

410-RICR-10-00-1

TITLE 410 - BOARD OF ELECTIONS

CHAPTER 10 - CAMPAIGN FINANCE

SUBCHAPTER 00 - N/A

Part 1 - Appealing of Late Fines

1.1

- A. The Rhode Island Board of Elections hereby amends rules and regulations relating to contributions and expenditures reporting pursuant to and in accordance with R.I. Gen. Laws §§ [17-25-11\(g\)](#) and [17-25.2-5\(d\)](#).
- B. Said rules and regulations are amended pursuant to the Administrative Procedures Act (R.I. Gen. Laws Chapter [42-35](#) *et seq.*) and are available for public inspection at the offices of the Rhode Island Board of Elections, 50 Branch Avenue, Providence, Rhode Island.

1.2 Purpose

This rule is adopted by the Board of Elections for the purpose of clarifying and expanding upon R.I. Gen. Laws §§ [17-25-11\(g\)](#) and [17-25.2-5\(d\)](#).

1.3 Definitions

"Filer" means any candidate, committee, or person required to file Campaign Finance Reports pursuant to R.I. Gen. Laws §§ [17-25-11](#) and [17-25.2-5](#).

"Supervisory Staff" means the Board of Elections' Executive Director, Director of Campaign Finance, or their designees.

1.4 Contesting Late Filing Fines

- A. When the Board of Elections assesses a Filer with a fine for failure to file reports under R.I. Gen. Laws §§ [17-25-11\(g\)\(2\)](#) or [17-25.2-5\(d\)\(2\)](#), and the Filer is subsequently notified by certified mail of the imposition of the fine, then the Filer may appeal the fine on grounds that the fine was incorrectly imposed within thirty (30) days of receipt of notice of the non-compliance or in the event that the notice is not claimed, within forty-five (45) days of the date on which the notice was sent. A failure to file a timely appeal shall be deemed an admission. Requests for appeals must be in accordance with the Rules of Practice and Procedure in Adjudicatory Hearings before the Rhode Island Board of Elections (Part 20-00-2 of this Title).

- B. Nothing in this section shall prohibit the Board of Elections from acting on its own motion to waive any fines or fees imposed.

1.5 Waiver of Late Filing Fines - For Good Cause Shown

- A. Filers seeking waivers of fines or fees imposed under R.I. Gen. Laws §§ [17-25-11\(g\)](#) or [17-25.2-5\(d\)](#) may request a waiver by the Board of Elections for good cause shown within sixty (60) days of receipt of notice of the non-compliance or if the notice is not claimed, within seventy-five (75) days of the date on which the notice was sent. Waivers may only be considered if there are no reports past due. All waiver requests must be submitted either in writing or electronically and contain the Filer's name, address, a statement specifying the fines and fees to be waived, and cause for the late filing.
- B. The Board of Elections hereby authorizes its Supervisory Staff to administratively review and act upon all requests, including setting conditions for any full or partial waivers, where the amount of fines and fees do not exceed five thousand dollars (\$5,000 - Waiver requests where the amount off fines exceed five thousand dollars (\$5,000) will be submitted to the Board for public hearing, provided however, that the Board hereby authorizes its legal counsel to take whatever action is available under the law to collect any outstanding penalties and, with the consent of the Board's Supervisory Staff, to set conditions for any full or partial waivers.
- C. Filers may appeal the Supervisory Staff's decision on any waiver-request for a de novo public hearing to the Board of Elections within forty-five (45) days of the date of the notice, which shall contain a statement of the Filer's right of appeal. All requests for a hearing must be in writing and in compliance with the Rules of Practice and Procedure in Adjudicatory Hearings before the Rhode Island Board of Elections.
- D. Nothing in this section shall prohibit the Board of Elections from acting on its own motion to waive any fines or fees imposed.

1.6 Applicability - Prior Fines and Fees

All fines and fees due prior to the adoption of this regulation are hereby subject to this regulation. All the rights and periods of waiver and appeal stated herein shall commence with the date of adoption of this regulation. All previous notices sent prior to the adoption of this regulation shall be deemed sufficient and shall not be resent.

1.7 Implementation

- A. The Board of Elections may promulgate procedures and forms necessary to implement the within rules and regulations required under the Rhode Island General Laws.

B. These rules and regulations were adopted at a meeting of the State Board of Elections held on 13th day of July 2010 pursuant to the Administrative Procedures Act (R.I. Gen. Laws § [42-35-1](#), *et seq.*). By Order of the Rhode Island Board of Elections.