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TITLE 410 – BOARD OF ELECTIONS

CHAPTER 10 - CAMPAIGN FINANCE

SUBCHAPTER 00 - N/A

PART 10 - Campaign Finance Accounts Receivable Reduction of Penalties and Suspension of Campaign Finance Account

10.1 Authority

These rules are adopted by the Board of Elections pursuant to R.I. Gen. Laws §§ 17-7-5(c) and 17-25-5(a)(3). These rules are available for public inspection at the offices of the Rhode Island Board of Elections, 2000 Plainfield Pike, Cranston, Rhode Island, and are also available electronically on the website of the Secretary of State in the Rhode Island Code of Regulations.

10.2 Purpose

The Board of Elections (“Board”) hereby adopts the following rules regarding the reduction of penalties and suspension of campaign finance accounts, pursuant to R.I. Gen. Laws §§ 17-25-11(g)(1)(2) and (3), to be applied to those filers who meet the following terms and conditions and are subject to the express approval and determination by the Board.

10.3 Definitions

“Contributions” or “Expenditures” means all transfers of money, credit or debit card transactions, on-line or electronic payment systems such as “pay pal,” paid personal services, or other thing of value to or by any candidate, committee of a political party, or political action committee or ballot question advocate.

“Election cycle” means the 24-month period commencing on January 1 of odd number years and ending on December 31 of even number years; provided, with respect to the public financing of election campaigns of general officers under R.I. Gen. Laws Chapter 17-25, “election cycle” shall specifically mean the 48 month period commencing on January 1 of odd numbered years and ending December 31 of even numbered years.

“Filer” means any person who is required to file campaign finance reports upon forms prescribed by the Board of Elections of certain contributions received and expenditures made to aid or promote the nomination, election, or defeat a candidacy for public office.

“Inactive campaign finance account” or “Inactive campaign activity” means a filer’s campaign finance account in which there is no indication of any contribution received or expenditure incurred during two (2) or more consecutive election cycles.

10.4 Conditions Required for Reduction of Penalties and Suspension of Campaign Finance Account

A. The Board may vote to reduce certain penalties imposed upon filers under R.I. Gen. Laws Chapter 17-25 and may also vote to suspend campaign finance accounts if the following conditions are met and good cause is determined for each category listed below. All filers who are the subject of Board review shall be afforded notice of any hearing and an opportunity to establish that good cause exists to reduce the penalties imposed under R.I. Gen. Laws § 17-25-11 and to further determine that the filer’s campaign finance account should be suspended.

1. Filers who have registered with the Board as a candidate for public office but either did not file a declaration of candidacy or did not qualify for placement on the ballot and the campaign finance contributions and/or expenditures do not exceed and aggregate of \$1,000.00 in an election cycle:

a. The Board may vote to reduce the fine to a maximum of \$500.00 per delinquent report due through the end of the election cycle in which the filer registered with the Board as a candidate for public office. The Board may also vote to suspend the accrual of all remaining penalties relating to finance account.

2. Filers who have registered as a candidate for public office with the Board, filed a declaration of candidacy and qualified for placement on the ballot, but failed to file one or more campaign finance reports due within the election cycle in which the candidate declared candidacy and remains active with the Board:

a. The Board may vote to reduce the fine to a maximum of \$1,000.00 per delinquent report due through the second election cycle next following the election cycle in which the candidate last filed a declaration of candidacy for election to public office;

b. The amount of any campaign fund balance (ending cash balance minus loans payable) greater than \$0.00 is converted to a collectable debt; and

c. The Board may also suspend all remaining penalties and accrual of fees and suspend the candidate’s campaign finance account.

3. Filers who have registered as a candidate for public office, filed a declaration of candidacy and qualified for placement on the ballot, and also filed all campaign finance reports due within each election cycle in which they were a candidate, but failed to provide a final accounting to dissolve the campaign finance account:
 - a. The Board may vote to reduce the fine imposed to a maximum \$1,000.00 per report that was due to be filed for two or more consecutive election cycles in which the filer was inactive, with no contributions received or expenditures incurred, following the election cycle in which the candidate last filed a declaration of candidacy for election to public office;
 - b. The amount of any campaign fund balance (ending cash balance minus loans payable) greater than \$0.00 is converted to a collectable debt; and
 - c. The Board may also suspend all remaining penalties and suspend the filer's campaign finance account.
4. Filers who have registered as a candidate for public office, filed a declaration of candidacy and qualified for placement on the ballot, and also filed all campaign finance reports due within an election cycle, including a final accounting to dissolve the campaign finance account:
 - a. The Board may vote to reduce any outstanding penalties to a maximum of \$1,000.00 per report that was filed past its due date.

10.5 Modifications and Enforcement

- A. The Board expressly reserves the right to modify any decision to reduce penalties or suspend a campaign finance account if any information is discovered that evidences contributions and/or expenditures that exceed the aggregate amount of \$1,000.00 during an election cycle. In such cases, the Board may convene a hearing to reconsider and modify its decision and reimpose all accrued penalties.
- B. Failure to pay all penalties within the time allotted by the Board may result in further enforcement and collection actions, including but not limited to a referral of the matter to the Department of Revenue-Central Collections Unit, or in the absence of the Department of Revenue-Central Collections Unit, an alternate debt collection service.

10.6 Implementation

- A. The Board of Elections may promulgate procedure and forms necessary to implement the requirements of this part.