



WILLIAM C. CAMPBELL
DIRECTOR

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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March 17, 2023
M-23-01

To: City and Town Clerks
Boards of Elections Commissioners

From: William C. Campbell, Director

Re: Referral of Municipal Non-filers

This memorandum is to clarify the process by which local election officials – city and town clerks and election commissioners - refer to OCPF those candidates who fail to file campaign finance reports with their office. The Campaign Finance Law is M.G.L. Chapter 55.

A. Notification to candidate or committee

- Notify candidates and committees of the filing deadlines to minimize late filings. For candidate and candidate committees, the deadlines are 8 days before a primary, preliminary, general or special election; 30 days after a town or special election; and on January 20th of each year. A sample pre-filing letter is attached as Exhibit A.
- Local Election officials must inspect reports filed by candidates and candidate committees within 30 days of the reporting dates.
- All other local reports must be inspected within 60 days of the reporting dates.
- If the inspection finds that a report was not filed or a report filed does not conform with the law, the local election official shall notify the “delinquent person” in writing.

B. Referral to OCPF

- If a candidate or committee does not file a report or correct a report within 10 days of notice from the local election official or a report filed discloses any violation of the Campaign Finance Law, the local election official shall refer the matter to OCPF.
- The local election official sends to OCPF a copy of all papers related to the matter.
- If satisfied there is cause, the Director shall assess a penalty and may refer the matter to the attorney general.
- If requested by the Director or the Attorney General, the local elections official shall forward any evidence or information received by the local elections official to the Director or Attorney General.



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C. Referral Procedure

- 10-day Notice: If a candidate's report is not filed when due, the local election official must notify the candidate in writing. If a ballot question committee or PAC report is not filed when due, the local election official must notify the treasurer in writing. The notice must state that the candidate or treasurer has ten days to file the report or they will be referred to OCPF and will be subject to civil penalties. A sample 10-day notice is attached as Exhibit B.
- If possible, send the notice by certified mail for proof of mailing and receipt.
- You may contact the candidate during this period to encourage filing of the report.
- If the report is filed, the matter is not referred to OCPF.
- If the report is not filed within the 10-day period, refer to OCPF with copies of the following documents:
 - 1) The pre-filing letter, if any;
 - 2) The 10-day notification letter;
 - 3) The certified mail receipt and green return card, if any;
 - 4) The portion of the ballot containing the candidate's name or the ballot questions, if applicable;
 - 5) The statement of organization of the candidate or committee (Form M101);
 - 6) Front page of the last report filed by the candidate or committee, if any; and
 - 7) Liabilities page of the last report filed by the candidate or committee, if any.
- A sample referral letter is attached as Exhibit C.

D. After referral to OCPF

- Once a matter is referred, the local election official can consider the matter closed.
- If a report is filed with the local election official after referral, notify OCPF so the matter can be concluded. A sample notification letter is attached as Exhibit D.
- If a report is filed with OCPF after referral, OCPF will forward the report to the local election official for filing locally and posting on the municipal website.

Although this memorandum mainly concerns filings by candidates and candidate's committees, the same principles apply for other filings such as by ballot question committees, PACs, IEPACs and individual independent expenditures. If you have any questions concerning these filings or any other campaign finance related matter, please contact OCPF or check the website at www.ocpf.us and click on "Clerk Support".

This memorandum supersedes M-94-07.



William C. Campbell, Director

Exhibit A

Date of Notice: _____

Subject: Campaign Finance Report Due
Due Date: [ENTER DUE DATE]

Dear Candidate or Treasurer:

The Campaign Finance Law, M.G.L. c. 55, requires you to file a campaign disclosure report (CPF M102) with this office on or before [ENTER DUE DATE].

Your report must disclose all campaign finance activity (all funds and in-kind contributions received, expenses paid and liabilities incurred) from the day following the ending date of the last report filed by you, or if none, the date that you organized, through [ENTER REPORTING DATE, USUALLY TEN DAYS BEFORE DUE DATE EXCEPT DECEMBER 31 FOR YEAR END REPORT].

A link to the M102 form is available by [clicking here](#). Please ensure that your report is complete before filing. Reports that do not conform to the law cannot be accepted by this office and must be returned to you for correction. Your report must include the candidate's and treasurer's signatures, and must be received by this office not later than the close of business on [ENTER DUE DATE]. You may scan and email the completed and signed report to this office.

IMPORTANT: The campaign finance law mandates that a CIVIL PENALTY OF \$25 PER DAY, UP TO \$5,000 TOTAL, be assessed personally against a candidate or for PACs and ballot question committees against the treasurer for any report that is filed after the due date and upon referral to the Office of Campaign and Political Finance. In addition, failure to file the report may result in referral to the Attorney General. YOU CAN AVOID PENALTIES BY FILING YOUR REPORT BY THE DUE DATE.

If you do not have a political committee organized on your behalf and you have not received any contributions, made any expenditures or incurred any liabilities during this reporting period, and you do not have a previous campaign balance, you may, if you choose, sign an M102-0 affidavit form stating those facts. The M102-0 form is available by [clicking here](#).

If you have any questions about your filing requirements or any other campaign finance matter, please do not hesitate to contact this office or OCPF at (617) 979-8300.

Sincerely,

[NAME OF CLERK OR ELECTION OFFICIAL]

Exhibit B

Date of Notice: [DATE]

[CANDIDATE OR TREASURER'S NAME]
[STREET ADDRESS/P.O. BOX]
[CITY, STATE ZIP CODE]

10-DAY FINAL NOTICE

Dear [CANDIDATE OR TREASURER]:

As a [candidate for municipal office/treasurer of a political committee STRIKE THE INAPPLICABLE LANGUAGE] you were required to file a campaign finance report (Form CPF M102) on or before [ENTER DUE DATE]. As of the date of this letter, our records indicate that this report has not yet been filed.

The campaign finance law, M.G.L. c. 55, requires me to notify the director of the Office of Campaign and Political Finance if your campaign finance report is not filed within 10 days of receipt of this letter. In addition, in accordance with section 3 of chapter 55, if the director of the Office of Campaign and Political Finance determines that a campaign finance report is late the law requires the director to assess a penalty of \$25 per day up to a maximum penalty of \$5,000 for each late report.

The penalty is assessed personally against the candidate or for a non-candidate political committee such as a ballot question committee personally against the treasurer of the committee. The penalty may not be paid by the political committee.

If you do not file the above-referenced report within 10 days of receipt of this letter, this office will notify the director of the Office of Campaign and Political Finance as required by law.

Sincerely,

[NAME OF CLERK OR ELECTION OFFICIAL]

Exhibit C

Date of Notice: [DATE]

William C. Campbell, Director
Office of Campaign and Political Finance
One Ashburton Place – Room 411
Boston, MA 02108

Re: Referral of Local Non-Filer

Dear Director:

In accordance with M.G.L. c. 55, §§28 and 29, I am referring to you the following candidates, treasurers of political committees or other persons who have failed to file campaign finance reports, statements or affidavits as required by law.

NAME

ADDRESS

_____	_____
_____	_____
_____	_____
_____	_____

For your information and records, I have enclosed copies of the following materials (check all applicable documents):

- _____ Pre-filing notification letter
- _____ 10-day Notification letter (required by M.G.L. c. 55, §28)
- _____ Certified mail receipt and certified mail green receipt card
- _____ Ballot containing the candidate's name or ballot question, if applicable
- _____ Committee statement of organization (Form CPF M101)
- _____ Front page of the most recent report
- _____ Page from the most recent report listing liabilities

Sincerely,

[NAME OF CLERK OR ELECTION OFFICIAL]

Exhibit D

Date of Notice: [DATE]

William C. Campbell, Director
Office of Campaign and Political Finance
One Ashburton Place – Room 411
Boston, MA 02108

Re: Notice of Report Filed by Referred Local Non-Filer

Dear Director:

The candidate or committee treasurer indicated below was reported to your office for failure to file certain campaign finance reports. Please be advised that the report(s) of said candidate or treasurer was filed with this office on [DATE REPORT FILED].

Candidates name: _____

Treasurer name: _____

Committee name: _____

Referral date: _____

Report due date: _____

Sincerely,

[NAME OF CLERK OR ELECTION OFFICIAL]



REFERRAL OF LOCAL NON-FILERS CHECKLIST

This is the process for city and town clerks and election commissioners to refer local non-filers to OCPF. If you have any questions concerning these filings or any other campaign finance related matter, please contact OCPF or check the website at www.ocpf.us and click on “Clerk Support”.

NOTIFYING CANDIDATE OR COMMITTEE OF FILING REQUIREMENTS

- ☐ Notify candidates and committees of the report filing deadlines to minimize late filings. Sample pre-filing notification letter is attached to Memo M-23-01 as Exhibit A.
- ☐ Inspect reports filed by candidates and candidate committees within 30 days of the report due dates and all other local reports within 60 days of the report due dates.
- ☐ If a report was not filed or a report filed does not conform with the law, notify the candidate or committee in writing. In addition, you can also contact the candidate by telephone.
- ☐ For a candidate's report, notify the candidate in writing. For a ballot question committee or PAC report, notify the treasurer in writing. The notice must state that the candidate or treasurer has ten days to file the report or they will be referred to OCPF and will be subject to civil penalties. If possible, send the notice by certified mail for proof of mailing and receipt. Sample 10-day notice is attached to Memo M-23-01 as Exhibit B.

REFERRING CANDIDATE OR COMMITTEE TREASURER TO OCPF

- ☐ If a candidate or committee does not file a report or correct a report that does not conform to the law within 10 days of notice, refer the matter to OCPF. Send OCPF a copy of all papers related to the matter, including: a) pre-filing letter, if any; b) 10-day notification letter (required); c) certified mail receipt and green return card, if any; d) portion of the ballot containing the candidate's name or the ballot question, if applicable; e) statement of organization of the candidate or committee (Form M101); f) front page of the last report filed by the candidate or committee, if any; g) page of last report showing liabilities, if any; and h) any other related document. Sample referral letter is attached to Memo M-23-01 as Exhibit C.
- ☐ If the report is filed, do not refer the matter to OCPF.

AFTER REFERRAL

- ☐ If requested by the Director or the Attorney General, forward any evidence or information received by the local election official to the Director or Attorney General.
- ☐ Once a matter is referred to OCPF, the local election official can consider the matter closed.
- ☐ If a report is filed with the local election official after referral, notify OCPF so the matter can be closed at OCPF. A sample notification letter is attached to Memo M-23-01 as Exhibit D.
- ☐ If a report is filed with OCPF after referral, OCPF will forward the report to the local election official for filing locally and posting on the municipal website.