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OCPF-IB-95-02

Issued: March 21, 1995

Revised: April 25, 2017

INTERPRETIVE BULLETIN

**Political Activity, Organization, and Dissolution of
Ballot Question Committees; and Civic Organization and other Political Committee
Involvement in Ballot Question Campaigns**

The Office of Campaign and Political Finance (OCPF) periodically issues memoranda and interpretive bulletins regarding various aspects of M.G.L. c. 55, the Massachusetts campaign finance law. Questions occasionally are raised regarding the extent to which civic organizations and other groups may become involved in ballot question campaigns.

Organizations that are active in candidate campaigns, voter education efforts, and also other political activity, may become involved in ballot question campaigns. Although the campaign finance law does not prohibit these organizations from becoming involved in ballot question campaigns, the law does specify that any group that raises money to support or oppose a ballot question must register and report as a ballot question committee. In addition, the statute includes specific requirements that apply to ballot question committees and other political committees, and requires strict separation of financial activity related to the support or opposition of a ballot question. This bulletin is issued to provide a summary of relevant requirements for ballot question committees and other groups that become involved in ballot question campaigns.¹

I. Ballot Question Committees

Ballot question committees are defined by the campaign finance law as any group of persons that receives and expends money or other things of value "for the purpose of favoring or opposing the adoption or rejection of a specific question or questions submitted to the voters including, without limitation, a charter change, an initiative or referendum question or a constitutional amendment." See M.G.L. c. 55, § 1.

¹ Other memoranda and interpretive bulletins of interest to ballot question committees include M-98-04 (Question and Answer Guide for corporations, associations, organizations and other groups or individuals making expenditures to influence ballot questions), IB-88-01 (the applicability of the campaign finance law to organizations other than political committees), and IB-90-02 (the disclosure and reporting requirements of contributions and expenditures related to ballot questions). In addition, relevant guidance is collected on OCPF's website, www.ocpf.us.



Treasurers of ballot question committees must ensure that ballot question committee accounts are kept totally separate from the accounts of other committees or groups. Contributions received by a ballot question committee and expenditures made by a ballot question committee for the purpose of supporting or opposing a ballot question must be strictly segregated from contributions received by a candidate's committee, PAC, people's committee, or other group. See M.G.L. c. 55, §§ 2 and 5. In addition, officers of ballot question committees are responsible for understanding the durational limits which apply to such committees.

A. Ballot question committee expenditures to support candidates or for voter education regarding matters not within the scope of a ballot question

Ballot question committees cannot make expenditures to support a candidate or candidates or to educate the voters regarding matters not within the scope of the ballot question, or otherwise support extraneous matters. See M.G.L. c. 55, § 6B. For example, a ballot question committee may not make expenditures to educate the public regarding a matter which is not on the ballot or anticipated to be on the ballot.

B. Ballot question committee lobbying expenditures

Ballot question committees may make expenditures to lobby the state Legislature or a local government body, e.g., town meeting, a board of selectmen, or a city council, if the expenditures are directly related to the principle for which the committee was established, and if the expenditures are consistent with that principle. See AO-12-04 and AO-93-25.

C. Organization and dissolution of ballot question committees

A ballot question committee may not accept any contributions or make any expenditures until it files a statement of organization (CPF MI01BQ or CPF I01BQ) with the municipal election official or OCPF. See M.G.L. c. 55, § 5. In most cases, the committee's "statement of purpose" may be relied upon for determining the scope of a ballot question committee's activities and its duration. The activities of a ballot question committee must, however, be consistent with the statement of purpose.

A ballot question committee must dissolve after the election in which the question(s) specified on its "statement of organization" were on the ballot. See AO-93-30 (ballot question committee organized to promote a specific Proposition 2 1/2 override must dissolve after election and may not continue in existence to promote possible subsequent overrides) and AO-95-11 (ballot question committee may be organized to promote or oppose more than one ballot question if each question is specific and identifiable). If a committee has been organized to support a single ballot question it may not raise funds to support a different ballot question. A new committee would have to be organized for that purpose. In addition, the committee may not make expenditures to support a different ballot question unless the expenditure is consistent with the committee's purpose. See M.G.L. c. 55, § 6B.

If the question the committee was organized to support is defeated, however, the committee could remain in existence to support an identical or substantially identical question on the ballot in a future election unless the committee's statement of purpose otherwise limits its duration.

Upon dissolution of a committee, any residual funds remaining in the committee's account must be donated to the state's General Fund, a religious or charitable organization, a scholarship, or the general fund of any city or town in the commonwealth. See M.G.L. c. 55, §18.

D. Ballot question activity by political committees that are not ballot question committees

Candidate committees, PACs or party committees may make expenditures to support or oppose a ballot question if doing so is consistent with enhancing the political future of the candidate or if the expenditures are made to further the principle for which the committee was formed. Such expenditures must be disclosed by the committee making them, and if a contribution is made to a ballot question committee, the ballot question committee must disclose the receipt.

Although a candidate committee, PAC or party committee may encourage contributions to be made directly to a ballot question committee, the candidate committee, PAC or party committee may not itself receive contributions given for the purpose of influencing a ballot question.

In addition, any political committee which is not a ballot question committee, which files with OCPF but makes an expenditure over \$250 to influence a local ballot question, must file an additional report (CPF M22) with the city or town clerk, to disclose the expenditure. The report is filed according to the schedule applicable for reporting of expenditures relating to questions that appear on the local ballot. See 970 CMR 2.19. Similarly, a political committee which is not a ballot question committee, which files locally, must file a report (CPF 22) with OCPF if it makes an expenditure over \$250 to influence a ballot question in the state election.²

II. Civic Organizations and Other Groups

A. Expenditures by civic organization or other group relating to a town meeting

Expenditures by a civic or other group to educate voters regarding issues to be debated at town meeting or expenditures intended to affect a vote at a town meeting are not subject to M.G.L. c. 55. The campaign finance law does not generally apply to expenditures or other financial activity relating to matters debated in an open forum such as a town meeting, even if such issues are resolved by secret vote at that town meeting. See AO-02-19 and AO-93-07.

² The CPF 22 is filed electronically via OCPF's website.

Any materials published and disseminated by a civic or other group other than a ballot question committee solely in anticipation of a town meeting will not be considered expenditures made to "influence or affect the vote on any question submitted to the voters," within the context of the campaign finance law, even if such materials advocate a "yes" or "no" vote on a topic at town meeting.³

B. Civic organization involvement in ballot question campaign activity

Individuals or groups that wish to educate the voters regarding issues not on the ballot, and not involving support of candidates, are not subject to the campaign finance law. Such individuals or groups do not have to file campaign finance reports with the city or town clerk or this office.

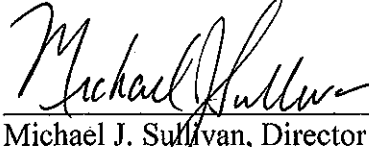
However, a civic organization, e.g., a taxpayer's association or a parent-teacher's association, may make expenditures from its treasury to support or oppose a ballot question, if the expenditures are disclosed on forms⁴ which may be obtained from this office. If the organization wishes to raise funds specifically for that purpose, however, the organization must first establish a ballot question committee. See IB-90-02.

If a ballot question committee is organized, the committee's funds must be separate and distinct from the organization. The organization would continue in existence after the relevant election. In contrast, as noted above, a ballot question committee must dissolve after the election in which the specific question which the committee was organized to support or oppose has been decided.

The finances of a ballot question committee organized by a civic organization must be kept separate and distinct from the finances of the parent organization. The organization may contribute funds to the committee, but any funds or resources contributed must be disclosed by the committee on campaign finance reports filed with this office.

When a ballot question committee created by a civic organization dissolves, residual funds remaining in the committee's account may not be refunded to the pre-existing civic organization.

For additional information or guidance, please visit our website at www.ocpf.us or contact OCPF at 617-979-8300.



Michael J. Sullivan, Director

4/25/17

³ Where matters addressed in a publication distributed by a civic organization in anticipation of a town meeting also relate to a ballot question, expenditures made to distribute the publication may be subject to the campaign finance law.

⁴ See M.G.L. c. 55, § 22 and M-98-04. Note also that the organization (or a ballot question committee) may also be required to include a disclaimer, identifying its top contributors on certain advertisements. See M.G.L. c. 55, § 18G and IB-10-01.