

OCPF Reports



From the Director

As in past state election years, we will be traveling to several communities this summer to provide training on the campaign finance law.

Seminars are scheduled in Franklin, Boston, Leominster, Waltham, Andover, Westfield and Taunton (a calendar is on page 2).

We hold these seminars to help candidates and committees with their reporting requirements because our primary goal in administering the campaign finance law is education.

Please attend if you are able. If you can't, call our office with any questions and we'll discuss the law with you and send you information.

Clerk Conference

We had a good visit recently with the state's local

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Nearly 650 candidates and PACs will file primary and general election disclosure reports

Several hundred candidates, PACs and party committees are expected to file pre-primary and pre-election campaign finance reports with OCPF this year.

Two groups—legislative candidates and PACs — are required to file pre-primary and pre-election reports electronically, due Aug. 29 and Oct. 29, respectively. OCPF will send campaign finance filing notices to all 333 legislative candidates on the state ballot, and to more than 300 PACs.

The state's local party committees also file pre-primary and pre-election reports, but are only required to do so if

their activity exceeds \$100 in the reporting period.

In 2010, 95 percent of legislative candidates filed their pre-primary reports by the due date, and 93 percent were on time for the pre-election report. It was 82 and 87 percent, respectively, for PACs.

There are also 111 candidates on the state ballot who are running for county office or for Governor's Council. These candidates are in a reporting system that requires their banks to file disclosure reports twice a month.

Number of Candidates & Committees by Year

	Legislative	PACs
2012	333	309*
2010	433	299
2008	311	305
2006	339	308
2004	390	309

*As of June, 2012

It's not too late to organize a party committee

More than 800 local party committees have organized with OCPF since the presidential primary in March, when voters elected members to ward and town Democratic and Republican committees — but more than 500 potential local party committees have not yet organized with OCPF as of late June.

It's not too late.

Potential local party committees that did not organize can be formed by the state committees of each political party. State parties can organize committees by appointing qualified party members from the local voting rolls, then setting dates that local committees can organize and elect officers.

Within 10 days of being organized, a new committee

would register with OCPF and send copies of the organization form to the Secretary of State, their state party committee and their local election official.

Party committees must re-organize every four years after the state's presidential primary, and must be organized with OCPF to raise money and make expenditures to support candidates.

Mass. pulls high mark for campaign disclosure

Massachusetts received a perfect score in a recent study that measured how all 50 states handle the public disclosure of independent expenditures made by individuals, groups and businesses.

The study was conducted by the Corporate Reform Coalition in the wake of the Supreme Court's 2010 Citizens United decision. The court's decision allows corporations to make independent expenditures to expressly advocate for or against candidates at an election.

The study highlighted disclosure requirements in the Massachusetts campaign finance law for independent expenditures and electioneering communications, and noted the state's requirement for a group or corporation to identify itself in

radio, TV and internet ads.

The study also noted that the Office of Campaign and Political Finance issued a statement after the Citizens United decision to clarify how the case affects the Massachusetts campaign finance law.

Massachusetts was one of 13 states to receive a perfect score of 100 in the study. One state, North Dakota, scored a zero.

The study was compiled for the Corporate Reform Coalition by Robert M. Stern, former president of the recently closed Center for Governmental Studies, a nonpartisan research organization that was based in Los Angeles. The Corporate Reform Coalition promotes disclosure of money in elections.

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election officials at the City and Town Clerks Association meeting in Falmouth.

We discussed common reporting errors by municipal candidates, a new guide booklet OCPF produced to help clerks with their campaign finance responsibilities, and an update on local party committee organization.

Campaign finance responsibilities take up a small slice of their busy schedule, and we appreciate their interest in our issues.

Fall Election

A change for the 2012 election is that all legislative candidates and PACs will file campaign finance reports electronically — no more paper reports, regardless of the level of activity.

Candidates, local party committees and PACs can expect to receive our filing notice shortly before the pre-primary report is due on Aug. 29. We will send another notice prior to the Oct. 29 pre-election due date.

Please remember to call us if you have any questions about the campaign finance law or electronic filing.

Have a great summer.

Mike Sullivan, director

OCPF state election seminars scheduled



OCPF is conducting seven seminars across the Commonwealth in July for candidates, political committees and the public. We will cover the rules on raising and spending money, changes to the campaign finance law, restrictions on public employee fundraising and the use of public resources, and how to file disclosure reports. The locations are in various regions of the state. Candidates and political committees from all communities are invited to the most convenient seminar of their choice. **All start at 6:30 p.m.**

Franklin Public Library, Thursday, July 12 (118 Main St.)

Boston Public Library, Orientation Glass Room, Monday, July 16, (Copley Square)

Leominster Public Library, Tuesday, July 17 (30 West St.)

Waltham City Hall, Wednesday, July 18 (610 Main St.)

Andover, Memorial Hall Library, Thursday, July 19 (2 North Main St.)

Westfield, Athenaeum Library, Committee Room, Tuesday, July 24 (6 Elm St.)

Taunton Public Library, Wednesday, July 25 (12 Pleasant St.)

Seminars are also held each Wednesday at 2 p.m. in OCPF's conference room.

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.

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.

Public Resolution Letters

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.

CPF-12-21: Timothy Kelley, Natick. Did not comply (disclosure, corporate contribution); 4/23/12. Kelley, a school committee candidate, purchased lawn signs but did not disclose the expenditure until after the March 27 election. Additionally, the campaign received a prohibited in-kind contribution from a corporation that displayed campaign signs on its vehicle in support of the candidate.

CPF-11-104: Dian Taylor, Chicopee. Did not comply (recordkeeping); 5/31/12. Taylor, the former Chicopee Democratic City Committee treasurer, failed to maintain accurate

records of contributions, expenditures and reimbursements. She also commingled committee funds with her personal funds, and was unable to present evidence supporting reimbursements to herself. Taylor agreed to a payment of \$500 to the state’s general fund and will not be treasurer of any political committee in the future.

CPF-12-02: Duxbury Public Schools. Did not comply (public resources); 5/31/2012. Duxbury Public Schools distributed two newsletters that discussed an upcoming ballot question, one of which was distributed after seeking guidance from the state’s Ethics Commission. The school department was unaware that the Massachusetts campaign finance law prohibited such expenditures. Upon being contacted by OCPF, the school department cooperated and filed a Form 22A with the Duxbury Town Clerk to disclose the costs of the newsletters.

Advisory Opinions

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.

AO-12-01: A PAC may poll legislative districts to determine vulnerability of districts for the purpose of then finding candidates to run in such districts. Providing such polling data to candidates may result in in-kind contributions from the PAC to the candidates receiving the polling results.

AO-12-02: A public employee may, on his or her own time, design or maintain a campaign website. However, a public employee would be prohibited from designing and maintaining the fundraising portion of a website.

Late Contribution Reports

Legislative candidates and ballot question committees will file

The campaign finance law requires legislative candidates to file late contribution reports within 72 hours of receiving and depositing contributions of \$500 or more within 18 days of a primary or general election, but not within three days of an election. The requirement also applies to ballot question committees for the general election only.

The late contribution reporting period for **legislative candidates** is **Aug. 20 to Sept. 2** for the primary election and **Oct. 20 to Nov. 2** for the general election.

The late contribution reporting period for **ballot question committees** is **Oct. 20 to Nov. 2** for the general election.

County and other depository candidates on the ballot this year are also required to disclose contributions of \$500 or more that are received and deposited during the late contribution reporting period by filing a deposit report within 72 hours of deposit.

Recently Organized PACs

Two Political Action Committees were formed recently, both to make independent expenditures. An IEPAC is an organization, group of organizations or other group of people who raise and spend money for the *primary* purpose of making independent expenditures to influence the election of candidates.

Neighbor to Neighbor Massachusetts Independent Expenditure PAC, Boston.

We The People Independent Expenditure Political Action Committee, Boxford.

OCPF's bulletin on Independent Expenditure PACs is available by [clicking here](#).

IEPACs are similar to "Super PACs" on the federal level.

OCPF Director Reappointed

Michael J. Sullivan was reappointed in May to a fourth term as OCPF director.

The appointment was made by the chairs of the Massachusetts Democratic and Republican parties, and Secretary of State William F. Galvin.

Sullivan was originally appointed in 1994 and was previously city clerk in Newburyport.

Questions and Answers

Q: A House candidate received a \$200 check in the mail with no **occupation and employer** information. What should be done?

A: Try to contact the person. If that fails, send the contributor a letter asking for the information. Keep a copy of the letter. If you don't get the information, enter "information requested" in the occupation and employer data field on the campaign finance report and amend the report if you get the information in the future.

Q: The treasurer has resigned from my candidate committee. What should I do?

A: Assign a new treasurer and file a **Change of Treasurer** form with OCPF (or your municipal clerk if you're running for local office). The change of treasurer form is available by [clicking here](#).

Q: A legislative candidate spent \$200 of his own money on postage for the campaign and wants to be **reimbursed**. Is this OK?

A: Yes. Another person authorized to sign committee checks can write a reimbursement check to the candidate. *All receipts should be provided to the committee.*

Q: What is the **penalty** for not filing a campaign finance report on time?

A: \$25 a day up to \$5,000.

Q: Can teachers raise money for the local **ballot question** committee in favor of building a new school?

A: No, public employees are prohibited from raising money for any political purpose, including ballot question committees.

Public hearing on regulations will be held

The Office of Campaign and Political Finance will hold a public hearing regarding implementation of regulations on Wednesday, July 25, 2012 at 10:00 a.m. at One Ashburton Place, Room 411, in Boston.

The office intends to issue revised regulations at 970 CMR 1.00-2.00. The revisions will be implemented, in part, pursuant to Section 47 of M.G.L. c. 23K (created by Chapter 194 of the Acts of 2011), relating to the public reporting of contributions received by municipalities or municipal employees from applicants for gaming licenses. The regulations will also update various sections of the existing regulations, and will be issued pursuant to M.G.L. c. 30A, § 2 and M.G.L. c. 55, § 3.

The public is invited to comment on the draft regulations, which will be posted on OCPF's website, www.mass.gov/ocpf prior to the hearing. Interested persons may either appear in person at the hearing or submit comments in writing at any time prior to the hearing. Any comments or questions, and all requests for copies of the proposed regulations, should be directed to Michael J. Sullivan, Director, Office of Campaign and Political Finance, Room 411, One Ashburton Place, Boston, Massachusetts 02108, telephone 800-462-6273 or 617-979-8300, or may be submitted by e-mail (ocpf@cpf.state.ma.us).

Town and City News

Change made to regulations for preliminary election filings

An important change has been made to how candidates file campaign finance reports on the municipal level — only candidates who are on a municipal preliminary ballot will file pre-preliminary reports.

The change was made to eliminate filings by candidates who did not appear on a preliminary ballot.

Prior to this change, all municipal candidates were required to file pre-preliminary campaign finance reports if there was even a single contested preliminary election. For example, if there was a preliminary election for school committee, but not for mayor or city council, even the mayoral and city council candidates needed to file pre-preliminary reports.

The change is in effect for the 2013 city election year and affects all municipal candidates, including mayoral candidates in cities with populations of 40,000 to 100,000 who file with OCPF.

Casino-related ballot questions report locally, for now

Casino-related ballot question committees file their campaign finance reports locally and on paper, for now.

As of June 25, state legislators were considering a bill to require casino-related ballot question committees to file campaign finance reports electronically with OCPF. The Joint Committee on Election Laws held a hearing on the bill, H4049, in early June.

Meanwhile, to provide more disclosure, OCPF is asking local election officials and clerks to forward copies of reports filed by casino-related ballot question committees, as well as M22 forms—disclosures by groups, corporations and individuals in support or opposition to a ballot question. The reports are [posted](#) to the OCPF website.

Local election officials are also posting the reports to their own municipal websites.



New guide, checklist available for clerk use

OCPF has created a new guide booklet for clerks and local election officials.

The [booklet](#) is designed to introduce city and town clerks to the provisions of the campaign finance law. Clerks are responsible for administering the campaign finance law on the local level.

OCPF has also created a one-page checklist form,

which local election officials can use to track campaign finance compliance for candidates and committees. It is available [here](#).



OCPF: Call us and Ethics about public officials and their campaign activities

OCPF has issued updated versions of important interpretative bulletins concerning the activities of public officials in support or opposition to ballot questions, and the use of governmental resources for political purposes.

The primary change to both bulletins is the addition of a paragraph urging readers to also contact the state’s Ethics Commission with questions about activities by public officials and the use of public resources for campaign purposes.

OCPF has routinely given oral advice to individuals who ask questions about ballot question campaigns, and have recommended that they also call the Ethics Commission. The change puts that advice in writing.

The changed bulletins are [IB-92-02](#) and [IB-91-01](#).