

**CAMPAIGN FINANCE MANUAL**  
**FOR THE**  
**PUBLIC FINANCING OF CAMPAIGNS**  
**FOR**  
**CANDIDATES FOR GENERAL OFFICE**

(GOVERNOR, LT. GOVERNOR, ATTORNEY GENERAL, SECRETARY OF STATE, GENERAL TREASURER)

**2018**



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**RHODE ISLAND  
BOARD OF ELECTIONS  
2018**

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***Rhode Island General Laws- Section 17-25-1 to Section 17-25-30 –“Campaign Contribution & Expenditures Reporting Act” can be obtained at:***

***<http://webserver.rilin.state.ri.us/Statutes/TITLE17/17-25/INDEX.HTM>***

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## ***INTRODUCTION***

The Board of Elections has revised the Campaign Finance Manual for the Public Financing of Campaigns for Candidates for General Office to provide candidates for Governor, Lieutenant Governor, General Treasurer, Attorney General and Secretary of State with the most recent changes in campaign finance law and guidance on how to comply with campaign finance disclosure and filing requirements set forth in the Rhode Island Campaign Contributions and Expenditures Reporting Act pursuant to Rhode Island General Law 17-25-18 through 17-25-30.

This manual is designed to serve as a resource for campaign finance requirements related to the public financing of election campaigns. The Board has made every effort to ensure the accuracy of the information in this publication, but it is not liable for errors or omissions of content. Where your legal rights are involved, do not rely on this manual. Instead, review the law yourself or consult your attorney.

If you have any problems or questions not resolved by this manual, please call a member of the campaign finance staff at (401) 222-2345; meet with a member of the campaign finance staff in person; or e-mail the Board at [campaign.finance@elections.ri.gov](mailto:campaign.finance@elections.ri.gov).

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**Summary of Public Financing  
of Campaigns for 2018 Candidates for General Office**

**ELIGIBILITY:**

To be eligible for matching public funds the candidate must comply with the following:

- A. Must be a candidate for general office in the State of RI (17-25-19): Governor, Lieutenant Governor, Secretary of State, General Treasurer, or Attorney General.
  - 1. Candidates for general office are required to file all campaign finance reports electronically using the Board of Elections' Electronic Reporting and Tracking System (ERTS), provided however, that the **Notice of Participation-Matching Public Funds (Form MPF-1)** shall be filed on a paper form prescribed by the Board of Elections.
- B. Candidate must agree to abide by the limitations on the total amount of campaign contributions and expenditures that, for 2018, amount to **\$2,354,000** for Governor and **\$588,000** for all other general offices (17-25-19).
- C. In order to receive payments, any candidate for general office shall first meet the following additional criteria:
  - 1. Candidate must raise an amount in qualified private contributions equal to 20% of the total amount eligible to be matched for election to the office sought (17-25-20 (6), 17-25-22). For 2018:
    - For Governor = **\$235,400**;
    - For all other general offices = **\$58,800**
  - 2. Candidate must receive private contributions from a minimum of 250 individuals contributing at least \$25 each for candidates for Governor and receive private contributions from a minimum of 100 individuals contributing at least \$25 each for candidates for all other general offices (17-25-20 (6), 17-25-22).
  - 3. Comply with any and all applicable nomination provisions in Title 17 of the RI General Laws and qualify for the general election ballot pursuant to the process set forth in Title 17 (17-25-20 (6), 17-25-22).
- D. Each candidate for general office who desires to be eligible for matching public funds (MPF) must, at the time he/she becomes a candidate as defined in 17-25-3 (2), but no later than 4:00pm on the last day (**June 27, 2018**) for filing declarations of candidacy for general office with the Secretary of State, sign the **Notice of Participation-Matching Public Funds (Form MPF-1)** under oath, pledging to comply with the limitations on campaign contributions and expenditures and all other terms and conditions in the public finance laws as set forth in Chapter 25 of Title 17 of the General Laws of Rhode Island.
  - 1. Any candidate who fails to file such a statement will be ineligible for matching funds (17-25-19, 17-25-20 (1), 17-25-22).

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## **II. LIMITATIONS ON CONTRIBUTIONS AND EXPENDITURES (2018):**

A candidate for Governor who elects to participate in matching public funds (MPF) will not receive or expend for election purposes more than a total of **\$2,354,000** in public and private funds in an election cycle. The total amount of public funds provided to a candidate for Governor will not exceed **\$1,177,000** for 2018.

A candidate for Lieutenant Governor, General Treasurer, Secretary of State or Attorney General who elects to participate in MPF will not receive or expend for election purposes more than a total of **\$588,000** in public and private funds in an election cycle (17-25-20 (2)). The total amount of public funds provided to candidates for Lieutenant Governor, General Treasurer, Secretary of State or Attorney General will not exceed **\$294,000**.

With respect to public financing of election campaigns for general office, the election cycle is the 48-month period commencing on January 1, 2015 and ending on December 31, 2018 (17-25-3 (5)).

### **A. Increase in limits for candidates who have primaries (2018):**

Any candidate for general office who is challenged for nomination in a political party primary is allowed to raise and expend an additional amount of private funds equal to one-third (1/3) of the maximum allowable expenditure amount (**\$784,667** for Governor and **\$196,000** for all other general offices) or the total amount spent in total by said candidate's opponent or opponents in said primary, **whichever amount is less**. (Note: This *only* applies to candidates involved in a primary election.)

1. Any additional private funds raised for the purpose of a primary election must be expended prior to the primary, however it is not necessary that payment of such expenses occur before the primary so long as it can be **clearly** shown that such expenses were incurred prior to the primary.
2. The additional private contributions are not eligible for matching public funds (17-25-21).

### **B. Increase in limits in certain cases where opponent does not elect to receive public funds:**

Any eligible candidate who elects to receive public funds whose opponent in an election does not elect to receive public funds is allowed to raise additional private contributions and make additional expenditures for election purposes.

1. The additional amount allowed is equal to the amount by which the expenditures of the opponent exceed the maximum allowable expenditure limit that would have applied had the opponent elected to receive public funds (17-25-24).

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**C. Certain costs not counted toward limitation and expenditure limits:**

Direct costs incurred in connection with raising campaign funds on behalf of a candidate are not counted for the purposes of the limitation on expenditures.

1. Direct costs include the costs of:

- Printing and mailing invitations to fundraising events;
- Solicitations for contributions;
- Costs of hosting fundraising events; and
- Travel to fundraising events.

2. Direct costs do not include:

- Salary or wages of campaign employees;
- Cost of any radio, television, computer, Internet/electronic device or print advertisement.

To qualify for this exclusion, the cost of the fundraising event must be less than the amount of money realized from the gross proceeds of said event. (17-25-20 (4))

**D. Certain expenditures of persons, political party committees or political action committees that count toward expenditure limits (17-25-23):**

Any funds expended by a person, political party committee or political action committee (PAC) to directly influence the outcome of the electoral contest involving the candidate is considered a contribution received and an expenditure made by said candidate for general office if any of the following relationships between said candidate and the person, political party committee or PAC exist:

1. There is any arrangement, coordination or direction with respect to the expenditure between the candidate or the candidate's agent and the person making the expenditure;
2. In the same election cycle, the person making the expenditure (including any officer, director, employee or agent of such person) is or has been authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees; or is or has been an officer of the candidate's authorized committees, or is or has been receiving any form of compensation or reimbursement from the candidate's authorized committees, or the candidate's agent;
3. The person making the expenditure (including any officer, director, employee or agent of such person) has communicated with, advised or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects or needs relating to the candidate's pursuit of the election to general office in the same election cycle, including any

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advice relating to the candidate's decision to seek election to general office;

4. The person making the expenditure retains the professional services of any individual or other person also providing those services to the candidate in connection with the candidate's pursuit of the election to general office in the same election cycle, including any advice relating to the candidate's decision to seek election to general office;
5. The person making the expenditure (including any officer, director, employee or agent of such person) has communicated or consulted at any time during the same election cycle about the candidate's plans, projects, or needs relating to the candidate's pursuit of election to general office, with: (i) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, in connection with the candidate's campaign; or (ii) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions;
6. The expenditure is based on information provided to the person making the expenditure directly or indirectly by the candidate or the candidate's agents about the candidate's plans, projects or needs, provided that the candidate or the candidate's agents are aware that the other person has made or is planning to make expenditures expressly advocating the candidate's election; or
7. The expenditure is made by a person with the intention of seeking or obtaining a governmental benefit or consideration from the candidate by reason of the expenditure.

**E. Joint advertisements-equal apportionment of expenditures:**

Any expenditure jointly made by any two (2) or more candidates for any newspaper, radio or television advertisement primarily benefiting said candidates will be attributed to and apportioned equally among those candidates who are clearly identified in that advertisement (17-25-26).



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**F. Types of allowable expenditures:**

Matching public funds and private funds used to qualify for matching public funds can be expended by a candidate only to pay reasonable and necessary expenses directly related to the candidate's campaign (17-25-20 (7)).

Matching public funds can be expended by a candidate only for the following uses that are directly related to the campaign of the candidate (17-25-20 (8)):

1. Purchase of radio or television time; provided, however, the content of all television time shall include captioning for the deaf and hard of hearing and the content of all radio time must be available in a written or text format at the time of request;
2. Purchase of rental space on outdoor signs or billboards;
3. Purchase of advertising space on the computer/Internet/electronic device and in newspapers and regularly published magazines and periodicals;
4. Payment of the cost of producing the material aired or displayed on radio, television, outdoor signs or billboards, and computer/Internet/electronic device and in newspapers, regularly published magazines, and periodicals;
5. Payment of the cost of printing and mailing campaign literature and brochures;
6. Purchase of signs, bumper stickers, campaign buttons and other campaign paraphernalia;
7. Payment of the cost of legal and accounting expenses incurred in complying with the public financing laws and regulations;
8. Payment of the cost of telephone deposits, installation and monthly billings in excess of deposits;
9. Payment of the cost of public opinion polls and surveys;
10. Payment of rent, utilities and associated expenses connected with the operation of an election headquarters or satellite election offices.

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The following information is required for all expenditures reported to the Board:

- Check number
- Expenditure date – the date the expenditure was incurred
- Payment date – the date the expenditure was paid
- Expenditure type –(selected from a drop down menu)
- Expenditure amount
- Purpose of expenditure
- Payee information – name and address of vendor
- Whether the expenditure was incurred for the primary or general election.

Note – Expenditures are reported on the accrual basis (i.e. when incurred, regardless of when paid).

**G. Defraying expenses from previous campaigns:**

Contributions received and expended by any candidate for the purpose of defraying an expense or satisfying any loan obligations incurred prior to January 1, 1991 by the candidate in furtherance of his or her candidacy in a previous election cycle (as defined in §17-25-3 (5)) will not be counted toward any contribution or expenditure limitation (17-25-20 (9)).

**H. Contributions from political action committees:**

Only political action committees registered with the Board of Elections that have accepted contributions from fifteen (15) or more persons in amounts of \$10 or more from January 1, 2017 through December 31, 2018, *and* that have made contributions to at least 5 non-federal RI candidates during the same two (2) year period, are permitted to make contributions that are eligible to be matched with public funds 17-25-3 (9).

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**AVAILABILITY OF FUNDS:**

**A. Matching funds:**

Qualified candidates for general office are eligible to receive:

- a. Two dollars (\$2) of public funds for each qualified dollar (\$1) of private funds contributed which do not exceed an aggregate of \$500 from a single source within an election cycle, *and*
- b. One dollar (\$1) of public funds for each qualified dollar (\$1) of private funds contributed which exceed an aggregate of \$500 from a single source within an election cycle but do not exceed:
  - For governor - \$2,000 from a single source within an election cycle
  - For other general offices - \$1,000 from a single source within an election cycle (17-25-20 (3)).

Note that only the first \$2,000 contributed by a candidate for Governor to his or her own campaign within an election cycle and only the first \$1,000 contributed by a candidate for Lieutenant Governor, General Treasurer, Secretary of State or Attorney General to his or her own campaign within an election cycle are eligible for matching public funds; provided, however, that the entire amount contributed is counted toward the dollar limitations (17-25-20 (3)).

**No candidate who has elected to receive public funds shall contribute or loan to his or her own campaign a sum in excess of 5% of the total amount the candidate is permitted to expend in a campaign for the office sought.**

- c. Only contributions of money are eligible for matching public funds and not any other kind of contribution as defined in 17-25-3(3). However, all contributions are accounted for in determining the limitation on contributions and expenditures.
  - Interest or other income earned on the deposit or investment of campaign funds will not be eligible for matching funds and will not be included as funds received by the candidate under 17-25-20(2), but the expenditure of such interest or other income will be counted in determining total expenditures under 17-25-20(2).

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- d. Contributions reported to the Board must include the following information to be eligible for matching funds:
- The contributor's name – this must be the name of the person who signed the check. Contributors cannot be reported as Mr. And Mrs. John Doe.
  - The contributor's address – the place where the contributor resides, not his or her business address.
  - Name and address of employer – contributions that exceed \$100 in the aggregate from an individual in a calendar year must include the name and address of the place of employment. Contributions of \$100 or less in the aggregate from an individual in a calendar year will be eligible for matching funds provided the candidate provides proof that a good faith effort was made to secure the place of employment. For self-employed contributors, campaigns must either list the contributor's name and occupation or a business name, as well as the address of employment.
  - Receipt Date- the date upon which the campaign took possession of the contribution.
  - Deposit Date- the date upon which the contribution was deposited into the bank or other depository institution.
- e. Contributions reported in the aggregate, and not itemized, will not be eligible for matching funds.

Contributions are reported on the cash basis when received. Contributions will be reported as such within the election cycle during which such contribution was received, even though said contribution or some portion thereof is intended for use to pay an expenditure incurred in a succeeding election cycle.

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**B. Time and manner for disbursement of matching public funds:**

- a. Public funds will be dispersed *after* the Board has certified the primary election.
- b. Candidates must submit to the Board proof of receipt of qualifying private contributions and other such supporting documentation as required by and in the manner prescribed by the Board.
- c. The Board will, within 5 business days of the receipt of the request for payment of matching funds, either pay such funds to the candidate or disallow all or a portion of the request and state in writing the reasons therefore.
  - Contributions disallowed for matching funds may be resubmitted for matching funds once the reason for the disallowance has been remedied.
- d. Candidates may submit supplemental applications for public funds until such time as the limits are reached (17-25-22).

**III. PENALTY FOR EXCEEDING THE LIMITS:**

If a candidate who accepted public funds makes expenditures in excess of the permitted amounts, the candidate is liable for a civil assessment in an amount equal to three (3) times the amount of the excess funds expended (17-25-20(5)). Refer to section VI – Powers and Duties of the Board of Elections, item (E) below.

**IV. COMPLIANCE BENEFITS:**

- A. Any candidate eligible to receive public funds who complies in full with all eligibility criteria for the receipt of such funds will be entitled to (17-25-30):
  - a. An additional benefit of free time on community antenna television to be allocated pursuant to rules determined by the administrator for the division of public utilities. During all such allocated free time, the candidate shall personally appear and present the message of the advertisement; provided, however, the content of all television time shall include captioning for the deaf and hard of hearing and the content of all radio time must be available in a written or text format at the time of request;
  - b. An additional benefit of free time on any public broadcasting station operating under the jurisdiction of the Rhode Island public telecommunications authority pursuant to rules determined by said authority. During all such allocated free time, the candidate will personally appear and personally present the message of the advertisement; provided, however, the content of all television time shall include captioning for the

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deaf and hard of hearing and the content of all radio time must be available in a written or text format at the time of request.

- B. The administrator for the division of public utilities for the State of Rhode Island will formulate rules and regulations concerning the allocation of advertising time to be used by those candidates for public office who are eligible to receive public funds and who comply in full with all eligibility criteria for receipt of such funds (17-25-30.1).

***V. 50% OF SURPLUS FUNDS RETURNED TO THE GENERAL TREASURER:***

Any candidate receiving public funds during an election cycle will, within 90 days after the completion of the election cycle (by March 31, 2019) transfer to the General Treasurer, 50% of any unexpended campaign funds that exist on the last day of said election cycle (December 31, 2018).

The candidate may keep the remaining 50% of the surplus for use for any political purposes not otherwise prohibited by law, but the candidate may not use these remaining funds for personal use (17-25-25).

***VI. POWERS AND DUTIES OF THE BOARD OF ELECTIONS:***

The Board may conduct a post-audit of all accounts and transactions for any election cycle and may conduct such other special audits and post-audits as deemed necessary (17-25-27).

***A. Publication of finance reports:***

The Board will publish a summary of the reports filed by candidates for general office pursuant to the public financing provisions on or before April 1, 2019 (17-25-27).

***B. Determine compliance with contribution and expenditure limits:***

The Board is empowered to ascertain whether any contributions to or expenditures for candidates for general office have exceeded allowable limits.

The Board is also empowered to ascertain the amount and source of contributions received and expenditures made by all candidates for general office whether or not said candidate chose to participate in public financing (17-25-28 (1)).

***C. Advisory Opinions:***

The Board may issue advisory opinions upon its own initiative or upon application of any candidate (17-25-28 (2)).

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**D. Conduct Investigations/Hearings (17-25-28(3)):**

The Board may conduct investigations and/or hearings relative to alleged violations of the public financing laws on its own initiative or upon receipt of a verified written complaint, which complaint will be under pain and penalty of perjury and will be based upon actual knowledge and not merely on information and belief.

The Board may initiate a preliminary investigation into any alleged violation of the public financing laws and all proceedings and records relating thereto will be confidential, except that the Board may turn over to the Attorney General evidence that may be used in a criminal proceeding. The Board will notify any person who is the subject of the preliminary investigation of the general nature of the alleged violation by certified or registered mail, return receipt requested, within 7 days of the commencement of the investigation.

If the investigation fails to indicate reasonable cause for belief that the public finance laws have been violated, the Board will immediately terminate the investigation and notify, in writing, the complainant, if any, and the person who had been the subject of the investigation.

If the preliminary investigation indicates reasonable cause or belief that the public finance laws have been violated, the Board may, upon a majority vote, initiate a full investigation to determine whether there has been such a violation.

Testimony at hearings will be under oath. All parties will have the right to examine witnesses, introduce exhibits, submit evidence and be represented by counsel. Before testifying, witnesses will be given a copy of the regulations governing Board proceedings. Witnesses will be entitled to be represented by counsel.

Any person whose name is mentioned during a proceeding of the Board and who may be adversely affected thereby may appear personally before the Board on his/her own behalf or file a written statement for incorporation into the record of the proceeding.

Within 14 days after the end of the proceedings, the Board will meet in executive session for the purpose of reviewing the evidence before it. Within 30 days after completion of deliberations, the Board will publish a written report of its findings and conclusions.

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**E. Penalties for violations (17-25-28(3))**

Upon a finding that there has been a violation of the public financing provisions (17-25-18 through 17-25-27) or any other campaign finance law, the Board may issue an order requiring the violator to:

- a. Cease and desist from such violation,
- b. File any report, statements or other information required by the campaign finance laws, and/or
- c. Pay a civil fine for each violation of any section of this chapter in an amount authorized by such section or, if no such authorization exists, in an amount not to exceed the greater of \$1,000 or 3 times the amount the violator failed to report properly or unlawfully contributed, expended, gave or received.

Additionally, the Board may turn over to the Attorney General any evidence that may be used in a subsequent criminal proceeding against any violator.

In addition to the above civil penalties, any person who willfully and knowingly violates the provisions of the public financing laws will upon conviction, be guilty of a misdemeanor and will be fined not more than \$1,000 per violation (17-25-13).

**F. Enforcement:**

The Board may file a civil action in Superior Court to enforce an order issued by it (17-25-28 (3)).

**G. Appeals (17-25-28(3))**

Any interested person may seek review of any final action by the Board made pursuant to this Chapter by filing a petition in the Superior Court within 30 days after the final action of the Board. The Superior Court will enter a judgment enforcing, modifying or setting aside the order of the Board or it may remand the proceeding to the Board for such further action, as the court may deem necessary.



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## **MPF-2 FILING**

### **SUMMARY REPORT-MATCHING PUBLIC FUNDS:**

The purpose of the MPF-2 filing is threefold:

1. It enables the Board to monitor and enforce the receipt and expenditure limitations and other requirements of 17-25-18 through 17-25-29.
2. ***For the Primary*** - It provides information to all candidates challenged in a party primary so they may avail themselves of the provisions of 17-25-21 which allows a candidate to raise and expend, ***for purposes of the primary election***, an additional amount of private funds equal to the sum of the amounts spent in total by all of his or her primary opponents in said primary **but not more than** one-third (1/3) of the maximum allowable expenditure amount for the office sought.
3. ***For the Election*** - It provides information to all candidates running for the same office so they may avail themselves of the provisions of 17-25-24 which allows a candidate who has elected to receive public funds whose opponent does not elect to receive public funds to raise additional private contributions and make additional expenditures for election purposes. The additional amount that can be raised and expended equals the amount by which the expenditures of the opponent exceeds the maximum allowable expenditure limit that would have applied had the opponent elected to receive public funds.

For purposes number 2 and 3 above, the MPF-2 *separately identifies*:

- a. ***“Expected Contributions”*** - any contributions which the candidate has not yet received but for which he or she has received pledges or commitments, including any loans not yet received but which the candidate reasonably expects to receive either from the candidate himself or herself or from a third party; and
- b. ***“Anticipated Expenditures”*** - any expenditure anticipated to be incurred (though not yet paid or even formally contracted for) such as, but not limited to, the reservation of television or radio time or print media space.

The purpose of the summary report is to prevent a candidate who is being challenged in a primary or in an election from deferring either contributions or expenditures until a point in time when it will be difficult or impossible for his or her opponent or opponents to raise and expend before the primary or election, as the case may be, an additional sum of money as permitted by law.

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***Participating candidate is in a party primary:***

Any candidate for general office who is being challenged for nomination in a party primary, ***including those who have elected not to apply for public funding*** provided under 17-25-18 through and including 17-25-29, will file with the Board, a summary of contributions received and expenditures incurred (whether or not yet paid) from the beginning of the election cycle through and including the day preceding the due date the **MPF-2** filing. The initial report and all supplemental reports as hereinafter provided will also indicate the amount of expenditures qualifying for exclusion (direct costs of fundraising) under 17-25-20 (4).

***Participating candidate is not challenged in a party primary:***

Any candidate who is not being challenged in a primary need not file the MPF-2 summary reports but will be required to file them when they have exceeded the contribution or expenditure limits of 17-25-20 (2).

***Filing MPF-2 Summary Reports:***

1. The initial MPF-2 summary report will be filed on the 50th day preceding the primary.
2. Supplemental reports will be filed on the 40th, 28th, 21st and 14th day preceding the primary.
3. Thereafter, supplemental reports will be filed daily through and including the date of the primary, except for Saturdays, Sundays and legal holidays.
4. Each supplemental report will cover the period from the inception of the election cycle through the day next preceding the date each MPF-2 summary report is due.
5. Supplemental reports must be filed no later than 4:00pm on the date they are due.

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***MPF-2 Summary Report Schedule:***

The 2018 Reporting Schedule is as follows:

<b>Days Preceding the Primary</b>	<b>Period of Report Inception of Election Cycle to</b>	<b>Date Due</b>	<b>Day Due</b>
<b>50th</b>	<b>July 23, 2018</b>	<b>July 24, 2018</b>	<b>Tuesday</b>
<b>40th</b>	<b>August 2, 2018</b>	<b>August 3, 2018</b>	<b>Friday</b>
<b>28th</b>	<b>August 14, 2018</b>	<b>August 15, 2018</b>	<b>Wednesday</b>
<b>21st</b>	<b>August 21, 2018</b>	<b>August 22, 2018</b>	<b>Wednesday</b>
<b>14th</b>	<b>August 28, 2018</b>	<b>August 29, 2018</b>	<b>Wednesday</b>
<b>13th</b>	<b>August 29, 2018</b>	<b>August 30, 2018</b>	<b>Thursday</b>
<b>12th</b>	<b>August 30, 2018</b>	<b>August 31, 2018</b>	<b>Friday</b>
<b>8th</b>	<b>September 3, 2018</b>	<b>September 4, 2018</b>	<b>Tuesday</b>
<b>7th</b>	<b>September 4, 2018</b>	<b>September 5, 2018</b>	<b>Wednesday</b>
<b>6th</b>	<b>September 5, 2018</b>	<b>September 6, 2018</b>	<b>Thursday</b>
<b>5th</b>	<b>September 6, 2018</b>	<b>September 7, 2018</b>	<b>Friday</b>
<b>2nd</b>	<b>September 9, 2018</b>	<b>September 10, 2018</b>	<b>Monday</b>
<b>1st</b>	<b>September 10, 2018</b>	<b>September 11, 2018</b>	<b>Tuesday</b>
<b>Primary day</b>	<b>September 11, 2018</b>	<b>September 12, 2018</b>	<b>Wednesday</b>

Candidates who are being challenged in a party primary but who do not exceed the contributions or expenditures limits of 17-25-20 (2) until *after* the primary will file MPF-2 summary reports according to the schedule outlined above and will become subject to the reporting requirements under 17-25-24 when such contribution or expenditure limits have been exceeded.

Candidates who are being challenged in a party primary and who exceed the contribution or expenditure limits of 17-25-20 (2) *before* such primary will no longer file MPF-2 summary reports according to the schedule outlined above, but will immediately become subject to the reporting requirements under 17-25-24.

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***Candidate exceeds the contribution or expenditure limits:***

***Reporting under 17-25-24:***

Any candidate for a general office, including those who have elected not to accept public funding provided under 17-25-18 through 17-25-29, will report to the Board when such candidate has ***exceeded either the contribution or expenditure limits of 17-25-20 (2):***

1. The initial MPF-2 summary report must be filed with the Board no later than 4:00pm on the next business day following the day when such contribution or expenditure limits have been exceeded. The initial report will include a summary of contributions received and expenditures incurred (whether or not yet paid) from the beginning of the election cycle through and including the day preceding the date of filing the initial report. The report will also indicate the amount of such expenditures qualifying for exclusion (direct costs of fundraising) under 17-25-20 (4).
2. A copy of this initial MPF-2 summary report will also be mailed by the candidate on the same date as the filing date, by certified or registered mail, return receipt requested, to every other candidate for the same office at the address shown on the declaration of candidacy. The candidate mailing such report will retain, as evidence of mailing, a stamped receipt of mailing or other appropriate evidence. This initial report may also be hand delivered to the other candidate or his campaign treasurer or deputy but the only acceptable evidence of such delivery will be a receipt signed by the candidate or campaign treasurer or deputy.
3. Seven (7) days following the filing date of the initial report and every seventh day thereafter, the candidate must file a supplemental report with the Board reporting contributions received and expenditures incurred (whether or not yet paid) from the beginning of the election cycle through and including the day preceding the date of filing the supplemental report.
4. However, during the fourteen (14) days immediately preceding the date of the election, such supplemental reports will be due on a daily basis except for Saturdays, Sundays and legal holidays.

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### **MPF-3 FILING:**

#### ***Affidavit and Payment Request-Matching Public Funds***

MPF-3 Filing – “*Affidavit and Payment Request – Matching Public Funds*” must accompany each request for the payment of public funds.

Together with each MPF-3 filing, the candidate must submit to the Board proof of receipt of qualifying private contributions and such supporting documentation as the Board may require. The required supporting documentation includes:

- a. Copies of checks, money orders or like instruments received from all contributors in the current election cycle, including those made by the candidate to his or her own campaign. This information is made part of an affidavit signed by the candidate on the MPF-3.
- b. A complete copy of deposit slip and validated bank receipt, with the related checks, money orders, etc in alphabetical order within each deposit. The supporting documentation, although submitted as above required, will not be deemed to be in compliance with these regulations unless deposit slips and deposit receipts are matched and submitted in chronological order.
- c. Bank statements, or comparable statements, issued by the depository or custodian of such funds showing the amounts on deposit or the investment of the funds received. If bank statements or comparable statements for a particular time frame are not available for submission to the Board with the MPF 3 because the statement has not yet been issued by the depository or custodian of the funds, the candidate will be required to furnish such statements as soon as they have been issued by the depository or custodian.

Contributions that do not have a copy of the check, money order or transaction ***will NOT be matched***. In addition, if the total of the deposit(s) submitted do not agree to the amount of payment request on MPF 3 filing, by other than “In-Kind” contributions, interest income and other income, as applicable, the entire submission will be rejected until valid explanations of the differences are provided.

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### ***Payment of Matching Funds:***

Prior to the submission of the first request for payment of matching public funds, the candidate must complete a **Payment Information Form** and a **Request for Taxpayer Identification Number and Certification** (IRS Form W-9).

On the payment information form, each campaign must provide the Board with its federal identification number before matching public funds can be disbursed to it. If the campaign does not have its own federal identification number, the candidate must submit his or her social security number.

The payment of matching public funds can be accomplished either via wire transfer directly into an account designated by the candidate or by check. Once chosen, this method of payment will apply to any and all subsequent requests for the payment of matching public funds. The following procedures apply to each payment method:

#### ***Electronic Funds Transfer:***

- a) On the Payment Information Form, the candidate must provide the Board with the information requested by the State in order to accomplish the electronic funds transfer. This information includes, among others, the institution name, account number and routing number.
- b) The Board will call the candidate or one of the authorized individuals noted on the form to inform them that the funds will be or have been deposited into the designated account.

#### ***Check:***

- a) On the Payment Information Form, the candidate must provide the Board the name (s) of those individuals authorized to pick up the check at the Treasurer's Office. Note that only the candidate, treasurer and/or deputy treasurer (s) whose names appear on the form may pick-up the check.
- b) The Board will call the candidate or one of the authorized individuals to inform them that the check is ready for pick-up at the Treasurer's Office and to provide them with the number of the check that has been issued by the State.
- c) The check will be available for pick-up at the Treasurer's Office at 40 Fountain Street, 7<sup>th</sup> floor, Providence, Rhode Island between 1:00pm and 4:00pm. Authorized individuals must provide the Treasurer's Office with suitable identification (i.e., a valid drivers license) and the check number previously provided by the Board prior to receiving the check.

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Payments, either by electronic funds transfer or by check, will be made by the fifth business day following the submission and acceptance of the request for payment of Matching Public Funds. The first day of the five-day period begins the day *after* the Board accepts the request.

Please note that the amount of the electronic funds transfer or check and the amount of the request submitted by the candidate may differ if there is a question as to the eligibility of individual contributions. The campaign will be notified of those questioned contributions via the use of a report that is available within the Electronic Reporting and Tracking System (ERTS).

All requests for matching public funds must be submitted to the Board after the date of the primary and not later than November 21, 2018. Requests submitted after November 21, 2018 will be denied unless accompanied by an affidavit setting forth facts showing that such request was not timely submitted because of circumstances beyond the control of the candidate.

***Segregation of Matching Public Funds:***

Each campaign must open a separate checking account for Matching Public Funds. This account is to be used solely for the matching funds received from the State and the payment of allowable expenditures as defined in 17-25-20 (8). Matching public funds must not be comingled with campaign funds available in the campaign account of a candidate established pursuant to 17-25-5.2.

***Board of Elections-Auditing of Matching Fund Program:***

The Board may audit all of the campaign records of any candidate for general office whether or not said candidate is participating in the public funding program. For such purposes, candidates and their campaigns are directed to retain complete records until the close of the fourth full year following the end of each election cycle. Among the records to be kept and maintained are the following:

- ***With respect to Receipts:***

Copies of all checks, money orders or like instruments representing contributions received along with copies of deposit slips. Also to be kept and maintained are all deposit receipts and bank statements or comparable statements issued by the depository or custodian of campaign funds.

- ***With respect to Expenditures:***

Canceled checks, receipts or invoices for expenditures incurred and/or paid, receipts for cash expenditures, bank statements or comparable statements, credit or charge card statements, payroll records including tax reports, if any, and W-2 or 1099 forms

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In all hearings and proceedings before the Board relating to public funding of campaigns of candidates for general office, all testimony will be under oath. All parties will have the right to call and examine witnesses, to introduce exhibits, to cross-examine witnesses who testify, to submit evidence, and to be represented by counsel. All witnesses will be entitled to be represented by counsel. The rules of evidence as applicable in the Superior Court of the State of Rhode Island will apply to all proceedings under 17-25-28.

Investigations conducted by the Board of Elections to determine violations of the provisions of 17-25-18 through 17-25-29 and 17-25-10.1 will be conducted as provided in those sections and in accordance with the opinion of the office of the Attorney General.

***17-25-29: Appropriations:***

In the event the funds generated by the tax credit of 44-30-2 (d) fail to produce sufficient money to meet the requirements of the public financing of the electoral system as set forth in 17-25-19 through 17-25-27, then funds sufficient to meet the levels of public financing as set forth herein will be supplied from the general fund of the state treasury.



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***Advisory Opinions and Regulations***  
***Adopted by the Board of Elections***  
***In connection with the Public Financing of***  
***Campaigns***  
***For Candidates for General Office***  
***Pursuant to Sections 17-25-18 Through 17-25-30***  
***Of the General Laws of***  
***Rhode Island***

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## ***Matching Public Fund Advisory Opinions***

**ADVISORY OPINION 94-05:** *Contributions received in the present cycle and used to pay for expenses of the past cycle must be counted towards contributions/expenses in the present election cycle.*

**ADVISORY OPINION 98-01:** *Expenditures incurred in a previous cycle and paid for in the present cycle with funds raised in the previous election cycle, does not cause them to be deemed expenditures in the present election cycle and as such, must be deducted from the present cycle when calculating the expenditure limits under §17-25-19.*

**ADVISORY OPINION 93-02 & 98-01:** *It is and has been the opinion of the Board that all contributions made in the course of raising funds are to be counted for the purpose of contribution limits. The full amount of funds contributed towards raising funds must be counted towards the limits related to contributions. This will encourage frugality among candidates and the amount of dollars expended in the hosting of such fundraising. A contrary opinion would encourage lavish expenditures in the hosting of fundraising events by allowing candidates to pay such expenditures by raising additional contributions above and beyond the contribution limits which would ordinarily be applicable.*

**ADVISORY OPINION 98-01:** *§17-25-25 specifically requires a candidate receiving public funds during an election cycle to return at least fifty percent (50%) of the unexpended portions of those funds to the General Treasurer. Said refund to the General Treasurer is done in the present cycle with funds raised in the past cycle. These funds as well as refunds to any other campaign contributor is permitted and will not count toward expenditure limits in the current election cycle.*

**ADVISORY OPINION 98-01:** *It is the decision of the Board of Elections that all funds expended for "holding public office" in an election cycle are subject to the dollar limitations of 17-25-20. This ruling extends to charitable contributions made by the candidate as well as state-related and miscellaneous expenses*

## *Matching Public Fund Regulations*

The following regulations have been adopted by the State Board of Elections under the authority of sections 17-25-5 and 17-25-28 of the Rhode Island General Laws. The regulations are listed under the heading of the section of the General Laws to which they principally apply. However, the regulations as set forth will apply not only to the section under which it is listed but also to any other section of Chapter 17-25 to which it may be applicable.

### **PUBLIC FINANCING OF CAMPAIGNS FOR GENERAL OFFICES – REVISED SUPPLEMENT #1**

(Regulations pursuant to §§17-25-18 through 17-25-29)

The following regulations have been adopted by the State Board of Elections under the authority of §§17-25-5 and 17-25-28 of the Rhode Island General Laws. The regulations are set forth under the heading of the section of the General Laws to which they principally apply. However, the regulations shall apply not only to the section under which set forth but to any other section of Chapter 17-25 to which they may be applicable.

17-25-21: Only a candidate involved in a primary election shall be permitted to raise and expend the additional amount of private funds referred to in section 17-25-21 of the General Laws and the regulations previously adopted by the State Board of Elections thereunder. For example, if one political party has a primary election for the office of governor but the other political party does not, the candidate of the political party not having the primary election does not have the right to raise and expend the additional amount of private funds referred to in said section 17-25-21.

The maximum additional amount of private funds which may be raised and expended by a candidate in a primary election is limited to the lesser of (a) the total amount spent by the opponent or opponents of such candidate in the primary election or (b) one-third of the maximum allowable expenditure amount for the office sought as set forth in section 17-25-20(2). For example, if there are four candidates in a primary election for the office of governor and candidates A, B and C in the aggregate spend a total of \$300,000 then candidate D is limited to \$300,000 since that amount is less than one-third of \$1,500,000 which is the maximum allowable expenditure amount for the office of governor in the 1994 general election.

If one of the candidates in the primary has not elected to be eligible for matching public funds and to comply with the limitations on campaign contributions and expenditures, any other candidate in the primary who may have elected to become eligible for matching public funds is nevertheless bound by the maximum allowable expenditure amount for the office sought under section 17-25-20(2) plus the additional amount permitted under section 17-25-21. For example, if candidate A, a candidate for governor, has not elected to become eligible for matching public funds and spends \$3,000,000 in the primary election, candidate B may only spend up to the maximum allowable expenditure amount

for the office plus the additional amount of private funds permitted under section 17-25-21 in connection with primary elections, i.e. for the general election in 1994, candidate B would be limited to \$1,500,000 plus \$500,000 or \$2,000,000. If candidate B, in fact, did spend the entire \$2,000,000 before the primary election, candidate B, if successful in the primary, will have reached his combined maximum amount under sections 17-25-20 (2) and 17-25-21 and will be unable to raise and expend any additional monies in connection with the general election if candidate B's opponent in the general election has also elected to become eligible for matching public funds.

However, if candidate B's opponent for the office of governor in the general election has not elected to become eligible for matching public funds, then candidate B shall be permitted, under section 17-25-24, to raise and expend additional private contributions in excess of the combined maximum amount under sections 17-25-20(2) and 17-25-21 up to the amount by which the expenditures of the general election opponent exceed the maximum allowable expenditure limit (under sections 17-25-20(2) and 17-25-21) that would have applied to the opponent's expenditures had the opponent elected to become eligible for matching public funds.

For example, if candidate B's general election opponent for the office of governor who has not elected to become eligible for matching public funds, would have had a combined maximum of \$2,000,000 (under sections 17-25-20(2) and 17-25-21) had such opponent elected to become eligible for public funds; and if such opponent expends \$3,000,000 i.e. exceeds what would have been his maximum by \$1,000,000, then candidate B is eligible to exceed his/her permitted combined maximum (under sections 17-25-20(2) and 17-25-21) by \$1,000,000.

As an additional example, if candidate B's general election opponent for the office of governor who has not elected to become eligible for matching public funds would have had a combined maximum of \$1,500,000 (under sections 17-25-20(2) and 17-25-21) had such opponent elected to become eligible for matching public funds; and if such opponent expends \$1,800,000 i.e. exceeds what would have been his maximum by \$300,000, then candidate B is eligible to exceed his or her permitted combined maximum (under sections 17-25-20(2) and 17-25-21) by an additional \$300,000, i.e. candidate B would be permitted to expend up to \$2,300,000.

The additional amount of private funds which a candidate in a primary election is permitted to raise and expend under section 17-25-21 must be expended before the primary election. Such candidate may spend more than the additional amount which is permitted to be raised and expended in connection with a primary election under section 17-25-21, but never more than the combined maximum under sections 17-25-20(2) and 17-25-21. For example, if candidates A, B and C for the office of governor each spend \$200,000 or a combined total of \$600,000 in the primary, then candidate D, who is also a primary candidate for the office of governor, is permitted to raise and expend, under section 17-25-21, in the 1994 general election, \$500,000 (one-third of the maximum allowable expenditure of \$1,500,000). Candidate D may, in fact, expend up to \$2,000,000 before the primary (\$1,500,000 plus \$500,000) but, if successful in the

primary, will have exhausted his spending limits under sections 17-25-20(2) and 17-25-21 (unless the general election opponent has not elected to become eligible for matching public funds as herein before described). If candidate D is permitted to raise and expend an additional \$500,000 because of the primary election but expended only \$200,000 prior to the primary, then candidate D's maximum allowable expenditure amount would be \$1,700,000 and not \$2,000,000 because candidate D did not spend the full \$500,000 permitted to be expended prior to the primary as required by section 17-25-21.

In summary, a candidate can spend more than the additional amount permitted to be raised and expended in a primary election under section 17-25-21 (but not beyond the combined maximum amount under section 17-25-20(2) and 17-25-21), and the amount expended in the primary is deducted from the combined maximum amount (the total permitted under both sections 17-25-20(2) and 17-25-21) in determining the additional amount of money available to be expended through the general election.

However, if a candidate does not spend, before the primary, at least the additional amount permitted to be raised and expended in the primary under section 17-25-21, the candidate's combined maximum amount (the total permitted under both sections 17-25-20(2) and 17-25-21) is reduced by the difference between the additional amount permitted to be raised and expended by the candidate under section 17-25-21, and the amount, in fact, expended by the candidate before the primary if less than the additional amount permitted under section 17-25-21.

As an example relating to the 1994 general election, a candidate for the office of governor who could have raised and expended an additional amount of private funds under section 17-25-21 up to the maximum of \$500,000 will have a maximum allowable expenditure amount equal to \$2,000,000 if he expends at least \$500,000 before the primary; but if such candidate only expends \$200,000 before the primary, such candidate will only have a maximum allowable expenditure amount of \$1,700,000.

By Order of the  
Rhode Island State Board of Elections

Joseph R. DiStefano, Chairman

ADOPTED AT A MEETING OF THE BOARD OF ELECTIONS HELD ON  
JANUARY 26, 1993.

ATTEST: Janet L. Armstrong, Secretary of State

PUBLIC FINANCING OF CAMPAIGNS FOR GENERAL OFFICES –  
REVISED SUPPLEMENT #2  
(Regulations pursuant to §§17-25-18 through 17-25-29)

The following regulations have been adopted by the State Board of Elections under the authority of §§17-25-5 and 17-25-28 of the Rhode Island General Laws. The regulations are set forth under the heading of the section of the General Laws to which they principally apply. However, the regulations shall apply not only to the section under which set forth but to any other section of Chapter 17-25 to which they may be applicable.

17-25-20(4) and 17-25-20(9): Candidates shall be required to make and maintain adequate records to verify expenditures which are excludable from the candidate's expenditure limitations under §17-25-20(4). Candidates shall likewise be required to keep and maintain adequate records to verify contributions received and expenditures made which are excludable from contribution or expenditure limitations provided for under §§17-25-20(2) and 17-25-21 when used for the purpose of defraying any expenditure or satisfying any loan obligation incurred prior to January 1, 1991 by the candidate in furtherance of his or her candidacy in a previous election cycle (as defined in section 17-25-3(k)).

Such records shall include canceled checks, invoices, purchase orders, itemized vendor statements, and all other documentation which may be used to verify contributions or expenditures qualifying for such exclusion.

While contributions received and expenditures made by any candidate for the purpose of defraying any expenditure or satisfying any loan incurred prior to January 1, 1991 shall not be counted toward any contribution or expenditure limitation as provided above, any contributions received and expended for such purpose during the then-current election cycle shall be eligible for matching public funds under §17-25-20(3).

Expenditures used to defray any expenses or satisfy any loans incurred prior to January 1, 1991 must be separately identified on all reports filed with the State Board of Elections following the date when such candidate elected to become eligible for public funding, when such forms require a listing of expenditures qualifying for exclusion.

PUBLIC FINANCING OF CAMPAIGNS FOR GENERAL OFFICES --  
REVISED SUPPLEMENT #3  
(Regulations pursuant to §§17-25-18 through 17-25-30.1)

The following regulations have been adopted by the State Board of Elections under the authority of §§17-25-5 and 17-25-28 of the Rhode Island General Laws. The regulations are set forth under the heading of the section of the General Laws to which they principally apply. However, the regulations shall apply not only to the section under which set forth but to any other section of Chapter 17-25 to which they may be applicable.

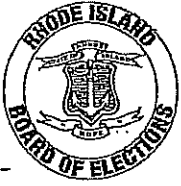
17-25-30: The compliance benefits referred to in section 17-25-30 shall only be available to eligible candidates, whether party candidates or independent candidates, after the date of the Primary Election to select the party candidates.

By Order of the  
Rhode Island State Board of Elections

Joseph R. DiStefano, Chairman

Adopted at a meeting of the Board of Elections held on January 26, 1993.

Attest: Janet L. Armstrong, Secretary



# STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

## BOARD OF ELECTIONS

50 Branch Avenue  
Providence, RI 02904  
(401) 222-2345 Telephone  
(401) 222-3135 Fax

### **MPF#01-01. ELIGIBILITY FOR MATCHING PUBLIC FUNDS FOR CANDIDATES FOR GENERAL OFFICE**

(Regulations pursuant to Chapter 17-25 "RI Campaign Contributions & Expenditures Reporting Act")

*The Rhode Island Board of Elections (the "Board") hereby adopts the within rules and regulations relating to the "Rhode Island Campaign Contributions & Expenditures Reporting Act" (the "Act") pursuant to and in accordance with the provisions of section 17-25-5 of the Rhode Island general Laws of 1956, as amended.*

*Said rules and regulations are being established pursuant to the Administrative Procedures Act (RIGL 42-35) and are available for public inspection, submissions or requests at the offices of the Rhode Island Board of Elections, 50 Branch Avenue, Providence, Rhode Island.*

### **MPF #01-01. Eligibility For Matching Public Funds For Candidates For General Office.**

The Board of Elections recognizes that conflicts and ambiguities exist in the Rhode Island general laws for persons seeking general office with regards to their eligibility for matching public funds if, during the first two years of a four-year election cycle, those persons were candidates for any other public office. In recognition of these conflicts and ambiguities the Board is promulgating the following regulations with respect to candidate eligibility for matching public funds.

#### **1) Contributions.**

- a) **Incumbent general officeholders & persons who were not candidates for any other public office during the first two years of a four-year election cycle as defined in §17-25-3(5).**

All contributions received by incumbent general officeholders and persons who were not candidates for any other public office during the first two years of a four-year election cycle, which otherwise qualify to be matched with public funds pursuant to the provisions of §17-25, shall be eligible to be matched with public funds.



- b) Persons who were candidates for public office during the first two years of a four-year election cycle as defined in §17-25-3(5).**

All contributions received during the last two years of a four-year election cycle, which otherwise qualify to be matched with public funds pursuant to the provisions of §17-25, shall be eligible to be matched with public funds.

Further, the balance of funds remaining in a campaign account or accounts, as reported to the Board of Elections, as of December 31<sup>st</sup> in the even-numbered year between elections for general officers and carried forward shall be treated as a contribution by the candidate to his/her own campaign for general office and counted toward the contribution limits for that office; provided, however, that no candidate shall be permitted to carry forward in excess of five percent (5%) of the total amount which a candidate is permitted to expend in a primary and general election campaign for the general office sought pursuant to §17-25-19 and §17-25-21 and that only \$1,000 of such amount shall be eligible for matching public funds.

The campaign fund balance beyond the five percent (5%) permitted to be carried forward shall not be permitted to be expended and shall be placed in a separate campaign account which shall be inactive for the period commencing on the day the person becomes a declared candidate for general office pursuant to §17-14-1 and concluding with the final audit of the campaign by the Board of Elections.

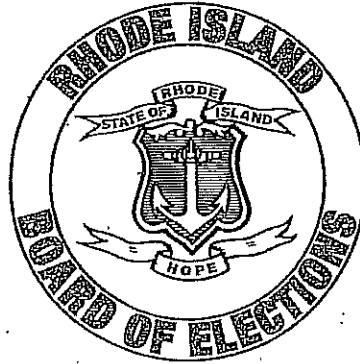
**1) Expenditures.**

- a) Incumbent general officeholders & persons who were not candidates for any other public office during the first two years of a four-year election cycle as defined in §17-25-3(5).**

All expenditures incurred during the four-year election cycle shall be included as part of the expenditure limitations established by the Board of Elections pursuant to §17-25-20.

- b) Persons who were candidates for public office during the first two years of a four-year election cycle as defined in §17-25-3(5).**

The expenditures incurred during the first two years of a four-year election cycle shall not be included as part of the expenditure limitations established by the Board of Elections pursuant to §17-25-20.



**RULES AND REGULATIONS  
FOR MATCHING PUBLIC FUNDS – CONTRIBUTION  
EXEMPTION AND ADDITIONAL EXPENDITURES**

**Promulgated by order of  
The Rhode Island State Board of Elections  
John A. Daluz, Chairman**

**RULES & REGULATIONS FOR MATCHING PUBLIC FUNDS –  
CONTRIBUTION EXEMPTION AND ADDITIONAL EXPENDITURES  
ADOPTED BY THE RHODE ISLAND BOARD OF ELECTIONS**

*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*

*Said rules and regulations are adopted pursuant to the Administrative Procedures Act (R.I.G.L. § 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.*

**Section 1. 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.G.L. 17-25-20 and 17-25-24.

**Section 2. Contribution Exemption for R.I.G.L. 17-25-20**

Note: The regulation to be adopted by the Board of Elections ("Board") appears in *italics* beneath the specific section of the Rhode Island General Law which the Board is seeking to address with the adoption of said regulation.

**§ 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 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.

*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 subdivision (2) of this section.*

### **Section 3. Additional Expenditures for R.I.G.L. 17-25-24**

Note: The regulation to be adopted by the Board of Elections ("Board") appears in *italics* beneath the specific section of the Rhode Island General Law which the Board is seeking to address with the adoption of said regulation.

**§ 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.

*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.*

#### **Section 4. Implementation**

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

These rules and regulations were adopted at a meeting of the State Board of Elections held on the 13<sup>th</sup> day of July 2010 pursuant to the Administrative Procedures Act (R.I.G.L. 42-35-1, *et seq.*).

By Order of the Rhode Island Board of Elections

  
John A. Daluz, Chairman

7/15/10  
Date

Witnessed by

  
Robert Kando, Executive Director

7/15/10  
Date

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PUBLIC FINANCING OF CAMPAIGNS  
FOR CANDIDATES FOR GENERAL OFFICE

FORMS

*State of Rhode Island  
Matching Public Funds  
Payment Information Form*

*Agency Requesting Information*      RI Board of Elections

*Agency Contact*      Richard E. Thornton

*Phone Number*      222-2345

*Fax Number*      222-4424

*Method of Payment:*      *Please Check One.*  
*Note that once the method of payment has been chosen, the method will*  
*apply to any and all subsequent requests for matching public funds.*

*Wire Transfer*      \_\_\_\_\_

*Check*      \_\_\_\_\_

*Candidate Identification  
Number*      \_\_\_\_\_

*Wiring Instructions:*      Must be completed for those candidates who wish to have the matching public  
funds deposited directly into a designated account.

*Payee Name*      \_\_\_\_\_

*Bank Name*      \_\_\_\_\_

*Bank Address*      \_\_\_\_\_

*Account Number*      \_\_\_\_\_

*Bank ABA Number  
(Routing Number)*      \_\_\_\_\_

*Type of Account*      \_\_\_\_\_

*Title of Account*      \_\_\_\_\_

*Payee's Signature*      \_\_\_\_\_

*Check:*      Must be completed for those candidates who wish to pick-up the matching public  
fund check at the Board of Elections.

*Authorized Individual(s)*      Must be either the candidate, the Treasurer of the Campaign  
or a Deputy Treasurer.

\_\_\_\_\_  
Name      Title

\_\_\_\_\_  
Name      Title

\_\_\_\_\_  
Name      Title

Please attach to this request a completed Form W-9 indicating the candidate's social security number or the campaign's federal identification number.

# Request for Taxpayer Identification Number and Certification

Give Form to the  
requester. Do not  
send to the IRS.

► Go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9) for instructions and the latest information.

Print or type.  
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.	
2 Business name/disregarded entity name, if different from above	
3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only <b>one</b> of the following seven boxes.  <input type="checkbox"/> Individual/sole proprietor or single-member LLC  <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____ <b>Note:</b> Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is <b>not</b> disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.  <input type="checkbox"/> Other (see instructions) ► _____	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):  Exempt payee code (if any) _____  Exemption from FATCA reporting code (if any) _____  <small>(Applies to accounts maintained outside the U.S.)</small>
5 Address (number, street, and apt. or suite no.) See instructions.	Requester's name and address (optional)
6 City, state, and ZIP code	
7 List account number(s) here (optional)	

## Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

**Note:** If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number	
or	
Employer identification number	

## Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign  
Here

Signature of  
U.S. person ►

Date ►

## General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9).

## Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (Interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.



By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting*, later, for further information.

**Note:** If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien;
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States;
- An estate (other than a foreign estate); or
- A domestic trust (as defined in Regulations section 301.7701-7).

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

In the cases below, the following person must give Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States.

- In the case of a disregarded entity with a U.S. owner, the U.S. owner of the disregarded entity and not the entity;
- In the case of a grantor trust with a U.S. grantor or other U.S. owner, generally, the U.S. grantor or other U.S. owner of the grantor trust and not the trust; and
- In the case of a U.S. trust (other than a grantor trust), the U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

**Foreign person.** If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person, do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Pub. 515, *Withholding of Tax on Nonresident Aliens and Foreign Entities*).

**Nonresident alien who becomes a resident alien.** Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items.

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

**Example.** Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

## Backup Withholding

**What is backup withholding?** Persons making certain payments to you must under certain conditions withhold and pay to the IRS 28% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

**Payments you receive will be subject to backup withholding if:**

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the instructions for Part II for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See *Exempt payee code*, later, and the separate Instructions for the Requester of Form W-9 for more information.

Also see *Special rules for partnerships*, earlier.

## What is FATCA Reporting?

The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all United States account holders that are specified United States persons. Certain payees are exempt from FATCA reporting. See *Exemption from FATCA reporting code*, later, and the Instructions for the Requester of Form W-9 for more information.

## Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account; for example, if the grantor of a grantor trust dies.

## Penalties

**Failure to furnish TIN.** If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

**Civil penalty for false information with respect to withholding.** If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

**Criminal penalty for falsifying information.** Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

**Misuse of TINs.** If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

## Specific Instructions

### Line 1

You must enter one of the following on this line; **do not** leave this line blank. The name should match the name on your tax return.

If this Form W-9 is for a joint account (other than an account maintained by a foreign financial institution (FFI)), list first, and then circle, the name of the person or entity whose number you entered in Part I of Form W-9. If you are providing Form W-9 to an FFI to document a joint account, each holder of the account that is a U.S. person must provide a Form W-9.

a. **Individual.** Generally, enter the name shown on your tax return. If you have changed your last name without informing the Social Security Administration (SSA) of the name change, enter your first name, the last name as shown on your social security card, and your new last name.

**Note: ITIN applicant:** Enter your individual name as it was entered on your Form W-7 application, line 1a. This should also be the same as the name you entered on the Form 1040/1040A/1040EZ you filed with your application.

b. **Sole proprietor or single-member LLC.** Enter your individual name as shown on your 1040/1040A/1040EZ on line 1. You may enter your business, trade, or "doing business as" (DBA) name on line 2.

c. **Partnership, LLC that is not a single-member LLC, C corporation, or S corporation.** Enter the entity's name as shown on the entity's tax return on line 1 and any business, trade, or DBA name on line 2.

d. **Other entities.** Enter your name as shown on required U.S. federal tax documents on line 1. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on line 2.

e. **Disregarded entity.** For U.S. federal tax purposes, an entity that is disregarded as an entity separate from its owner is treated as a "disregarded entity." See Regulations section 301.7701-2(c)(2)(iii). Enter the owner's name on line 1. The name of the entity entered on line 1 should never be a disregarded entity. The name on line 1 should be the name shown on the income tax return on which the income should be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a single owner that is a U.S. person, the U.S. owner's name is required to be provided on line 1. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on line 2, "Business name/disregarded entity name." If the owner of the disregarded entity is a foreign person, the owner must complete an appropriate Form W-8 instead of a Form W-9. This is the case even if the foreign person has a U.S. TIN.

### Line 2

If you have a business name, trade name, DBA name, or disregarded entity name, you may enter it on line 2.

### Line 3

Check the appropriate box on line 3 for the U.S. federal tax classification of the person whose name is entered on line 1. Check only one box on line 3.

IF the entity/person on line 1 is a(n) . . .	THEN check the box for . . .
• Corporation	Corporation
• Individual • Sole proprietorship, or • Single-member limited liability company (LLC) owned by an individual and disregarded for U.S. federal tax purposes.	Individual/sole proprietor or single-member LLC
• LLC treated as a partnership for U.S. federal tax purposes, • LLC that has filed Form 8832 or 2553 to be taxed as a corporation, or • LLC that is disregarded as an entity separate from its owner but the owner is another LLC that is not disregarded for U.S. federal tax purposes.	Limited liability company and enter the appropriate tax classification. (P= Partnership; C= C corporation; or S= S corporation)
• Partnership	Partnership
• Trust/estate	Trust/estate

### Line 4, Exemptions

If you are exempt from backup withholding and/or FATCA reporting, enter in the appropriate space on line 4 any code(s) that may apply to you.

#### Exempt payee code.

- Generally, individuals (including sole proprietors) are not exempt from backup withholding.
- Except as provided below, corporations are exempt from backup withholding for certain payments, including interest and dividends.
- Corporations are not exempt from backup withholding for payments made in settlement of payment card or third party network transactions.
- Corporations are not exempt from backup withholding with respect to attorneys' fees or gross proceeds paid to attorneys, and corporations that provide medical or health care services are not exempt with respect to payments reportable on Form 1099-MISC.

The following codes identify payees that are exempt from backup withholding. Enter the appropriate code in the space in line 4.

- 1—An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2)
- 2—The United States or any of its agencies or instrumentalities
- 3—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities
- 4—A foreign government or any of its political subdivisions, agencies, or instrumentalities
- 5—A corporation
- 6—A dealer in securities or commodities required to register in the United States, the District of Columbia, or a U.S. commonwealth or possession
- 7—A futures commission merchant registered with the Commodity Futures Trading Commission
- 8—A real estate investment trust
- 9—An entity registered at all times during the tax year under the Investment Company Act of 1940
- 10—A common trust fund operated by a bank under section 584(a)
- 11—A financial institution
- 12—A middleman known in the investment community as a nominee or custodian
- 13—A trust exempt from tax under section 664 or described in section 4947

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 13.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 7
Broker transactions	Exempt payees 1 through 4 and 6 through 11 and all C corporations. S corporations must not enter an exempt payee code because they are exempt only for sales of noncovered securities acquired prior to 2012.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 4
Payments over \$600 required to be reported and direct sales over \$5,000 <sup>1</sup>	Generally, exempt payees 1 through 5 <sup>2</sup>
Payments made in settlement of payment card or third party network transactions	Exempt payees 1 through 4

<sup>1</sup> See Form 1099-MISC, Miscellaneous Income, and its instructions.

<sup>2</sup> However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney reportable under section 6045(f), and payments for services paid by a federal executive agency.

**Exemption from FATCA reporting code.** The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements. A requester may indicate that a code is not required by providing you with a Form W-9 with "Not Applicable" (or any similar indication) written or printed on the line for a FATCA exemption code.

A—An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37)

B—The United States or any of its agencies or instrumentalities

C—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities

D—A corporation the stock of which is regularly traded on one or more established securities markets, as described in Regulations section 1.1472-1(c)(1)(i)

E—A corporation that is a member of the same expanded affiliated group as a corporation described in Regulations section 1.1472-1(c)(1)(i)

F—A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state

G—A real estate investment trust

H—A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940

I—A common trust fund as defined in section 584(a)

J—A bank as defined in section 581

K—A broker

L—A trust exempt from tax under section 664 or described in section 4947(a)(1)

M—A tax exempt trust under a section 403(b) plan or section 457(g) plan

**Note:** You may wish to consult with the financial institution requesting this form to determine whether the FATCA code and/or exempt payee code should be completed.

## Line 5

Enter your address (number, street, and apartment or suite number). This is where the requester of this Form W-9 will mail your information returns. If this address differs from the one the requester already has on file, write NEW at the top. If a new address is provided, there is still a chance the old address will be used until the payor changes your address in their records.

## Line 6

Enter your city, state, and ZIP code.

## Part I. Taxpayer Identification Number (TIN)

**Enter your TIN in the appropriate box.** If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN.

If you are a single-member LLC that is disregarded as an entity separate from its owner, enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

**Note:** See *What Name and Number To Give the Requester*, later, for further clarification of name and TIN combinations.

**How to get a TIN.** If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local SSA office or get this form online at [www.SSA.gov](http://www.SSA.gov). You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at [www.irs.gov/Businesses](http://www.irs.gov/Businesses) and clicking on Employer Identification Number (EIN) under Starting a Business. Go to [www.irs.gov/Forms](http://www.irs.gov/Forms) to view, download, or print Form W-7 and/or Form SS-4. Or, you can go to [www.irs.gov/OrderForms](http://www.irs.gov/OrderForms) to place an order and have Form W-7 and/or SS-4 mailed to you within 10 business days.

If you are asked to complete Form W-9 but do not have a TIN, apply for a TIN and write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

**Note:** Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

**Caution:** A disregarded U.S. entity that has a foreign owner must use the appropriate Form W-8.

## Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, 4, or 5 below indicates otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on line 1 must sign. Exempt payees, see *Exempt payee code*, earlier.

**Signature requirements.** Complete the certification as indicated in items 1 through 5 below.

**1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983.** You must give your correct TIN, but you do not have to sign the certification.

**2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983.** You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

**3. Real estate transactions.** You must sign the certification. You may cross out item 2 of the certification.

**4. Other payments.** You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments made in settlement of payment card and third party network transactions, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

**5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), ABLE accounts (under section 529A), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions.** You must give your correct TIN, but you do not have to sign the certification.

## What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account) other than an account maintained by an FFI	The actual owner of the account or, if combined funds, the first individual on the account <sup>1</sup>
3. Two or more U.S. persons (joint account maintained by an FFI)	Each holder of the account
4. Custodial account of a minor (Uniform Gift to Minors Act)	The minor <sup>2</sup>
5. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee <sup>1</sup>
b. So-called trust account that is not a legal or valid trust under state law	The actual owner <sup>1</sup>
6. Sole proprietorship or disregarded entity owned by an individual	The owner <sup>3</sup>
7. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulations section 1.671-4(b)(2)(i)(A))	The grantor <sup>4</sup>
For this type of account:	Give name and EIN of:
8. Disregarded entity not owned by an individual	The owner
9. A valid trust, estate, or pension trust	Legal entity <sup>4</sup>
10. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
11. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
12. Partnership or multi-member LLC	The partnership
13. A broker or registered nominee	The broker or nominee

For this type of account:	Give name and EIN of:
14. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
15. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulations section 1.671-4(b)(2)(i)(B))	The trust

<sup>1</sup> List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

<sup>2</sup> Circle the minor's name and furnish the minor's SSN.

<sup>3</sup> You must show your individual name and you may also enter your business or DBA name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

<sup>4</sup> List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships*, earlier.

**\*Note:** The grantor also must provide a Form W-9 to trustee of trust.

**Note:** If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

## Secure Your Tax Records From Identity Theft

Identity theft occurs when someone uses your personal information such as your name, SSN, or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Pub. 5027, Identity Theft Information for Taxpayers.

Victims of identity theft who are experiencing economic harm or a systemic problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

### Protect yourself from suspicious emails or phishing schemes.

Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to [phishing@irs.gov](mailto:phishing@irs.gov). You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration (TIGTA) at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at [spam@uce.gov](mailto:spam@uce.gov) or report them at [www.ftc.gov/complaint](http://www.ftc.gov/complaint). You can contact the FTC at [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft) or 877-IDTHEFT (877-438-4338). If you have been the victim of identity theft, see [www.IdentityTheft.gov](http://www.IdentityTheft.gov) and Pub. 5027.

Visit [www.irs.gov/IdentityTheft](http://www.irs.gov/IdentityTheft) to learn more about identity theft and how to reduce your risk.

## Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.

