

# OCPF Reports



## From the Director

Across the state, hundreds of city candidates are campaigning, and each is required to file campaign finance reports disclosing the money they raised and spent. We're going to host several seminars this summer to help candidates with the process.

During the seminars, we go step-by-step on preparing and filing campaign finance reports, and we'll answer your specific questions. The seminars last between 60 and 90 minutes.

We've scheduled training in communities across the state, such as Northampton, Lowell and New Bedford. Please see the last page of this newsletter for the full schedule.

### Mid-year reports

This July will be the first time anyone has filed mid-year reports, and we're taking extra steps to make sure everyone knows about it.

We'll use letters, postcards, e-mail and even Twitter to get the word out, and we'll be available by phone until 9 p.m. on the July 20 due date to assist committees with their electronic filing responsibilities.

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## Legislative candidates spend \$16.9 million

The largest field of legislative candidates in 18 years reported spending nearly \$16.9 million in the 2010 election, a 34 percent increase from the previous state election in 2008, according to an OCPF study of campaign finance activity by 433 House and Senate candidates.

The 2010 totals fall short of the record-setting spending total of \$17.6 million in 2004. Total fundraising in 2010 was nearly \$15 million, \$2.5 million more than in 2008, but \$2.3 million less than the record set in 2004.

The increased spending totals in 2010 correspond with a boost in contested seats. Of 200 legislative races in 2010, 118 were contested by more than one candidate in either the primary or general elections, 47 more than in 2008.

OCPF's general court study examines campaign finance activity undertaken by candidates for House and Senate in calendar year 2010. OCPF has issued a

report of this type after every state election since 1990.

The 2010 study focused on total and average receipts and expenditures, and how those numbers translated to electoral success in such categories as political party and incumbency.

Incumbents were the most successful group in 2010. All 32 Senate incumbents running for re-election won, and 121 or 134 House incumbents running for re-election were successful.

Successful Senate incumbents averaged \$102,936 in expenditures in 2010, 38 percent higher than non-

incumbents. In the House, 134 incumbents averaged \$39,898 in expenditures, nearly twice the average for non-incumbents.

In the Senate, a candidate's starting balance at the beginning of an election year was a significant statistic in 2010. Of 98 Senate candidates who started an election year with a zero balance since 2004, only three have won. The disparity is less pronounced in House races, where districts are smaller. A total of 131 candidates started 2010 with no money on hand, and 21 of those candidates won their races.

### Campaign Finance Activity by Legislative Candidates

	2006	2008	2010
<b>Senate</b>			
Candidates	70	58	95
Total Spent	\$4,596,300	\$4,343,233	\$7,322,783
Average Spent	\$65,661	\$74,883	\$77,081
<b>House</b>			
Candidates	269	253	338
Total Spent	\$7,280,768	\$8,207,102	\$9,550,407
Average Spent	\$27,066	\$32,439	\$28,255
<b>TOTAL SPENT</b>	<b>\$11,877,068</b>	<b>\$12,550,335</b>	<b>\$16,873,190</b>

## First mid-year reports are due in July for PACs and legislative candidates

Legislative candidates and Political Action Committees are required to file mid-year reports for the first time this year.

The reports will be due by July 20 and cover the first six months of 2010. **OCPF will remain available by phone until 9 p.m. on July 20** to as-

sist committees with their electronic filing responsibilities.

Nearly 900 committees will file mid-year reports — 300 PACs and nearly 600 legislative incumbents and active committees.

The mid-year reporting requirement is a new addition to the

campaign finance law, required only in odd-numbered years for legislative candidates and PACs. The law went into effect on Jan. 1, 2010.

Activity for the last six months of 2011 will be disclosed on the year-end report, due Jan. 20, 2012.

# Candidates spend \$241,284 in special elections

Ten state representative candidates in **two special elections** reported \$241,284 in expenditures during the cycle. Both elections were May 10, and the final campaign finance reports were due June 9.

In the **6th Worcester District race**, candidates raised \$149,049 and spent \$144,803 from Jan. 1 to May 30. The top spender was also the winner, Peter Durant of Spencer, who reported \$61,787 in expenditures. The incumbent, Geraldo Alicea of Charlton, reported \$55,100 in expenditures.

The special election was ordered because the regular November election ended in a tie last year.

In the **10th Middlesex District race**, winner John Lawn of Watertown reported \$42,739 in expenditures, followed by James Dixon of Waltham with \$30,067. The special election was held to fill a vacancy caused by the resignation of Rep. Peter Koutoujian.

The five 10th Middlesex candidates reported \$104,544 in receipts and \$96,481 in expenditures.

On average, the ten candidates in both races reported more than \$25,000 in receipts and \$24,000 in expenditures.

In the 2010 general election, 338 House candidates averaged \$26,411 in receipts and \$28,255 in expenditures for the entire calendar year.

## Campaign Finance Activity for 2011 Special Elections

*Covers activity from Jan. 1 to May 30*

### House, 6th Worcester District

	Raised	Spent
Geraldo Alicea	\$49,990	\$55,100
Peter Boria*	\$20,156	\$10,619
Robert Cirba	\$842	\$607
Peter Durant	\$61,434	\$61,787
Joanne Powell	\$16,625	\$16,689
<b>Totals</b>	<b>\$149,049</b>	<b>\$144,803</b>

### House, 10th Middlesex District

Allan Ciccone	\$9,908	\$9,962
James Dixon	\$30,541	\$30,067
Sean Durkee	\$3,825	\$3,775
John Lawn	\$47,033	\$42,739
Gary Marchese	\$13,235	\$9,935
<b>Totals</b>	<b>\$104,544</b>	<b>\$96,481</b>

*\*Did not file final campaign finance report by the June 9 deadline*

## Continued: From the Director

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PACs and legislative candidates, both incumbents and any other committee organized for the House or Senate, are the only entities required to file the mid-year report.

### Organizing Mayoral Candidates

As usual, city clerks and elections officials have done a great job helping us organize municipal candidates.

In cities with populations between 40,000 and 100,000, candidates for mayor will file electronically with OCPF this election season. As candidates organize their campaign committees on the local level, clerks send us copies of their organizational forms. OCPF then registers the candidates into our Electronic Filing System.

In cities with populations of more than 100,000, local election officials have also been directing city council and mayoral candidates to our office to organize.

We are grateful for their assistance.

Please call or write with questions. The office e-mail address is [ocpf@cpf.state.ma.us](mailto:ocpf@cpf.state.ma.us).

**Michael Sullivan, Director**

## Mid-year Reports Due July 20

**Legislative candidates and PACs** are required to file mid-year reports this year. The reports are due by July 20 covering activity from Jan. 1 to June 30. **OCPF will answer questions by phone until 9 p.m. on July 20, and will help committees to file electronically.**

Non-incumbent House and Senate candidates who have not dissolved their committees are also required to file.

OCPF: 617-979-8300



# 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 public resolution letter may be issued in instances where the office found “no reason to believe” a violation occurred; where “no further action” or investigation is warranted; or where 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-11-27: Rep. Geoff Diehl, Whitman.** Did not comply (public employee, public building); 4/14/2011. Teachers in a public school distributed invitations to students for a Diehl Committee fundraising event. The Diehl Committee cancelled the event when it learned that the distribution of fundraising invitations in a school did not comply with the campaign finance law.

**CPF-10-28: Carla Howell, Wayland.** Did not comply (personal use); 4/27/2011. The

Committee for Small Government ballot question committee paid \$16,921 in utility bills at Carla Howell’s private residence, which was used in part as a committee office. The campaign finance law permits political committees to make expenditures, so long as they are not primarily for any person’s personal use. To resolve the matter, Howell has forgiven \$6,000 in liabilities that the committee owes her personally.

**CPF-11-13: Mayor William Flanagan, Fall River.** Did not comply (excess contributions); 4/27/2011. The Flanagan committee received 20 excess

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# 2011 Municipal Election Schedule

For the first time, mayoral candidates in cities with populations between 40,000 and 100,000 will file campaign finance reports electronically with OCPF. Candidates will file two reports this year: a **pre-preliminary report** and a **pre-election report**. Candidates will also file a year-end report on Jan. 20, 2012. Prior to 2010, mayoral candidates in these cities filed paper reports with their city election officials.

City	Preliminary Election Date*	PP Report Due	Reporting Period	Election Date	PE Report Due	Reporting Period
Everett	Sept. 13	Sept. 06	Jan. 1 - Aug. 26	Nov. 8	Oct. 31	Aug. 27 - Oct. 21
Fall River	Sept. 13	Sept. 06	Jan. 1 - Aug. 26	Nov. 8	Oct. 31	Aug. 27 - Oct. 21
Malden	Sept. 13	Sept. 06	Jan. 1 - Aug. 26	Nov. 8	Oct. 31	Aug. 27 - Oct. 21
Medford	Sept. 13	Sept. 06	Jan. 1 - Aug. 26	Nov. 8	Oct. 31	Aug. 27 - Oct. 21
Revere	Sept. 13	Sept. 06	Jan. 1 - Aug. 26	Nov. 8	Oct. 31	Aug. 27 - Oct. 21
Somerville	Sept. 13	Sept. 06	Jan. 1 - Aug. 26	Nov. 8	Oct. 31	Aug. 27 - Oct. 21
Attleboro	Sept. 20	Sept. 12	Jan. 1 - Sept. 2	Nov. 8	Oct. 31	Sept. 3 - Oct. 21
Brockton	Sept. 20	Sept. 12	Jan. 1 - Sept. 2	Nov. 8	Oct. 31	Sept. 3 - Oct. 21
Chicopee	Sept. 20	Sept. 12	Jan. 1 - Sept. 2	Nov. 8	Oct. 31	Sept. 3 - Oct. 21
Haverhill	Sept. 20	Sept. 12	Jan. 1 - Sept. 2	Nov. 8	Oct. 31	Sept. 3 - Oct. 21
Methuen	Sept. 20	Sept. 12	Jan. 1 - Sept. 2	Nov. 8	Oct. 31	Sept. 3 - Oct. 21
Peabody	Sept. 20	Sept. 12	Jan. 1 - Sept. 2	Nov. 8	Oct. 31	Sept. 3 - Oct. 21
Quincy	Sept. 20	Sept. 12	Jan. 1 - Sept. 2	Nov. 8	Oct. 31	Sept. 3 - Oct. 21
Waltham	Sept. 20	Sept. 12	Jan. 1 - Sept. 2	Nov. 8	Oct. 31	Sept. 3 - Oct. 21
Weymouth	Sept. 20	Sept. 12	Jan. 1 - Sept. 2	Nov. 8	Oct. 31	Sept. 3 - Oct. 21
Fitchburg	Sept. 27	Sept. 19	Jan. 1 - Sept. 9	Nov. 8	Oct. 31	Sept. 10 - Oct. 21
Leominster	Sept. 27	Sept. 19	Jan. 1 - Sept. 9	Nov. 8	Oct. 31	Sept. 10 - Oct. 21
Pittsfield	Sept. 27	Sept. 19	Jan. 1 - Sept. 9	Nov. 8	Oct. 31	Sept. 10 - Oct. 21
Taunton	Sept. 27	Sept. 19	Jan. 1 - Sept. 9	Nov. 8	Oct. 31	Sept. 10 - Oct. 21
Westfield	Sept. 27	Sept. 19	Jan. 1 - Sept. 9	Nov. 8	Oct. 31	Sept. 10 - Oct. 21
New Bedford	Oct. 4	Sept. 26	Jan. 1 - Sept. 16	Nov. 8	Oct. 31	Sept. 17 - Oct. 21

\*If no preliminary election is held in a city for any race, the first report would be due Oct. 31.

# Continued: Recent Cases

## Question and Answer

**Q:** I don't want to raise money to run for municipal office. Can I personally finance my own campaign?

**A:** Yes. A municipal candidate can contribute or loan unlimited amounts of money to his or her own campaign. The candidate would still be required to file campaign finance disclosure reports.

**Q:** I want to print and mail flyers to neighbors asking them to vote yes on the override question for a new school in town. It will cost \$500. Can I do that?

**A:** Yes. An individual who makes an expenditure to support or oppose a municipal ballot question is required to disclose the payment on a form, CPF M22, and file it with the town or city clerk.

**Q:** My friend has a big backyard and a pool and he wants to host a neighborhood fundraiser for my school committee campaign. Can my campaign reimburse him for the food and drinks he bought for the event?

**A:** Yes. The campaign would report an expenditure to your friend, then itemize his expenditures on an R-1 (reimbursement) form.

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contributions in 2010 and refunded the excess amounts in January, 2011. Committees cannot accept more than \$500 from individuals in a calendar year.

**CPF-10-84: Sheriff Frank Cousins, Newburyport.** Did not comply (receipt of money order contributions over \$50, corporate contributions, record-keeping); 4/29/2011. The Cousins Committee received 45 prohibited money order contributions exceeding \$50, and 57 prohibited corporate contributions. The Cousins Committee also received cash contributions, for which records were not kept regarding the source of

the contributions. To resolve the matter, the committee paid \$10,000 to the state's general fund.

**CPF-10-87: Eric Dahlberg, Chelmsford.** No further action (disclosure); 5/18/2011. The candidate received reimbursements for campaign expenditures he personally made on behalf of his campaign, but did not initially disclose such activity correctly.

**CPF-11-33: Joshua Smith, Barre.** No further action (registration); 5/18/2011. A ballot question committee disclosed its campaign finance activity, but did not organize as a committee in a timely matter.

The committee subsequently filed an organizational form.

**CPF-11-24: Andover Youth Services.** Did not comply (public resources); 5/31/2011. A town van was used to drive a group of high school students to a polling place, where they held signs in favor of one candidate. Public resources cannot be used for campaign purposes.

## Advisory Opinion

**AO-11-03:** The Groton Pool and Golf Center function room is in a building used for governmental purposes and should not be used for political fundraising purposes.

## Local ballot question committees dissolve after an election

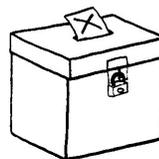
Money was raised, lawn signs were bought, flyers were mailed, and voters decided the town override question.

Now that's it over, what happens to the ballot question committees that supported or opposed the question?

The campaign finance law requires local ballot question committees to dissolve once the voters have decided a question at an election.

To dissolve, a committee must pay its liabilities and then donate any remaining residual funds to charity, a scholarship fund, a city or town, or the state's general fund.

There are restrictions on donating residual funds to charities and scholarship funds.



**Scholarship fund:** The officers of the ballot question committee may not participate in the selection of the beneficiary of any scholarship awarded from the fund, and the beneficiary of any scholarship may not be related by blood or marriage to the officers of the committee.

**Charity:** The officers of the ballot question committee may not be related to any officers of the charity at the time of the donation or within the next ten years.

To finish the dissolution process, committees must file a report with their local election official showing no cash balance, liabilities or assets.



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## Contacting OCPF

OCPF staffers will answer your questions about the campaign finance law, technical issues and filing requirements. You can call 617-979-8300 or e-mail.

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# 2011 Municipal Candidate Seminar Schedule

The state Office of Campaign and Political Finance is conducting several municipal candidate seminars this summer. The 90-minute seminars review the campaign finance law, and offer instruction on how to prepare and file campaign finance reports. All municipal candidates, their committees and interested individuals are invited to attend.



## Northampton

**June 28**, 6:30 p.m., City Council Chambers, 212 Main Street

## Lowell

**June 30**, 6:30 p.m., Pollard Library, 401 Merrimack Street

## Cambridge

**July 7**, 6:30 p.m., City Hall, 795 Massachusetts Ave.

## Revere

**July 13**, 6 p.m., American Legion, 249 Broadway

## Fall River

**July 14**, 6:30 p.m., City Hall, One Government Center

## Malden

**July 19**, 6:30 p.m., City Hall, 200 Pleasant Street

## Reading

**July 21**, 6:30 p.m., Reading Public Library, 64 Middlesex Ave.

## New Bedford

**July 26**, 6:30 p.m., Main Library, 613 Pleasant Street

## Fitchburg

**July 28**, 6:30 p.m., Fitchburg State University, Hammond Campus Center, Alumni Room A.