

# OCPF Reports



## From the Director

Mike Sullivan

### Education

Many candidates and treasurers have come to our Wednesday afternoon seminars to learn about the campaign finance law and how to use Reporter 6, our e-filing system.

If you've not had a chance to attend a seminar and you're on the 2016 ballot, we highly recommend it. We meet each Wednesday at 2 p.m. in the OCPF conference room at One Ashburton Place in Boston (4th floor).

We are also hosting regional seminars. A schedule is to the right.

### E-Mail Correspondence

The annual audit letters we normally send by regular mail to legislative incumbents were sent by e-mail recently.

It worked well and saved hundreds of dollars in postage and printing.

We're going to phase in other types of filers in the coming months (PACs already get notices and letters by e-mail).

### State BQ Committees

Several callers have asked why we've not posted 2016 campaign finance reports for state ballot question committees.

It's because the first report for 2016 is not due until Sept. 9, 60

## More than 400 candidates will file '16 state election campaign finance reports

All 416 legislative, county and district candidates on the 2016 state ballot will file disclosure reports with OCPF.

The 94 county and Governor's Council candidates are in the depository system, which requires them to disclose their receipts at least twice monthly. Their designated depository banks will also disclose expenditures for each candidate, by the 5th and 20th of each month.

The 322 legislative candidates will file **pre-primary reports**, due Aug. 31. All legislative candidates will file pre-primary reports,

even those who are unaffected by the primary — 22 uncontested incumbents in the Senate, 105 uncontested House incumbents, and unenrolled candidates.

The **pre-election report** is due Oct. 31 for all candidates, even those who were unsuccessful in the primary election.

To finish the reporting cycle, all House and Senate candi-

dates will file the **year-end report**, due Jan. 20, 2017.

The total number of legislative candidates

[Tutorial Video: How to use Reporter 6 to file campaign finance reports \(legislative candidates and local party committees\).](#)

[Click here](#)

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OCPF has scheduled several regional training seminars for legislative candidates and local party committees (no RSVP is required). The seminars last about one hour and include a review of campaign finance disclosure rules, as well as a demonstration of the agency's e-filing system, R6.



Leominster	June 14, 6 pm, City Hall, 25 West St.
Amherst	June 16, 6:30 pm, Town Hall, 4 Boltwood Ave.
Framingham	June 22, 6:30 pm, Town Hall, 150 Concord St.
Pittsfield	June 29, 6 pm, City Hall, 70 Allen St.
Peabody	June 30, 6 p.m., West Branch Library, 603 Lowell St.

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## State Election: From Page 1

is the smallest field since 2008, when 311 ran. There were 372 in 2014 and 346 in 2012.

On average, Senate candidates raised \$56,973 and spent \$57,962 during the 2014 state election year. On the House side, candidates raised \$26,642 and spent \$27,198 on average during calendar year 2014.

There are 67 Senate candidates and 255 House candidates.

County and district races include eight Governor’s Council districts, commissioners in Barnstable, Bristol, Dukes and Norfolk counties, and sheriffs in all 14 counties. To fill vacancies, there are register of deeds races in Dukes and Suffolk counties, and for district attorney in Bristol County.

The most crowded races for sheriff are in Essex and Hampden counties, where 19 candidates are vying for open seats — 13 in Essex and six in Hampden.

### **LOCAL PARTY COMMITTEES**

#### ***2016 Reporting Requirements***

**Local party committees (ward, town and city) file reports in a state election year on the same schedule as legislative candidates, if they have more than \$100 in activity during the reporting period.**

Pre-Primary: Due Aug. 31

Pre-Election: Due Oct. 31

Year-End: Due Jan. 20, 2017

**Local party committees needed to reorganized after the 2016 presidential primary. If your local party committee did not organize, you can contact your state party for guidance on how to organize.**

**[Click here](#) for a local party committee tutorial.**

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days before the Nov. 8 election. Committees will then continue to file twice monthly through the end of November.

Ballot question committees that organized in 2015 filed a year-end report in January this year, showing 2015 activity.

### **Public Employee Seminars**

Our office conducts public employee seminars for state and local agencies. The training takes about 40 minutes, during which we review how the campaign finance law impacts public employees and the workplace.

Please contact Jason Tait at 617-979-8300 to schedule a session. We can do several sessions to accommodate your work schedules.

### **Employee Updates**

Two valued members of the staff will retire this year.

Tracey Dano, who started in 2001, is a unique employee — a lawyer and IT analyst who works on legal cases and helps develop our website and reporting systems.

We hired her sister, Leslie Dano, in 2006 as an auditor (she previously worked for the state in another agency). Leslie assists candidates with last names that begin with L to O.

I’m grateful to Tracey and Leslie for their hard work over the years and wish them well in retirement. They’re resettling in their home state of Missouri this fall.

With Leslie leaving, we hired a new auditor, Md Salehin, a recent UMASS Boston graduate. He began his tenure with us in late May.

Have a great summer.

Mike Sullivan

Director



### **How to Contact OCPF’s Auditors**

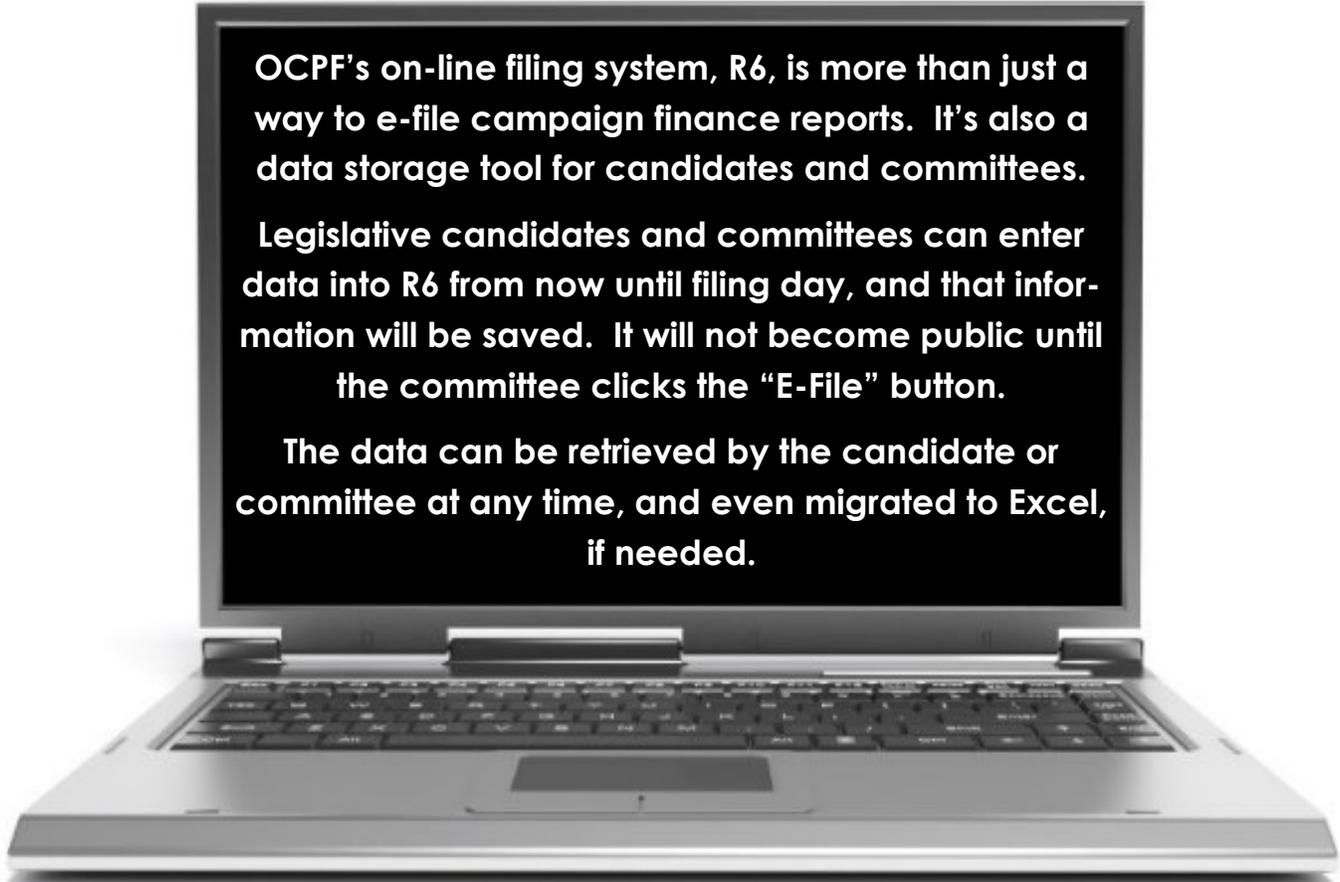
Tricia Jacobson (A)	pjacobson@cpf.state.ma.us
Shane Slater (B-D)	sslater@cpf.state.ma.us
Jeff Tancreti (E-K)	jtancreti@cpf.state.ma.us
Leslie Dano (L-O)	ldano@cpf.state.ma.us
Anne Bourque (P-Z)	abourque@cpf.state.ma.us
Sheila Cole (Local Parties)	scole@cpf.state.ma.us
Michael Joyce (PACs/State BQs)	mjoyce@cpf.state.ma.us
Caroline Paras (PACs)	cparas@cpf.state.ma.us

*A candidate is assigned to an auditor based on a candidate’s last name.*

# Reporter 6 saves your data

**FAQ:** Can my legislative campaign enter data into R6 now even though my report is not due until the end of August?

**Answer:** Yes.



OCPF's on-line filing system, R6, is more than just a way to e-file campaign finance reports. It's also a data storage tool for candidates and committees.

Legislative candidates and committees can enter data into R6 from now until filing day, and that information will be saved. It will not become public until the committee clicks the "E-File" button.

The data can be retrieved by the candidate or committee at any time, and even migrated to Excel, if needed.



R6 also can be used by municipal candidates who file locally and is only available by contacting OCPF. To register, candidates and committees should send the [M101 organizational form](#) with "R6 Only" written at the top to OCPF. [Click here](#) for a tutorial on how to use R6 to create and print campaign finance reports.

# Recent Cases & 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 (below). 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. PRLs 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-16-16: Michael Baril, Warren:** Did not comply (disclosure); 3/29/2016. Two individuals paid \$300 each for printing campaign materials for a municipal campaign, but the candidate, Michael Baril, did not disclose the in-kind contributions in a timely manner on his campaign finance reports.

**CPF-16-26: Marblehead Public Schools:** No reason to believe (public resources); 4/15/2016. The school department distributed a flyer in students’ backpacks, which provided information on a town meeting issue. The school department also posted on its website information about a potential ballot

question. Both communications were consistent with the campaign finance law.

**CPF-16-21: Mayor Sefatia Romeo Theken, Gloucester.** Did not comply (corporate contribution, disclosure); 4/15/2016. The committee did not disclose its liabilities for rent and salary in a timely manner in 2015, and received a prohibited corporate contribution when it did not pay for office rent in a timely manner. After being contacted by OCPF, the committee amended its 2015 reports and paid rent.

**CPF-16-24: City of Springfield.** Did not comply (public resources); 4/19/2016. The city used its e-mail system to send a press release announcing Mayor Sarno’s endorsement of Hillary Clinton for President, and used the city website to promote Clinton’s campaign visit to the city. After being contacted by OCPF, the website posting was immediately removed.

**CPF-16-04: Foundation for Transparency in Government PAC, Lawrence.** Did not comply (disclosure); 5/4/2016. The PAC did not register as a committee or disclose its financial activity in a timely manner. The committee has now organized and disclosed its activity.

**CPF-16-52: Anthony Archinski, Dracut.** Did not comply (anonymous contributions); 5/5/2016. Archinski, a candidate for selectman, raised approximately \$300 by a cash raffle and another \$340 in cash during an April 1, 2015, fundraising event. When he learned about the prohibition on anonymous cash contributions and raffles, he contacted OCPF. Because anonymous contributions are prohibited, Archinski’s committee donated \$640 to charity.

## Contact OCPF’s Legal Team

**OCPF’s lawyers are available to answer questions concerning the campaign finance law and are available at 617-979-8300.**

**Gregory Birne: gbirne@cpf.state.ma.us**

**Sarah Hartry: shartry@cpf.state.ma.us**

**Maura Cronin: mcronin@cpf.state.ma.us**

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**CPF-16-44: Mass. Citizens for Life, Boston.** Did not comply (disclosure); 5/5/2016. The organization paid \$297 to purchase political cards to support a special election Senate candidate in 2015, and did not file the required independent expenditure report in a timely manner. After being made aware of the filing requirement by OCPF, the report was filed.

**CPF-16-45: Norton Public Schools.** Did not comply (public resources); 6/1/2016. The Norton School Department, with the authorization of the superintendent, used its computer server and e-mail list on April 8, 2016, to send

an e-mail to parents and guardians of Norton students regarding the passage of an ballot question override. Public resources cannot be used to influence the outcome of a ballot question.



## PAC Limits

Certain candidates are limited to how much total Political Action Committee money they can receive in a calendar year.

- Governor: \$150,000
- Lt. Gov.: \$31,250
- Attorney General: \$62,500
- Secretary/Treasurer/Auditor: \$37,500
- Senate/Gov.'s Council/County: \$18,750
- House: \$7,500
- Municipal: No limit



# Public resources cannot be used to support or oppose ballot questions.

## Is there anything a public official can do?

OCPF has spoken to hundreds of local and state officials about their involvement with ballot questions, such as overrides to build a new school.

It's true there are many restrictions on appointed public officials concerning ballot questions, chiefly the prohibition on using public resources for campaign purposes.

But there are things they can do, outlined in OCPF's bulletin, [IB-92-02](#). In summary, appointed public officials can:

- Discuss a ballot question, including at public and private meetings.
- Take a position on a ballot question.
- Analyze the impact of a ballot question, even if public employee time is used.
- Provide copies of the agency's analysis of a ballot question to the attendees of meetings.
- Participate in a forum held by a private group.
- Speak to the media.
- Post information on a government bulletin board or website.

- Appear on cable television.
- Distribute information advising voters of the date of an election (please contact OCPF prior to distributing such information).

OCPF has created a short tutorial on the

use of public resources for campaign purposes, [available here](#). Please call our office with any further questions @ 617-979-8300.

Officials should also contact the State Ethics Commission to ensure compliance with the conflict of interest law.



### Coordination for Ballot Question Related Expenditures:

1. An entity communicates/coordinates with a ballot question committee to support or oppose a question.
2. The entity pays directly for the communication to support or oppose the question (Example: mailing/TV ad./billboard).
3. The ballot question committee must report an in-kind contribution from the entity.
4. If an entity does not communicate or coordinate with a ballot question committee prior to making an expenditure, the entity itself would file a disclosure report.

Contact OCPF @ 617-979-8300 for further info.

# Public Employees and Social Media



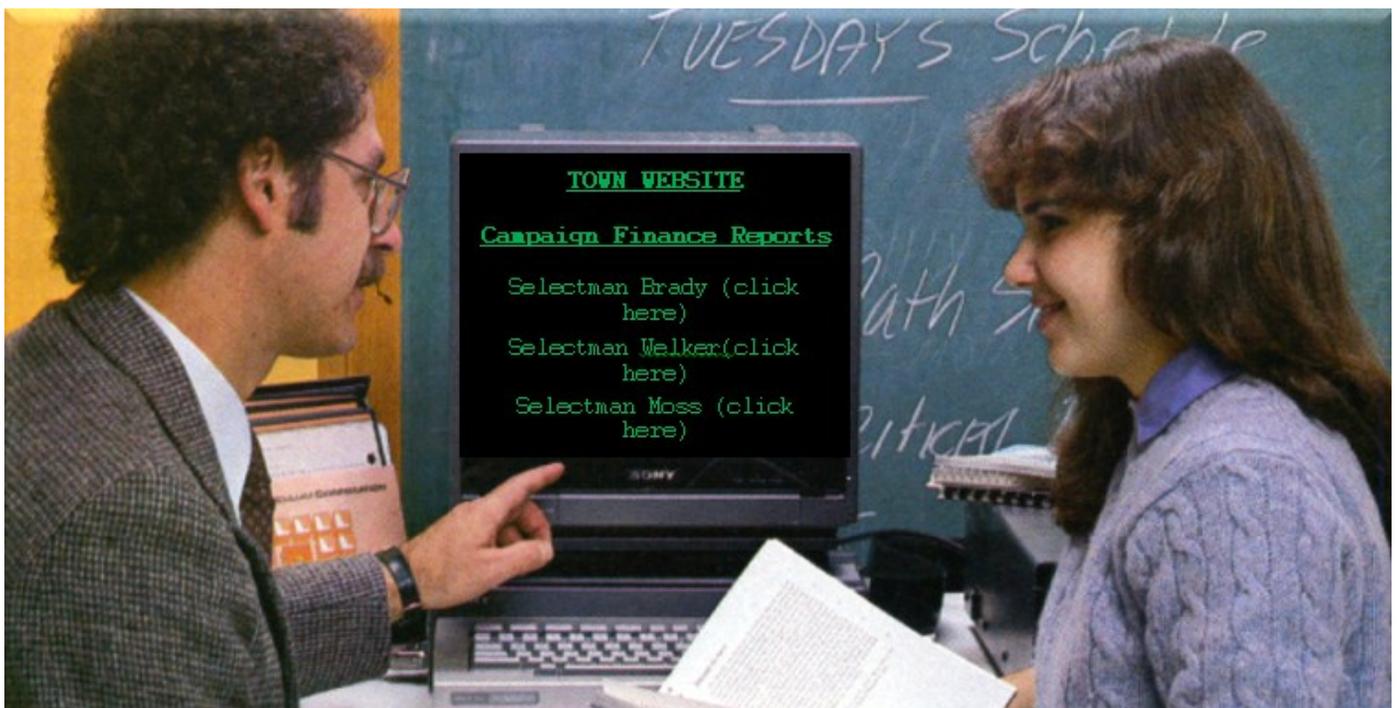
The prohibition on appointed public employees soliciting or receiving political contributions applies to their use of personal social media.




**Scenario:** A teacher at a public high school uses her private laptop at home and opens Facebook. She posts a photograph of her cousin, who is running for school committee, and asks her Facebook friends to attend a fundraiser. *That post would be a prohibited solicitation by a public employee.*




[Click here](#) for OCPF's tutorial for public employees.  
[Click here](#) for the guide.

**LOCAL ELECTION OFFICIAL REQUIREMENT:** PDFs of campaign finance reports that are filed locally by candidates are posted to a city or town website, if the report exceeds \$1,000 in activity (STATUTORY REQUIREMENT).

OCPF strongly recommends that local election officials post all campaign finance reports.

# What are Electioneering Communications?

**Electioneering Communication** = any broadcast, cable, mail, satellite, print communication or billboard that: (1) refers to a clearly identified candidate; and (2) is publicly distributed within 90 days before an election in which the candidate is seeking election.

Electioneering communications (ECs) are often called “issue ads” that identify candidates. The key element is that an EC has no “express advocacy” — language or symbolism that asks the reader, viewer or listener to vote for or against the identified candidate. In the example below, the recipient of the mailing is never asked to support or oppose the candidate at an election.

ECs are made by individuals, groups, associations, corporations, labor unions and other entities, and are not coordinated with candidates or political parties.

EC disclosure reports are [e-filed](#) with OCPF within seven days after utilizing the communication, if the identified candidate also e-files with the agency. If the candidate files with a local election official, the disclosure report ([M18F](#)) is filed at city or town hall on the same schedule.

Reports are due within 48 hours if made during the seven days before an election, and if the cost of the expenditure is \$1,000 or more.

The EC disclosure report discloses how the money was spent, as well as a list of donors, if money was raised for the purpose of paying for the communication.

EC reports are not required if the communication is to less than 100 people, or is a membership communication, e-mail communication or Internet communication that is not paid a advertisement, or handouts such as “door knockers” that are not mailed.

[Click here](#) for a short tutorial on electioneering communications.

Example

## Massachusetts Residents Love Trees, BUT ...

... *some of our elected officials don't*. The elected officials below don't support a reasonable law to protect trees from developers.

Councilor Harry Hooper

Councilor Jack Stansbury

Councilor Barbara Barbare

Councilor Jack Coffey

Call these officials and ask them to be reasonable!

This is an electioneering communication if it is mailed within 90 days of an election, and because it does not expressly advocate for the election or defeat of the candidates.

# Who must file on the local level?

**It's the most common question we get from municipal clerks.**

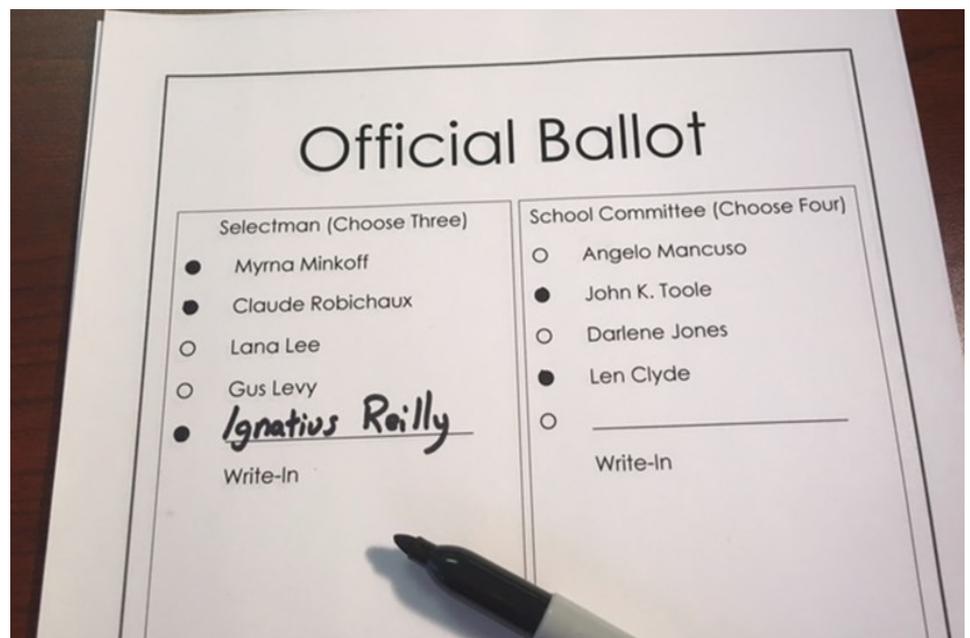
**Pre-Election & Post-Election (30-day after) Reports:** *All candidates who appeared on the ballot.*

Incumbents who were not on the ballot are not required to file pre-election and post-election reports\*.

**Year-End Report:** All incumbents, and all non-incumbents with a balance, receipts, expenditures or liabilities. The non-incumbents are typically individuals who were unsuccessful but have not dissolved, or former incumbents who have decided to keep

\*Post-election reports are not filed in cities (fall elections)

## What about write-ins?



Write-in candidates are common on the municipal level.

**FAQ: What are their reporting requirements?** They file campaign finance reports on the same schedule as candidates who appear on the ballot. Write-in candidates file if they raise or spend money, or present themselves to the public as candidates.