

**INSTRUCTIONS FOR DISCLOSURE BY ELECTED STATE OFFICIAL
UNDER 930 CMR 6.25**

FINANCIAL INTEREST IN A PARTICULAR MATTER

WHEN TO USE THE 930 CMR 6.25 DISCLOSURE FORM

You are an **elected state official**. Your duties will include making decisions or taking other action regarding a **particular matter involving a determination of general policy**, or you want to present your constituents' views about the matter. **You or an immediate family member** has a **financial interest** in the matter which is **shared with at least 10% of the population of the entire geographic area that you represent, i.e., your district**, and is the **same in nature as the financial interests of those constituents**.

You must file a **930 CMR 6.25 disclosure** with the **State Ethics Commission** describing the particular matter, your responsibilities in relation to it, and the financial interest that you or an immediate family member shares with a substantial segment of the public.

WHEN YOU DO NOT NEED TO USE THE 930 CMR 6.25 DISCLOSURE FORM

You may participate in a particular matter involving a determination of general policy and **do not need to file a disclosure** if:

- 1) the interest that you or an immediate family member shares with a substantial segment of the public arises from **home ownership** or **residence** in the geographic area that you represent;
- 2) the particular matter **generally affects home owners or residents in that area or a municipality within that area**; and
- 3) your financial interest or your immediate family member's financial interest is the **same in nature and extent** as the financial interests of the other home owners or residents in that area or municipality.

You also **do not need to file a disclosure** if:

- 1) the **effect** of the particular matter on you or an immediate family member is **no different from or greater than the effect on the general public** of the Commonwealth; or
- 2) your financial interest or your immediate family member's financial interest is generally the **same in nature and extent as the financial interest of non-elected state employees and their immediate family members**.

PARTICIPATION IN A PARTICULAR MATTER

Please follow the instructions below to complete the disclosure. In the disclosure, you must explain **in what way you participate** in a particular matter.

A **particular matter** is any judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination or finding.

Participate means to participate in agency action or in a particular matter personally and substantially as an elected state official through approval, disapproval, decision, recommendation, the rendering of advice, investigation or otherwise.

Explain in what way you are required to participate in relation to the particular matter – e.g., drafting legislation or regulations, voting on a bill, reviewing a proposal, making a recommendation about a budget, performing a task or taking an action.

DETERMINATION OF GENERAL POLICY

A **determination of general policy** will affect the interests of residents, taxpayers or employees in general. Examples of particular matters involving determinations of general policy include:

- a) A decision on whether to extend unemployment benefits for a certain time period for unemployed persons whose benefits are exhausted;

- b) A decision on whether to establish a program to allow persons over the age of 65 to receive a credit on their property tax bill in exchange for work performed for the municipality.

IMMEDIATE FAMILY MEMBERS

Your immediate family members include your spouse, your parents, brothers and sisters, and children, and your spouse's parents, brothers and sisters and children.

In the disclosure, you should identify the immediate family member who has the financial interest in a particular matter. **You should only include your relationship to your immediate family member, and not your immediate family member's name.**

FINANCIAL INTEREST

In the disclosure, you must explain the financial interest that you and/or an immediate family member share with at least 10% of the population of the entire geographical area that you represent. You should use the most recent United States census data to determine the population of your district. You should include the dollar amount of the financial interest, if known.

A financial interest must be **direct and immediate or reasonably foreseeable** (and not remote, speculative or not sufficiently identifiable), and may be **large or small, positive or negative** – a gain or loss, a benefit or an obligation.

For example, a financial interest exists when the outcome of a particular matter may:

- Cause or prevent a **financial gain or loss**;
- Create or eliminate a **financial opportunity**;
- Determine who will make decisions affecting your or an immediate family member's **wages, hours or working conditions** as a state employee.

Abutters and Owners of Nearby Property: The following people are **presumed to have a financial interest in a particular matter regarding real estate:**

- An abutter;
- An abutter to an abutter within 300 feet of the property line;
- A person who may suffer an injury in fact which is different in kind or magnitude from that suffered by members of the general public.

FILING THE 930 CMR 6.25 6 DISCLOSURE

Sign your completed Disclosure and Determination form and **file it with the State Ethics Commission.**

If you need advice about completing the disclosure, please call the Attorney of the Day at (617) 371-9500 or e-mail the State Ethics Commission at requestadvice@massmail.state.ma.us.