



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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December 7, 2018

Tony McMullin
Postcards to Voters
2774 Cobb Pkwy NW #109-199
Kennesaw, GA 30152-3469

Re: CPF-18-45

Dear Mr. McMullin:

This office has received a complaint regarding the activity of Postcards to Voters. ("PTV"). The complaint alleged that PTV was coordinating efforts and pooling resources to support Massachusetts candidates without first organizing in Massachusetts as a political committee.

PTV's Organization

Our office has attempted to contact you several times to discuss PTV's structure and activities with respect to Massachusetts elections. You have not responded to our inquiries. However, based on information available on PTV's website, it appears that PTV is an organization founded in Georgia in early 2017 to orchestrate a postcard-writing campaign for a Democratic candidate for Congress. PTV states that, since then, it has grown to nearly 60,000 volunteers, who have written approximately 4 million postcards to voters in more than 140 elections nationwide.

Individuals who wish to volunteer their time to write postcards register with PTV, using either the website, email, or PTV's interactive texting service. Once registered, PTV provides these individuals with addresses for Democratic voters who are registered to vote in a particular race's district; the individuals provide their own stamps and postcards. PTV also provides individuals with talking points to be used on the postcards. The talking points and, in some instances, the addresses for registered voters are given to PTV by supported campaigns.

Candidates who would like PTV's support contact PTV and participate in a live, 30-minute conference call with PTV organizers; based on that conversation, in addition to PTV's analysis of where their activities will have the greatest impact, PTV's leadership team then



determines whether or not PTV will accept the candidate into its program. Candidates pay nothing for PTV's services, but are asked to provide PTV with a group photo showing the candidate writing postcards, and to be reference for future interested campaigns. PTV will only accept Democratic candidates who do not have another Democratic challenger in the primary.

PTV's infrastructure includes the interactive texting service (referred to as "ABBY the Bot") that assigns addresses to volunteers, a commercial help desk package, and a "business intelligence package [that] crunches the numbers so we always know who our top volunteers are by campaign, a heat-map showing where the postcards are being written by zip code around the country, and other essential dashboards to manage an operation that now averages 5,000 voter addresses assigned daily." To pay its costs, PTV accepts donations via PayPal, check, or money order. PTV also accepts recurring credit card gifts through GivingFuel.

PTV's Activities in Massachusetts

In early 2018, an individual associated with PTV reached out to the Committee to Elect Jim Hawkins and offered to organize a postcard-writing party to support his candidacy. The Hawkins Committee provided PTV with a voter list, including addresses, and talking points for the postcards. The Hawkins Committee believes that PTV used that information to organize volunteers to write between 3,000 and 4,000 postcards supporting Hawkins' candidacy in the weeks leading up to the April 3, 2018 special election. As is true in all of PTV's postcard-writing campaigns, PTV coordinated the volunteers, while volunteers purchased their own stamps and postcards.

At approximately the same time as it organized on behalf of the Hawkins Committee, PTV organized a postcard-writing campaign for the Committee to Elect Emily Antul ("Antul"), a candidate for Selectboard in Chelmsford. Antul stated that she provided PTV with a list of voter addresses and talking points for her campaign, which PTV then texted or emailed to volunteers. She stated that approximately 3,600 postcards were mailed on her behalf by PTV volunteers.

Conclusion

The campaign finance law defines a political action committee (a "PAC") as a political committee that receives contributions, makes expenditures or incurs liabilities for the purpose of influencing the nomination or election of candidates. See M.G.L. c. 55, § 1. Sections 5 and 19 of the campaign finance law require a PAC to file a statement of organization and, if organized to support or oppose candidates within the depository system of reporting, to appoint a depository bank. See M.G.L. c. 55, § 5, 19. All of the PAC's campaign finance activity must be conducted through the PAC's depository bank account, and reflected accurately and timely in regular campaign finance reports. See M.G.L. c. 55, § 18, 19.

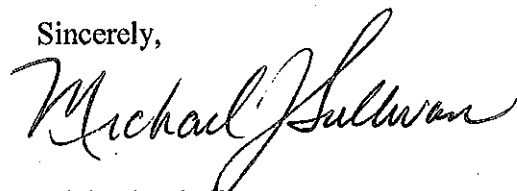
Voluntary personal services and any costs incidental thereto are excluded from the definition of “contribution,” however, and do not need to be disclosed. Personal services include holding signs, volunteering personal time at a phone bank, and building of websites, among other examples. See M.G.L. c. 55, § 1; OCPF IB-04-01.

The volunteers’ actions in purchasing supplies and writing postcards are personal services and not considered contributions to candidates. However, PTV provides assistance to candidates, without charge, that far exceeds the definition of personal services: a complex system of coordinating volunteers, communications systems that disseminate voter addresses and candidates’ messages to thousands of volunteers across the country, and access to technology packages to assist in targeting the areas most in need of influence. To pay the costs associated with offering these services free of charge to candidates and committees, PTV solicits donations on its website.

Accordingly, by soliciting funds to pay for services used to support Massachusetts candidates, PTV appears to be acting as PAC within the meaning of the Massachusetts campaign finance law. As a PAC, PTV would be required to organize with our office and to file timely reports to disclose its campaign finance activity prior to engaging in any additional activity relating to Massachusetts elections.¹ PTV should therefore refrain from involvement in Massachusetts elections until OCPF staff is able to speak with you and/or a member of PTV’s leadership team, or until PTV organizes a Massachusetts PAC.

In accordance with the opinion of the Supervisor of Public Records, this letter is a matter of public record. A copy is being provided to the person(s) who brought this matter to our attention.

Sincerely,



Michael J. Sullivan
Director

MJS/mc

cc: The Committee to Elect Jim Hawkins
The Committee to Elect Emily Antul

¹ Massachusetts candidates who benefitted from PTV’s efforts will not be required to amend their reports at this time, because it is not yet clear whether they received a contribution from any entity, or if they only received the benefit of personal services that are not reportable contributions within the meaning of the campaign finance law.