OFFICE OF
CAMPAIGN
and
POLITICAL
FINANCE

Commonwealth
of Massachusetts

Campaign Finance Regulations
970 CMR

4.0 Public Finance Regulations

One Ashburton Place, Room 411
Boston, Massachusetts 02108
(617) 727-8352
(800) 462-OCPF

970 CMR 4.00: PUBLIC FINANCE REGULATIONS

Section

4.01: Scope and Purpose
4.02: General Provisions
4.03: Definitions
4.04: Candidate Statements to Abide by Expenditure Limits
4.05: Eligible Candidate's Statement of Qualifying Contributions
4.06: Determination of Contributor Identity
4.07: Candidates Eligible for Public Financing
4.08: Certification of Limited Public Financing for Eligible Candidates
4.09: Candidate's Bond and Distribution Limitations
4.10: General Election: Rules Applicable to Governor and Lieutenant Governor Team - Reserved
4.11: Expenditures Subject to Expenditure Limitations
4.12: Recordkeeping
4.13: Post Primary and Election Reports
4.14: Post Election Audit
4.15: Filing by Disk - Reserved

4.01: Scope and Purpose

M.G.L. c. 55C establishes expenditure limits for certain candidates for statewide elective office in the Commonwealth. In addition, M.G.L. c. 55C provides that candidates for statewide elective office who agree to abide by certain statutory expenditure limits and who submit qualified contributions in the minimum amounts established by law are eligible for limited public financing. M.G.L. c. 55C also regulates the distribution, accounting and, in certain cases, the repayment of public funds by candidates. 970 CMR 4.00 governs certain procedures candidates must follow in order to have their name appear on the ballot and that those candidates seeking public financing of their campaign must follow to qualify for public funds. In addition, 970 CMR 4.00 governs the procedures, recordkeeping practices and post election audits applicable to candidates for statewide elective office.

4.02: General Provisions

(1) Authority. 970 CMR 4.00 is promulgated under authority of M.G.L. c. 55, §§ 3 and 6, c. 55C, § 11 and M.G.L. c. 30A.

(2) Amendments. 970 CMR 4.00 may be amended at any time, and such amendments shall take effect in accordance with M.G.L. c. 30A, § 6.

(3) Submission Deadlines. Unless otherwise provided for in 970 CMR 4.00, all reports, statements or other information required to be filed by candidates with the director pursuant to M.G.L. c. 55C shall be filed with the director no later than 5:00 P.M. on the date such statement is due. The director shall receive and record all submissions regardless of when filed but shall not act on any submission filed after 5:00 P.M. unless so ordered by a court of competent jurisdiction.

(4) Certifications. Determination and certification of a candidate's eligibility pursuant to M.G.L. c. 55C, §§ 4 and 6 and determination and certification of the amount of public funds to which candidates are entitled pursuant to M.G.L. c. 55C, §§ 5 and 7 shall be made on or before the eighth, sixth, fourth or second Tuesday before the primary election or the fourth or second Tuesday before the general election based solely on information contained on statements of qualifying contributions filed with the director by 5:00 P.M. on the Friday next preceding any such Tuesday. The director shall receive and record all statements of qualifying contributions regardless of when filed but shall not act on any such statement filed after 5:00 P.M. unless so ordered by a court of competent jurisdiction.

4.03: Definitions

Terms used in 970 CMR 4.00 shall have the meanings provided in M.G.L. c. 55 or 55C unless the term is specifically defined in 970 CMR 4.03 or the context otherwise requires.

Campaign Expenditure Limit means the self-imposed expenditure limit established by a candidate or a candidate team pursuant to M.G.L. c. 55C, § 1A(b) and (c) or the statutory expenditure limit established by M.G.L. c. 55C, § 1A(a).

Candidate means a candidate for the office of governor, lieutenant governor, secretary of state, attorney general, state treasurer and receiver general and auditor as defined by M.G.L. c. 55C, § 1 and who files nomination papers with the secretary of state pursuant to M.G.L. c. 53 or who is appointed to fill a vacancy in a nomination for such office. The term "candidate" shall include, unless the context otherwise requires, the candidate committee organized on behalf of such candidate.

Candidate Team means the team for governor and lieutenant governor nominated at the state primary election during an election cycle or otherwise nominated in accordance with M.G.L. c. 53.

Depository Account means the bank account established by a candidate, as defined by M.G.L. c. 55, § 1, for statewide elective office under M.G.L. c. 55, § 19.

Director mean the director of the office of campaign and political finance.

Election Cycle means the calendar year in which elections are held for statewide elective office and the next preceding calendar year.

Eligible Candidate means a candidate as defined in 970 CMR 4.03 whom the director certifies to the state treasurer as eligible for limited public financing pursuant to M.G.L. c. 55C, § 3.

General Election Campaign means the period which begins on the day after the primary election and concludes on the day of the general election except, in the case of an unenrolled candidate as defined in M.G.L. c. 53, § 6, such period shall begin on the day after the day for filing such unenrolled candidate's nomination papers and conclude on the day of the general election.

In-kind Contribution means a contribution of anything of value other than money.

Non-participating Candidate means a candidate who has filed the statement required by 970 CMR 4.04(1) stating that the candidate has not agreed to abide by the statutory expenditure limit applicable to such candidate for the primary and general election campaign.

Non-participating Candidate Team means a candidate team in which either the candidate for governor or the candidate for lieutenant governor has filed the statement required by 970 CMR 4.04(1) stating that the candidate has not agreed to abide by the statutory expenditure limit applicable to the candidate for governor or the candidate for lieutenant governor as the case may be for the primary election campaign and the statutory expenditure limit applicable to a candidate team for the general election campaign.

Participating Candidate means a candidate who has filed the statement required by 970 CMR 4.04(1) stating that the candidate has agreed to abide by the statutory expenditure limit applicable to such candidate for the primary and general election campaign.

Participating Candidate Team means a candidate team in which the candidate for governor and the candidate for lieutenant governor have each filed the statement required by 970 CMR 4.04(1) stating that the candidate for governor or the candidate for lieutenant governor as the case may be has agreed to abide by the statutory expenditure limit applicable to the candidate for governor or the candidate for lieutenant governor as the case may be for the primary election campaign and applicable to a candidate team for the general election campaign.

4.03: continued

Primary Election Campaign means the period which begins on the day after the last day for filing a candidate's nomination papers with the secretary of state pursuant to M.G.L. c. 53 and concludes on the day of the primary election.

Qualifying Contribution means any monetary contribution made by an individual and deposited in the depository account of a candidate, as defined by M.G.L. c. 55, § 1, during the election cycle provided that the contribution does not exceed an individual's qualifying contribution limit as defined by 970 CMR 4.03 and complies with the requirements of 970 CMR 4.05. A qualifying contribution shall not include a contribution:

(a) made in the form of a loan,
(b) refunded or intended to be refunded to a contributor,
(c) uncollected due to lack of sufficient funds or for other reasons, or
(d) prohibited by M.G.L. c. 55, 970 CMR 1.00 or any other law or regulation.

Qualifying Contribution Limit means any qualifying contribution to a candidate which is equal to or less than $250, or, when added to any previously submitted contribution made by the same individual to that candidate during an election cycle, is equal to or less than $250.

Self-imposed Expenditure Limit means the expenditure limits established by a candidate or a candidate pursuant to M.G.L. c. 55C, § 1A(b) and 1A(c).

Statutory Expenditure Limit means the expenditure limit established for a candidate or a candidate team by M.G.L. c. 55C, § 1A(a).

4.04: Candidate Statements to Abide by Expenditure Limits

(1) Statement Agreeing to Statutory Expenditure Limit. On or before the last day for filing nomination papers with the state secretary pursuant to M.G.L. c. 53, every candidate for statewide elective office shall file, with the director, a statement on a form prepared by the director stating that the candidate does or does not agree to abide by the statutory expenditure limit for the primary election campaign and the general election campaign.

(2) Statement Establishing Self-imposed Expenditure Limit. On or before the last day for filing withdrawals of nominations for the state primary and on or before the last day for filing withdrawals of nominations made at the state primary, every non-participating candidate or candidate team opposed in the primary election or the general election as the case may be by a participating candidate or candidate team shall file with the director a statement establishing a self-imposed expenditure limit.

(3) Director's Review of Statements. The director shall review all statements submitted pursuant to 970 CMR 4.04(1) and (2). Such statements shall be confidential until the first business day after such statements are due.

(4) Exception to Campaign Expenditure Limit. A non-participating candidate or candidate team shall not be subject to a campaign expenditure limit if no other candidate seeking nomination or election to the same statewide elective office or offices is a participating candidate or candidate team.

(5) Multiple Self-imposed Expenditure Limits. If the campaign expenditure limit is increased for a candidate or candidate team in accordance with M.G.L. c. 55C, § 1A(b) and c. 55C, § 1A(c), such limit shall be increased for all candidates or candidate teams seeking nomination or election to the same statewide elective office or offices to the highest self-imposed expenditure limit established by a candidate or candidate team for such office or offices.

4.05: Eligible Candidate's Statement of Qualifying Contributions

(1) Any candidate or candidate team who seeks certification as an eligible candidate or candidate team shall, in addition to any other requirement established by M.G.L. c. 55C or 970 CMR 4.00, file with the director on a form prepared by the director a statement of qualifying contributions pursuant to M.G.L. c. 55C, § 3.

4.05: continued

(2) The statement of qualifying contributions shall include such information as the director may reasonably require to expedite the certifications and determinations required to be made by the director under M.G.L. c. 55C and 970 CMR 4.00. Such information, except for the information required by 970 CMR 4.05(2)(e), (g) and (h), shall be submitted in a database approved by the director:

(a) the first and last name and residential address, listed in chronological order by date of deposit, of each individual making a contribution that is being claimed, in whole or in part, as a qualifying contribution,

(b) the amount of each contribution claimed as a qualifying contribution and the date of deposit,

(c) the amount of the contribution claimed as a qualifying contribution which shall not exceed the qualifying contribution limit,

(d) the cumulative total of all contributions claimed as qualifying contributions for the election cycle to date less than or equal to $250 from an individual including the contribution identification number for any previously claimed contributions,

(e) if the contribution equals or exceeds $200 or would equal or exceed $200 when added to any such contribution previously made by the same individual during a calendar year, the occupation and employer of such individual or a copy of the letter requesting such information as required by 970 CMR 1.08(2)(b), unless such information is contained in the listing of contributions when originally deposited or amended in accordance with 970 CMR 1.08,

(f) the cumulative total of all contributions made by that individual during the election cycle,

(g) a copy of each contribution check which is being claimed as a qualifying contribution, submitted in chronological order.

(h) the verification card provided for in 970 CMR 4.05(3) for the following contributions:

1. a cash contribution or contribution made by money order, bank check, treasurer's check, certified or cashier's check or other check on which the contributor is not directly liable of $50 or less,

2. a contribution written on a check which does not contain the name of the contributor, and

3. a contribution written on a check containing a name of a partnership account, trust account, sole proprietorship's account or other unincorporated business association or organization, and

(i) a cumulative, alphabetical listing by last name of all contributions claimed as qualifying contributions to date.

(3) The director shall prepare verification cards which include the information required by 970 CMR 4.05(2)(h). Verification cards shall be signed by the contributor and the candidate committee's treasurer or the treasurer's designee and shall state that the contribution identified by the verification card was made during the relevant election cycle from personal funds of the individual contributor signing the verification card.

(4) No contribution appearing on the statement of qualifying contributions shall be certified by the director as a qualifying contribution unless the name and residential address of the contributor appears on such statement and each of the following documents in substantially the same form as provided for in 970 CMR 4.06:

(a) the contribution check or verification card required by 970 CMR 4.05(3), and

(b) the electronic report of the deposit on which such contribution was reported to the director under M.G.L. c. 55, § 19(b) or any amended deposit report filed with the director.

4.05: continued

(5) Contributions of $250 or less made during the election cycle to either or both the candidate for governor or the candidate for lieutenant governor of a candidate team may be claimed as a qualifying contribution for the general election campaign by the candidate team and shall be certified by the director if such contribution otherwise complies with 970 CMR.

4.06: Determination of Contributor Identity

In determining whether the name and residential address are in "substantially the same form" on the documents set forth in 970 CMR 4.05(2) and (3), the following rules shall apply unless additional information submitted with the documents in 970 CMR 4.05(2) and (3) provide clear and convincing evidence regarding the identity of an individual contributor:

(1) Amount. The amount of the total contribution reported on the statement of qualifying contributions must equal the amount of the contribution check and the amount reported on the deposit slip for such contribution.

(2) Initials. A contributor's name is acceptable without a middle initial such as Jane Smith instead of Jane M. Smith or with a first initial and a middle name such as J. Mary Smith. A contributor's name would not be acceptable with only a first initial such as D. Jones.

(3) Titles. The following rules shall apply to the use of initials, numerals and titles in determining whether a contribution shall be certified by the director:

(a) Initials or numerals at the end of a last name which identify an individual such as "Jr.," "Sr.," "II," and "III" must appear in a consistent manner on the documents submitted pursuant to 970 CMR 4.05(3).

(b) Titles such as "Mr.," "Ms.," "Mrs.," or "Dr." and a last name only, for example Ms. Jones or Dr. Smith would not be acceptable.

(4) Signatures. The contribution check must be signed by the contributor or accompanied by a verification card unless the contribution was made on a joint account and has been specifically attributed to one or more of the joint owners of such account in a writing submitted to the candidate at the time the contribution was made in accordance with 970 CMR 1.04(1). A contribution check signed by more than one contributor shall be attributed in equal amounts to each contributor unless accompanied by a verification card.

4.07: Candidates Eligible for Public Financing

(1) Eligible Primary Candidates. A candidate shall be certified as an eligible candidate for the purpose of receiving limited public financing for that candidate's primary election campaign if:

(a) the state secretary has certified the candidate as qualifying for the ballot and having opposition under M.G.L. c. 55C, § 2; and

(b) the candidate has filed with the director:

1. the statement agreeing to the statutory expenditure limit,

2. the statement of qualifying contributions required by 970 CMR 4.05, filed on or before the Friday next preceding the eighth Tuesday before the primary election, which the director has determined includes qualifying contributions in the minimum amounts established by M.G.L. c. 55C, § 4, and

3. the request required by 970 CMR 4.07(2).

(2) The candidate shall file a written request for limited public financing on a form prepared by the director. Such request shall include a statement that the candidate:

(a) is requesting limited public funds for that candidate's primary election campaign and will use such funds only in accordance with M.G.L. chs. 55 and 55C and 970 CMR;

(b) understands that the candidate must obtain a bond in accordance with M.G.L. c. 55C, § 8 and 970 CMR 4.09 prior to the distribution of any public funds; and

(c) understands that the candidate may be required to pay back public funds to the Commonwealth pursuant to M.G.L. c. 55C, § 9.

4.07: continued

(3) Eligible General Election Candidates. Except as provided in 970 CMR 4.07(5), a candidate or candidate team shall be certified as an eligible candidate for the purposes of receiving limited public financing for the candidate's general election campaign if:

(a) the state secretary has certified the candidate or candidate team as qualifying for the ballot and having opposition under M.G.L. c. 55C, § 2; and

(b) the candidate has filed with the director:

1. the statement agreeing to the statutory expenditure limit,
2. the statement of qualifying contributions pursuant to 970 CMR 4.05 filed on or before the Friday next preceding the fourth Tuesday before the general election which the director has determined include qualifying contributions in the minimum amounts established by M.G.L. c. 55C, § 6, and
3. the request required by 970 CMR 4.07(4).

(4) The candidate shall file a written request for limited public financing on a form prepared by the director. Such request shall include a statement that the candidate:

(a) is requesting limited public funds for that candidate or candidate team's general election campaign and will use such funds only in accordance with M.G.L. chs. 55 and 55C and 970 CMR;

(b) certifies that the candidate will obtain a bond in accordance with M.G.L. c. 55C, § 8, 970 CMR 4.08(3) and 970 CMR 4.09 prior to the distribution of any public funds; and

(c) understands that the candidate may be required to pay back public funds to the Commonwealth pursuant to M.G.L. c. 55C, § 9.

(5) Candidate Teams. A candidate team shall be certified as an eligible candidate team for the purposes of receiving limited public financing for such team's general election campaign in the same manner as a candidate is certified as an eligible candidate in accordance with 970 CMR 4.07(3) provided:

(a) the candidate for governor and the candidate for lieutenant governor of a candidate team have each filed the statement required by 970 CMR 4.04 agreeing to abide by the statutory expenditure limit;

(b) the director has determined that the combined statements of qualifying contributions submitted by the candidate for governor and the candidate for lieutenant governor of such candidate team include qualifying contributions in the minimum amounts established by M.G.L. c. 55C, § 6; and

(c) the candidate for governor has filed the request for limited public financing in accordance with 970 CMR 4.07(4) on behalf of the candidate team.

4.08: Certification of Limited Public Financing for Eligible Candidates

(1) Primary Election Public Funding. A candidate certified as an eligible candidate pursuant to 970 CMR 4.07(1) shall, upon filing the bond required by M.G.L. c. 55C, § 8, be entitled to limited public financing in the amount established by M.G.L. c. 55C, § 5.

(2) No candidate shall be entitled to receive an amount of public funding for that candidate's primary election campaign in an amount in excess of:

(a) the primary candidate account established under M.G.L. c. 10, § 42A(a), or

(b) the maximum amounts established by M.G.L. c. 55C, § 5, or

(c) the amount of the bond filed pursuant to M.G.L. c. 55C, § 8.

(3) General Election Public Funding. A candidate or candidate team certified as an eligible candidate or team pursuant to 970 CMR 4.07(3) or 4.07(5) shall, upon filing the bond required by M.G.L. c. 55C, § 8 by the candidate or, in the case of a candidate team by the candidate for governor of such team, be entitled to limited public financing in the amount established by M.G.L. c. 55C, § 7.

(4) No candidate or candidate team shall be entitled to receive an amount of public funding for that candidate or candidate team's general election campaign in an amount in excess of:

(a) the general election candidate account established under M.G.L. c. 10, § 42A(b), or

(b) the maximum amounts established by M.G.L. c. 55C, § 7, or

(c) the amount of the bond filed pursuant to M.G.L. c. 55C, § 8.

4.09: Candidate's Bond and Distribution Limitations

(1) The bond which is filed shall:

(a) be on a form approved by the director;

(b) contain the notarized original signatures of the candidate, chairman and treasurer of such candidate's committee and the surety;

(c) be issued by a fidelity or surety company authorized or licensed to do business in Massachusetts; and

(d) if signed by an attorney-in-fact for such fidelity or surety company, be accompanied by a notarized power of attorney.

(2) The bond shall be in the amount the comptroller has credited to the account established by the comptroller on behalf of the candidate for the primary election or general election or such other amount determined by the candidate subject to 970 CMR 4.09(4).

(3) Bonds shall be signed under the penalties of perjury by the candidate and the chairman and treasurer of that candidate's committee.

(4) Notwithstanding the provisions of 970 CMR 4.09(2) the director shall not determine or certify, and no candidate shall be eligible to receive, any amount of public financing that would be in excess of:

(a) the amount of the bond filed pursuant to M.G.L. c. 55C, § 8 and 970 CMR; or

(b) the balance then remaining in the account established by the comptroller on behalf of the candidate for the primary election or general election; or

(c) the maximum amounts provided for in M.G.L. c. 55C, §§ 5 and 7.

(5) No eligible candidate shall receive a distribution of public financing pursuant to M.G.L. c. 10, c. 55C or 970 CMR unless and until the eligible candidate files with the director the bond required by M.G.L. c. 55C, § 8.

(6) Wiring of Funds. All public funds allocated to a candidate or a candidate team certified as eligible for limited public financing shall be wired by the state treasurer to the depository account of the candidate or, in the case of a candidate team, to the depository account of the candidate for governor of such candidate team.

4.10: General Election: Rules Applicable to Governor and Lieutenant Governor Team - Reserved

4.11: Expenditures Subject to Expenditure Limitations

(1) General. Candidates and political committees may pay and expend money or other thing of value including funds received pursuant to M.G.L. c. 55C, receive in-kind contributions and incur liabilities, for reasonable and necessary expenses directly related to the campaign of such candidates provided such expenditures, in-kind contributions and liabilities comply with M.G.L. c. 55, § 6, 970 CMR 2.05 and 970 CMR 4.00.

(a) Primary Election Campaign. All expenditures made, in-kind contributions received and liabilities incurred, other than liabilities incurred as a result of loans made by a candidate to that candidate's committee in accordance with M.G.L. c. 55, § 7, during the primary election campaign whether or not such expenditures, contributions or liabilities comply with M.G.L. c. 55, c. 55C, 970 CMR or any other law or regulation shall count toward the campaign expenditure limit, if any, of the primary election campaign except as provided in 970 CMR 4.11(2). In addition, all expenditures made, in-kind contributions received or liabilities incurred, other than liabilities incurred as a result of loans made by a candidate to that candidate's committee in accordance with M.G.L. c. 55, § 7, prior to the primary election campaign for goods or services used during the primary election campaign, shall count toward such expenditure limit.

4.11: continued

(b) General Election Campaign. All expenditures made, in-kind contributions received and liabilities incurred, other than liabilities incurred as a result of loans made by a candidate, including a candidate for governor or a candidate for lieutenant governor of a candidate team to that candidate's committee in accordance with M.G.L. c. 55, § 7, during the general election campaign whether or not such expenditures, contributions or liabilities comply with M.G.L. c. 55 and 970 CMR shall count toward the campaign expenditure limit, if any, of the general election campaign of such candidate or candidate team except as provided in 970 CMR 4.11(2). In addition, all expenditures made, in-kind contributions received or liabilities incurred, other than liabilities incurred as a result of loans made by a candidate, including a candidate for governor or a candidate for lieutenant governor of a candidate team, to that candidate's committee in accordance with M.G.L. c. 55, § 7, prior to the general election campaign for goods or services used during the general election campaign, shall count toward such expenditure limit.

(2) Exempt Expenditures. A candidate may elect to exempt from the primary or general election campaign expenditure limit, if any, expenditures made, in-kind contributions received or liabilities incurred prior to or during the relevant election period for goods and services which comply with 970 CMR 4.11(2)(a) through (f). To qualify as an exempt expenditure, a candidate must demonstrate that an expenditure meets the requirements of 970 CMR 4.11(2). Exempt expenditures include:

(a) Candidate's Bond. The cost of obtaining the bond required by M.G.L. c. 55C, § 9.

(b) Capital Goods. Expenditures made, in-kind contributions received and liabilities incurred for capital goods that have a useful life of more than one year, would be depreciable in a usual business environment, and have a cost or value of $1,000 or more at the time of acquisition.

(c) Legal Services. Expenditures made, in-kind contributions received or liabilities incurred for legal services and other related services solely in connection with one's interest in being a candidate such as proceedings before the director, hearings before the state ballot law commission and petitions for recounts. Such exempt expenditures, in-kind contributions and liabilities under 970 CMR 4.11(2)(c) shall not include:

1. prorated expenses for administration and overhead;
2. the cost of maintaining accounts or records; or
3. the cost of preparing and filing reports, affidavits and statements required by M.G.L. c. 55, c. 55C and 970 CMR.

(d) Liabilities. Expenditures made or in-kind contributions received to satisfy liabilities incurred during the primary election campaign or the general election campaign for goods or services not used in such campaign.

(e) Unused Goods and Services. Expenditures made, in-kind contributions received or liabilities incurred for goods or services which are not used during the campaign election period when purchased provided, however, that such expenditures, contributions or liabilities shall be considered campaign expenditures for the primary or general election campaign in which such goods or services are used.

(f) Election Night Party. Expenditures made, in-kind contributions received or liabilities incurred solely for goods or services provided in connection with a party held after the primary election by any candidate whose name will not appear on the ballot at the subsequent general election or provided in connection with a party held after the general election by any candidate.

(3) Prorated Expenditures. Expenditures made, in-kind contributions received or liabilities incurred for goods and services which are used in both the primary election campaign and the general election campaign shall be allocated between the primary and general election campaigns on a 50-50 basis unless the candidate can document with detailed accounts and records an allocation of any such goods and services based upon time, space, use of materials or other objective basis.

4.12: Recordkeeping

Candidates and treasurers of political committees shall keep and preserve detailed accounts as required by M.G.L. c. 55, §§ 2 and 5 and 970 CMR 1.10.

4.13: Post Primary and Election Reports

(1) Each candidate, including each candidate for governor of a candidate team, who receives public funds pursuant to M.G.L. c. 55C in either the primary or general election shall file, on a form prepared by the director, the surplus balance report provided for in 970 CMR 4.13(2). In addition, each candidate, including each candidate for governor and each candidate for lieutenant governor of a candidate team who is subject to a campaign expenditure limit shall file on a form prepared by the director the campaign expenditure report provided for in 970 CMR 4.13(3).

(2) Surplus Balance Reports. The surplus balance report required to be filed under 970 CMR 4.13 after the primary election campaign and after the general election campaign shall disclose:

(a) the balance remaining in the candidate's account as of the last day of primary or general election campaign as the case may be, including but not limited to:

1. cash on hand,
2. checks received but not deposited,
3. accounts receivable,
4. the cost of any capital goods that have a useful life of more than one year, would be depreciable in a usual business environment, and have a cost or value of $1,000 acquired during the primary or election campaign, and
5. the balance remaining in the candidate's depository account or any candidate or committee checking, savings, money market or other account whether or not such account is authorized by M.G.L. c. 55 or 970 CMR;

(b) the amount of any outstanding liability incurred during the election cycle to defray campaign expenditures for goods and services used during the primary or general election campaign;

(c) the surplus balance, if any, which shall equal the excess of 970 CMR 4.13(2)(a) over 970 CMR 4.13(2)(b);

(d) the total amount of public financing received for the primary or general election campaign;

(e) the total amount of the contributions for the primary election campaign or the general election campaign as follows:

1. for the primary election campaign, the balance as of the first day of the election cycle or the opening of the depository account whichever is later plus the total amount of contributions deposited in the candidate's depository account on or after the first day of the election cycle or the opening of the depository account whichever is later and any contributions received but not deposited through the primary election; and
2. for the general election campaign, the balance as of the day after the primary election plus the total amount of contributions deposited in the candidate's depository account on or after the day after the primary election and any contributions received but not deposited, through the general election.

(f) the total of public financing received, 970 CMR 4.13(2)(d), plus contributions received, (2)(e)1. or (2)(e)2;

(g) the surplus balance, 970 CMR 4.13(2)(c), if any, shall be multiplied by the fraction required by M.G.L. c. 55C, § 9 the numerator of which shall consist of the public financing received, 970 CMR 4.13(2)(d), and the denominator of which shall consist of the public financing received plus any contributions received, 970 CMR 4.13(2)(f);

(h) the amount established by 970 CMR 4.13(2)(g) shall be paid to the state treasurer except as otherwise provided in M.G.L. c. 55C, § 9.

(3) Campaign Expenditure Reports. The campaign expenditure reports required to be filed by 970 CMR 4.13 after the primary or general election shall disclose:

(a) the campaign expenditure limit applicable to the candidate or the candidate team;

(b) the following expenditures itemized by date paid, to whom paid, amount paid and the purpose of payment:

1. the total amount of all expenditures made during the primary or general election campaign including, but not limited to, any checks written but not paid from the candidate's account;

4.13: continued

2. the total amount of all expenditures made prior to the primary election campaign or the general election campaign for goods and services used during such campaign; and
3. the sum of 970 CMR 4.13(3)(b)1. and 970 CMR 4.13(3)(b)2;
4. the total amount of expenditures claimed as exempt, if any, from the campaign expenditure limit pursuant to 970 CMR 4.11;
5. the excess of 970 CMR 4.13(3)(b)3. over 970 CMR 4.13(3)(b)4.

(c) the following in-kind contributions received itemized by the date received, the person making the contribution, the amount or value and the purpose of the contribution:

1. the total amount of in-kind contributions received during the primary or general election campaign;
2. the total amount of in-kind contributions received prior to the primary election campaign or general election campaign which were used during said campaign;
3. the sum of 970 CMR 4.13(3)(c)1. and 4.13(3)(c)2.;
4. the total amount of in-kind contributions claimed as exempt, if any, from the campaign expenditure limit pursuant to 970 CMR 4.11;
5. the excess of 970 CMR 4.13(3)(c)3. over 970 CMR 4.13(3)(c)4.

(d) the following liabilities itemized by the date incurred, the person to whom the liability is owed, and the amount and purpose of the liability:

1. the total amount of outstanding liabilities incurred during the primary election campaign or the general election campaign;
2. the total amount of outstanding liabilities incurred prior to the primary election campaign or general election campaign for goods or services used during said campaign;
3. the sum of 970 CMR 4.13(3)(d)1. and 970 CMR 4.13(3)(d)2.;
4. the total amount of outstanding liabilities claimed as exempt, if any, from the campaign expenditure limit pursuant to 970 CMR 4.11; and
5. the excess of 970 CMR 4.13(3)(d)3. over 970 CMR 4.13(3)(d)4.

(e) the total adjusted amount of all expenditures made, in-kind contributions received and liabilities incurred which shall consist of the total of 970 CMR 4.13(3)(b)5., 970 CMR 4.13(3)(c)5. and 970 CMR 4.13(3)(d)5.;

(f) the excess of 970 CMR 4.13(3)(e) over 970 CMR 4.13(3)(a).

(4) Filing Requirements. The primary and general election public financing reports and campaign expenditure reports provided for in 970 CMR 4.13 shall be filed with the director on or before the second Tuesday following the primary election or the general election. The reports required by 970 CMR 4.13 shall be signed by the candidate and treasurer under the penalties of perjury.

4.14: Post Election Audit

(1) The director may conduct a comprehensive audit of the accounts as defined by 970 CMR 4.12 of all candidates.

(2) Candidates and their treasurers shall submit all accounts as defined in 970 CMR 4.12 that are requested by the director in connection with a comprehensive audit conducted under 970 CMR 4.14 within 30 days after receiving a written request from the director for such accounts.

(3) In connection with any statement, report or affidavit required to be filed by M.G.L. c. 55C or 970 CMR 4.00 or any action required to be taken by M.G.L. c. 55C or 970 CMR 4.00 or, if a candidate or treasurer fails to submit the accounts and other information relative to contributions, expenditures and liabilities as required by 970 CMR 4.14(2), the director may issue a summons pursuant to M.G.L. c. 55, § 3 and c. 55C, § 11 for the production of such accounts or other information and for the attendance and testimony under oath of witnesses.

4.15: Filing by Disk - Reserved

REGULATORY AUTHORITY

970 CMR 4.00: M.G.L. c. 55, §§ 3 and 6; c. 55C, § 11.