

410-RICR-10-00-2

TITLE 410 - BOARD OF ELECTIONS

CHAPTER 10 - CAMPAIGN FINANCE

SUBCHAPTER 00 - N/A

Part 2 - Fines and Penalties for Contributions Made/Received In Excess Of Annual Allowable Contribution Limits

2.1

The within policy is for the purpose of establishing a schedule of fines and penalties for those contributions made and received by individuals, candidates/officeholders and entities in accordance with the Rhode Island Campaign Contributions & Expenditures Reporting Act ("Act") and which exceed the allowable annual contribution limits permitted by the Act.

2.2 Definitions

- A. For the purpose of this policy, the following definitions shall be in effect:
1. "Candidate/Officeholder" shall mean a candidate as defined pursuant to R.I. Gen. Laws § [17-25-3\(2\)](#); an individual elected to and/or holding public office; and, an individual accepting contributions and/or incurring expenditures or maintaining an "open" campaign account are required to file reports with the Board of Elections pursuant to the requirements of R.I. Gen. Laws Chapter [17-25](#).
 2. "Entity" shall mean a political party committee and political action committee (PAC).

2.3 Fines & Penalties

2.3.1 Contributions Made In Excess Of Allowable Limits

- A. An individual, candidate/officeholder or entity which makes a contribution to a candidate/officeholder or entity which is in excess of the allowable annual contribution limits shall be subject to the following:
1. Upon determining that an individual, candidate/officeholder or entity has made a contribution (or contributions) to a candidate/officeholder or entity which, in the aggregate, exceeds the allowable annual contribution limits,

the individual, candidate/officeholder or entity, as the case may be, shall be issued a warning against making any further contributions which exceed the allowable annual limits, including those contributions which may be made in excess of the allowable annual limits to other candidates/officeholders or entities.

2. Upon determining that an individual, candidate/officeholder or entity, who has previously received a warning from the Board pursuant to § 2.3.1(A)(1) of this Part, has made a contribution (or contributions) to a candidate/officeholder or entity which, in the aggregate, exceeds the allowable annual contribution limits, the individual, candidate/officeholder or entity, as the case may be, shall be issued a second warning against making any further contributions which exceed the allowable annual limits, including those contributions which may be made in excess of the allowable annual limits to other candidates/officeholders or entities.
3. Upon determining that an individual, candidate/officeholder or entity, who has received a second warning from the Board pursuant to § 2.3.1(A)(2) of this Part, has made a contribution (or contributions) to a candidate/officeholder or entity which, in the aggregate, exceeds the allowable annual contribution limits, the individual, candidate/officeholder or entity, as the case may be, shall be fined one hundred dollars (\$100.00) for each contribution(s) made to any candidate/officeholder or entity which exceeds the allowable annual contribution limits.

2.3.2 Contributions Received In Excess Of Allowable Limits

- A. A candidate/officeholder or entity which accepts contributions in excess of the allowable annual contribution limits shall be subject to the following:
 1. Upon determining that a candidate/officeholder or entity has received contributions which, in the aggregate, exceed the allowable annual contribution limits, the candidate/officeholder or entity, as the case may be, shall be issued a warning by the Board of Elections against accepting contributions which exceed the allowable annual limits.
 2. Upon determining that a candidate/officeholder or entity, who has previously received a warning from the Board of Elections pursuant to § 2.3.2(A)(1) of this Part, has received contributions which, in the aggregate, exceed the allowable annual contribution limits, the candidate/officeholder or entity, as the case may be, shall be issued a second warning against accepting contributions which exceed the allowable annual limits.
 3. Upon determining that a candidate/officeholder or entity, who has received a second warning from the Board pursuant to § 2.3.2(A)(2) of this Part, has received contributions which, in the aggregate, exceed the allowable annual contribution limits, the candidate/officeholder or entity, as the case

may be, shall be fined twenty- five dollars (\$25.00) for each contribution received which exceeds the allowable annual contribution limits.

4. Upon determining that a candidate/officeholder or entity, who has been fined pursuant to § 2.3.2(A)(3) of this Part, has received contributions which, in the aggregate, exceed the allowable annual contribution limits, the candidate/officeholder or entity, as the case may be, shall be fined fifty dollars (\$50.00) for each contribution received which exceeds the allowable annual contribution limits.
 5. Upon determining that a candidate/officeholder or entity, who has been fined pursuant to § 2.3.2(A)(4) of this Part, has received contributions which, in the aggregate, exceed the allowable annual contribution limits, the candidate/officeholder or entity, as the case may be, shall be fined one hundred dollars (\$100.00) for each contribution received which exceeds the allowable annual contribution limits.
- B. The fines and penalties established in this section may be issued by the Board or its designee; provided, however, that the Board or its designee may reduce or waive any fines which may be assessed pursuant to this section.
- C. Notwithstanding any other provision or requirement of this section, the Board of Elections may, at its sole discretion, take any further action against an individual, candidate/officeholder or entity which it deems appropriate and which may be permitted pursuant to the Rhode Island Campaign Contributions And Expenditures Reporting Act (R.I. Gen. Laws Chapter [17-25](#)).

2.4 Applicability

- A. This policy shall be effective upon adoption and shall apply to all contributions made or received commencing on January 1, 2004; provided, however, that any individual, candidate/officeholder or entity who shall have made or accepted contributions in excess of the allowable annual limits prior to adoption of these policies shall not be penalized or fined beyond the issuance of a warning as provided for in §§ 2.3.1(A)(1) or 2.3.2(A)(1) of this Part, as the case may be, for the contributions made or accepted during this period which exceeded the allowable limits.
- B. The within policy is hereby adopted by the Board of Elections this 1st day of June 2004.