



# SPECIAL ELECTION REPORT NOTICE

FEDERAL ELECTION COMMISSION

MASSACHUSETTS SPECIAL ELECTION  
Senatorial Committees

November 2, 2009

**COMMITTEES INVOLVED IN ONLY THE SPECIAL PRIMARY (12/08/09) MUST FILE:**

REPORT	REPORTING PERIOD <sup>1</sup>	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Pre-Primary	10/01/09 - 11/18/09	11/23/09	11/26/09 <sup>2</sup>
48 Hour Notices	11/19/09 - 12/05/09	---see p. 3 of notice---	
Year-End	11/19/09 - 12/31/09	01/31/10	01/31/10 <sup>2</sup>

**COMMITTEES INVOLVED IN BOTH THE SPECIAL PRIMARY (12/08/09) AND SPECIAL GENERAL (01/19/10) MUST FILE:**

REPORT	REPORTING PERIOD <sup>1</sup>	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Pre-Primary	10/01/09 - 11/18/09	11/23/09	11/26/09 <sup>2</sup>
48 Hour Notices	11/19/09 - 12/05/09	---see p. 3 of notice---	
Pre-General & Year End <sup>3</sup>	11/19/09 - 12/31/09	01/04/10	01/07/10
48 Hour Notices <sup>4</sup>	12/31/09 - 01/16/10	---see p. 3 of notice---	
Post-General	01/01/10 - 02/08/10	02/18/10	02/18/10
April Quarterly	02/09/10 - 03/31/10	04/15/10	04/15/10

**Supplemental Filing Information is available on pages 2 and 3 of this notice.**

<sup>1</sup>These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered as a political committee with the Commission up through the close of books for the first report due.

<sup>2</sup>Notice that the filing deadline falls on a weekend or federal holiday. Filing deadlines are not extended when they fall on nonworking days.

<sup>3</sup>Committees should file a consolidated Pre-General & Year-End Report by the filing deadline of the Pre-General Report.

<sup>4</sup>Consolidating the Pre-General & Year-End Reports extends the reporting period by one day. As a result, the 48-hour notice period begins on the same day as the close of books for the report (12/31/09), rather than the day after, as discussed in footnote 1, above.

## SUPPLEMENTAL FILING INFORMATION

### WHO MUST FILE

#### **Principal Campaign Committees**

Congressional candidates<sup>5</sup> (including unopposed candidates and candidates whose names do not appear on the ballot) who seek election in the special election must file the above reports and notices.<sup>6</sup> Before a committee can stop filing with the FEC, it must file a termination report with the Commission. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

#### **Unauthorized Committees – Political Action Committees (PACs) and Party Committees**

PACs and party committees filing on a semi-annual basis in 2009 or a quarterly basis in 2010 are subject to special election reporting if they make previously undisclosed contributions or expenditures in connection with a special election by the close of books of the applicable report(s). For more information consult the *Federal Register* Notice on the FEC website at [www.fec.gov/info/report\\_dates.shtml](http://www.fec.gov/info/report_dates.shtml).

### METHODS OF FILING REPORTS

#### **Registered & Certified Mail**

Reports sent by Registered or Certified Mail must be postmarked on or before the mailing deadline to be considered timely filed. A committee sending its reports by Certified Mail should keep its certified mailing receipt with the U.S. Postal Service (USPS) postmark as proof of filing because the USPS does not keep complete records of items sent by Certified Mail. A committee sending its report by Registered Mail should keep its proof of mailing. Note that a Certificate of Mailing from the USPS is not sufficient to prove that a report is timely filed using Registered, Certified or Overnight Mail.

#### **Overnight Mail**

Reports filed via overnight mail will be considered timely filed if the report is received by the delivery service on or before the mailing deadline. “Overnight mail” includes Priority or Express Mail having a delivery confirmation, or an overnight delivery service with which the report is scheduled for next business day delivery and is recorded in the service’s on-line tracking system.

#### **Electronic Filing**

U.S. Senate committees that file with the Secretary of the Senate are not subject to the mandatory electronic filing rules, but may file an unofficial copy of their reports with the Commission in order to speed disclosure.

Paper forms are available for downloading and printing on the FEC website at [www.fec.gov/info/forms.shtml](http://www.fec.gov/info/forms.shtml).

#### **Other Means of Filing**

Reports filed by any other means—including first class mail and courier—must be received by the Commission (or for Senate committees, the Secretary of the Senate) before the close of business on the last business day before the filing deadline.

---

<sup>5</sup>Generally, an individual becomes a candidate for Federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions received or expenditures made. If the campaign has not exceeded the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a).

<sup>6</sup>If a candidate has more than one authorized committee, the principal campaign committee must also file a consolidated report on Form 3Z.

#### **48 HOUR NOTICES ON CONTRIBUTIONS**

Notices are required if the committee receives any contribution (**including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee**) of \$1,000 or more per source, during the period of:

Primary: 11/19/09 - 12/05/09  
General: 12/31/09 - 01/16/10

The notices, which may be filed using Form 6, must reach the appropriate federal filing office within 48 hours of the committee's receipt of the contribution(s). U.S. Senate candidates must transmit the notices to the Secretary of the Senate by fax at (202) 224-1851. Paper forms are available at the website at [www.fec.gov/info/forms.shtml](http://www.fec.gov/info/forms.shtml).

#### **NOTE FOR FILING POST-ELECTION REPORT**

The reporting period for the Post-General Election Report spans two election cycles. For this report only, committees should instead use the Post-Election Detailed Summary Page (FEC Form 3, Pages 5-8) instead of the normal Detailed Summary Page.

#### **COMPLIANCE**

**Treasurer Responsibility.** Treasurers of political committees are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. For additional information, see the Commission's *Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings* on the web site at [www.fec.gov/law/policy/2004/notice2004-20.pdf](http://www.fec.gov/law/policy/2004/notice2004-20.pdf).

**Administrative Fine Program.** Under the Administrative Fine Program, political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- and non-filers).<sup>7</sup> For additional information, visit the FEC website at [www.fec.gov/af/af.shtml](http://www.fec.gov/af/af.shtml).

**Report Format.** In addition, political committees that file illegible reports or use non-FEC forms (except for FEC-approved, computer-generated forms) will be required to refile their reports.

#### **DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY**

Campaign committees, party committees and Leadership PACs that are otherwise required to file reports in connection with the special elections must simultaneously file FEC Form 3L if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,000 during the special election reporting periods (see page 1 of this notice). For more information on these requirements, see March 2009 *Record*.

#### **IMPORTANT FILING INFORMATION - PAPER FILERS**

In response to the 2001 anthrax threat, the U.S. Postal Service is irradiating mail directed to many federal agencies, including the FEC and the Secretary of the Senate.<sup>8</sup> This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC may want to consider submitting their reports by some means other than U.S. mail. Alternative methods include electronic filing, overnight mail service, and hand delivery.

<sup>7</sup>Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions not timely disclosed. As a result, these penalties may exceed \$17,600, even for first-time violations.

<sup>8</sup>Senate committees should contact the Secretary of the Senate at (202) 224-0322 for more information on filing reports via US mail.

---

**FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100**