

OCPF Reports



OCPF continues to transition House, Senate and mayoral candidates into the bank disclosure system

More than 350 House, Senate and mayoral candidates have transitioned into the depository system of campaign finance reporting, and banks will begin filing on their behalf by Feb. 5.

The depository transition kicked off in November, when Gov. Charles Baker signed [campaign finance legislation](#) that required all legislative candidates, and mayoral candidates in cities with populations of 65,000 or less, to file in the depository bank system. Previously, these candidates were in the [non-depository system](#).

Between late November and now, candidates filed the D103T form with OCPF to enter the depository system. OCPF is still working with some candidates who have not yet made the transition.

The depository reporting system requires that three entities work together to disclose campaign finance activity on the OCPF website — the candidate, the bank and OCPF.

Banks file monthly expenditure reports to itemize expenditures, while candidates file deposit reports to itemize contributions. OCPF combines the reports for display on the agency's public [website](#).

Several legislative and mayoral candidates have already filed deposit reports in 2020. Reports are available [here](#) as they are filed.

Dissolving

More than 100 House, Senate and mayoral candidates decided to dissolve their accounts with OCPF rather than enter the depository system. Non-incumbent candidates who still [wish to dissolve](#) can do so by filing a dissolution report with OCPF.

WHAT IF I DIDN'T FILE MY D103T FORM BY DEC. 31?

- Please file it as soon as possible. When the [D103T form](#) is filed with OCPF, your bank will begin to file on your behalf.
- Because the D103T form was not filed by Dec. 31, your campaign may need to file a **transition report**, covering activity from Jan. 1 until the day before the depository account was established. Please contact OCPF about filing a transition report, and watch [this short transition report tutorial](#).
- After submitting the D103T form to OCPF, your campaign will begin to file deposit reports with OCPF.

OCPF director retires, remains in consulting capacity

OCPF Director Michael Sullivan retired on Dec. 27, 2019, but has remained in a part-time consulting capacity to assist with the implementation of new campaign finance legislation.

A commission consisting of Secretary of the Commonwealth William Galvin, the chairs of the Democratic and Republican state parties, and a law school dean appointed by the governor, will appoint a permanent OCPF director.

OCPF directors serve terms of six years.

Sullivan was first appointed in 1994, when candidates filed campaign finance reports on paper forms. Sullivan led the agency into the e-filing era, which provided instant access to campaign finance data to the public.



Mike Sullivan was the longest-serving director in OCPF's history. Prior to serving as OCPF director, he was Newburyport's city clerk.

2020 SPECIAL ELECTIONS

Special election candidates must enter the depository bank reporting system and disclose their receipts prior to the primary and general elections.

Currently, there are five special elections scheduled for House and Senate seats. Dates have not yet been set for a special mayoral election in Gardner.

Special election campaign finance activity is available to the public by [clicking here](#).

Current Special Elections

- 32nd Middlesex, House: Primary Feb. 4, General March 3 (seat formerly held by Paul Brodeur)
- Second Hampden & Hampshire, Senate: Primary March 3, General March 31 (seat formerly held by Donald Humason)
- Plymouth & Barnstable, Senate: Primary March 3, General March 31 (seat formerly held by Vinny deMacedo)
- 37th Middlesex, House: Primary March 3, General March 31 (seat formerly held by Jennifer Benson)
- 3rd Bristol, House: Primary March 3, General March 31 (seat formerly held by Shaunna O'Connell)
- Gardner Mayoral: Special election dates have not been set as of the publication of this newsletter

WHEN CANDIDATES* ORGANIZE WITH OCPF, A BANK WILL SIGN THE D-103 FORM TO COMPLETE THE PROCESS. PLEASE CONTACT OCPF FOR ASSISTANCE: ocpf@cpf.state.ma.us

[CLICK HERE FOR A LIST OF BANKS THAT CURRENTLY PARTICIPATE IN THE DEPOSITORY REPORTING SYSTEM](#)

*Except Barnstable Assembly of Delegates

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). The identity of any complainant is kept confidential. Disposition agreements are matters of public record once cases are concluded.

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.

Disposition Agreements

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.

Brockton businessman resolves political contribution issue

Brockton businessman Roy Andrade has made a \$10,000 payment to the state's general fund to resolve issues concerning disguising the true source of contributions made to two mayoral candidates in 2019, according to a disposition agreement between OCPF and Andrade.

Andrade, president of Everett's Auto Parts, provided \$6,000 in personal funds to four employees with the knowledge and understanding that the funds would be used to make political contributions to Brockton mayoral candidates Mark Lawton and Robert Sullivan, according to the disposition agreement.

The campaign finance law prohibits a person from disguising the true source of funds for the purpose of contributing to candidates.

According to the disposition agreement, the candidates did not know that the contributions by the four employees were made with funds provided by Andrade. However, the candidates will disgorge the funds received from the four employees – \$4,000 by the Sullivan Committee, and \$2,000 by the Lawton Committee, will be purged to charity.

The agreement is available by [clicking here](#).

PAC makes \$45,000 in payments to resolve excess in-kind contribution issues

The Massachusetts Correction Officers Federated Union PAC has paid \$45,000 to resolve campaign finance matters related to making excess in-kind contributions to six candidate committees, according to a disposition agreement between the committee and OCPF.

A payment of \$22,500 was made to the state's general

fund, and \$22,500 was paid to a charity of the PAC's choice.

OCPF's review of the PAC's campaign activity in 2018 concluded that \$28,850 in excess in-kind contributions were made, in total, to the committees to elect Gov. Charles Baker, Lt. Gov. Karyn Polito, Rep. Brian Murray, District Attorney Timothy Cruz, Rep. Harold Naughton, District Attorney Joseph Early, and House candidate Patrick Malone.

Political action committee contributions are limited to \$500 to a candidate in each calendar year.

According to OCPF's review, the PAC made monetary contributions and purchased signs, banners and bumper stickers for the six campaigns in 2018 that exceeded the

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OCPF has created a tutorial on how depository candidates and committees should report contributions received by credit and debit card. [Click here for the video.](#)

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\$500 contribution limit between a PAC and a candidate. The following is a summary of the excess in-kind contribution total for each of the six campaigns:

- The Baker/Polito Committees:** \$23,200 (signs, banners and bumper stickers)
- The Murray Committee:** \$1,200 (signs)
- The Cruz Committee:** \$1,100 (signs)
- The Naughton Committee:** \$1,200 (signs)
- The Early Committee:** \$1,100 (signs)
- The Malone Committee:** \$1,050 (signs)

The PAC acknowledged, in the disposition agreement, that it made expenditures in 2018 for campaign materials for each of the candidates. The expenditures the PAC made for those candidates may have been initially independent, which are not subject to contribution limits, because there was no coordination with the candidates prior to making the expenditures. However, the PAC's subsequent actions in giving materials to candidates and using the materials for campaign events at which the candidate appeared constituted coordinated in-kind contributions.

The candidates who received the excess contributions have voluntarily disgorged, or will voluntarily disgorge, the amounts above according to the residual funds clause of the state's campaign finance law.

The candidates have also agreed to amend their campaign finance reports to reflect the receipt of in-kind contributions from the PAC.

The disposition agreement, [available here](#), was signed by OCPF Director Michael Sullivan and the PAC's seven board members.

Middleborough state rep. candidate resolves campaign finance issues

Middleborough Selectman Allin Frawley, a candidate for state representative in 2018, has agreed to pay \$2,000 to the state's general fund to resolve several campaign finance issues, according to a disposition agreement between Frawley and OCPF.

As a result of a complaint filed with OCPF, the agency initiated a review of the Frawley Committee's activity relating to the 2018 election. As a result of the review, OCPF found the following issues:

- The committee did not disclose more than 20 contributions, totaling \$5,723.
- The committee did not disclose nearly 40 expenditures, in the aggregate amount of \$4,944.
- Nearly \$3,500 in expenditures were reported without

clearing the bank account, resulting in a negative ending balance on the committee's 2018 year-end report.

- The committee deposited \$2,000 from two individuals who were not the true sources of the funds. The campaign finance law prohibits disguising the true source of campaign contributions.
- The committee did not maintain detailed accounts, vouchers and receipts, as required by the campaign finance law.

The candidate agreed to make personal payments to the state's general fund in four installments, for a total of \$2,000, according to the disposition agreement.

The committee also agreed to file amended reports with OCPF, disclosing all activity undertaken in 2018 and 2019, no later than Jan. 17, 2020. The committee will also file amended reports no later than Jan. 21, 2020, with the Middleborough Town Clerk.

The disposition agreement, [available here](#), was signed by OCPF Director Michael Sullivan and Frawley.

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-19-95: Joe Morissette, Chicopee. Did not comply (public employee); 11/13/2019. Morissette, a public employee and candidate for mayor in 2019, and his wife, who is also a public employee, sent invitations to his committee's fundraiser via text message and Facebook. Public employees are prohibited from soliciting or receiving funds for any political purpose. Morissette canceled the event when he was made aware of this issue, and refused or refunded any contributions that were offered in response to the event.

CPF-19-99: John Vieau, Chicopee. Did not comply (public employee); 11/13/2019. Vieau, a 2019 candidate for mayor and a public employee, shared a Facebook post inviting individuals to a fundraiser for a

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Chicopee City Council candidate. Public employees are prohibited from soliciting or receiving funds for any political purpose, directly or indirectly. Vieau, when made aware of the issue, removed the solicitation from his Facebook page.

CPF-19-93: Collin Dias, Fall River. Did not comply; 11/18/2019. Dias, a municipal candidate, signed another person's name to a "change of treasurer" form filed with OCPF. Dias signed for his treasurer, Sheila Dias, who he said could not sign at the time due to an injury to her hand. If Dias signs a document in the future at the treasurer's direction or permission, he must contemporaneously add his initials beside the signature.

CPF-19-86: Joseph Norton, Framingham. Did not comply (public resources); 11/20/2019. Framingham State University paid an intern to work on Norton's municipal candidate campaign. Public resources, including employee time, may not be used for political campaign purposes. Norton agreed to repay \$1,560 to the university to resolve the matter.

CPF-19-86: Framingham State University. Did not comply (public resources); 11/20/2019. The university placed a paid intern with a municipal candidate's campaign in Framingham, paying the student \$1,560. Public resources, including employee time, may not be used for political campaign purposes. When the university was made aware of the issue it reassigned the student to another internship placement.

CPF-19-121: Weymouth Firefighters Local 1616. No further action (public resources); 11/25/2019. OCPF determined that Weymouth firefighters did not violate the campaign finance law's prohibition on using public resources for a political purpose.

CPF-19-118: Cambridge Citizens Coalition PAC. Did not comply (organization); 12/3/2019. The Cambridge Citizens Coalition raised and spent money to influence the 2019 Cambridge city election, but was not organized as a political action committee. Once notified of this issue, the coalition filed the necessary forms with OCPF.

CPF-19-141: Committee to Oppose Question 1, 2, 3, Easthampton. No further action (disclosure); 12/13/2019. A local party committee received funds to influence local ballot questions. When money is received for the purpose of supporting or opposing a question, a ballot question committee must be formed. Once contacted by OCPF, all relevant information was provided in a timely manner.

CPF-19-134: Daniel Luberto, Lynnfield. Did not comply (disclosure); 12/23/2019. Daniel Luberto, owner of a pastry shop in Revere, paid \$6,300 for newspaper advertisements supporting a mayoral candidate, using personal and

business funds. This activity was not disclosed in a timely manner. Additionally, the campaign finance law requires attribution on advertisements. Only one of five advertisements contained a "paid for by Dan Luberto" disclaimer. To resolve the matter, Luberto paid \$3,000 to the state's general fund, and agreed to make a \$2,000 payment to a charitable entity.

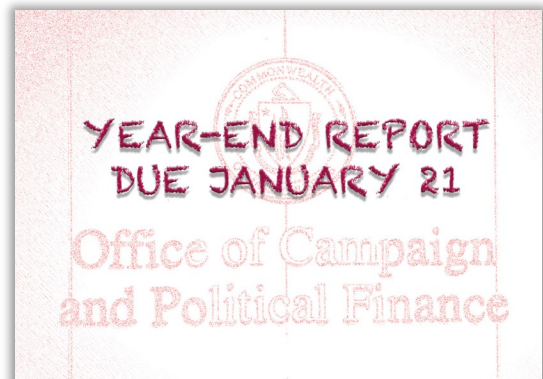
CPF-19-147: Haverhill Firefighters Local 1011. No reason to believe (disclosure); 12/23/2019. The union boosted social media posts to influence the 2019 Haverhill mayoral election. Because the union spent less than \$250, no disclosure was required to be filed.

CPF-19-146: Opt Out Newburyport. Did not comply (disclosure); 12/27/2019. Opt Out Newburyport made expenditures relating to postal costs, yard signs, flyers and advertisements in support of a municipal ballot question election. However, the group did not organize as a ballot question committee or disclose its financial activity in a timely manner as required by the statute.

CPF-19-151: Norman Radwich, Pepperell. Did not comply (disclosure); 12/27/2019. Radwich, a candidate for selectman in 2019, did not initially disclose expenditures made in support of his campaign. He also did not initially disclose an in-kind contribution he received from a state party committee.

CPF-19-132: RightSize Newton. No further action (organization); 12/27/2019. The group spent money to influence the 2019 municipal election and disclosed the activity on independent expenditure reports. However, the group should have formed an independent expenditure PAC and disclosed its contributions.

CPF-19-148: Victoria Danberg, Newton. Did not comply (disclosure); 12/27/2019. The committee made expenditures and deposits into two bank accounts in 2019. Depository committees may only conduct activity through a single designated depository account.





Nearly all candidates who file with OCPF report in the depository bank system.

New Depository Candidates: We recommend watching OCPF's Reporter 7 demo videos here:

[R7: Create and E-file a Deposit Report \(Most Popular\)](#)

[R7: How to append occupation and employer](#)

[R7: Clarify an Expenditure](#)

[R7: How to report credit card contributions](#)

[How to report a "bounced" contribution check](#)

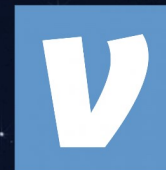
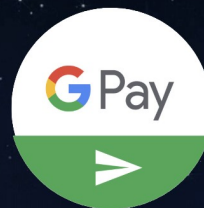
[R7: How to file a credit card report](#)

[R7: How to upload data to a deposit report](#)

[R7: How to File a Year-End Report Using Reporter](#)

[R7: Sub-vendor reporting for depository candidates and committees](#)

NEW OCPF MEMO



Peer-to-peer payment systems, AKA P2P payment apps, allow users to make payments to vendors through a mobile device linked to the user's credit card or bank account. Political committees have asked OCPF if such apps may be used to make campaign-related expenditures. A new memorandum provides guidance in response to these questions. [Click here](#) for the memo.

MUNICIPAL CANDIDATES* WHO FILE WITH THEIR LOCAL ELECTION OFFICIALS CAN USE **REPORTER 7** TO CREATE CAMPAIGN FINANCE REPORTS

R7 Benefits:

1. Keeps your records
2. Does the math
3. Alphabetizes contributions, expenditures, in-kind contributions and liabilities
4. Ensures legible reports



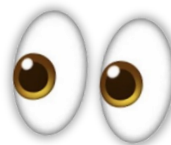
To register for **R7**, send an unsigned M101 organizational form to ocpf@cpf.state.ma.us

* Includes such candidates as school committee, selectmen, city council in cities with populations of less than 65,000, zoning board, planning board, town treasurer, etc.

The campaign finance law requires OCPF to provide campaign finance forms and guides to **city and town clerks, so they can provide them to their candidates and committees.**

All relevant forms and guides are available at the “clerk support” page on the OCPF website, [here](#).

OCPF highly recommends collecting email addresses for candidates and committees for easy distribution of forms and guides.



**ATTN:
MUNICIPAL
CLERKS AND
OTHER
LOCAL
ELECTION
OFFICIALS**