Office of Campaign and Political Finance

OCPF Reports

Summer 2010

Late, large contributions must be disclosed near election day

A new change to the campaign finance law requires candidates to file late contribution reports for the first time this year. The reports disclose large campaign contributions that are deposited shortly before a primary or general election.

The change specifically requires candidates to disclose, within 72 hours, contributions of $500 or more that are deposited within 18 days before an election.

The reports are not required for large deposits that are made within three days before an election (in the 2010 general election, for example, reports would not have to be filed if deposits were made on Oct. 30 to Nov. 1, the three days prior to the Nov. 2 election).

Late contribution reports are required for candidates running for the House and Senate, as well as statewide, county and state ballot question committees.

Late contribution reports are required to be filed if deposits are made between these dates:

- **Pre-Primary:** Aug. 28 to Sept. 10.
- **Pre-Election:** Oct. 16 to Oct. 29.

Candidates can file the reports using OCPF’s reporting software, Reporter 5, or Web Reporter, a Web-based reporting system.

Technical assistance is available by calling OCPF at 617-979-8300.

Example: 72-Hour Report

A candidate for state representative receives a $1,500 contribution from the state party committee on Oct. 22, 11 days before the Nov. 2 election. The candidate deposits the check on Oct. 23. The campaign has received and deposited a check for $500 or more within 18 days of an election, but not within three days prior, and is now required to electronically file a late contribution report with OCPF within 72 hours of deposit.

Nearly $660,000 spent in two special Senate elections

Ten candidates in the May 11 special Senate elections spent an average of $65,872 each, 12 percent less than Senate candidates in the 2008 general election.

Nearly $660,000 was spent to fill vacancies in seats previously held by senators Scott Brown of Wrentham (Norfolk, Bristol & Middlesex District) and Anthony Galluccio of Cambridge (Middlesex, Suffolk & Essex District).

The winners were Sal DiDomenico of Everett, who reported spending $124,627 to replace Galluccio, and former state Rep. Richard Ross, who won Brown’s former seat and reported $49,866 in expenditures. DiDomenico’s opponent in the final election, John Cesan of Agawam, reported spending $63. Ross defeated Peter Smulowitz of Needham, who reported spending $113,688.

Timothy Flaherty of Cambridge led all candidates in...
Mayoral candidates report record spending

Mayoral candidates running for election across Massachusetts in 2009 reported campaign expenditures of $7.5 million for the year, breaking the previous high of $6.2 million set in 2005, according to a campaign finance study recently compiled by the Office of Campaign and Political Finance. The expenditure record was reached, in large part, due to the Boston mayoral contest. Mayor Thomas Menino and former City Councilor Michael Flaherty reported total expenditures of $4.1 million, a new high for a mayoral race. The previous record of $2.4 million was set in 2005 when Menino was challenged by former City Councilor Maura Hennigan.

Menino broke the spending record for a single mayoral campaign, reporting expenditures of $2.7 million in 2009. The previous high of $1.7 million was set by the Menino campaign in 2005.

The OCPF study, compiled every two years since 1997, includes campaign finance data filed by 73 mayoral finalists in 38 communities in 2009. Candidates were not included in the analysis if they lost in the preliminary elections. The study summarizes the financial activity of finalists for the entire 2009 calendar year.

Total expenditures have increased steadily since 1997, a growth reflected in the average amount spent per vote. Candidates spent $16.44 per vote in 2009, 2 ½ times the amount spent 12 years ago. Menino topped all 73 candidates in per-vote spending at $42.40 (he received 63,123 votes).

Campaign expenditures in 2009 generally correlate with success – the top spender in the 31 contested elections won 22 races, or 71 percent of the time.

Total fundraising by mayoral candidates during 2009 was $5.5 million, the second highest amount recorded in an OCPF study. Menino led all candidates in fundraising with $1.5 million in 2009, followed by his challenger, Flaherty, with $880,314. Quincy Mayor Thomas Koch raised the third highest amount with $325,805.

The 2009 mayoral races featured 25 incumbents on the final ballot, five of which were defeated in Brockton, Lynn, North Adams, Westfield and Worcester. Three incumbents were defeated in the preliminary elections in Agawam, Greenfield and Fall River.

Mayoral candidates from Boston, Springfield and Worcester report their campaign finance activity directly to OCPF. All other candidates reported to local election officials in 2009. Starting in 2011, mayoral candidates in cities with populations between 40,000 and 100,000 will begin reporting electronically to OCPF.

### Campaign Finance Activity by Mayoral Candidates, 1997—2009

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of candidates</th>
<th>Receipts</th>
<th>Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Total</td>
<td>Median</td>
</tr>
<tr>
<td>1999</td>
<td>69</td>
<td>$3,198,736</td>
<td>$32,289</td>
</tr>
<tr>
<td>2001</td>
<td>76</td>
<td>$4,546,947</td>
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</tr>
<tr>
<td>2003</td>
<td>70</td>
<td>$3,587,911</td>
<td>$31,586</td>
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<tr>
<td>2009</td>
<td>73</td>
<td>$5,549,845</td>
<td>$30,523</td>
</tr>
</tbody>
</table>
Recent Cases and Rulings

OCPF audits all campaign finance reports and reviews all complaints alleging violations of the campaign finance law. These audits and reviews may result in enforcement actions or rulings such as public resolution letters, disposition agreements or referral to the Office of the Attorney General for further action.

A disposition agreement is a voluntary written agreement entered into between the subject of a review and OCPF, in which the subject agrees to take certain specific actions.

A public resolution letter may be issued in instances where the office found "no reason to believe" a violation occurred; when "no further action" or investigation is warranted; or when a subject "did not comply" with the law but, in OCPF's view, the case is able to be settled in an informal fashion with an educational letter or a requirement that some corrective action be taken. A public resolution letter does not necessarily imply a wrongdoing on the part of a subject and does not require agreement by a subject.

OCPF does not comment on any matter under review, nor does the office confirm or deny that it has received a specific complaint. The identity of any complainant is kept confidential. Public resolution letters and disposition agreements are matters of public record once cases are concluded.

An advisory opinion is a response from OCPF to a specific question asked by an individual, political committee, group, company or organization concerning the campaign finance law.

Public Resolution Letters

CPF-09-96: Stephen LeDuc, Marlborough. Did not comply (reporting, personal use); 4/27/2010. The candidate spent $825 in campaign funds for personal use, and the committee did not file 2009 year-end campaign finance report in a timely manner. LeDuc reimbursed his committee $557 and paid an additional $768 to the state's general fund ($268 as the balance for funds used for personal reasons, $340 as a late-filing fine, and $160 to reimburse the state for the cost of its review).

CPF-10-06: Harold “Jack” Sisson, Westport. Did not comply (disclosure); 4/27/2010. The Sisson campaign committee did not disclose information relating to a fundraising event held on Oct. 26, 2008, on its year-end report. The event was held to raise funds to pay for legal expenses in a matter arising from Sisson’s performance of duties as highway surveyor. The committee amended the 2008 year-end report to include the receipts and expenditures in connection with the event.

CPF-10-21: Dennis McManus, Worcester County Clerk of Courts. Did not comply (personal use); 5/11/2010. The candidate did not fully reimburse his campaign for the personal use of the vehicle leased by his campaign committee. The committee made vehicle-related expenditures of approximately $25,000 from 2007 to 2010. The candidate reimbursed the committee $2,511 for the personal use of the vehicle during that time. After OCPF initiated its review, the candidate made an additional payment to the committee of $8,046, which the candidate determined was needed to address an increase in personal mileage from November 2008 to the summer of 2009. The candidate also reimbursed the committee $610, the amount of an insurance payment.
Continued: Recent Cases

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surcharge that had been paid by the committee.

CPF-10-43: Russell Holmes, Dorchester. No further action (solicitation in building used for governmental purposes); 5/14/2010. The Holmes campaign sent a letter soliciting contributions to public employees at their place of employment but did not receive any contributions as a result. Sending solicitations to state, county or municipal employees at the place of their employment is inconsistent with Section 14.

CPF-10-30: Thomas Twining, Sherborn. Did not comply (corporate contribution); 5/18/2010. The Twining Committee received a corporate in-kind contribution when it used a bulk mail permit provided by the Small Business Association to send campaign materials to voters. To resolve the matter, the committee made a $370 payment to the state’s general fund, the amount reflecting the cost to obtain a bulk mail permit. The committee also amended its campaign finance report to reflect an in-kind contribution.

CPF-10-17: Worcester Police Officials Union IBPO Local 504 PAC. No further action (reporting); 5/18/2010. Because the PAC primarily raises and spends money to influence city campaigns, it should consider filing with the city clerk rather than with OCPF.

CPF-10-17: Virginia Ryan, Worcester. No further action (reporting); 5/18/2010. Ryan filed an independent expenditure report disclosing an expenditure of $1,400 for a TV ad opposing three local candidates. Because she raised funds to oppose candidates, Ryan should have organized a political action committee rather than file an independent expenditure report.

CPF-10-17: NAGE/IBPO, Quincy. Did not comply (independent expenditure); 5/18/2010. NAGE/IBPO did not disclose in a timely manner $1,350 it spent on a radio ad to oppose local candidates in Worcester. To resolve this matter, NAGE filed the required report and made a $500 payment to the state’s general fund.

Advisory Opinions

AO-10-03: Contributions may be received by text message, but only if the committee receiving the contributions ensures that the contributions comply with the limits of the campaign finance law and are properly disclosed.

AO-10-04: The conference center portion of the UMass-Lowell Inn & Conference Center may be used for political fundraising events. The conference center is separate and distinct from the residential portion of the building, which is located in the upper floors. Although there is a resident assistant employed by the university in the residence area, neither the resident assistant nor the students would be subjected to political fundraising pressures since the fundraising events would be located in a separate part of the building.

AO-10-05: A candidate may use Facebook to help raise funds. A link on the candidate’s Facebook page may direct contributors to another Web site where the contribution is actually made, but only if the committee receiving the contributions ensures that the contributions are received in a manner that complies with the campaign finance law and are properly disclosed.

AO-10-06: A candidate owns a pub. He is also employed by a municipal zoning board of appeals, for which he receives a $75-a-month stipend and is therefore a public employee subject to Section 13. As such, he may not use his pub as the venue for a fundraising event to benefit his campaign for Governor’s Council, as that would involve indirect solicitations or receipt of contributions.

AO-10-07: Where a business owner displays campaign signs on business trucks, and then tells the candidate, this is an independent expenditure, and not a contribution. Merely informing the candidate that he would be doing this does not mean that the expenditure was coordinated.

AO-10-08: Contributions received by a candidate for governor and separately by a candidate for lieutenant governor running as a team, may count toward the amount needed to qualify ($125,000) for public financing, i.e., if a person contributes $250 or less during the election cycle to the gubernatorial candidate, and also contributes $250 or less to the candidate for lieutenant governor, both contributions may count toward the $125,000 requirement.
Recently Organized with OCPF

**House**

Dylan T. Ferreira, Fall River, 8th Bristol, Democrat, 3/18.


Mark A. Del Negro, Agawam, 3rd Hampden, Democrat, 3/19.

Stefan Racz, Shelburne Falls, 2nd Berkshire, 3/23.


Christopher Asselin, Springfield, 9th Hampden, Democrat, 3/24.


Enrique Matos, Lawrence, 16th Essex, Republican, 3/24.

Christopher M. Markey, Dartmouth, 9th Bristol, Democrat, 3/29.

Ivo Almeida, Acushnet, 11th Bristol, Republican, 4/2.

Anthony Saboliauskas, Pepperell, 1st Middlesex, Republican, 4/5.

Amy Feeley-Knuttilla, Winchendon, 2nd Worcester, Democrat, 4/7.


Raymond A. Igou, Saugus, 9th Essex, Republican, 4/7.

Jeffrey A. Herman, Jamaica Plain, 15th Suffolk, Democrat, 4/7.

Charles Case Jr., Centerville, 2nd Barnstable, Republican, 4/7.

Tackey Chan, Quincy, 2nd Norfolk, Democrat, 4/8.

Sean J. Burke, New Bedford, 11th Bristol, Democrat, 4/12.


Katherine Kozitza, Swampscott, 8th Essex, Republican, 4/14.

Chally Ramos, Lawrence, 16th Essex, Democrat, 4/15.

Rafael Gadea, Lawrence, 16th Essex, Democrat, 4/15.

Robert Tavares Jr., Dartmouth, 9th Bristol, Democrat, 4/16.

Daniel Bennett, Danvers, 13th Essex, Republican, 4/20.


Jared Valanzola, Rockland, 5th Plymouth, Republican, 4/20.


Matthew J. Sheehan, Dracut, 36th Middlesex, 4/22.


Richard J. Cannava, Medford, 34th Middlesex, 4/23.

John Iredale, Quincy, 2nd Norfolk, Republican, 4/23.

James P. Regan, Braintree, 5th Norfolk, Democrat, 4/27.

Priscilla Noreen Suriner, Middlefield, 2nd Berkshire, Democrat, 4/27.

Jarrett Scarpaci, Billerica, 22nd Middlesex, Democrat, 4/27.

Patricia Commane, Andover, 17th Essex, Democrat, 4/27.

Karl Roos, Quincy, 2nd Norfolk, 4/29.

Hector Montalvo, Methuen, 15th Essex, 4/29.

Michael Finn, West Springfield, 6th Hampden, Democrat, 5/4.

James M. Dalute, Braintree, 5th Norfolk, Democrat, 5/5.


Kathleen WC Winslow, Concord, 14th Middlesex, Republican, 5/10.

David S. Mercer, Framingham, 7th Middlesex, Republican, 5/11.


Timothy F. Finnerty, Hingham, 3rd Plymouth, Republican, 5/17.

George D. Boag, Dracut, 36th Middlesex, Republican, 5/18.


Robert Joyce, Roslindale, 10th Suffolk, Democrat, 5/21.


Paul Dan Clifford, Braintree, 5th Norfolk, 5/21.

Donald Wong, Saugus, 9th Essex, Republican, 5/24.


Mark Cusack, Braintree, 5th Norfolk, Republican, 5/25.

Gary Mahoney, Framingham, 7th Middlesex, Republican, 5/26.

Korey Welch, Rockland, 5th Plymouth, Republican, 5/26.


David Roulston, Greenfield, 2nd Franklin, Democrat, 6/2.

George Georgountzos, Stoneham, 31st Middlesex, Republican, 6/2.

John Bortone, Newton, 12th Middlesex, Republican, 6/7.

Lance Lambros, Sandwich, 5th Barnstable, Democrat, 6/8.


Jim Rizoli, Framingham, 6th Middlesex, Republican, 6/8.

Roseanne Frieri, Richmond, 2nd Berkshire, Republican, 6/8.

Mark Miller, Pittsfield, 3rd Berkshire, Republican, 6/8.

George Jacome, Fall River, 8th Bristol, Republican, 6/8.

John Rodrigues, Fall River, 8th Bristol, Democrat, 6/8.

Joseph Michaud, Dartmouth, 9th Bristol, Republican, 6/8.

Russell Protentis, Lakeville, 9th Bristol, Republican, 6/8.


Joshua Carpenter, Springfield, 12th Hampden, Republican, 6/8.

Daniel Sandell, Amherst, 3rd Hampshire, Republican, 6/8.

Kevin Conway, Billerica, 22nd Middlesex, Democrat, 6/8.

Lalig Musserian, Belmont, 24th Middlesex, Republican, 6/8.

Dennis Gianatassio, Everett, 28th Middlesex, 6/8.


Joseph Keegan, Quincy, 2nd Norfolk, Democrat, 6/8.


Craig Pina, Brockton, 9th Plymouth, Republican, 6/9.

Roy Owens, Boston, 5th Suffolk, Democratic, 6/9.

Carlton Chambers, Hingham, 3rd Plymouth, Republican, 6/9.

Carlos Henriquez, Boston, 5th Suffolk, Democratic, 6/9.


**Senate**

Daniel Wolf, Harwich, Cape & Islands, Democrat, 3/22.


Sean Downing, Methuen, 1st Essex, Republican, 3/26.

Jodi B. Oberto, Andover, 2nd Essex & Middlesex, 4/5.


Paul R. Kearney Jr., Cohasset, Norfolk & Plymouth, 4/12.

Hassan A. Williams, Roxbury, 2nd Suffolk, Democrat, 4/14.


Robert A. Magovern, Agawam, Hampden, Republican, 4/15.

Ronald R. Patenaude, West Springfield, Hampden, Republican, 4/22.

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Q: Can a candidate committee list a donor’s PO Box as his or her address on campaign finance forms?
A: The law states that a donor’s residential address should be listed.

Q: Is attribution, such as “Paid for by the Committee to Elect,” required on lawn signs and mailers?
A: The campaign finance law does not require attribution on lawn signs, mailings or fliers.

### Office of Campaign and Political Finance
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### From the Director
Continued from Page 1
House and Senate candidates in non-election years. These changes were all enacted to create more transparency in campaign finance disclosure. All of these reports, when filed, will be immediately available on our searchable electronic filing database. We covered the January 2010 Supreme Court decision, Citizens United vs. FEC, in more detail in the previous edition of OCPF Reports, which is available on our Web site. In short, OCPF’s position on CU is that although corporations can now make independent expenditures to support or oppose candidates, corporations are still prohibited from making direct contributions to support or oppose candidates. Any independent expenditure by a corporation, however, must be disclosed in accordance with Section 18A of Ch. 55. For more information on this issue, please visit our website at www.mass.gov/ocpf.

It looks to be a busy summer and fall for everyone involved in the electoral process this year. Please don’t hesitate to call us at 617-979-8300 if you have any questions.

Michael J. Sullivan
OCPF Director