\$500) from a single source within an election cycle
21 but do not exceed the limitations on aggregate contributions which are eligible to be matched set
22 in subdivision 17-25-20(3), subject to the provisions of subdivision 17-25-20(2). The total
23 amount of public [matching](#) funds provided to a candidate shall not exceed seven hundred fifty
24 thousand dollars (\$750,000) in matching funds for a total of one million five hundred thousand
25 dollars (\$1,500,000) for candidates for governor; and one hundred eighty-seven thousand five
26 hundred dollars (\$187,500) in matching funds ~~for a total of three hundred seventy five thousand~~
27 ~~dollars (\$375,000)~~ for candidates for other general offices.

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

34 [\(d\) Subject to the terms and conditions of this chapter, candidates for general office and](#)

1 legislative office shall be eligible to receive voucher funds in an amount equal to five hundred
2 thousand dollars (\$500,000) for candidates for governor, two hundred fifty thousand dollars
3 (\$250,000) for candidates for other general office, and one hundred fifty thousand dollars
4 (\$150,000) for candidates for legislative office.

5 **17-25-20. Eligibility criteria for matching public funds.**

6 In order to receive matching public funds under § 17-25-19, a qualifying candidate must
7 comply with the following requirements:

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

14 (2)(i) Subject to the provisions of paragraph (ii) of this subdivision, no participating
15 candidate for governor shall either receive or expend for election purposes more than a total of
16 public matching and private funds in the sum of one million five hundred thousand dollars
17 (\$1,500,000) in an election cycle. No participating candidate for general office other than
18 governor shall receive or expend for election purposes more than a total of public ~~and private~~
19 matching funds in the sum of ~~three hundred seventy five thousand dollars (\$375,000)~~ one
20 hundred eighty-seven thousand five hundred dollars (\$187,500) in an election cycle.

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

28 (3)(i) Only the first two thousand dollars (\$2,000) of the aggregate private monetary
29 contributions from a single private source within an election cycle shall be eligible for matching
30 public funds for candidates for governor; provided, that the entire amount contributed shall be
31 considered toward the dollar limits provided in subdivision (2) of this section.

32 (ii) Only the first one thousand dollars (\$1,000) of the aggregate private monetary
33 contributions from a single private source within an election cycle shall be eligible for matching
34 public funds for candidates for lieutenant governor, secretary of state, attorney general, and

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

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

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

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

20 (6) In order to receive payments under this section, any candidate for general office shall
21 first meet the following additional minimum requirements:

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

24 (ii) Receive private contributions from a minimum of two hundred fifty (250) individuals
25 contributing at least twenty-five dollars (\$25.00) each for candidates for governor and receive
26 private contributions from a minimum of one hundred (100) individuals contributing at least
27 twenty- five dollars (\$25.00) each, for candidates for lieutenant governor, secretary of state,
28 attorney general and general treasurer; and

29 (iii) Comply with any and all applicable nomination provisions in this title and qualify for
30 the general election ballot pursuant to the process set forth in this title.

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

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

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

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

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

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

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

13 (vi) Purchase of signs, bumper stickers, campaign buttons, and other campaign
14 paraphernalia;

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

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

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

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

22 (9) Contributions received and expended by any candidate for the purpose of defraying
23 any expense or satisfying any loan obligations incurred prior to January 1, 1991, by the candidate
24 in furtherance of his or her candidacy in a previous election cycle, as defined in subdivision 17-
25 25-3(7), shall not be counted toward any contribution or expenditure limitation in §§ 17-25-18 --
26 17-25-27.

27 (10) No candidate who has elected to receive public funds shall contribute to or loan to
28 his or her own campaign a sum in excess of ~~five percent (5%) of the total amount that a candidate~~
29 ~~is permitted to expend in a campaign for the office pursuant to §§ 17-25-19 and 17-25-21~~
30 seventy-five thousand dollars (\$75,000) for candidates for governor and eighteen thousand seven
31 hundred fifty dollars (\$18,750) for candidates for general office other than governor.

32 **17-25-22. Time period for payment of public funds. Time period for payment of**
33 **matching public funds.**

34 (a) No matching public funds shall be dispersed to candidates until after the date of the

1 primary election. In order to receive matching public funds, the candidate must be a candidate for
2 general office who meets all of the requirements set forth in subdivision 17-25-20(6). The
3 candidate must submit to the board of elections proof of receipt of qualifying private
4 contributions and supporting documentation as required by the board. The board of elections
5 shall, within five (5) business days of the receipt of the request for payment of matching funds,
6 either pay over funds to the candidate or disallow all or a portion of the request and state in
7 writing the reasons for the disallowance.

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

10 SECTION 2. Chapter 17-25 of the General Laws entitled "Rhode Island Campaign
11 Contributions and Expenditures Reporting" is hereby amended by adding thereto the following
12 sections:

13 **17-25-19.1. Voucher program - Distribution - Assignment - Funds.**

14 (a) Except as provided in subsections (b) and (c) of this section, one hundred twenty
15 (120) days prior to the first day of the month in which a primary election occurs, the board of
16 elections shall mail no fewer than two (2) vouchers to each voucher-eligible resident who is
17 registered to vote one hundred fifty (150) days prior to the first day of the month in which the
18 primary election occurs.

19 (b) The board of elections shall email the vouchers under subsection (a) of this section to
20 a voucher-eligible resident if the voucher-eligible resident does all of the following:

21 (1) Indicates on a form developed by the board that the voucher-eligible resident wants to
22 receive the vouchers by email; and

23 (2) Provides the board a valid email address.

24 (c) If the election is a special election primary pursuant to § 17-15-3, the board shall
25 determine the specific date on which to distribute vouchers under subsection (a) of this section
26 prior to the date of the special election primary.

27 (d) A natural person who does not receive vouchers under subsection (a) of this section
28 may request vouchers from the board of elections. The board shall provide the person the same
29 number of vouchers provided under subsection (a) of this section after the board verifies that the
30 person is a voucher-eligible resident.

31 (e)(1) A voucher-eligible resident may apply to the board of elections to replace a
32 voucher if the voucher-eligible resident provides a statement on a form developed by the board
33 that the voucher is lost or stolen.

34 (2) The board shall develop a procedure to determine whether to issue the voucher-

1 eligible resident a replacement voucher.

2 (3) If the board determines a voucher is lost or stolen the board shall cancel the voucher.

3 (f) To assign a voucher to a qualified candidate as provided under §§ 17-25-19.1(g)(2)
4 through 17-25-19.1(g)(4), the voucher-eligible resident shall do all of the following:

5 (1) Write the name of a qualified candidate on the voucher.

6 (2) Sign and date the voucher.

7 (g) A voucher-eligible resident may assign a voucher by doing any of the following:

8 (1) Assigning the voucher on a secure website created by the board of elections for the
9 purpose of assigning a voucher;

10 (2) Delivering the voucher to the board of elections;

11 (3) Delivering the voucher to a candidate or a representative of the candidate that is
12 registered with the board for the purpose of receiving a voucher; or

13 (4) Mailing the voucher to the board. A voucher shall be assigned if it is postmarked no
14 later than thirty (30) days after the day of the general election.

15 (h) A voucher-eligible resident may not do any of the following:

16 (1) Change the assignment of a voucher after the voucher-eligible resident assigns the
17 voucher;

18 (2) Assign a voucher by proxy, power of attorney, or agent;

19 (3) Assign a voucher in a manner other than as provided under subsection (g) of this
20 section; or

21 (4) Assign a voucher later than thirty (30) days after the day of the general election.

22 (i) The board of elections shall distribute voucher funds to a qualified candidate if the
23 board verifies all of the following:

24 (1) The candidate to whom the voucher is assigned is a qualified candidate at the time the
25 board distributes the voucher funds;

26 (2) The voucher is assigned by a voucher-eligible resident;

27 (3) The voucher contains the voucher-eligible resident's signature; and

28 (4) The candidate to whom the voucher is assigned has not exceeded voucher funds limit
29 specified under subsection (j) of this section at the time the board distributes the voucher funds.

30 (j) Subject to subsection (k) of this section, the board of elections may not distribute to a
31 qualified candidate more than the following voucher funds amounts:

32 (1) Five hundred thousand dollars (\$500,000) for the primary election and one million
33 dollars (\$1,000,000) for the primary and general elections combined for a candidate for governor;

34 (2) Two hundred fifty thousand dollars (\$250,000) for the primary election and five

1 hundred thousand dollars (\$500,000) for the primary and general elections combined for a
2 candidate for general office other than governor; and

3 (3) Two hundred fifty thousand dollars (\$250,000) for the primary election and five
4 hundred thousand dollars (\$500,000) for the primary and general elections combined for a
5 candidate for legislative office.

6 (k) The board of elections shall adjust the amounts specified under subsection (j) of this
7 section for inflation, as determined by the board, no later than six (6) months prior to the primary
8 election for each eligible office. The board shall determine the adjustment for inflation using the
9 consumer price index for urban consumers, as published by the U.S. Department of Labor.

10 (l) Subject to subsection (m) of this section, the board of elections shall determine and
11 publish in its timeline under subsection (b) of this section all dates on which the board distributes
12 voucher funds.

13 (m)(1) Except as provided in § 17-25-19.1(m)(2), the board of elections shall distribute
14 voucher funds to a candidate no less frequently than twice per month.

15 (2) In the month immediately prior to the month in which a primary or general election
16 occurs the board of elections shall distribute voucher funds to a candidate no less frequently than
17 once per week.

18 (n) A qualified candidate may only use voucher funds in the same manner as public
19 matching funds under §§ 17-25-20(7) and 17-25-20(8).

20 (o) A person who knowingly does or attempts to do any of the following is guilty of a
21 misdemeanor punishable by a fine of no more than one thousand dollars (\$1,000), imprisonment
22 for no longer than three hundred and sixty four (364) days, or both:

23 (1) Purchases, sells, or transfers a voucher for consideration.

24 (2) Obtains or controls a voucher with intent to deprive the voucher-eligible resident to
25 whom the voucher was issued of the use of the voucher.

26 (3) Transfers a voucher obtained or controlled as provided under § 17-25-19.1(o)(2).

27 (4) Alters or assigns a voucher without permission from the voucher-eligible resident to
28 whom the voucher was issued.

29 (5) Creates and distributes a voucher with the intent that a person perceives the voucher
30 as authentic.

31 **17-25-19.2. Administration of the voucher program.**

32 (a) The board of elections shall do all of the following:

33 (1) Promulgate rules and regulations necessary to administer the voucher program.

34 Notwithstanding § 42-35-18(b)(7), the board shall promulgate rules and regulations in accordance

1 with the provisions of chapter 35 of title 42 to carry out the provisions, policies, and purposes of
2 the voucher program.

3 (2) Prescribe forms necessary to administer the voucher program.

4 (3) Design a voucher that includes all of the following elements:

5 (i) The election for which the board of elections issues the voucher;

6 (ii) A serial number and bar code;

7 (iii) The amount of voucher funds that the voucher represents;

8 (iv) The full name of the voucher-eligible resident who may assign the voucher;

9 (v) A place to write the date on which the voucher-eligible resident assigns the voucher;

10 (vi) A place to write the name of the qualified candidate to whom the voucher-eligible
11 resident assigns the voucher;

12 (vii) A statement that informs the voucher-eligible resident of all of the following:

13 (A) The voucher-eligible resident may not revoke an assignment of the voucher;

14 (B) The voucher-eligible resident may not transfer the voucher;

15 (C) The voucher has no monetary value; and

16 (D) The voucher-eligible resident may assign the voucher only as provided under § 17-
17 25-19.1;

18 (viii) A statement that affirms that the voucher-eligible resident assigns the voucher
19 voluntarily, free from duress, and not in exchange for consideration;

20 (ix) A signature line; and

21 (x) Additional information as the board of elections determines is necessary to administer
22 a voucher.

23 (4) Provide educational material as follows:

24 (i) Develop and conduct in-person training for candidates;

25 (ii) Publish guides and manuals for the public, candidates, public officials, political
26 parties, and committees;

27 (iii) Publish a timeline of important dates for the program;

28 (iv) Conduct education and outreach for the general public;

29 (v) Provide all materials on paper and on the board of elections' public-facing website;

30 (vi) Publish all materials in a manner accessible by a person with a visual disability; and

31 (vi) Provide all materials in the following languages:

32 (A) English;

33 (B) Spanish;

34 (C) Portuguese;

1 (D) A language in which election materials are required to be published in this state or a
2 political subsection of this state under 52 U.S.C. § 10503; and

3 (E) Any additional language as determined by the board of elections.

4 (5) Create and maintain a public-facing website that does all of the following:

5 (i) Provides a mechanism by which a voucher-eligible resident may assign a voucher to a
6 qualified candidate;

7 (ii) Displays the following information for every voucher that a voucher-eligible resident
8 assigns:

9 (A) The name of the voucher-eligible resident assigning the voucher;
10 (B) The date on which the voucher-eligible resident assigned the voucher;
11 (C) The qualified candidate to whom the voucher-eligible resident assigned the voucher;
12 and

13 (D) The serial number of the voucher;

14 (iii) Displays the number and amount of vouchers assigned for each primary and general
15 election, organized by qualified candidate.

16 (iv) Displays the name of each person registered to receive vouchers on behalf of a
17 candidate under § 17-25-19.1(g)(3), the name of the candidate on behalf of whom the person
18 receives vouchers, and the number of vouchers the person has received.

19 (6) Conduct a review of the program following an election cycle and provide all of the
20 following to the legislature no later than September 1 of the year following the year in which the
21 state holds a general election:

22 (i) A report that describes all of the following for the election cycle:

23 (A) The number of candidates and qualified candidates running for eligible office.
24 (B) The number of vouchers distributed by the board.
25 (C) The number of unused vouchers, number of vouchers assigned and vouchers paid by
26 the board.

27 (D) The amount of money in the fund before and after the election cycle.
28 (E) A financial projection of the fund for the subsequent three (3) election cycles.
29 (F) The number and nature of public education and outreach events conducted.
30 (G) The number of persons who participated in education and outreach events.

31 (ii) Legislative recommendations for changes to improve the program, including
32 recommendations for adjustments to all of the following:

33 (A) The number of qualifying contributions required under § 17-25-20.1(b).
34 (B) The amount of voucher funds a qualifying candidate may receive under § 17-25-

1 19.1(i).

2 (C) The number of vouchers the board of elections provides a voucher-eligible resident
3 under § 17-25-19.1(a).

4 (D) The amount of voucher funds that a voucher represents.

5 (iii) An independent financial audit of the voucher program.

6 (iv) An independent operational audit of the voucher program.

7 **17-25-20.1. Eligibility criteria for voucher funds.**

8 (a) A person may apply to the board of elections for certification as a qualified candidate
9 if the person satisfies all of the following conditions:

10 (1) The candidate is eligible to run for general office or legislative office.

11 (2) The candidate certifies to the board of elections that the candidate has filed all
12 campaign finance reports required by this chapter with the board of elections and that the
13 campaign finance reports are complete and accurate.

14 (3) The candidate has complied with the requirements of this chapter.

15 (4) The candidate agrees to comply with all of the following requirements for the
16 remainder of the election cycle:

17 (i) Participate in no fewer than two (2) debates prior to a primary election and no fewer
18 than two (2) debates prior to the general election;

19 (ii) Solicit or accept contributions only from a natural person;

20 (iii) Solicit or accept aggregate contributions from an individual as specified in
21 subsection (4)(i) of this section; and

22 (iv) Spend voucher funds only as permitted in §§ 17-25-20(7) and 17-25-20(8).

23 (5) Spend no more than the following amounts for direct campaign costs during the
24 election cycle using personal funds:

25 (i) Seventy five thousand dollars (\$75,000) for a candidate for governor;

26 (ii) Eighteen thousand seven hundred fifty dollars (\$18,750) for a candidate for general
27 office other than governor; and

28 (iii) Five thousand dollars (\$5,000) for a candidate for legislative office.

29 (6) The person has complied with subsections (a)(1) through (a)(5) of this section for the
30 entirety of the election cycle prior to submitting the application for certification as a qualified
31 candidate.

32 (b) The board of elections shall certify a candidate as a qualified candidate if the
33 candidate applied as required under subsection (a) of this section and has received no fewer than
34 the following number of qualifying contributions required for the eligible office:

1 (1) Two hundred fifty (250) qualifying contributions for a candidate for governor;
2 (2) One hundred (100) qualifying contributions for a candidate for general office other
3 than governor; and
4 (3) One hundred (100) qualifying contributions for a candidate for legislative office, of
5 which fifty (50) shall be from residents of the candidate's legislative district.
6 (c) A person may not apply for certification under subsection (a) of this section after the
7 date for filing nomination papers, as specified under § 17-14-12.
8 (d)(1) Notwithstanding the limits under § 17-25-10.1(a)(1), a qualified candidate may not
9 solicit or accept aggregate contributions from a natural person in a calendar year that exceed the
10 following amounts:
11 (i) Five hundred dollars (\$500) for a candidate for governor;
12 (ii) Two hundred fifty dollars (\$250) for a candidate for general office other than
13 governor; and
14 (iii) Two hundred fifty dollars (\$250) for a candidate for legislative office.
15 (2) A qualified candidate may solicit or accept a voucher from a voucher-eligible resident
16 who has made aggregate contributions to the qualified candidate that are less than or equal to the
17 amounts under subsection (d)(1) of this section.
18 (e)(1) The board of elections shall revoke a qualified candidate's certification if the
19 qualified candidate does any of the following:
20 (i) Withdraws from the election;
21 (ii) Fails to advance to a general election;
22 (iii) Violates the requirements for certification as a qualified candidate under this section;
23 or
24 (iv) Violates the requirements of this chapter, as determined by the board in a proceeding
25 under chapter 7 of title 17.
26 (2) The board of elections shall provide a written determination to a qualified candidate
27 whose certification is revoked under subsection (e)(1) of this section that includes all of the
28 following:
29 (i) The specific violation under subsection (e)(1) of this section that is the basis of
30 revoking the certification; and
31 (ii) The specific facts found by the board that form the basis for revoking the
32 certification.
33 (3) A person whose certification is revoked may appeal the board of elections' written
34 determination to the district court.

1 (f) A qualified candidate shall return to the board of elections for deposit into the fund all
2 remaining voucher funds the candidate received under § 17-25-19.1(h) after accounting for
3 campaign debts and expenditures, no later than six (6) months after any of the following occur:

4 (1) The board of elections revokes the qualified candidate's certification under subsection
5 (e) of this section;

6 (2) The qualified candidate dies; or

7 (3) The qualified candidate wins the general election.

8 SECTION 3. Severability. If a provision of this act or its application to any person or
9 circumstances is held invalid, the invalidity shall not affect any other provisions or applications of
10 this act that can be given effect without the invalid provision or application, and to this end the
11 provisions of this act are severable.

12 SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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

- 1 This act would create public funding for legislative candidates, would limit contributions
- 2 of public funds for all candidates for governor, statewide office holders and legislators.
- 3 This act would take effect upon passage.

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