

OCPF REPORTS

Massachusetts Office of Campaign and Political Finance Quarterly Newsletter

FROM THE DIRECTOR

Congratulations to former Director Michael Sullivan on his recent retirement from OCPF. For over a quarter of a century, he led the office in implementing major innovations such as moving from an entirely paper process to one that relies more on technology. This in many ways improved the system of disclosure for both the candidates and the public. The structure he put in place will serve the Commonwealth long into the future.

One of the best resources of OCPF is the availability of data through our robust website. In the next few months, the front page of the website will be refreshed to provide ready access to the wealth of information. This will include a general search feature to quickly find relevant guidance. The goal is to increase the self-service aspect of the office. When we say the office is always available to answer questions and provide guidance, we see the website as an ideal method to do so on the user's schedule.

With the emphasis on education, our goal is to provide information and guidance to both new and veteran candidates in meeting their responsibilities under the campaign finance law and to ensure the disclosure that the public seeks.

William C. Campbell, Director

The 2021 city election ballots

Followers of Massachusetts politics enjoy OCPF's "[recently organized](#)" webpage to see which candidates are joining various races. Our [Boston mayoral tracker](#) is also frequently clicked.

[Click here](#) for the complete list of mayoral candidates organized with OCPF. [Click here](#) for the complete list of city council candidates in municipalities with more than 65,000 residents.

WHAT TO KNOW ABOUT THOSE PAGES:

- * Not all candidates on our lists will appear on the 2021 ballot.
- * As ballots are set in various cities, local election officials provide OCPF with a list of qualified candidates (many are set in July). If a candidate is qualified, but not organized with OCPF, we register them automatically and get them started in the disclosure system.
- * The candidate lists are updated monthly, after a bank files its monthly bank report.
- * Keep an eye on OCPF's website and [social media accounts](#) for updated information on the 2021 city elections.

IN THIS EDITION

- * New educational videos on page 2.
- * Legal cases on page 3.
- * Guidance on political party conventions on page 6.
- * How to post candidate photos to ocpf.us on page 7.
- * What is a sub-vendor report? Page 10.

New Educational Videos



OCPF's legal opinions and memos are posted to the website. [Click here to learn how to find them.](#)



Public employees who also run for office are subject to fundraising restrictions. [This video helps to explain the dos and don'ts.](#)



State and local party committees can make unlimited in-kind contributions to candidates. [Click here to learn more.](#)

MEMBERSHIP ORGANIZATION EXPENDITURES

OCPF is occasionally asked whether a candidate may use campaign funds to pay for a membership at a club or organization.

The campaign finance law permits a candidate to make expenditures to enhance his or her political future, so long as the expenditure is not primarily personal.

In some cases, paying for a membership is allowed, if the candidate would not be participating in the club but for the candidate's interest in it enhancing his or her political stature.

For example, a candidate could claim that joining a golf club enhances her political future because she talks politics with other members as they golf, but that would be considered primarily personal.

Another candidate may decide to join a national ethics organization, because his political platform includes improving ethics laws. That membership would be allowed by the campaign finance law.

BOTTOM LINE: If you want to pay dues or fees to join a club or organization, send OCPF an email and ask for a review. We'll let you know if it's OK.



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.

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-21-09](#): Save Nonantum PAC, Newton. No further action (organization, fundraising); 3/31/2021. OCPF received complaints concerning Save Nonantum PAC’s fundraising activities undertaken to support or oppose city council candidates in the special election held in Newton on March 16. The PAC was able to comply with the campaign finance law, due to OCPF’s guidance.

[CPF-21-20](#): Thomas and Sheila Kearns, Rehoboth. No further action (disclosure); 4/28/2021. Expenditures for signs supporting both Thomas and Sheila Kearns, who were candidates for select board, only appeared on Sheila Kearns’ campaign finance reports, initially. Once the candidates were notified by OCPF of their obligations to accurately reflect the purchase of signs on both campaign finance reports, each of the candidates filed amended reports.

[CPF-21-13](#): Brandon Flanagan, Wakefield. No further action (fundraising); 6/2/2021. State regulations permit candidates and committees to solicit and receive contributions through an online platform such as a processing vendor, provided they obtain the required information for all contributors. Anonymous contributions are prohibited. Flanagan’s committee initially used Fundly, an online platform, to solicit and receive contributions without contemporaneously collecting the required certification statements from contributors. Once Flanagan was contacted by OCPF, he took remedial action by obtaining certification statements after the contributions were made.

[CPF21-12](#): Dawn Millward, Wakefield. No further action (fundraising); 6/2/2021. State regulations permit candidates and committees to solicit and receive contributions through an online platform such as a processing vendor, provided they obtain the required information for all contributors. Anonymous contributions are prohibited. The candidate used Venmo to raise funds for her school committee campaign, without collecting the required certification statements from the contributors. The candidate, after being contacted by OCPF, took remedial action by collecting the required information from contributors who donated by Venmo.

Advisory Opinion

Individuals may request a written advisory opinion concerning the specific application of the campaign finance law.

[AO-21-03](#): This advisory opinion addresses the relationship between a non-profit organization and its related independent expenditure political action committee (IEPAC), and answers questions related to coordination between candidates and an IEPAC.

OCPF LEGAL DEPARTMENT

If you have or know of a campaign finance law issue that needs to be reviewed, please reach out to OCPF's legal department. They will work with individuals to answer questions and resolve legal issues.

GREG BIRNE: GENERAL COUNSEL GBIRNE@CPF.STATE.MA.US

SARAH HARTRY: DEPUTY GENERAL COUNSEL SHARTRY@CPF.STATE.MA.US

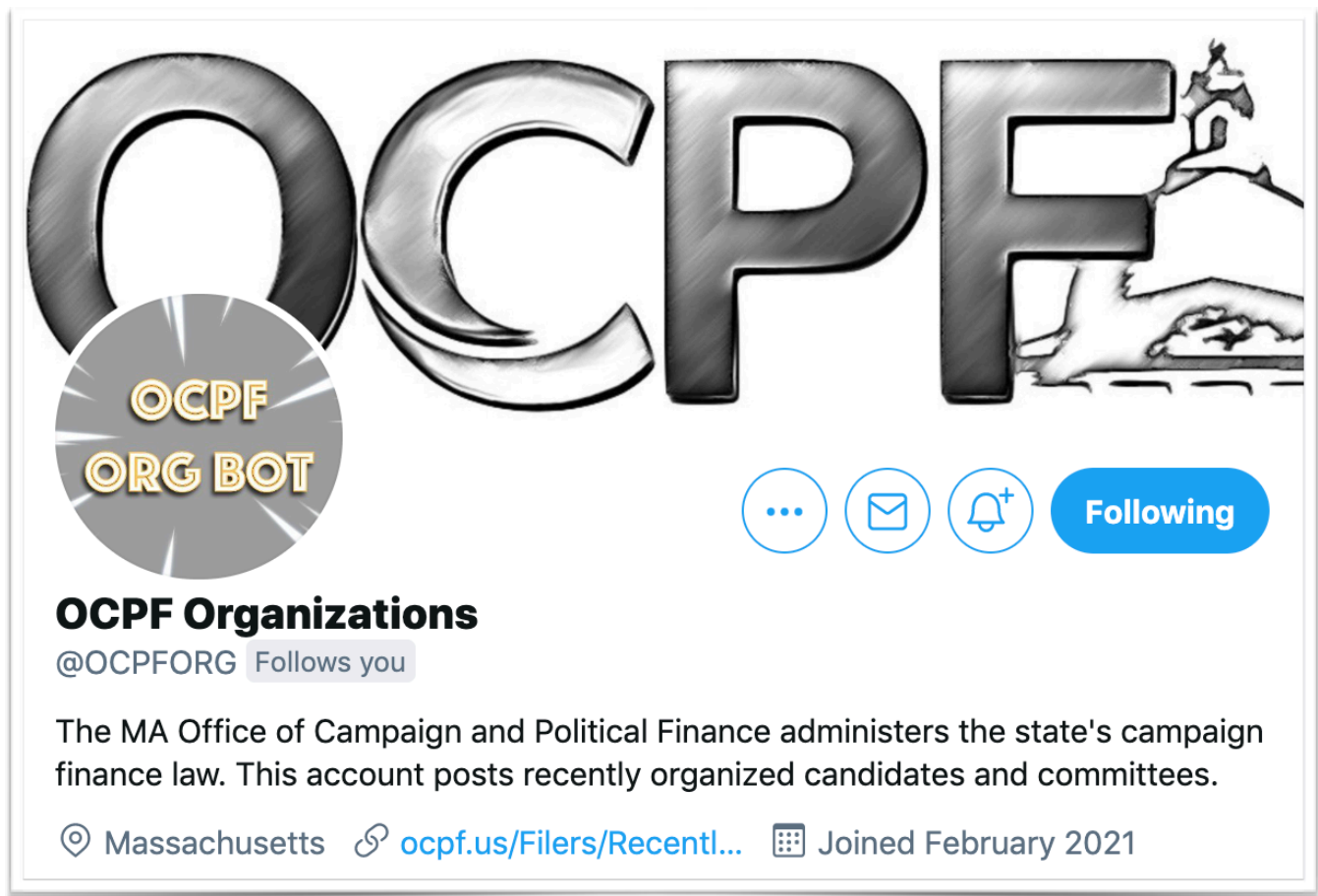
MAURA CRONIN: LEGAL COUNSEL MCRONIN@CPF.STATE.MA.US

MICHAEL JOYCE: INVESTIGATOR MJOYCE@CPF.STATE.MA.US



What's the best
educational resource
for a candidate who
files with OCPF?

If OCPF could recommend just one tool to assist a candidate with the depository system of reporting, it would be our depository guide, [available here](#). It is a comprehensive 15-page guide that summarizes how to start and operate a campaign finance account.



@OCPFORG

Candidates and committees are frequently organizing with OCPF, so we created a Twitter Bot to post newly organized candidates and committees. The Bot also posts when candidates change office. Click the Twitter address above to see the account.

OCPF POLITICAL PARTY CONVENTION GUIDANCE

STATE PARTIES

State parties are in the depository system of reporting, requiring receipts and expenditures to flow through the party's designated committee bank account for convention costs and fees. The purpose of the depository system is to provide complete and timely public disclosure of contributions and expenditures.

PARTY CONVENTION FEES: Candidates and individuals who pay a fee to attend or speak at a convention are donors to the party. When the fees are deposited into the party's designated bank account, a deposit report is e-filed with OCPF.

TIP: Candidates may make unlimited contributions to state and local party committees. Individuals may contribute up to \$5,000 (in the aggregate) per calendar year to all party committees (state and municipal).

PARTY CONVENTION EXPENDITURES: Expenditures made to host a convention must be made through a party's designated committee bank account. Examples: Rental of facility - Contracting for sound and visual services - Hiring a private security company. Any exception to this rule should be reviewed by OCPF prior to making the arrangement.

TIP: The campaign finance law prohibits corporations, LLCs, LLPs and partnerships from contributing to party committees. Generally, anything provided to the party for the convention from a business must be paid for by the party, at market rate, and cannot be received as in-kind contributions. Potential exemptions to these rules must be reviewed by OCPF's legal department prior to accepting the goods or services.

FEDERAL REGULATIONS: State party committees should be aware of the federal regulations addressing administrative expenditures. By broadly defining federal election activity to include expenditures occurring when a candidate for federal office is on the ballot, the regulations require that certain expenditures be made from the federal account of the state party. The intent behind the Federal Election Commission's provision is to prevent large unregulated sums of money raised in states from being used to influence federal elections. Please review OCPF's memo on the issue, **M-08-01**.

CANDIDATES AT CONVENTIONS

Candidates may make unlimited contributions to state and local parties, for such things as convention speaking fees or to assist the party in paying for a convention, as well as party services, such as printing, mailing and internet-based outreach. Candidates who are attending a convention should make expenditures using committee funds, rather than their personal funds.

NOTE: A candidate may not make a contribution to a party on the condition that the funds or a substantial portion of the funds must subsequently be contributed by the party to any other committee (earmarking).

Top 3 Tips for Local Party Committees



CAMPAIGNS ARE ENCOURAGED TO UPLOAD A PHOTOGRAPH OF THEIR CANDIDATE FOR THE OCPF WEBSITE

1. LOG INTO REPORTER 7
2. SELECT THE "TOOLS" TILE
3. SELECT THE PURPLE "FILER INFORMATION" TILE
4. CLICK THE "UPLOAD FILER PHOTO" BUTTON
5. UPLOAD THE PHOTO

[CLICK HERE FOR A SHORT DEMO](#)



Expenditure Guidance

Candidates and political committees may expend money for the enhancement of the political future of the candidate or principle for which the committee was organized. Expenditures may not be made for primarily personal purposes.

Examples of Allowable Expenditures:

Postage / Advertising / Printing / Computer Use / Polling / Public Relations
Campaign Office Functions / Consultants / Reasonable Political Travel / Rental
of Function Halls / Expenses for Fundraising / Delivery Services / Paper Supplies
Newspapers / Inaugural Expenses / Charitable Contributions

[CLICK HERE](#) for the political expenditure regulations. **Please remember:**
**Depository candidates must make expenditures using the committee checking
account or debit card.**



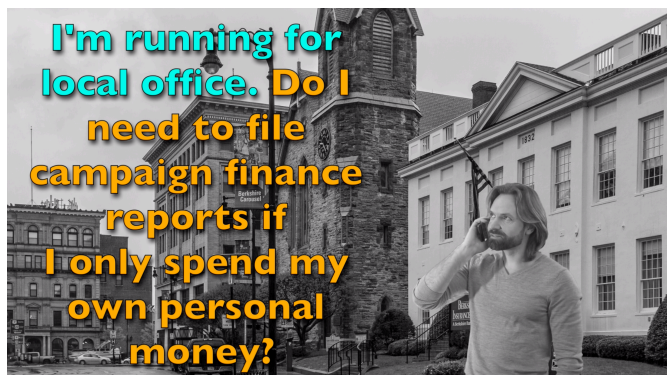
**WE UPDATED
OUR DATA
DOWNLOAD PAGE**

[CLICK HERE TO VIEW THE DOWNLOAD PAGE.](#)

*IT'S USEFUL FOR CAMPAIGN MANAGERS OR CONSULTANTS WHO NEED
MASSIVE AMOUNTS OF DATA.*



OCPF QUESTIONS AND ANSWERS



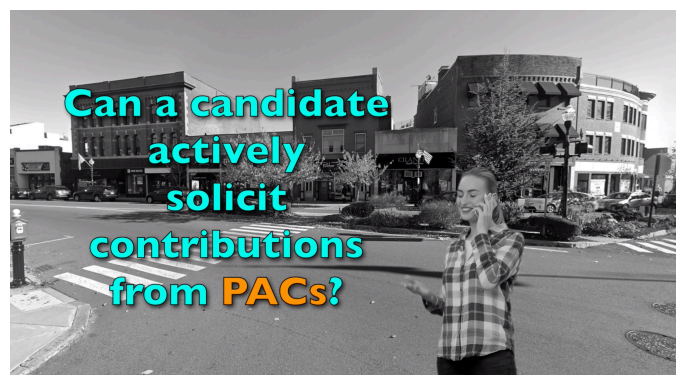
ANSWER



ANSWER



ANSWER



ANSWER

SUBVENDOR REPORTING

Subvendor reporting discloses how vendors spend money on behalf of candidates and committees. Please [click here](#) for OCPF's subvendor guide. The \$5,000 threshold is an aggregate total for the year.

Note: Subvendor reporting is required for all political committees on the state and local levels.

Committee expenditure of \$5,000 or more to a vendor for goods or services



The vendor makes an expenditure of \$500 or more on behalf of the candidate



The committee is required to obtain subvendor information from the vendor, and file a subvendor report

CITY CLERKS AND ELECTION OFFICIALS

What campaign finance info should you provide your candidates who file locally?

Please provide your candidates with forms and guides prior to the election, as well as a notice for when reports are due. These guides, forms and notices can be sent by e-mail.

Links to guides and forms are posted to the "CLERK SUPPORT PAGE," [available here](#). We highly recommend distributing our tri-fold guide, which will answer most filing questions. The guide is [available here](#). When you send your candidates a filing notification before an election, it should include the dates the reports are due, as well as the reporting periods, and links to the forms.

Local Filers Examples: School committee, select board and city council candidates in municipalities with fewer than 65,000 residents. [OCPF will schedule training seminars in August for local filers, which will be posted here.](#)