OCPF REPORTS

SPECIAL EDITION
NEWSLETTER

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Campaign finance legislation proposed

Comprehensive campaign finance law reform is being considered this 2025-26 legislative session. This special edition summarizes some of the more impactful proposals.

TESTIMONY OF WILLIAM C. CAMPBELL, DIRECTOR OFFICE OF CAMPAIGN AND POLITICAL FINANCE, BEFORE THE JOINT COMMITTEE ON ELECTION LAWS REGARDING H.848 AN ACT RELATIVE TO CAMPAIGN FINANCE REFORM AND S.515 AN ACT REFORMING CAMPAIGN FINANCE LAWS, OCT. 21, 2025

Good afternoon, Chair Hunt, Chair Keenan and Members of the Committee, I am William Campbell, Director of the Office of Campaign and Political Finance. Thank you for this opportunity to speak today in favor of two companion bills – H.848 An Act relative to campaign finance reform and S.515 An Act reforming campaign finance laws. I thank the sponsors of the bills - Representative John Lawn and Senator Barry Finegold - both of whom served as Chair of this Committee and understand the important work before you.

A familiar phrase is the desire to "keep money out of politics." The reality is that money to some degree is in most cases essential to waging a successful political campaign, whether for a candidate or a ballot question.

Money in politics is not new. Georgetown Professor Josiah Osgood writes in a new book "Lawless Republic" that money in politics was a concern in a campaign for Roman consul in 64 BC. The Honorable Edward Brooke, when he was serving as Attorney General, wrote that:

"Political contributions to political candidates and on behalf of political causes are important to our system of government, providing the opportunity by which the private citizen can exercise his right to work for good and responsible government."

The U.S. Supreme Court in Randall v. Sorrell commenting on contribution limits that are too low stated that this condition can "harm the electoral process by preventing challengers from mounting effective campaigns against incumbent officeholders, thereby reducing democratic accountability."

The U.S Supreme Court also made clear in McCutcheon v. FEC that the lens under which any campaign finance regulation must be viewed is whether it is crafted to prevent quid pro quo corruption or the appearance of quid pro quo corruption. The Court has rejected all other legislative objectives when reviewing campaign finance laws, such as leveling the playing field, leveling electoral opportunities, equalizing the financial resources of candidates, or fine-tuning the electoral process, no matter how well intentioned.

In the fifty years since the adoption of the current iteration of the campaign finance law, there have been significant judicial, economic and cultural shifts and the campaign finance law has not kept pace. Many sections of the law should be reviewed and amended to reflect and respond to these changes. These bills are written to accomplish this goal.

One of the most significant amendments is to require better disclosure and more timely reporting by Super PACs. There are amendments to increase security for people involved in the campaign process, to eliminate inequities among candidates, to streamline the process for resolving campaign finance issues, and to transition a fifty-year-old program that has shown little support from the public to one that provides aid to cities and towns in modernizing the way elections are conducted.

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LEGISLATION DETAILS

A COMPREHENSIVE REPORT DISCUSSING PROPOSED AMENDMENTS TO THE CAMPAIGN FINANCE LAW CAN BE FOUND HERE. HIGHLIGHTS INCLUDE:

Enhanced Super PAC disclosure

The most significant amendment will bring needed disclosure to activities by Independent Expenditure Political Action Committees, referred to as IEPACs or Super PACs. The bills enhance the disclosure of Super PAC activity by requiring more timely monthly reporting.

Super PACs have no limit on the amount of money that can be collected or the source of those funds, including from corporations. Until the Super PAC "utilizes" the funds, such as by sending a mailer, running a television ad, or posting a boosted digital advertisement, the public has no knowledge of such activity.

Traditional PACs are required to disclose each month all money raised and spent for political purposes, whether or not the funds are utilized.

This amendment would bring equal treatment between traditional PACs and Super PACs and provide the public with better information concerning those attempting to influence a particular election.

Increased Security

In just two clicks on the OCPF website, anyone anywhere in the world can search for an individual and learn their exact home address, if they have contributed to a candidate in Massachusetts. This can have a chilling effect on political participation as the contributor's own security, unrelated to elections and campaigns, can be at risk.

The world of electronic communications and collection of data is vastly different than the paper world of 1973. The bills would eliminate building numbers and street names on the public online reporting system for the security of contributors and allow candidates and committee officers to use residential or business addresses.

The bills also permit disposal of records filed with director after fifteen years from the date of filing. This will enhance protection of privacy interests due to the significant amount of personal contact data contained in the records.

Moving elections forward

The legislation proposes to eliminate the State Election Campaign Fund (SECF) and transition to a Local Election Early Voting Fund that will provide needed resources to our communities and aid them in enhancing modern voting methods.

The SECF was established in 1975 and does not meet its stated purposes. Funded by a $1 check-off on state income tax returns, the program has for decades had little support from the public, what limited support there has been continues to dwindle, and the program has been self-perpetuating with no real benefits.

A 1996 legislative commission found that to be effective at least 70% of taxpayers would have to contribute to the fund. According to the most recent data available, just over 4% of taxpayers contributed.

Eliminate inequities among candidates

Eliminates a restriction on expenditures by candidates for statewide office that does not apply to candidates for all other offices. These sections would eliminate this distinction, and statewide candidates would operate under the same expenditure standards as other candidates. Such a change will improve the administration of the campaign finance law and provide equal treatment among candidates.

Loan limits that apply to certain offices would be eliminated. For example, a candidate for governor can only loan their campaign $200,000 and a state representative can only loan their campaign $30,000, but a candidate for mayor has no limit and can loan their own campaign millions of dollars.

Continued: Director Testimony

There is pending before the U.S. Supreme Court in this term a review of a lower court decision, in which the judges, noting there had been a tightening of free-speech restrictions on campaign finance regulations as well as changes in the terrain of political fundraising and spending since an earlier Supreme Court decision, wrote: “But none of them gives us authority to overlook or for that matter override the Supreme Court’s decision in this case.” The same principle applies here. While OCPF notes the judicial, economic and cultural shifts over the last fifty years, the agency’s obligation is to administer the campaign finance law as written unless amended by the Legislature. The time has come for the changes set forth in the two bills.

I have prepared and filed with the committee an extensive report that includes commentary on each section of the proposed bills. I ask that the report be received as extended testimony by the committee. I thank you for your attention today and I am available at any time to answer any questions that you may have.

Adjusting and indexing contribution limits

Contribution limits are recognized as permissible to achieve the goal of campaign finance regulation.

However, the limits require periodic amendment to keep pace with inflation or the campaign finance law is at risk.

Massachusetts contribution limits have not kept pace. For example, the current individual-to-candidate contribution limit of $1,000 is the same as it was in 1975.

Had this amount been indexed, the contribution limit would now be $6,097. Note further that in 1994 the $1,000 contribution limit was actually reduced to $500.

In addition to increasing the current contribution limits, the bills contain a provision to index these contribution limits every two years.

The amendments proposed increase and harmonize contribution limits across the spectrum of contributors.

Click here for the current contribution limits in Massachusetts.

Eliminating restriction on youth participation

Although residents 16 and 17 years of age can pre-register to vote and can work as appointed election officials at a polling place on election day, they cannot donate more than $25 to a campaign.

This does not recognize today's financial and cultural conditions. For example, if a 17-year-old wanted to attend a state party convention as a guest, they are unable to do so because the $50 registration fee is considered a contribution and is in excess of the $25 limit.

This restriction on individuals under the age of 18 dates back more than 50 years.

OCPF welcomes all inquiries regarding campaign finance activities in Massachusetts. Individuals may call for informal oral advice, or may request a written advisory opinion or may file a confidential request for a review

Amending limits on contributions to political parties

The limit restricting an individual from contributing no more than $5,000 a year in the aggregate to all committees organized on behalf of a political party has not been increased since 1994.

This is one of two remaining aggregate limits following the U.S. Supreme Court ruling in McCutcheon, et. al. v. FEC.

Seven months after the decision in McCutcheon, OCPF promulgated a regulation which prohibits earmarking contributions and prohibits funneling money to circumvent contribution limits.

Increasing the contribution limits to the highly regulated political party committees also recognizes the proliferation of the mostly unregulated Super PACs.

In the 2022 state election year, those Super PACs which filed with OCPF spent nearly $8 million while the Democratic State Committee and Republican State Committee combined expended just under $3 million from their state accounts.

Thank you for reading this special edition of OCPF Reports

OCPF@mass.gov / 617-979-8300

Streamlining the process for resolving campaign finance issues

The director has limited enforcement authority under the campaign finance law. Since its inception, the director has had the authority to investigate the legality, validity, completeness and accuracy of all reports. Except for limited authority to impose a civil penalty for a late filed report, the only remedy for a violation is to refer the matter to the attorney general.

Under the 1975 legislation still in effect today, the attorney general after reviewing and finding cause is to commence an action within two months or is to refer the matter to a district attorney.

The reality is that these matters are not referred to district attorneys and the demands on the resources of the attorney general are not conducive to acting on matters within two months.

The practice of the agency has been to only refer significant matters to the attorney general and to work towards informal resolutions. However, no hearing is required for such resolution and subjects do not have to comply with findings.

The proposed legislation will provide more consistency and certainty in the resolution of minor matters before the director and more efficient resolution of matters rather than the lengthy process of referral to the attorney general.