



THE COMMONWEALTH OF MASSACHUSETTS
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MEMORANDUM

TO: Candidates Seeking Statewide Office in 2018

FROM: Michael J. Sullivan, Director *MJS*

SUBJECT: Preliminary Information for Candidates
Interested in Receiving Public Financing in 2018

M.G.L. chapter 55C, created by chapter 26 of the Acts of 2003, makes public financing available to qualifying candidates for governor and, if sufficient funds are available, to other qualifying candidates seeking statewide office in 2018. All contributions received from individuals and deposited in a statewide candidate's depository account on or after January 1, 2017 may be eligible as qualifying contributions for public financing. Contributions must also comply with chapter 55C and 970 CMR 4.00, OCPF's public finance regulations. This memorandum outlines several important steps candidates must take to ensure that qualified contributions are eligible for matching public funds.

1. Contributor Information/Matching Funds Eligibility

Candidates must identify each contribution submitted for public financing in 2018 by including the contribution on the **Form CPFA 4-6** (Statement of Qualifying Contributions) beginning with contributions received and deposited on or after January 1, 2017. For a contribution to be eligible for matching funds, the contributor must be identified and the contribution must be itemized regardless of amount, when disclosing contributions through OCPF's electronic filing disclosure system.

In addition, when electronically disclosing contributions, candidates should make sure to include the full name and address of each contributor, regardless of the amount of the contribution. For example, a contributor should be listed as Jane Smith not Dr. Smith. Initials or numerals such as "Sr.," "Jr.," or "II" should also be included. For example, John Smith, Jr. or John Smith, II.



2. Photocopying Contributor's Check

Candidates must submit a photocopy of each contribution check to OCPF when requesting matching public funds in 2018. Candidates must, therefore, make two photocopies of every contribution check received during 2017 and 2018; one for the candidate's records and one for submission to OCPF.

3. Verification Cards

To be eligible as a qualifying contribution, contributions by cash, treasurer's check, cashier's check, or money order must be reported on **Form CPFA 1** (Verification Card), signed by the contributor and submitted to OCPF. Contributions by cash may not exceed \$50 per person in a calendar year. Contributions by treasurer's check, cashier's check, or money order, may not exceed \$100 per person in a calendar year.

4 Contributions by Credit Card

For credit card contributions to be eligible, the contributions must be submitted to OCPF with a printed notification provided by the merchant provider to the committee, listing the source of each contribution. The information in the notification must include the amount of each contribution, and the name, and address of each contributor.

Note that merchant providers may provide committees with only *some* of the contributor information committees must maintain, e.g., the name of contributors and the amount contributed. Merchant providers typically do not, however, provide *all* required information, such as contributors' employer and occupation. Committees must obtain such information themselves, using their own website or through follow-up communications with contributors. See M-04-01.

5. Recordkeeping

By law and regulation, candidates seeking statewide office and the treasurers of candidate committees organized on behalf of such candidates must keep detailed accounts and records of all contributions, including in-kind contributions received, all expenditures made and all liabilities incurred. Such records will be particularly helpful to candidates and treasurers when completing the required post primary and election reports.

6. General

(a) *Eligibility* - To be eligible for matching public funds in 2018, enrolled party candidates must file, on or before June 5, 2018, a statement, Form CPFA 20 (Statement on Campaign Expenditure Limits) agreeing or not agreeing to limit spending to the amounts specified in section 1A of chapter 55C. Unenrolled candidates must file this form on or before August 28, 2018. Candidates who do not agree to the limit specified in section 1A must file a statement, Form CPFA 21 (Statement of Maximum Expenditures, Primary Campaign), establishing a self-imposed spending limit no later than June 8, 2018 if they are opposed by a

candidate in the primary who has agreed to the limits. A candidate who agrees to limit spending in accordance with the limits set forth in chapter 55C will have his or her expenditure limit increased to the highest self-imposed spending limit chosen by an opposing candidate. Exceeding the spending limit may subject a candidate to significant civil and criminal penalties.

(b) \$250 Limit - Only \$250 of an *individual's* total contributions made in 2017 and 2018 is eligible to be considered as a qualifying contribution. For example, if Mary Jones contributes \$500.00 in 2017 and \$300.00 in 2018, only \$250.00 of Ms. Jones' \$800 in contributions may be submitted as a qualifying contribution.

(c) Loans - Contributions in the form of a loan are not eligible to be considered as qualifying contributions.

(d) Penalty for not filing statement agreeing/not agreeing to statutory spending limit or setting self-imposed limit - Chapter 55C states that the name of any candidate who fails to file a statement within the time required by Section 1A of chapter 55C "shall not appear on the state primary ballot nor the state election ballot, and the director shall inform the state secretary of any such failure."

If you have any questions or would like to make an appointment to review the disclosure and public financing procedures, please call OCPF.

Copies of chapter 55C and OCPF's public finance regulations (970 CMR 4.00) are available on our website www.ocpf.us/legal or upon request.