

OCPF Reports



From the Director

There are currently 1,244 local party committees organized with OCPF — 634 Democratic and 610 Republican committees.

All of these committees will soon be removed from our computer database as local party officials across the state reorganize following the March 6 presidential primary.

The local committees organize according to state election laws and then file an organizational form with our office. The form, available on our website, is also filed with the Secretary of the Commonwealth and with their respective state parties and local election officials.

Please call our office if you have questions about organizing a local party committee.

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State ballot question expenditures are now reported electronically with OCPF

OCPF made two changes to the way ballot question expenditures will be disclosed, making it easier to view and file campaign finance reports in 2012.

The first change concerns expenditures made by unions, businesses and other groups or individuals to support or oppose a state ballot question — expenditures that are made separate from ballot question committees.

In 2012, those expenditures — previously reported on paper forms — will now be disclosed electronically on OCPF's electronic filing system.

Filing these reports electronically will make it easier for the public to sort and view the information. Prior to this year, these reports were filed on paper and posted in PDF form in chronological order on the OCPF website.

Two Ballot Question Reporting Changes

- *When required, CPF 22 reports are now filed electronically, not on paper*
- *The CPF 22 form is no longer required for contributions to ballot question committees (monetary or in-kind)*

With this change, all frequently used campaign finance disclosure reports can now be filed electronically for all committees and expenditures.

The second change was made to correct double reporting. Previously, if an organization, union or business made a contribution directly to a ballot question committee,

the entity was required to file a paper CPF 22 form with OCPF, and the ballot question reported the donation on its regular campaign finance report.

Starting in 2012, entities that make monetary or in-kind contributions

to ballot question committees are no longer required to also file a CPF 22 form electronically or on paper. The donation will be disclosed by the ballot question committee.

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Unions and organizations report \$130,000 in independent expenditures for 2011

Unions and other organizations reported making \$130,834 in independent expenditures in 2011, primarily to influence special legislative elections.

Independent expenditures can be made by individuals, unions, businesses and other groups to advocate for or

against candidates, but there can be no coordination between the individual or entity making the expenditure and the candidates or their campaigns.

A majority of independent expenditures were made by three unions — 1199 SEIU

(\$42,965), the Massachusetts Nurses Association (\$31,979), and the Massachusetts Teachers Association (\$29,451).

Expenditures were made to influence four special House races won by Keiko Orrall

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From the Director

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2012 State Election

New candidates preparing for November’s state election are encouraged to read our guides and call our office with questions regarding the campaign finance law, before starting the fundraising process.

The next report that is due for new legislative candidates is the pre-primary report due on Aug. 29, followed by the pre-election report on Oct. 29.

There are several opportunities to learn how to file campaign finance reports.

We hold seminars each Wednesday at 2 p.m. in our conference room at One Ashburton Place, room 411, and we plan on traveling to various locations across the state this summer to conduct candidate seminars. Those locations will be published on our website this spring and through our Twitter account @OCPFReports.

Mike Sullivan, Director

OCPF’s Weekly Seminar

Each Wednesday, 2 p.m., OCPF Conference Room

A 1-hour seminar that reviews reporting requirements and demonstrates how to use OCPF’s reporting software. All campaign committees are invited, including candidates running in the 2012 elections.

OCPF is located on the fourth floor at One Ashburton Place near the State House.

Continued: Independent Expenditures

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of Lakeville, Tricia Farley-Bouvier of Pittsfield, Peter Durant of Spencer and John Lawn of Watertown. Orrall replaced former Rep. Stephen Canessa, Farley-Bouvier replaced former Rep. Christopher Speranzo, Lawn replaced former Rep. Peter Koutoujian, and Durant replaced former Rep. Geraldo Alicea.

Independent expenditure reports were also made to influence the Second Suffolk and Middlesex Senate seat won by former Rep. William Brownsberger of Belmont. He replaced former Sen. Steven Tolman.

Other independent expenditures were made to influence 2011 municipal races.

Independent expenditure reports are filed electronically on OCPF’s electronic filing system and are available for viewing [at this link](#)—or by visiting www.efs.cpf.state.ma.us.

More than \$3.7 million was spent on independent expenditures in 2010, a state election year.

2011 Independent Expenditures

Organization	Independent Expenditures
1199 SEIU	\$42,965
Mass Nurses Association	\$31,979
Mass Teachers Association	\$29,451
Neighbor to Neighbor Mass.	\$7,548
Boston Firefighters Local 718	\$5,282
Professional Fire Fighters of Mass.	\$4,865
Inter. Brotherhood, Police Officers	\$4,158
Mass Alliance	\$1,895
Michael Dupont	\$1,200
Andover Education Association	\$586
Mass Equality	\$560
Retired Public Employees Association	\$345

Continued: Ballot Question Expenditures

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These two changes will significantly cut the number of paper reports required to be filed with OCPF. In 2010, for instance, more than 400 CPF 22 forms were filed on paper and then scanned by OCPF and posted to the agency website — and most of those were monetary or in-kind contributions made directly to a ballot question committee. In total, more than \$9 million was spent by ballot question committees, individuals and other organizations to support or oppose ballot questions in 2010.

Requirements for Ballot Question Committees

Ballot question committees organized for the 2012 election will file several campaign finance reports. [CPF 22](#) forms are filed electronically on the same schedule.

Report Type			Date Due
	Begin	End	
60 Day	Org. Date + 1	09/02/2012	09/07/2012
20 th of the Month	09/03/2012	09/15/2012	09/20/2012
5 th of the Month	09/16/2012	10/01/2012	10/05/2012
20 th of the Month	10/02/2012	10/15/2012	10/22/2012
5 th of the Month	10/16/2012	11/01/2012	11/05/2012
Nov. 20 th	11/02/2012	11/15/2012	11/20/2012
Year-End	11/16/2012	12/31/2012	01/22/2013

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. All resolution letters are posted under the [Agency Actions](#) tab at the agency website, www.mass.gov/ocpf.

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 Agreement

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.

Rep. Paul Adams, Andover: OCPF entered into a disposition agreement on Jan. 13, 2012, with state Rep. Adams, his parents and his brother concerning campaign finance law contribution limits.

The agreement concerns \$45,000 in loans and a \$5,000 contribution made by the candidate to his campaign committee in 2010. The candidate's loans and the contribution were made after he received \$39,000 from his parents and brother in 2010.

The campaign finance law limits a contribution from an individual to a candidate's campaign committee to \$500 in a calendar year. OCPF has consistently interpreted the limit as applying to contributions made by a candidate's family members, other than a spouse.

Whether a transfer of money is a "contribution" subject to the \$500 limit depends on a consideration of all relevant factors, including the timing of the transfer. Based on the timing and circumstances involved in the loans Adams made to his committee, OCPF concluded that some portion of the money previously given to the candidate by his family members was an excess contribution to help him run for office. Additionally, the committee did not comply with Section 10 of the campaign finance law, which prohibits disguising the true source of contributions, and Section 18, which requires accurate disclosure on campaign finance reports.

To resolve the matter, the candidate has forgiven the \$45,000 liability owed to him personally from his political committee, and has made a payment of \$1,000 to the state. The candidate's parents have paid \$1,000, and the candidate's brother has paid \$2,000.

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-11-57: Michael Costello, Rehoboth. Did not comply (disclosure); 11/14/2011. Costello, a municipal candidate, did not correctly disclose joint expenditures made with another town candidate in the April, 2011, town election. The candidate also did not report receipts he made to his own committee.

CPF-11-57: Joseph Tito, Rehoboth. Did not comply (disclosure, excess contributions); 11/14/2011. Tito, a municipal candidate, did not correctly disclose joint expenditures made with another town candidate in the April, 2011, town election. The committee also made expenditures of \$831.75 to another candidate, exceeding the annual committee-to-committee limit. A non-statewide candidate can contribute up to \$100 a year to another candidate committee.

CPF-11-84: Citizens for Sensible School Solutions Ballot Question Committee and Mark Stacy, Uxbridge. Did not comply (disclosure); 11/22/2011. The committee did not disclose the purchase of flyers to oppose a 2011 ballot question concerning the construction of new athletic fields, and accepted anonymous contributions.

CPF-11-67: James J. Ferrera, Springfield. Did not comply (expenditures); 11/22/2011. The committee owed \$21,990 to the candidate for loans he made to the campaign starting in 2005. However, the committee paid the candidate \$26,395, or \$4,405 more than what he was entitled to. To resolve the issue, the candidate returned the excess amount to the committee and paid \$750 to the state.

CPF-11-73: Rep. Keiko Orrall, Lakeville. No further action (credit card contributions); 11/29/2011. The committee's website, which solicited credit card contributions via PayPal, did not contain a section requiring contributors to affirmatively certify, as required by OCPF regulations, "that the contributor is responsible for paying all charges incurred in using

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Recently Organized PACs

Three Political Action Committees have organized since December last year. A PAC is an organization or other group of people that raises or spends money for the *primary* purpose of influencing the election of candidates.

[MASS Courage Independent Expenditure PAC](#), Natick.

[Nixon Peabody LLP PAC](#), Rochester, NY.

[Middlesex and Worcester Republican PAC](#), Sudbury.



Closing a Political Committee

When a political committee dissolves, residual funds in the campaign account can be donated four ways:

- Religious institution or public charity
- A scholarship fund
- The general fund of any city or town in the state
- To the Commonwealth

Most committees filed year-end campaign finance reports on time

Most candidates and political committees filed their year-end campaign finance reports by the Jan. 20 deadline.

Nearly 90 percent of the 515 legislative candidates and political action committees filed on time. The next campaign finance report due for legislative candidates and PACs is the pre-primary report due Aug. 29.

Eighty-five percent of depository candidates — those organized for statewide, county and some municipal offices — filed on time.

2011 Campaign Finance Year-End Reports were due Jan. 20, 2012

<i>Filing Group</i>	<i>Total # of candidates</i>	<i>On-time filers (%)</i>
Legislative candidates	515	89
Depository candidates*	359	85
PACs	306	89

**Statewide, county and Governor's Council candidates, and mayoral and city council candidates in Boston, Cambridge, Lowell, Springfield and Worcester.*

Continued: Recent cases and rulings

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the credit or debit card to make the contribution and that the contributor's personal funds will be the true source of the contribution." In response to OCPF's review, the Committee mailed letters to the individuals who contributed via PayPal, to ask the contributors to provide the certification. If the Committee does not receive affirmative replies from contributors, the contributions must be refunded.

CPF-11-86: Dian Taylor, Chicopee. Did not comply (recordkeeping and reporting); 12/12/2011. The candidate did not file accurate and timely campaign finance reports, and she served as treasurer of her own committee. The candidate has filed accurate reports and dissolved the committee.

CPF-11-93: Peter Field, Cotuit. Did not comply (disclosure); 12/12/2011. The candidate for Cotuit fire commissioner did not initially file campaign finance reports for the 2011 election. The required reports have since been filed.

CPF-11-64: James Paon, Rehoboth. Did not comply (recordkeeping); 12/27/2011.

The selectman candidate made contributions personally to his campaign committee, but did not report those receipts. The committee also received \$2,360 in cash contributions of \$50 or less, which were not disclosed on campaign finance reports. The committee filed amended campaign finance reports to reflect all contributions.

CPF-11-85C: Elaine Pluta, Holyoke. No reason to believe (contributions); 1/4/2012. The committee leased office space on Westfield Road in Holyoke at fair market value, and did not receive a prohibited in-kind contribution from an LLC business in the form of discounted office space.

CPF-11-54: Sandra Martinez, Chelmsford. Did not comply (disclosure); 1/30/2012. The committee did not comply with the disclosure requirements of the campaign finance law, based on a review of the committee's records and bank statements since 2008. The committee filed amended reports, and has agreed to file additional reports with OCPF until June 30, 2013.