



## **BOARD CANDIDATE ELECTION CAMPAIGN DISCLOSURE REGULATIONS**

The following Board Candidate Election Campaign Disclosure Regulations, along with the accompanying Campaign Disclosure Reports, are intended to assist candidates for the cooperative's Board of Directors in complying with the provisions of Article IV, Section 8, of the Bylaws of the Association. If a candidate has any questions about this material, please email your question to [tressler@mtasolutions.com](mailto:tressler@mtasolutions.com) and an answer to your question will be timely emailed back.

The Association's Bylaws, these Regulations prescribed by the Association, and any accompanying documents also apply to individuals and/or groups attempting to influence the outcome of any Board candidate campaign.

### **Section 1. FILING CAMPAIGN DISCLOSURE REPORTS**

- A. The campaign disclosure reports that are required to be filed under the provisions of Article IV, Section 8, of the Association's Bylaws, must be received by the Association on or before the due date **during normal business hours**. Exception: when the due date fixed in the bylaws falls on a weekend, the report must be received by the Association no later than the next regular business day following the due date **during normal business hours**. The term "received" as used in this section means:
1. Hand-delivery: Can be hand delivered to MTA Headquarters Building at 480 Commercial Drive in Palmer on or before deadline date during normal business hours (Monday – Friday, 9:00 a.m. – 6:00 p.m.).
  2. Electronically scanned and sent via email: The reports may be scanned and sent via email on or before the due date during regular business hours to [tressler@mtasolutions.com](mailto:tressler@mtasolutions.com). It is recommended that the person transmitting the report retain the sent copy, and ask for receipt of confirmation when read by recipient.
  3. Facsimile Transmission: The reports may be faxed on or before the due date **during regular business hours** to the Association's main office at 907-761-2677 to the attention of the Board Governance Officer. Persons relying on a facsimile machine to transmit their disclosure reports must also mail or hand-deliver an original copy of the report as soon as practicable. It is the responsibility of the person filing the disclosure report to ensure that the facsimile has been successfully and completely received by MTA by the due date **during regular business hours**. It is recommended that the person sending the facsimile retain any available transaction report, and also contact the Board Governance Officer at 907-761-2608 to confirm receipt of the disclosure report before the deadline has passed.

4. Postal Service: The reports may be mailed; however, the disclosure report must be received by MTA (not postmarked) on the date it is due **during regular business hours**. It is recommended that a person relying on the postal service contact the Board Governance Officer at 907-761-2608 to confirm receipt of the disclosure report before the deadline has passed.
- B. All required forms will be available at the Association's main office from the Board Governance Officer or online at [www.mtasolutions.com](http://www.mtasolutions.com)

## **Section 2. DEFINITION OF CONTRIBUTION**

- A. Except as otherwise provided in this section, "contribution" includes a payment, gift, subscription, loan advance, transfer, or deposit of cash made by a candidate, person or group for the purpose of influencing an election for Board of Directors.
- B. No candidate is restricted from spending his/her own funds.
- C. "Loan" includes any cash advance, credit guarantee, endorsement, and any other form of security. The following apply to loans:
1. A loan that exceeds the contribution limitations of Article IV, Section 8, is prohibited whether or not it is repaid;
  2. A loan is a contribution at the time it becomes legally binding.
- D. The term "cash" includes currency of the United States or of any foreign nation, checks, money orders, or any negotiable instruments payable on demand.
- E. Any amount paid to attend or participate in a fund-raiser or other political event, and the amount paid as the purchase price for a fund-raising item sold by a group or candidate, is a contribution if any portion of the amount paid is used or intended to be used for the purpose of influencing a candidate election to the Association.
- F. The payment by any person of compensation for the personal services of another person to a candidate, group or person for the purpose of influencing a candidate election, except for legal and accounting services necessary to complete campaign disclosure reports, is a contribution.
- G. A debt owed by a political group or candidate which is forgiven or settled for less than the amount owed is a contribution. Debts incurred by a candidate, group, or individual for the purpose of influencing a candidate election will be reported as a contribution from the time the debt is incurred until the debt is paid in full. For the purposes of these regulations and compliance with the Association's bylaws, a debt is incurred when goods or services are provided regardless of when a bill for such goods or services is tendered or due for payment.

H. "Contribution" does not include the following:

1. A payment made by any individual for his or her own travel expenses, if such payment is voluntary and is made without any understanding that it will be directly or indirectly repaid;
  2. A payment made by a business, corporation, trade association, labor organization, or other organization not organized primarily to influence elections to communicate directly with its members or employees, or their families, on any subject, if the communication is of the same format and nature used by the organization when it has communicated in the past on nonpolitical subjects, does not request members or their families to do anything other than exercise the right to vote, and does not solicit individual contributions to a clearly identified candidate or group chosen by the organization; or
  3. The in-kind donation of goods or services including, but not limited to, the provision of facilities for meetings, telephone banks, and the like.
- I. A contribution made by a married individual is not attributed to that individual's spouse unless otherwise specified in writing by the spouse at the time that the contribution is made.

### **Section 3. DEFINITION OF "GROUP"**

- A. The term "group" is any combination of two or more persons who:
1. Cooperate for the purpose of raising, soliciting, collecting, or disbursing money or for directing or controlling those activities to secure or defeat the election of any candidate or to secure or defeat a ballot proposition;
  2. Organize to aid or promote the nomination, election, defeat, or recall of any candidates or to aid the passage or defeat of a ballot proposition; or
  3. Jointly make a contribution in the name of another for the purpose of influencing an election or the outcome of a ballot proposition.
- B. A group includes, but is not limited to, a corporation, partnership, sole proprietorship, trade association, fraternal or charitable organization, incorporated or unincorporated association, firm, business trust, political action committee, draft group, club or labor organization.
- C. Notwithstanding the foregoing, a combination of two or more persons is not a group if:
1. The group does not conduct a fund-raising drive or assessment among its members or employees for the purposes of influencing an election; and

2. The organization does not exercise direction, control, or discretion over the expenditure of money collected, pooled, solicited, or otherwise paid by others for the purpose of influencing an election.

#### **Section 4. DEFINITION OF "ADVERTISING" AND "PAID FOR BY"**

"Advertising" is defined as all advertisements, handbills, television and radio announcements, payments made to an advertising agency, and any other communications intended to influence the election of a candidate. Advertising shall be clearly identified by the words "paid for by" followed by the name and address of the candidate, group, or individual actually paying for the advertising.

A. "Clearly identified" means that:

1. In all printed communications, the proper identification must be visible, separate from the text of the advertisement itself, and large enough to be read by a person with average vision without the aid of corrective lenses;
2. In all audio-visual communications, the proper identification must either:
  - (a) be visual and of sufficient size and duration to be read in full by the viewer; or
  - (b) be spoken and played at the same audio level as the text of the communication itself.
3. If the size of an object used for a political communication is such that it is impractical to print the identification of the candidate, group, or person paying for the advertisement on the object, the advertisement must instead be identified in a regular report to the Association. Objects considered too small for full identification include pencils, pens, buttons, and other objects that are smaller than 3-1/2" x 5" in size. All media advertisements must be identified, regardless of size.

B. "Communications" includes all material related to campaign fund-raisers, campaign letterhead, thank you notes, and press releases but does not include envelopes which are used solely to convey the campaign's properly identified communications.

#### **Section 5. CONTRIBUTION LIMITATIONS**

- A. No contributions may be accepted following the election in the calendar year that the candidate is seeking election.
- B. No contributions may be accepted prior to the first day of the reporting calendar year in which the election is held.
- C. No contribution, directly or indirectly, may be made in the name of another.

- D. A candidate must report any contribution in excess of \$100 in the aggregate on the campaign disclosure contribution report.
- E. Contributions of \$100 or less in the aggregate do not need to be reported on the campaign disclosure contribution report.
- F. No candidate may receive an aggregate contribution in excess of One Thousand Dollars (\$1,000) annually from any one person or group.
- G. Contributions that appear to be prohibited must, within ten (10) days after receipt, be returned to the contributor, and the candidate shall note the refund by amending the current report or noting the change on the next required report.

#### **Section 6. RETURNING ANONYMOUS DONATIONS**

- A. A contribution made by a person wishing to remain anonymous and received by a candidate may not be used or expended.
- B. Instead, the donation shall be returned to the donor, if the donor's identity is known, and, if no donor is found, the contribution shall be donated to a charity chosen by the Association.
- C. A candidate shall disclose all donations as a contribution, and returned to the Association as an expenditure on the applicable Campaign Disclosure Reports.

#### **Section 7. DESIGNATED CAMPAIGN DEPOSITORY**

- A. This section does not apply to a candidate who has filed a No Activities Report.
- B. Each candidate shall designate on a registration statement or on the first campaign disclosure statement filed with the Association one or more regulated banking institutions as its campaign depository or depositories. Each account title must indicate that it is a campaign account.
- C. All monetary contributions to and advertising expenditures by a candidate must be deposited to or made from a designated campaign depository.
- D. Contributions that appear to be prohibited must, within ten (10) days after receipt, be returned to the contributor.
- E. A candidate shall make his or her best efforts to determine the legality of a contribution. If a contribution cannot be determined to be legal, a refund must be made within a reasonable time, and the candidate shall note the refund by amending the current report or noting the change on the next required report.

## **Section 8. GENERAL RECORDKEEPING REQUIREMENTS FOR CANDIDATES**

- A. Every candidate is required to report all expenditures and contributions.
- B. Every candidate required to report contributions and expenditures shall maintain detailed records of all contributions received and expenditures made in accordance with uniform methods of bookkeeping.
- C. A candidate shall record every contribution received, unless otherwise exempted by these regulations, regardless of the dollar amount or value of the contribution. While the identity of a person who has contributed no more than \$100 per year to a campaign is not required to be individually reported on a campaign disclosure report to MTA, the name of such a contributor, along with the amount and type of his/her contribution, must be recorded and maintained by the candidate, for comparative purposes, in case that person makes additional contributions which result in a total of over \$100 in the aggregate.
- D. The identity of a person who has contributed over \$100 in the aggregate per year to a candidate's campaign must be reported.
- E. Each bookkeeping record required under this section shall be maintained by the candidate and may not be destroyed for a period of four (4) years from the date of the contribution. The records shall be available for inspection by the Association upon request of the Association.

## **Section 9. REPORTING CONTRIBUTIONS AND ADVERTISING EXPENDITURES**

- A. Each candidate filing reports with MTA must identify:
  - 1. Each monetary contribution, or aggregate of contributions from the same contributor, which totals in excess of \$100 per year by reporting:
    - a) the date received;
    - b) the check number or other designation (e.g., cash, credit card) for monetary contributions, or a description of non-monetary contributions (e.g., in-kind donation of goods and services);
    - c) the name and address of the contributor;
    - d) the principal occupation and employer of the contributor; and
    - e) the amount;
  - 2. Each expenditure, both actual and accrued, by reporting
    - (a) the date of the payment, or the date the expense was incurred;
    - (b) the check number, if applicable;

(c) the name and address of the payee, or the party with whom the expense was incurred;

(d) a statement of all goods received and services rendered; and

(e) the amount.

B. Each report must contain information for the period of time commencing the first day of the reporting year prior to the date of filing the first Campaign Disclosure Report.

#### **Section 10. NO ACTIVITY REPORT**

A. In the absence of any contribution or expenditure activity whatsoever during a reporting period, each candidate or group shall submit by the appropriate due date a “Campaign Disclosure No Activity Report” certifying that no contributions have been received or expenditures made.