

# OCPF REPORTS

## Massachusetts Office of Campaign and Political Finance

### Year-End Report

The year-end report is due Jan. 20, 2021, and is filed by all candidates and committees (state and municipal).

Every candidate and committee organized with OCPF must file the year-end report, with one exception – local party committees. The year-end report is required if a local party had more than \$100 in activity.

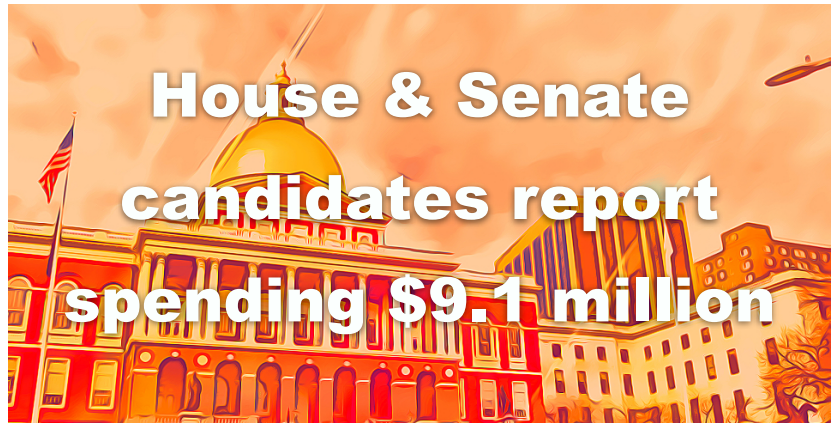
**LOCAL FILERS:** Every municipal office-holder who does not file with OCPF must file a year-end report ([M-102](#)) locally, as well as committees and candidates with activity or balances.

### State BQ Elections

A spending record was broken for a question on the state ballot. More info. on page 2.

### Director Search

An OCPF director has not yet been appointed. Retired OCPF Director Michael Sullivan is currently serving as “director pro tem.”



The 316 candidates running for 200 House and Senate seats this year reported raising \$9.8 million and spending \$9.1 million during the first 10 months of 2020. That's a per-candidate spending average of \$28,911.

Historically, legislative candidates report between \$12 million and \$15 million in expenditures during the 12 months of an election year.

**2020 Senate:** 56 candidates reported spending \$2,774,548 from Jan. 1 to Oct. 31, averaging \$49,545 per candidate.

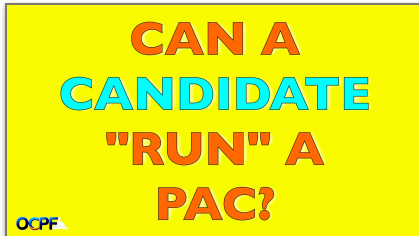
**2020 House:** 260 candidates reported spending \$6,361,466 through October, averaging \$24,467 per candidate.

Campaign finance reports are available by [clicking here](#). Here's the candidate list in alphabetical order: [click here](#).

In early 2021, OCPF will issue a comprehensive campaign finance study for the 2020 legislative election.

**OCPF FACT:** The record for House and Senate candidate expenditures during an election year is \$17.6 million, when 390 individuals ran for office in 2004 (average of more than \$45,000).

## New Educational Videos



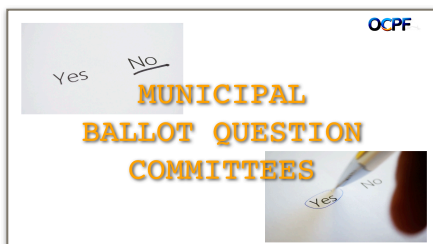
*This video explains why candidates may not control a political action committee.*



*FAQ: As a candidate, do I need to display a "paid for by" disclaimer on my mailers and ads? This video provides OCPF's guidance.*



*This video summarizes OCPF's new memo on charitable giving.*



*When two or more individuals or groups pool resources to support or oppose a municipal ballot question, a committee must be formed. [Click here](#) for the new tutorial.*

## TWO STATEWIDE BALLOT QUESTIONS IN 2020

**\$61.3 million RAISED**

**\$59.2 million SPENT**

**Question 1's spending total of \$49.8 million has broken the spending record for a single question. The previous record for a single question was \$41.2 million, set in 2016 for a question concerning charter schools.**

*Spending on Question 1\**

### **Motor Vehicle Mechanical Data (Passed)**

Mass. Right to Repair (Support): \$23.6 million  
Coalition for Safe and Secure Data (Oppose): \$26.1 million

*Spending on Question 2\**

### **Ranked-Choice Voting (Failed)**

Ranked Choice Voting 2020 (Support): \$9.4 million  
No Ranked Choice Voting 2020 (Oppose): \$3,360

*\*Date range: 1/1/2019 - 11/1/2020*

**Question: Can my campaign have a silent auction? [Answer.](#)**

# 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 (below). 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.*

### **Company pays \$75,000 to resolve investigation into prohibited contributions to Boston office-holders (Sept. 8, 2020)**

A New Hampshire-based business has made a civil forfeiture payment of \$75,000 to the Massachusetts general fund to resolve an investigation into prohibited contributions to candidates, according to a disposition agreement between OCPF and the company. Select Demo, a speciality contracting company, made \$21,000 in prohibited corporate contributions to two candidates in 2019 by reimbursing employees for their contributions, according to the disposition agreement. OCPF began an investigation after an initial review of campaign finance reports filed by Boston Mayor Martin Walsh and Boston City Councilor Michael Flaherty. Based on a review of bank records and other information obtained by OCPF, the office determined that several Select Demo employees, as well as other individuals affiliated with the company, deposited funds from the business into their personal checking accounts shortly before or after making contributions to candidates. The campaign finance law prohibits contributions to candidates from corporations, and prohibits disguising the true source of funds. The disposition agreement is [available here](#).

### **Quincy-based company makes \$250,000 payment to resolve investigation into prohibited contributions to candidates (Nov. 9, 2020)**

A Quincy-based company, Boston Property Ventures LLC, made a \$250,000 payment to the state's general fund to resolve an examination into prohibited contributions to 11 candidates, according to a disposition agreement between OCPF and the company. OCPF initiated a review of contributions made by Boston Property Ventures employees from 2017 to 2020, due to a pattern of giving that suggested that contributions may have been made to avoid the disclosure of the true source of funds. During the course of its review, including an analysis of bank records, OCPF learned that the company reimbursed employees for campaign contributions totaling at least \$57,500, according to the agreement. The campaign finance law prohibits disguising the true source of campaign contributions, and also prohibits contributions from an LLC to a candidate. OCPF concluded that the company violated both sections of the campaign finance law. The candidate committees will purge \$57,500 to the state's general fund — the total amount of prohibited funds contributed by the company. In total, the state will receive \$307,500 as the result of the disposition agreement. The agreement, [available here](#), was signed by Michael Sullivan, OCPF's director pro tem, and Vincent DeMore, legal representative for Boston Property Ventures. In the agreement, the company agreed to provide an affidavit to OCPF each year through 2024 attesting to the fact that no funds were provided to any person for the purposes of making campaign contributions.

Recent cases continued on the next page

# Continued: Recent Cases and Rulings

## 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-19-152: Selectman Michael S. Rosa, Billerica.** Did not comply (raffle, business contributions); 6/10/2020. The committee solicited and received business contributions in the form of food and gift certificates from Billerica-area establishments for a raffle fundraising event. Contributions from corporations, as well as raffles, are prohibited. To resolve the matter, the committee agreed not to hold raffles in the future, and donated \$502 to a local charity to purge prohibited corporate contributions.

**CPF-20-72: Christina Eckert, Boxford.** Did not comply (public employee); 7/29/2020. The Eckert Committee scheduled an on-line “community conversation” with a school official by using an RSVP function via ActBlue, a fundraising entity. The invitation resulted in \$75 in contributions. The campaign finance law prohibits the solicitation of contributions by public employees, such as appointed school officials, directly or indirectly. The committee cancelled the event and returned the \$75.

**CPF-20-50: Donovan Birch, Boston.** No further action (disclosure); 8/18/2020. The Birch Committee did not disclose a liability on its 2019 year-end campaign finance report. The candidate said the liabilities are in dispute, which is why they were not originally reported. The committee has amended the year-end report to disclose the liabilities.

**CPF-20-69: Rosemary Connolly, Whitman.** No further action (disclosure); 9/2/2020. The Connolly Committee did not timely disclose activity relating to the June 27, 2020 town election on its post-election report, which was due thirty days after the election. After being contacted by OCPF, the committee filed the post-election report to disclose activity relating to the June election.

**CPF-20-67: Damali Vidot, Chelsea.** Did not comply (public employee); 9/11/2020. The campaign posted an endorsement by an appointed public employee on Facebook, with a link to donate to the candidate. The campaign finance law prohibits public employees from soliciting campaign contributions, directly or indirectly. To resolve the issue, the committee made two payments of \$125, one to the state and the other to a charity.

**CPF-20-85: Nichole Mossalam, Malden.** Did not comply (disclosure); 9/30/2020. Mossalam, a candidate for state representative, made \$5,634 in expenditures using her personal credit card. The law requires candidates in the depository system to make expenditures using the campaign bank account. Once contacted by OCPF, the candidate filed the required campaign finance report.

**CPF-20-87: Francis Sullivan, Lancaster.** No further action (disclosure); 11/6/2020. Sullivan, a candidate for Lancaster Planning Board, did not initially file a post-election report. After being contacted by OCPF, the report was filed.

Recent cases continued on the next page



# Continued: Recent Cases and Rulings

**CPF-20-87: Stanley Starr, Lancaster.** No further action (disclosure); 11/6/2020. Starr, a candidate for selectman, did not initially file a correct pre-election campaign finance report. Once contacted by OCPF, Starr filed the pre-election report with the correct information.

**CPF-20-87: Richard O'Brien, Acton.** Did not comply (independent expenditure disclosure); 11/6/2020. Two vans, with signage supporting two Lancaster municipal candidates, were parked in Lancaster for approximately one month prior to the June 29, 2020 election. O'Brien, when contacted by OCPF, filed the required independent expenditure report with the town clerk. To resolve the matter, O'Brien made a \$250 payment to the state's general fund.

**CPF-20-95: Samuel Pierce, Boston.** Did not comply (disclosure); 11/10/2020. The candidate did not organize or disclose campaign finance activity with OCPF as required. Specifically, he failed to designate a depository bank or ensure that all campaign finance activity would be disclosed by a depository bank.

**CPF-20-96: District Attorney Andrea Harrington, Richmond.** Did not comply (reporting, disclosure); 11/10/2020. The Harrington Committee, and the Harrington for District Attorney Inauguration Fund, commingled funds, which is prohibited by the campaign finance law. To resolve the issue, the Harrington Committee must amend or file correct campaign finance reports, and dissolve the inaugural fund.

**CPF-20-34: Jimmy Pereira, Brockton.** Did not comply (disclosure, personal use); 11/10/2020. The Pereira Committee did not initially disclose \$3,779 in contributions made in 2019 and 2020, and the candidate made approximately \$1,200 in expenditures that appeared to be for personal use. The candidate agreed to make a charitable donation for approximately \$950. However, the charitable donation was not made. Instead, the Pereira Committee, without consulting OCPF, donated the money to other candidates' committees. To resolve the matter, the Pereira Committee has dissolved and the candidate made a personal payment to the state's general fund for \$986.

## NEW LEGAL MEMO: CHARITABLE AND CIVIC ACTIVITIES BY CANDIDATES AND COMMITTEES

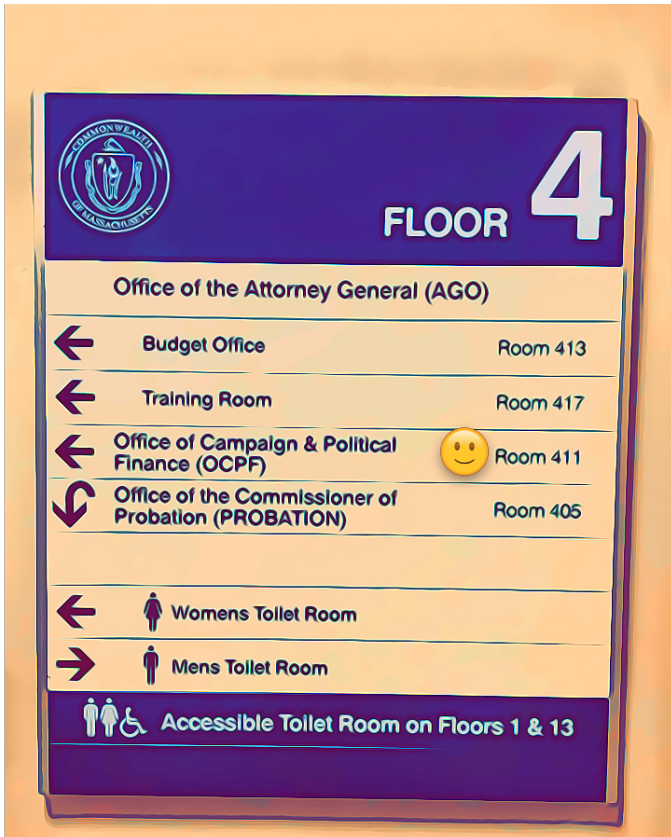
**OCPF is often asked about candidates and committees making charitable donations, including scholarships.**

**The memo, [M-20-01](#), explains when such donations are permitted. The memo also addresses various prohibitions. [Click here](#) for a video summary of the memo.**

## UNIQUE FUNDRAISING EVENTS

Do you plan on raising money by selling merchandise, holding an auction, providing a service or hosting a contest? [Click here](#) for a new OCPF tutorial on unique fundraising events.

**OCPF's office on FLOOR 4 at One Ashburton Place in Boston remains closed to the public. However, you may request an appointment with an OCPF staffer by contacting us at [OCPF@cpf.state.ma.us](mailto:OCPF@cpf.state.ma.us), or at 617-979-8300.**



# 2021

**All candidates\* who file with OCPF, as well as PACs and state parties, will file depository account year-end reports by Jan. 20, 2021.**

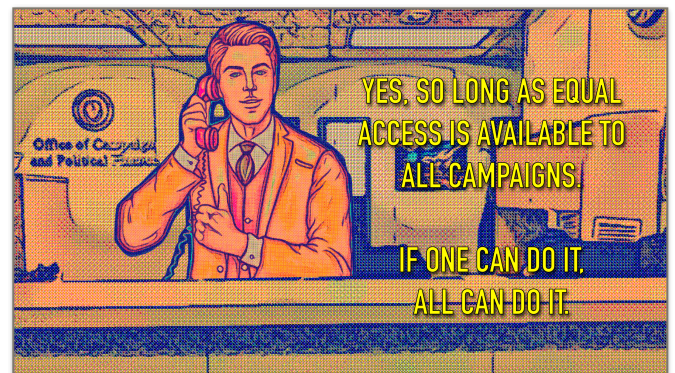
The year-end report for depository candidates and committees is a summary of 2020's activity. This will be the first depository year-end report filed by House and Senate candidates. Meanwhile, of course, regular deposit reports are filed as deposits are made.

Please [CLICK HERE](#) for a video demonstration on how to file the year-end report.

\*Except Barnstable Assembly of Delegates

## ELECTION 2021: NEW DISCLOSURE PAGE

Each candidate organized for city council in cities with populations of 65,000 or more are now listed on an easy-to-use disclosure page. [CLICK HERE](#) to view. (Boston, Brockton, Cambridge, Fall River, Framingham, Lawrence, Lowell, Lynn, New Bedford, Newton, Quincy, Somerville, Springfield and Worcester)



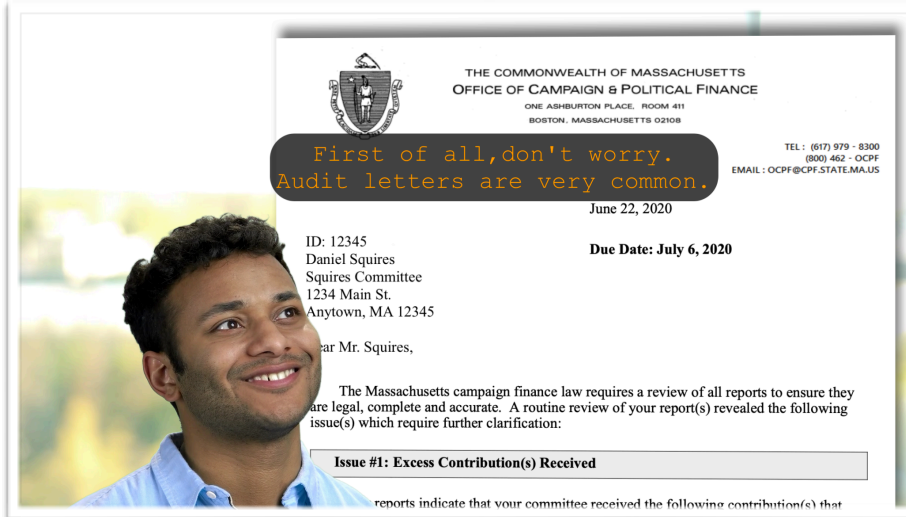
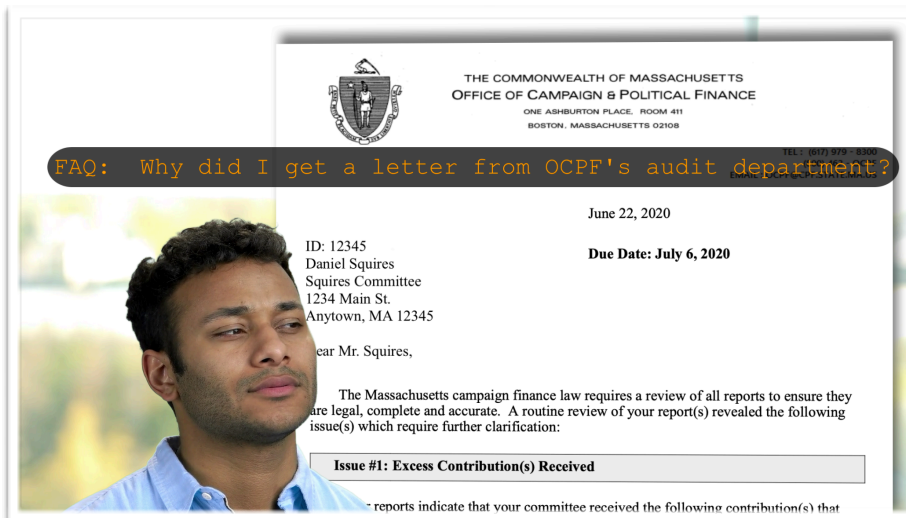
**[Please click here](#) to learn more about the “equal access” rules concerning campaigning on government property and in government buildings.**

# FYI: 2020 AUDIT PROCESS

## AUDIT LETTERS

The 2020 election is over, and win or lose, OCPF is reviewing your campaign finance reports. Some of the issues we are looking for:

1. **Excess contributions.** Individuals can give a maximum of \$1,000 per calendar year to a candidate.
2. **Occupation and employer.** This information is required for any individual who gave, in the aggregate, \$200 or more in 2020.
3. **Business contributions.** Corporations, LLCs, LLPs and partnerships are prohibited from contributing to candidates.
4. **Reimbursements.** If someone was reimbursed, a reimbursement report must be filed. (This should be rare, because expenditures should be made by committee check or debit card).
5. **PAC limits.** There are aggregate limits on how much PAC money a candidate can accept, based on the office sought.
6. **Clear "purpose" information.** Each expenditure must be to enhance the political future of the candidate. Auditors check to see that all expenditures are explained clearly and in sufficient detail.



**ANSWER:** The campaign finance law requires OCPF to review each report filed (that's about 30,000 a year).

If an OCPF auditor sees an issue, or something that needs to be clarified, he or she will send a letter to the campaign (it's really an e-mail).

Your campaign will clarify or resolve the issues.



# CONTACT OCPF'S AUDIT TEAM

(audit assignments)

Audit Director Shane Slater: [sslater@cpf.state.ma.us](mailto:sslater@cpf.state.ma.us) (A)

Caroline Paras: [cparas@cpf.state.ma.us](mailto:cparas@cpf.state.ma.us) (B-C / PACs)

Dan Juffre: [djuffre@cpf.state.ma.us](mailto:djuffre@cpf.state.ma.us) (D-K)

Alex McKenzie: [amckenzie@cpf.state.ma.us](mailto:amckenzie@cpf.state.ma.us) (L-R)

Anne Bourque: [abourque@cpf.state.ma.us](mailto:abourque@cpf.state.ma.us) (S-Z / PACs)

Michael Joyce: [mjoyce@cpf.state.ma.us](mailto:mjoyce@cpf.state.ma.us) (IEPACs / BQs /  
Local Filers)

Sheila Cole: [scole@cpf.state.ma.us](mailto:scole@cpf.state.ma.us) (Local party committees)

A candidate is assigned to an OCPF auditor based on the  
first letter of his or her surname.

**NEW AUDIT VIDEO:**

**[CLICK HERE: HOW TO AMEND A  
DEPOSIT REPORT](#)**

**NEW AUDIT VIDEO:**

**[CLICK HERE: HOW TO FILE A YEAR-  
END REPORT](#)**



# Super PACs exceeded \$1.8 million in expenditures in 2020

Super PACs reported spending \$1,806,813 in 2020, as of the publication of this newsletter.

**[Click here](#)** to view Super PAC spending in 2020 (AKA Independent Expenditure PACs).

A Super PAC can make unlimited expenditures to support or oppose candidates. However, Super PACs may not coordinate their activities with candidates or parties.

## TOP FIVE SUPER PACS (2020)

Massachusetts Majority: \$1,285,242

Massachusetts Realtor: \$178,327

Mass Values: \$136,461

Massachusetts Teachers Association: \$93,795

Democrats for Education Reform: \$43,462

In addition to Super PAC spending, entities and traditional PACs reported spending \$383,097 on independent expenditures to support or oppose candidates. Those expenditures are disclosed **[here](#)**.



# OCPF AUDIT TIP

WHEN REPORTING A DONOR'S EMPLOYER, PLEASE FULLY SPELL OUT  
WHERE THE DONOR WORKS.

PLEASE DO NOT USE ABBREVIATIONS.

## EXAMPLES

CORRECT: NEEDLES MEDICAL TESTING COMPANY

INCORRECT: NMTC

CORRECT: BOB'S WELDING, INC

INCORRECT: BOB'S

CORRECT: MIKE DONNELLY POLITICAL CONSULTING, LLC

INCORRECT: SELF

CORRECT: BOSTON CELTICS

INCORRECT: 17-TIME WORLD CHAMPS