

# OCPF Reports



## From the Director

Mike Sullivan

The 2017 municipal election went smoothly, with candidates disclosing their activity on our [website](#) or with [local officials](#).

Now we're on to the next one — the 2018 statewide election.

[Next year's election](#) will feature statewide candidates and ballot questions, as well as legislative candidates, some county offices and the Governor's Council.

Local party committees with more than \$100 in activity will also file pre-primary, pre-election and year-end reports.

Many candidates who will appear on ballots next year are already organized with OCPF, but the official list of candidates will not be known until mid-2018. [Click here](#) for recently organized candidates.

For the latest information and guidance on the 2018 election, call us. You can also visit our website, [www.ocpf.us](http://www.ocpf.us), for updates.

### Infrequently Asked Question

We took a call from someone who asked if we're open 24 hours a day.

The question took me by surprise — no one ever mistook OCPF for a 7-11 store before.

But, if you do have after-hours questions, we try to put as much information as possible on our website to help answer those inquiries. You can also send a question to our general e-

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## Mayoral finalists in larger cities average \$188,262 in expenditures

Between Jan. 1 and Oct. 31, mayoral finalists in cities with populations of more than 75,000 reported \$3.4 million in expenditures, an average of \$188,262 per candidate.

Boston Mayor Martin Walsh topped all candidates with reported expenditures of \$1.6 million. His opponent, Boston City Councilor Tito Jackson, reported \$295,699 during the same period.

The mayoral spending record was set in the 2013 race between Walsh and former Boston City Councilor John Connolly — \$6,020,548 for the calendar year. For the first 10 months of 2017, Walsh and Jackson reported a total of \$1.9 million.

Newton's mayoral finalists reported the next highest spending total — \$458,631 during the first 10 months of 2017.

OCPF will publish a comprehensive campaign finance study next year summarizing campaign finance activity for finalists in 35 cities with mayoral elections in 2017. The study covers activity from Jan. 1 to Dec. 31.

### Expenditures (Jan. 1 to Oct. 31)

Boston	
*Martin Walsh	\$1,648,816
Tito Jackson	\$295,699

Brockton	
*William Carpenter	\$100,130
Jimmy Pereira	\$8,201

Fall River	
*Jasiel Correia	\$157,460
Linda Pereira	\$47,818

Lawrence	
*Daniel Rivera	\$183,167
William Lantigua	\$13,053

Lynn	
*Thomas McGee	\$140,121
Judith Flanagan Kennedy	\$18,499

New Bedford	
*Jon Mitchell	\$29,385
Charlie Perry	\$11,349

Newton	
*Ruthanne Fuller	\$259,355
Scott Lennon	\$199,276

Somerville	
*Joseph Curtatone	\$230,160
Payton Corbett	\$7,849

Worcester	
*Joseph Petty	\$36,309
Konstantina Lukes	\$2,085

[Click here](#) for a list of candidates and their campaign finance reports.

\*Winner

**50 mayoral candidates\* in 26 cities with populations of less than 75,000 reported a total of \$830,130 in expenditures — an average of \$16,602 per candidate, from Jan. 1 to Oct. 20.**

**[Click here](#) to view their pre-preliminary and pre-election reports, sorted by city. A year-end report, due Jan. 22, 2018, will disclose expenditures made from Oct. 21 to Dec. 31, 2017**

*\*Two candidates did not file pre-election reports as of the date of this publication*

**RECENT CASES AND RULINGS  
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## CONTINUED: From the Director

mail address, [ocpf@cpf.state.ma.us](mailto:ocpf@cpf.state.ma.us), and someone will get back to you on the next morning we're open.

### Frequently Asked Question

Do I have to file the year-end report?

This is the most frequently asked question at this time of year. The simple answer: all candidates and committees file year-end reports. The year-end filing requirement is for OCPF filers, and [local candidates and committees](#). Local party committees are the exception. They file the year-end report only if they had more than \$100 in activity.

### Newsletter Reach

This newsletter, OCPF Reports, now reaches 8,000 people — and the subscription list continues to grow. We distribute this e-publication to provide education and share campaign finance news four times a year. For daily education and news, follow our Twitter account here: [@OCPFreports](#). That account has more than 1,800 followers.

### 2018 Spring Town Elections

I highly recommend that town election officials (clerks) collect e-mail addresses for their candidates. E-mail can be used to distribute links to forms and guides, and to send filing notices before and after the elections.

For municipal forms and guides, [please click this link](#). OCPF's campaign finance overview for municipal clerks is [available here](#).

Have a great fall.

Mike Sullivan



## OCPF CONTACTS

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One Ashburton Place

Room 411

Boston, MA 02108

Information for municipal clerks  
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## OCPF FUNDRAISING TIP



**HATS FOR  
SALE**

**\$10**



### Selling Merchandise

**When political committees sell merchandise, each buyer is a contributor.**

**For example, if a local party committee sells hats at an event, the committee is required to collect the name and address of each buyer (contributor).**



**Public  
Financing**

## Statewide candidates are eligible for the state's Limited Public Financing System

### Disbursements to All Candidates in Last Three Elections

2014: \$1,065,704

2010: \$1,419,852

2006: \$1,361,222

*For more information, contact Mike  
Joyce at 617-979-8300.*

# State Ballot Questions

Several statewide ballot questions may appear on the  
2018 state ballot.

## Filing Requirements

- > Newly organized ballot question committees file an "initial report."
- > Ballot question committees that are organized with OCPF as of Dec. 31, 2017, will file a year-end report, due Jan. 22, 2018.
- > The next report is due Sept. 7, 2018, and twice monthly after that (for ballot question committees that support or oppose the 2018 questions).

[Click here](#) for OCPF's guide for state ballot question committees.

# The Year-End Report



*Due Jan. 22, 2018*

## *Who Files?*

Every candidate and committee\* organized on the state and local levels (includes all incumbents, and non-incumbents with a balance, activity or liabilities). Candidates and committees who are organized with OCPF e-file the year-end report with OCPF. Candidates who file locally file with their local election officials.

**\*A local party committee files if it had more than \$100 or more in activity**

**VIDEO TUTORIAL: Who files the year-end report in cities and towns? [Click here.](#)**



# FAQ: CAN APPOINTED PUBLIC EMPLOYEES SUPPORT OR OPPOSE BALLOT QUESTIONS?

Answer: Yes, but with restrictions.

## EXAMPLES

Public employees can hold campaign signs on their own time.

Public employees can have an opinion and express that opinion on personal social media sites.

Public employees can donate to a ballot question committee.

Public employees can attend meetings on their own time and advocate for or against a question.

[Click here](#) for OCPF's guide for public employees and ballot questions.



Campaign finance reports have been filed recently for several **SPECIAL** House and Senate **ELECTIONS**

**Senate: Worcester and Middlesex District** (*Fitchburg, Gardner, Leominster, Berlin, Bolton, Clinton Pct. 1, 2; Lancaster, Lunenburg, Sterling, Westminster, Townsend*)

**House: 3rd Essex District** (*Haverhill*)

**House: 1st Berkshire District** (*Adams, Cheshire, Clarksburg, Florida, Hancock, Lanesborough, New Ashford, North Adams and Williamstown*)

**Senate: Bristol & Norfolk District** (*Attleboro Wd.3, Pct. B; Wds. 4, 5, 6; Mansfield; Norton; Rehoboth; Seekonk; Foxboro; Medfield; Sharon Pcts. 1, 4, 5; Walpole*)

[CLICK HERE](#) for special election 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. Disposition agreements are matters of public record once cases are concluded.*

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## 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.

### Schools organization & OCPF resolve charter school ballot question funding source issue

**9/11/2017:** A New York-based social welfare organization that supported a 2016 state ballot question to increase the cap on charter schools – Question 2 – paid more than \$425,000 to the Massachusetts general fund as part of a legal settlement with the Office of Campaign and Political Finance.

The payment by Families for Excellent Schools – Advocacy (FESA) is the largest civil forfeiture negotiated by OCPF in the agency’s 44-year history. The previous record payment was \$185,000 from a 2016 disposition agreement.

The actual total, \$426,466, represents the cash on hand for FESA and Families for Excellent Schools, a closely related charitable organization, as of Aug. 21, 2017.

According to the disposition agreement, OCPF concluded that FESA violated the campaign finance law by receiving contributions from individuals and then contributing those funds to the Great Schools Massachusetts Ballot Question Committee in a manner intended to disguise the true source of the money.

## 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-17-09: Mayor Jasiel Correia, Fall River.** Did not comply (timely filing, excess contributions, excess bank check contributions, corporate contributions); 6/20/2017. OCPF’s review addressed four issues. (1) The committee did not deposit all checks received on or about Dec. 8, 2016 until Jan. 20, 2017. (2) During 2016, the committee received excess contributions (more than \$1,000) from five individuals, totaling \$3,750. The funds were returned to the contributors in May, 2017. (3) The committee received bank checks from three individuals for a total of \$575. The bank check limit is \$100 per individual per year. The committee refunded the excess \$275. (4) The committee received and deposited checks totaling \$1,250 in prohibited corporate contributions. The committee refunded \$1,000, and purged the remaining \$250 to the state’s general fund.

**CPF-17-47: Melrose Democratic City Committee.** Did not comply (soliciting in a building used for governmental purposes); 6/21/2017. The committee posted a notice regarding a May, 2017, fundraiser on bulletin boards in Melrose City Hall and the public library. The campaign finance law prohibits soliciting or receiving contributions in buildings used for governmental purposes. To resolve the matter, the committee made a \$300 payment to the state’s general fund.

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# Continued: Recent Cases and Rulings

**CPF-16-109: Brian Cook, Duxbury.** Did not comply (disclosure); 7/12/2017. A candidate for Senate informed OCPF that money raised by his committee was erroneously deposited into the wrong bank account. OCPF then conducted a review of the committee's activity, which included an analysis of bank statements of the committee, the candidate, and an account that the candidate administered for a private entity. OCPF's review found that (1) The committee did not disclose approximately \$3,250 in contributions. (2) The committee reported \$2,411 in contributions that were never deposited. (3) The committee did not disclose approximately \$8,900 in expenditures. (4) The committee did not disclose a \$4,800 liability to a private club for a fundraiser. To resolve the issues, the committee made a payment of \$1,500 to the state's general fund, and the candidate agreed to forgive approximately \$5,900 in candidate loans made to the committee.

**CPF-17-48: Saugus Parents for New High/Middle School.** No further action (organizing); 7/14/2017. A group that pooled resources and funds to support a ballot question should have registered as a ballot question committee. The group organized a ballot question committee after it was contacted by OCPF.

**OCPF-17-54: Denise Menard, East Longmeadow.** Did not comply (public resources); 7/17/2017. Longmeadow's Health Department, with assistance from vendors, created, printed and mailed postcards to residents concerning a ballot question. The Town did not pay the vendors. Instead, a Town employee paid the bills, totaling \$1,900, with the understanding that she would not be reimbursed. The use of public resources, including staff time and computers, to coordinate a mailing to East Longmeadow residents supporting the ballot question did not comply with the campaign finance law.

**CPF-17-44: Jason Springer, Fall River.** No further action (personal expenditures); 7/26/2017. The candidate used committee funds to help host a private basketball camp. The camp was not used as a campaign event for the committee, and the committee did not financially benefit from the event.

**CPF-17-62: Dighton-Rehoboth Regional School District.** No further action (public resources); 8/7/2017. The school district distributed an e-mail to parents concerning a future ballot question. The campaign finance law prohibits the use of public resources for campaign purposes.

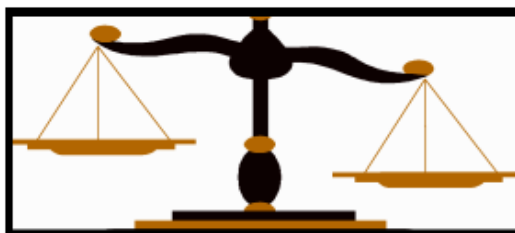
**CPF-17-55: Ralph Stefanelli, Norton.** Did not comply

(disclosure); 8/15/2017. Stefanelli did not disclose his expenditures opposing a local ballot question until three months after the election.

**CPF-17-49: Say Yes to Millis.** Did not comply (disclosure); 9/7/2017. The committee advocated a vote supporting a local ballot question in Millis at the May 1, 2017, town election, but did not organize or disclose its financial activity in a timely manner.

**CPF-17-92: George Simolaris, Billerica.** Did not comply (soliciting in a public building); 10/27/2017. The candidate distributed invitations to his fundraiser inside the Billerica Council on Aging building and Town Hall. Soliciting for a political purpose is prohibited in buildings used for governmental purposes. To resolve the issue, the committee agreed to purge \$140 to charity.

**CPF-17-120: Andrea Harrington, Richmond.** Did not comply (disclosure); 10/30/2017. During the candidate's 2016 Senate campaign, the committee did not initially disclose \$6,450 in receipts and \$321 in expenditures. The committee also received \$800 in prohibited business contributions, made \$683 in prohibited ATM withdrawals, and received an excess contribution of \$850.



## Advisory Opinions

*An advisory opinion is a letter written in response to a request for OCPF to render an opinion concerning the application of the campaign finance law.*

**AO-17-02:** This opinion addressed questions about ballot question committees and candidates. A ballot question committee may mention a mayor and a city councilor on its website, social media site and on other materials while describing the history of a local ordinance. A ballot question committee may also link to news articles about the ballot question that also refer to candidates. A ballot question committee may publish the results of a candidate questionnaire concerning a ballot question, if the survey is not designed to support or oppose candidates. A campaign director for a candidate may also assist a ballot question committee.

**AO-17-03:** A public employee may assist a committee, on his or her own time, by screening contributions.

**AO-17-04:** Two local unions that will be dissolved by their affiliated international union can transfer the funds from their existing PACs into a new PAC before dissolving.

# **60 Seconds with OCPF provides quick answers to common campaign finance questions**

Can a candidate use campaign funds to donate to a charity?

Can candidate committees contribute to other candidate committees?

How to candidates change the type of office they are seeking?

Who files the year-end report in cities and towns?

What is equal access?

**Click here for OCPF's Top 10 rules**



## **HOW TO CONTACT YOUR OCPF AUDITOR**

EACH CANDIDATE ORGANIZED WITH OUR AGENCY IS ASSIGNED TO AN OCPF AUDITOR BASED ON THE FIRST LETTER OF HIS OR HER LAST NAME. PACs AND LOCAL PARTY COMMITTEES ALSO HAVE AUDITORS.

OCPF AUDITORS ASSIST CANDIDATES AND COMMITTEES WITH REPORTING, REGULATIONS AND E-FILING. THEY ALSO REVIEW THE REPORTS FILED BY CANDIDATES AND COMMITTEES.

<b>Candidate Last Name</b>	<b>Auditor</b>	<b>E-Mail</b>
A-D:	Alanna Kelly	akelly@cpf.state.ma.us
E-L:	Jeff Tancreti	jtancrreti@cpf.state.ma.us
M:	Shane Slater	sslater@cpf.state.ma.us
N-Z:	Anne Bourque	abourque@cpf.state.ma.us
PACs (80500 to 89998):	Caroline Paras	cparas@cpf.state.ma.us
PACs (80000 to 80499):	Michael Joyce	mjoyce@cpf.state.ma.us
Local Parties:	Sheila Cole	scole@cpf.state.ma.us
Ballot Questions:	Michael Joyce	mjoyce@cpf.state.ma.us





# **BUSINESS CONTRIBUTIONS**

If your campaign\* receives a corporate contribution, DON'T DEPOSIT IT ...

**...Return it to the company  
(business corporation, LLC, LLP or partnership)**



**Sterling, Cooper, Draper, Pryce, LLC**  
**1234 Main St.**  
**Manchester, MA 12345**

DATE: 09/21/2017

PAY TO THE ORDER OF: Richard Whitman Campaign \$ \$500

Five Hundred and 00/100 DOLLARS

MEMO: Law Pryce

⑆000045678000 0000⑆ ⑈0000

**LLCs CAN'T CONTRIBUTE TO CANDIDATES**

**RETURN TO SENDER**

\*Ballot question committees and independent expenditure PACs are exempt. These committees can accept business contributions.

# What is Dark Money?

Essentially, it's disguising the true source of a political contribution, and it's prohibited by the Massachusetts campaign finance law\*.

## Dark Money Example

1. Person X wants to support a candidate, but has already hit her \$1,000 limit.
2. Person X decides to give \$1,000 each to 20 friends and family members, and instructs them to donate to the candidate using their personal checking accounts.
3. The candidate reports that the contributions came from the 20 friends and family, not the true donor.

This and similar types of activities are prohibited.

*\*MGL Chapter 55, Section 10 ([click here](#))*

## *MUNICIPAL ELECTION OFFICIALS*

# **Not all of your candidates filed campaign finance reports. What's next?**

- 1. Send a 10-day notice to the candidate and/or committee explaining that a report is required and the failure to file could result in fines of \$25 a day.**
- 2. If the report is not filed after 10 days, refer the candidate or committee to OCPF. [Click here](#) for sample letters.**
- 3. OCPF will assess a fine of \$25 a day up to \$5,000.**
- 4. When the report is filed, contact OCPF so the total fine can be determined.**



**[Click here](#) for OCPF's guide  
concerning municipal non-filers,  
and [click here](#) for OCPF's  
Municipal Clerk Support page.**