

410-RICR-10-00-4

TITLE 410 - BOARD OF ELECTIONS

CHAPTER 10 - CAMPAIGN FINANCE

SUBCHAPTER 00 - N/A

Part 4 - Matching Public Funds - Contribution Exemption and Additional Expenses

4.1

- A. The Rhode Island Board of Elections hereby adopts rules and regulations for matching public funds - contribution exemption and additional expenditures pursuant to and in accordance with R.I. Gen. Laws §§ [17-25-20](#) and [17-25-24](#).
- B. Said rules and regulations are adopted 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.

4.2 Purpose

The Rhode Island Board of Election hereby adopts the within rules and regulations for the purpose of clarifying and expanding upon the contribution exemption and additional expenditures for R.I. Gen. Laws §§ [17-25-20](#) and [17-25-24](#).

4.3 Contribution Exemption for R.I. Gen. Laws § [17-25-20](#)

- A. Note: The regulation to be adopted by the Board of Elections ("Board") appears in § 4.3(C) of this Part beneath the specific section of the Rhode Island General Law which the Board is seeking to address with the adoption of said regulation.
- B. § [17-25-20](#) - Eligibility criteria for matching public funds. - In order to receive matching public funds under § [17-25-19](#), a qualifying candidate must comply with the following requirements:
 - (1) The candidate must sign a statement under oath, as provided for in § [17-25-19](#); pledging to comply with the limitations on contributions and expenditures for election purposes and with all the terms and conditions set forth in this chapter. Upon the filing of the statement, a candidate for general office shall be bound to abide by the limitations on contributions and expenditures set forth in this chapter and may not withdraw from his or her obligation to abide by these restrictions.

- (2) Subject to the provisions of paragraph (ii) of this subdivision, no participating candidate shall either receive or expend for election purposes more than a total of public and private funds in the sum of one million five hundred thousand dollars (\$1,500,000) in an election cycle. No participating candidate for general office other than governor shall receive or expend for election purposes more than a total of public and private funds in the sum of three hundred seventy-five thousand dollars (\$375,000) in an election cycle.
- (ii) The limitations on contributions received from private sources, matching funds available from the state, and total permitted expenditures shall apply in the 1994 general election and, subject to appropriations by the general assembly, shall increase by a percentage to be determined by the Board of Elections in January of each year-in which a general election involving general offices is held, beginning in 1998. In no case shall the increase exceed the total increase in the consumer price index since the month in which the previous general election involving general offices was held.
- (3) Only the first two thousand dollars (\$2,000) of the aggregate private monetary contributions from a single private source within an election cycle shall be eligible for matching public funds for candidates for governor; provided, that the entire amount contributed shall be considered toward the dollar limits provided in subdivision (2) of this section.
- (ii) Only the first one thousand dollars (\$1,000) of the aggregate private monetary contributions from a single private source within an election-cycle shall be eligible for matching public funds for candidates for lieutenant governor, secretary of state, attorney general, and general treasurer; provided, that the entire amount contributed shall be considered toward the dollar limits provided for in subdivision (2) of this section.
- (iii) Any private funds lawfully contributed during the current election cycle shall be eligible for matching public funds subject to the terms and conditions of this section, and private funds donated during a preceding election cycle shall not be eligible for matching public funds.
- (4) The direct costs incurred in connection with raising campaign funds on behalf of a candidate-shall not be deemed to be expenditures for the purposes of the limitations on expenditures set forth in subdivision (2) of this section. Direct costs-shall include costs of printing and mailing invitations to fundraising events, solicitations for contributions, costs of hosting fundraising events, and travel to those events, but shall not include any portion of the salary or wages of campaign employees, nor the cost of any radio, television, or printed advertisement. The cost of a

fundraising event must be less than the amount of money realized from the gross proceeds generated by the fundraising event in order to qualify for this exclusion.

- C. Further, since fundraising expenditures correspond directly to the receipt of contributions, the contributions raised in equal amounts to those direct costs shall be exempt from the limitations on contributions set forth in § 4.3(B)(2) of this Part.

4.4 Additional Expenditures for R.I. Gen. Laws § [17-25-24](#)

- A. Note: The regulation to be adopted by the Board of Elections ("Board") appears in § 4.4(C) of this Part beneath the specific section of the Rhode Island General Law which the Board is seeking to address with the adoption of said regulation.
- B. § [17-25-24](#) Additional Expenditures - Any candidate eligible to receive public funds and electing to receive these funds whose opponent does not elect to receive public funds shall be permitted to raise additional private contributions and make additional expenditures for election purposes in an amount in excess of the candidate's maximum allowable expenditure limit equal to the amount by which the expenditures of the opponent exceed the maximum allowable expenditure limit that would have applied to the opponent's expenditures had the opponent elected to receive public funds.
- C. Moreover, to the extent that the candidate has not received the total amount of public funds provided for the general office sought, he or she may use private contributions received within the same election cycle to request matching public funds and make additional expenditures in an amount in excess of the candidate's maximum allowable limit equal to the amount by which the expenditures of his or her opponent exceed the maximum allowable expenditure limit that would have applied to the opponent's expenditures had the opponent elected to receive public funds.

4.5 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 the 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.