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**MEMORANDUM ON THE CONCLUSION OF
CAMPAIGN FINANCE REPORTING –
2015-2016 IBT INTERNATIONAL OFFICER ELECTION**

This memorandum contains instructions on the final Campaign Contribution and Expenditure Report (“CCER”) and Supplemental Form No. 1 filings, the handling of debt that remains at the time of the final report, and handling of surplus funds.

I. FILING THE FINAL CCER AND THE FINAL SUPPLEMENTAL FORM NO. 1

The *2016 Election Rules* set January 17, 2017 as the date for filing that final CCER and Supplemental Form No. 1. That filing is to cover the reporting period from November 16, 2016 to December 31, 2016. In addition to these reports, each slate, candidate and independent committee must file a declaration, signed under penalty of perjury, with the Office of the Election Supervisor (“OES”) stating that all debt obligations have been satisfied and all bank accounts have been closed. If a campaign has any outstanding debt at the time of the filing, the final CCER must include a debt statement. The Form 42 “Declaration of Completion” (attached to this memorandum and posted at www.ibtvote.org under “Official Forms”) shows the information and declarations required to close out campaign finance reporting, and candidates should follow that model in making the required declarations.

If any candidate has fundraising an expenditure activity after December 31, 2016, OES will set dates for subsequent filing periods. Oversight of campaign finance reporting will continue until every candidate or committee has filed a final report and a declaration of closure for the 2015-2016 International officer election.

II. CAMPAIGN DEBT

Campaign debts that remain due at the time of the final CCER filing will be deemed campaign contributions if the creditor is not making commercially reasonable attempts to collect the debt. *Rules*, Article XI, § 1(b)(11). Debt owed to entities that the *2016 Election Rules* prohibit from making campaign contributions must be paid or resolved in a commercially reasonable manner. *See Hoffa 2006 Campaign Debt*, 2007 ESD 404 (March 28, 2007).

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The *2016 Election Rules* require the filing of a debt statement with the final CCER, whether or not a debt is settled. This statement must indicate the amount initially owed, the date the debt was incurred, the amount paid, the terms of a debt settlement, if any, and the basis for any reduction (that is, the basis for considering the settlement to be commercially reasonable). Documents related to the debt (including all contracts or written agreements, documents concerning the provision of the goods or services, bills, checks and receipts) should be attached to the statement.

Each campaign is responsible for creating and submitting to the OES, its own debt statement. The web-based campaign reporting system (“CCERS”) cannot produce this statement. Completed debt statements should be sent to the OES office by email to ElectionSupervisor@IBTvote.Org, by fax to 202-774-5526, or by mail.

The continued monitoring of debt is important to ensure that election funds remain free of improper contributions. For this reason, the OES retains jurisdiction over campaign funding issues until all debt is fully paid and appropriate debt settlement statements filed.

III. SURPLUS FUNDS

Surplus funds are monies remaining after all debts and obligations have been paid. Campaigns should prepare to close out all bank accounts. For the purpose of closing out bank accounts, surplus funds in the general election fund and any escrow funds accounts can be treated the same way after certification because no further election-related activity remains.¹

Unverified contributions are not surplus funds. As such, unverified contributions must not be used to satisfy outstanding debts or other obligations or commingled with surplus funds. However, they may be returned to the contributor or donated to charity (*i.e.*, an organization recognized by the Internal Revenue Service under 26 U.S.C. § 501(c)(3)). Within three days of the return (or donation) of unverified contributions, an affidavit must be submitted to OES as required by Article XI, § 1(b)(13) of the *2016 Election Rules*.

Surplus funds cannot be used for any kind of personal expenses (*e.g.*, personal expenses of a candidate or a candidate’s family). Surplus funds may be used

¹ If part of the election results are not certified and a campaign wishes to use campaign funds in connection with any election activity that may continue, Article XI and all other relevant provisions of the *Rules* would continue to govern the use of the funds.

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for any other, lawful purpose. Slates, candidates and independent committees may donate surplus funds to a non-profit charitable organization recognized under § 501(c)(3) of the Internal Revenue Code or towards another IBT election if such a contribution is consistent with the rules of that election. The terminal disbursement of funds must be disclosed on the final CCER.

IV. REQUIRED RECORD KEEPING

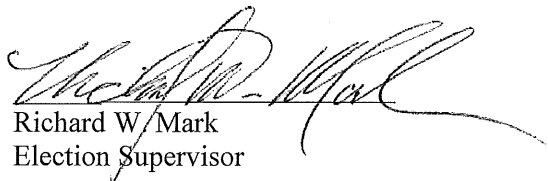
Candidates, slates and independent committees must keep adequate records of contributions and expenditures until further notice by OES. The Election Supervisor retains the right to request documentation and review reports for continuing violations, including but not limited to checks, for members who have exceeded the contribution limit, improper contributions and outstanding debts.

V. FOR FURTHER INFORMATION

Questions about the final filing requirements, including any questions about complete compliance with the conditions stated in the Form 42 Declaration of Completion, may be directed to:

Teresa M. Flick,
Office of the Election Supervisor (202) 429-8683

Dated: December 12, 2016
Washington, D.C.


Richard W. Mark
Election Supervisor

**Declaration of Completion of 2015-2016
Campaign Contribution and Expenditure Reporting Requirements**

I, _____, declare as follows:
(Please print name.)

1. I am (please choose one):
 - a. a candidate for IBT International Officer in 2015-2016.
 - b. the treasurer of the _____ Slate.
 - c. A representative of the _____
Independent Committee.
2. All bank accounts associated with my campaign/election activities for 2015-2016 IBT International Officer are closed.
3. I have concluded all fundraising activities regarding the 2015-2016 IBT International Officer Election.
4. My campaign has satisfied all outstanding debts and obligations regarding the 2015-2016 IBT International Officer Election.
5. Any and all surplus funds my campaign had collected have been donated to a non-profit charitable organization recognized under § 501(c)(3) of the Internal Revenue Code.

I declare under penalty of perjury the foregoing is true and correct.

*Signature of Candidate, Slate Treasurer or Independent
Committee Representative*

Date