

2007 -- H 5969

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2007

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A N A C T

RELATING TO ELECTIONS -- MATCHING PUBLIC FUNDS

Introduced By: Representatives Handy, Naughton, Ajello, Lima, and Jacquard

Date Introduced: March 01, 2007

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

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

4           **17-25-20. Eligibility criteria for matching public funds.** -- In order to receive matching  
5   public funds under section 17-25-19, a qualifying candidate must comply with the following  
6   requirements:

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

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

19           (ii) The limitations on contributions received from private sources, matching funds

1 available from the state, and total permitted expenditures shall apply in the 1994 general election  
2 and, subject to appropriations by the general assembly, shall increase by a percentage to be  
3 determined by the board of elections in January of each year in which a general election involving  
4 general offices is held, beginning in 1998. In no case shall the increase exceed the total increase  
5 in the consumer price index since the month in which the previous general election involving  
6 general was held.

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

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

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

19 (4) The direct costs incurred in connection with raising campaign funds on behalf of a  
20 candidate shall not be deemed to be expenditures for the purposes of the limitations on  
21 expenditures set forth in subdivision (2) of this section. Direct costs shall include costs of printing  
22 and mailing invitations to fundraising events, solicitations for contributions, costs of hosting  
23 fundraising events, and travel to those events, but shall not include any portion of the salary or  
24 wages of campaign employees, nor the cost of any radio, television, or printed advertisement. The  
25 cost of a fundraising event must be less than the amount of money realized from the gross  
26 proceeds generated by the fundraising event in order to qualify for this exclusion.

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

32 (6) In order to receive payments under this section, any independent candidate shall first  
33 meet the following additional minimum requirements:

34 (i) Raise an amount in qualified private contributions equal to twenty percent (20%) of

1 the total amount eligible to be matched for election as to the office sought;

2 (ii) Receive private contributions from a minimum of two hundred fifty (250) individuals  
3 contributing at least twenty-five dollars (\$25.00) each; and

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

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

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

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

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

16 (iii) Purchase of advertising space in newspapers and regularly published magazines and  
17 periodicals;

18 (iv) Payment of the cost of producing the material aired or displayed on radio, television,  
19 outdoor signs or billboards, and in newspapers, regularly published magazines, and periodicals;

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

21 (vi) Purchase of signs, bumper stickers, campaign buttons, and other campaign  
22 paraphernalia;

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

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

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

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

30 (9) Contributions received and expended by any candidate for the purpose of defraying  
31 any expense or satisfying any loan obligations incurred prior to January 1, 1991, by the candidate  
32 in furtherance of his or her candidacy in a previous election cycle, as defined in section 17-25-  
33 3(5), shall not be counted toward any contribution or expenditure limitation in sections 17-25-18 -  
34 - 17-25-27.

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

4 **17-25-30. Public financing of election campaigns -- Compliance benefits.** -- Any  
5 candidate eligible to receive public funds who complies in full with all eligibility criteria for  
6 receipt of the funds shall be:

7 (1) Entitled to an additional benefit of free time on community antenna television to be  
8 allocated pursuant to rules determined by the administrator for the division of public utilities.  
9 During all allocated free time, the candidate shall personally appear and present the message of  
10 the advertisement; provided, however, the content of all television time shall include captioning  
11 for the deaf and hard of hearing and the content of all radio time must be available in a written or  
12 text format at the time of request;

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

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

22 SECTION 2. This act shall take effect on January 1, 2008.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would require captioning for the deaf and hard of hearing of television political  
2 advertisements and a written or text format of radio political advertisements available at the time  
3 of request by candidates who elect to receive matching campaign financing.

4           This act would take effect on January 1, 2008.

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