

PUBLIC FINANCING OF CAMPAIGNS FOR GENERAL OFFICES –  
REVISED SUPPLEMENT #1  
(Regulations pursuant to §§17-25-18 through 17-25-29)

The following regulations have been adopted by the State Board of Elections under the authority of §§17-25-5 and 17-25-28 of the Rhode Island General Laws. The regulations are set forth under the heading of the section of the General Laws to which they principally apply. However, the regulations shall apply not only to the section under which set forth but to any other section of Chapter 17-25 to which they may be applicable.

17-25-21: Only a candidate involved in a primary election shall be permitted to raise and expend the additional amount of private funds referred to in section 17-25-21 of the General Laws and the regulations previously adopted by the State Board of Elections thereunder. For example, if one political party has a primary election for the office of governor but the other political party does not, the candidate of the political party not having the primary election does not have the right to raise and expend the additional amount of private funds referred to in said section 17-25-21.

The maximum additional amount of private funds which may be raised and expended by a candidate in a primary election is limited to the lesser of (a) the total amount spent by the opponent or opponents of such candidate in the primary election or (b) one-third of the maximum allowable expenditure amount for the office sought as set forth in section 17-25-20(2). For example, if there are four candidates in a primary election for the office of governor and candidates A, B and C in the aggregate spend a total of \$300,000 then candidate D is limited to \$300,000 since that amount is less than one-third of \$1,500,000 which is the maximum allowable expenditure amount for the office of governor in the 1994 general election.

If one of the candidates in the primary has not elected to be eligible for matching public funds and to comply with the limitations on campaign contributions and expenditures, any other candidate in the primary who may have elected to become eligible for matching public funds is nevertheless bound by the maximum allowable expenditure amount for the office sought under section 17-25-20(2) plus the additional amount permitted under section 17-25-21. For example, if candidate A, a candidate for governor, has not elected to become eligible for matching public funds and spends \$3,000,000 in the primary election, candidate B may only spend up to the maximum allowable expenditure amount

for the office plus the additional amount of private funds permitted under section 17-25-21 in connection with primary elections, i.e. for the general election in 1994, candidate B would be limited to \$1,500,000 plus \$500,000 or \$2,000,000. If candidate B, in fact, did spend the entire \$2,000,000 before the primary election, candidate B, if successful in the primary, will have reached his combined maximum amount under sections 17-25-20 (2) and 17-25-21 and will be unable to raise and expend any additional monies in connection with the general election if candidate B's opponent in the general election has also elected to become eligible for matching public funds.

However, if candidate B's opponent for the office of governor in the general election has not elected to become eligible for matching public funds, then candidate B shall be permitted, under section 17-25-24, to raise and expend additional private contributions in excess of the combined maximum amount under sections 17-25-20(2) and 17-25-21 up to the amount by which the expenditures of the general election opponent exceed the maximum allowable expenditure limit (under sections 17-25-20(2) and 17-25-21) that would have applied to the opponent's expenditures had the opponent elected to become eligible for matching public funds.

For example, if candidate B's general election opponent for the office of governor who has not elected to become eligible for matching public funds, would have had a combined maximum of \$2,000,000 (under sections 17-25-20(2) and 17-25-21) had such opponent elected to become eligible for public funds; and if such opponent expends \$3,000,000 i.e. exceeds what would have been his maximum by \$1,000,000, then candidate B is eligible to exceed his/her permitted combined maximum (under sections 17-25-20(2) and 17-25-21) by \$1,000,000.

As an additional example, if candidate B's general election opponent for the office of governor who has not elected to become eligible for matching public funds would have had a combined maximum of \$1,500,000 (under sections 17-25-20(2) and 17-25-21) had such opponent elected to become eligible for matching public funds; and if such opponent expends \$1,800,000 i.e. exceeds what would have been his maximum by \$300,000, then candidate B is eligible to exceed his or her permitted combined maximum (under sections 17-25-20(2) and 17-25-21) by an additional \$300,000, i.e. candidate B would be permitted to expend up to \$2,300,000.

The additional amount of private funds which a candidate in a primary election is permitted to raise and expend under section 17-25-21 must be expended before the primary election. Such candidate may spend more than the additional amount which is permitted to be raised and expended in connection with a primary election under section 17-25-21, but never more than the combined maximum under sections 17-25-20(2) and 17-25-21. For example, if candidates A, B and C for the office of governor each spend \$200,000 or a combined total of \$600,000 in the primary, then candidate D, who is also a primary candidate for the office of governor, is permitted to raise and expend, under section 17-25-21, in the 1944 general election, \$500,000 (one-third of the maximum allowable expenditure of \$1,500,000). Candidate D may, in fact, expend up to \$2,000,000 before the primary (\$1,500,000 plus \$500,000) but, if successful in the

primary, will have exhausted his spending limits under sections 17-25-20(2) and 17-25-21 (unless the general election opponent has not elected to become eligible for matching public funds as herein before described). If candidate D is permitted to raise and expend an additional \$500,000 because of the primary election but expended only \$200,000 prior to the primary, then candidate D's maximum allowable expenditure amount would be \$1,700,000 and not \$2,000,000 because candidate D did not spend the full \$500,000 permitted to be expended prior to the primary as required by section 17-25-21.

In summary, a candidate can spend more than the additional amount permitted to be raised and expended in a primary election under section 17-25-21 (but not beyond the combined maximum amount under section 17-25-20(2) and 17-25-21), and the amount expended in the primary is deducted from the combined maximum amount (the total permitted under both sections 17-25-20(2) and 17-25-21) in determining the additional amount of money available to be expended through the general election.

However, if a candidate does not spend, before the primary, at least the additional amount permitted to be raised and expended in the primary under section 17-25-21, the candidate's combined maximum amount (the total permitted under both sections 17-25-20(2) and 17-25-21) is reduced by the difference between the additional amount permitted to be raised and expended by the candidate under section 17-25-21, and the amount, in fact, expended by the candidate before the primary if less than the additional amount permitted under section 17-25-21.

As an example relating to the 1994 general election, a candidate for the office of governor who could have raised and expended an additional amount of private funds under section 17-25-21 up to the maximum of \$500,000 will have a maximum allowable expenditure amount equal to \$2,000,000 if he expends at least \$500,000 before the primary; but if such candidate only expends \$200,000 before the primary, such candidate will only have a maximum allowable expenditure amount of \$1,700,000.

By Order of the  
Rhode Island State Board of Elections

Joseph R. DiStefano, Chairman

ADOPTED AT A MEETING OF THE BOARD OF ELECTIONS HELD ON  
JANUARY 26, 1993.

ATTEST: Janet L. Armstrong, Secretary of State