

Summary of proposed changes to OCPF regulations (970 CMR 1.00-4.00)
(January 2018)

The following revisions to OCPF's regulations will be the subject of a public hearing on February 13, 2018. The revisions will be made to clarify existing regulations, and to make the regulations consistent with changes that have been made to the campaign finance law and agency practice.

1. **Date and time reports due.** Adds a new 1.02(6) to clarify due dates for electronically filed reports.
2. **Refunds.** Simplifies 1.04(9), in part to state that contributions may be refunded by a committee that is not dissolving at any time upon the request of a contributor.
3. **Revised contribution limits chart.** Changes to 1.04(12) are made to reflect revisions made in 2016 to section 7A and to include limits that have been indexed as required by the statute.
4. **Contributions from trusts.** Revises 1.04(15) to clarify rules relating to how contributions from personal trusts are disclosed. Also states that committees may not accept contributions from testamentary trusts or bequests from estates.
5. **Revised credit card regulations.** Changes to the regulation (1.09) are made to make the regulation consistent with OCPF advice, for example, to address contributions by mobile apps, crowd funding websites, and social media.
6. **Disclosure of expenditures' specific purpose.** Revises 1.10(4)(a) to clarify disclosure needed to explain the specific purpose of committee expenditures.
7. **Disclosure of candidates supported by PAC.** Revises 1.10(5), to comply with changes made to M.G.L. c. 55, s. 18 in 2016, to specify that "The report of a party committee, *PAC or people's committee* making expenditures to support or oppose a candidate must identify the candidate..."

8. **Disclosure of PACs influencing recall of mayoral elections in cities with a population of less than 75,000.** Clarifies reporting requirements in 1.16 for such PACs.
9. **Legal Defense, Inauguration and Recount Funds.** Amends 1.20(8) to state that funds raised by these segregated accounts may not be deposited into a committee account and also states that inaugural accounts must dissolve no later than six months after the inaugural event.
10. **Tracking funding sources.** Revises 1.22 to clarify when an organization must register as a political committee and disclose contributors. Provides guidelines for determining who must be listed as a “contributor” for purpose of ensuring disclosure of the true source of funds used to influence elections.
11. **Expenditure Rules.** Simplifies expenditure rules by consolidating existing 2.05 and 2.06 into one new section for regulations, 2.06 (deleting 2.05). Also defines rules for expenditures made for (1) travel by a candidate or agent of a committee, and (2) making expenditures to fund a separate scholarship or make a scholarship award.
12. **Administrative closure of inactive committees.** Adds new 2.07(13) to allow committees to be administratively closed if they have \$250 or less of activity and a balance \$250 or less during a period of 24 consecutive months.
13. **Disclosure of address of candidate on whose behalf expenditures are made.** Adds new 2.07(14) to say that for purposes of Section 18, a committee complies with the requirement of disclosing “the name and address... [of] each candidate on whose behalf [an] expenditure was made” by disclosing either the residential, committee or other address of the candidate supported.
14. **Electronic expenditures by depository committees.** Revises 2.09(4) and (5) to allow depository committees to pay credit card bills or other bills online or electronically.
15. **Joint fundraising regulations.** Revises 2.12(2)(d), which contains examples that refer to contribution limits, to make the regulations consistent with the changes in the statute that increased the individual limit to \$1,000.
16. **Failure to file reports.** Amends 2.14 to specify that a late filing penalty will be assessed immediately if a report of an independent expenditure (or IE PAC report) is filed late. In addition, late filing penalties will be assessed if a deposit report is not filed in a timely manner within the three-month period prior to an election in which the candidate is on the ballot.

17. **State Party Expenditures.** Revises 2.16 to specify that if a state party committee may make an expenditure from its federal account in accordance with federal regulations, then the payment may be made from the federal account.
18. **Independent expenditures.** Amends 2.17 to (1) specify that an IE PAC becomes a traditional PAC if it coordinates with a party committee or a traditional PAC; (2) state that if IEs are made to support/oppose a candidate, that the report must not only disclose the name of the candidate(s) supported/opposed, but also disclose the office sought by the candidate who is supported/opposed; and (3) adds a new subsection describing required disclosure where an IE PAC contributes to another IE PAC.
19. **Subvendor reporting.** Amends 2.18 to include a new subparagraph to state that a committee is not required to file a subvendor report regarding a particular vendor if the vendor provides a statement to OCPF annually certifying that the vendor does not use subvendors.
20. **IE, EC and BQ Disclaimers.** Substantial changes are made to 2.20 to reflect the changes to M.G.L. c. 55, s. 18 made in 2016. Other changes are made in response to frequently asked questions, or to clarify reporting requirements.
21. **Coordination.** Amends 2.21(7) to make minor changes to reflect current OCPF practice.
22. **Notices of Appearance.** Revises 3.03 to specify that OCPF may require an attorney to file a notice of representation at any point prior to the attorney representing a candidate or other person or entity in a matter before OCPF.
23. **Notice of intent to refer, how served.** Revises 3.06 to reflect a recent change made recently to M.G.L. c. 55, section 3, allowing personal service of the notice.
24. **Removal of Non-filing Candidate's Name from Ballot.** Revises 3.09 to make it consistent with changes in the law, by expanding the provision to cover municipal candidates who file with OCPF.
25. **Updating public finance regulation to reflect 2015 law change.** Revises 4.05 to reflect the change in the law permitting money order contributions of up to \$100.