

State Election Campaign Fund

2021-2022 Report



**Massachusetts Office of Campaign and Political Finance
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Index

I. Introduction.....	4
II. Legislative History of Public Financing in Massachusetts	5
III. The State Election Campaign Fund	7
IV. Candidates' Participation in the 2022 Program.....	11
V. The Primary Election	13
VI. The General Election	15
VII. Total Disbursements.....	16
VIII. Concluding Comments.....	17

Index of Tables

Table 1: Funds available and disbursed from the SECF.....	6
Table 2: Candidates eligible for and receiving public campaign funds	7
Table 3: SECF amounts collected 1993-2022	8
Table 4: Expenditure limits for public financing participants	9
Table 5: Maximum distributions for public financing participants.....	9
Table 6: Minimum qualifying contributions by office	11
Table 7: Statewide candidates 2022.....	12
Table 8: Spending limits for 2022 state primary election statutory or self-imposed.....	14
Table 9: Funds disbursed in 2022 primary election campaign.....	14
Table 10: Funds disbursed in 2022 general election campaign.....	16
Table 11: Total public funds received in 2022	16
Table 12: SECF amount collected through tax return checkoff 2003-2022	18

I. Introduction

“On or before January thirtieth of any year next following a year in which elections are held for statewide elective office, the director shall prepare and submit a report relating to the matters entrusted to him under this chapter to the clerk of the senate and to the commission established by section three of chapter fifty-five....”

M.G.L. c.55C, s.3

To the Clerk of the Senate and the Commission to Select the Director of Campaign Finance:

In accordance with Massachusetts General Laws Chapter 55C, Section 3, I hereby submit this report summarizing the Commonwealth’s system of limited public financing of campaigns for statewide elective office during the 2022 election.

This report explains the operation of the State Election Campaign Fund and provides specifics on its implementation in the 2022 state election, including the availability and distribution of funds to participating candidates. More than \$530,000 was distributed to three candidates running for statewide office in 2022. The total outlay is approximately half the amount distributed in 2018.

The public financing system requires coordination between the Office of Campaign and Political Finance (OCPF), the office of the Secretary of the Commonwealth, the office of the Treasurer and Receiver General, the Department of Revenue, and the Office of the Comptroller.

I am available should you require any additional information concerning the public financing program.

Respectfully submitted,

William C. Campbell
Director

January 30, 2023

II. Legislative History of Public Funding in Massachusetts

A public financing system has been in effect in Massachusetts since 1975 with the adoption of M.G.L. Chapter 55A.¹ This statute required participating statewide candidates to collect qualifying contributions of differing amounts depending upon the office sought. In return, the candidates would receive matching contributions through public funding in both primary elections and general elections in which they appeared on the ballot and had opposition. The state election campaign fund consisted of revenue generated through a state tax return checkoff system by which taxpayers voluntarily contributed \$1.00 for individuals and up to \$2.00 for joint returns to the fund. The first statewide election where the fund was in effect was held in 1978.

At that time, the total qualifying contributions for gubernatorial candidates for the primary had to exceed \$75,000 and for the general election \$125,000. Qualifying contributions could not be more than \$250 each and the same contribution could be used in calculations for both the primary and general election. Once qualified, a gubernatorial candidate could receive matching funds of \$250,000 for the primary election and the same amount for the general election. The other statewide candidates followed this same process but had lower thresholds for both minimum qualifying contributions and maximum matching funds.

Chapter 55A was amended in 1994 with three significant changes.² First, candidates could no longer participate in the program and receive public funds unless they agreed to abide by certain expenditure limits. Further, a candidate who chose not to participate in the program was required to file a statement indicating the maximum amount of expenditures for their primary and general election. The expenditure threshold of the participating candidate was then raised to the same amount as set by the non-participating candidates. Gubernatorial candidates were limited to expenditures up to \$1,500,000 in the primary election and to the same amount in the general election. These limits for the other statewide candidates were set at lower amounts. Second, the maximum amount of matching funds a candidate could receive was increased. The maximum matching contributions candidates for governor could receive was increased to \$750,000 for the primary election and the same sum for the general election and at lower amounts for the remaining statewide candidates. Third, if a taxpayer voluntarily contributed to the fund, this designation no longer increased a filer's tax liability or decreased the amount of any refund.

In 1998, voters approved a statewide ballot question which deleted Chapter 55A in its entirety and inserted a new Chapter 55A known as the Clean Elections Law. This was a broader based program in that not only were statewide officers included, but also governor's councillors, state senators and state representatives. The amount of qualifying contributions candidates had to obtain was significantly lower. Gubernatorial candidates were required to collect only \$6,000 rather than the earlier \$75,000 amount, however the qualifying contributions could only be between \$5 and \$100 each and contributions from individuals or political committees were limited to \$100 in the aggregate in an election cycle. Further, the amount of minimum qualifying contributions required, the expenditure limits, the maximum matching funds received, and the maximum contribution and in-kind contributions received were indexed every two years.

¹ See Section 3 of Chapter 774 of the Acts of 1975

² See Sections 36, 39, 46 and 47 of Chapter 43 of the Acts of 1994

Under the Clean Elections Law, candidates for governor were required to obtain \$6,000 in qualifying contributions. They were limited to expenditures of \$1,800,00 for the primary election and \$1,200,000 for the general election. The gubernatorial candidates could receive a maximum of \$1,500,000 in public funds for the primary election and \$1,050,000 for the general election. The candidates for other statewide office also received maximum sums different than allowed under the earlier version of Chapter 55A and these amounts were in some instances higher and others lower than before. The governor’s council, state senate and state representative candidates could receive matching funds at significantly lower amounts than the statewide candidates.

In 2002, a non-binding ballot question appeared on the statewide ballot. Voters were asked whether they “support[ed] taxpayer money being used to fund political campaigns for public office.” The majority of voters voted no on the question. Following the vote, new legislation was adopted in 2003 that repealed Chapter 55A and established a new Chapter 55C which hewed more closely to the earlier version of Chapter 55A.³ In fact, the maximum amount of a qualifying contribution, the minimum total qualifying contributions amounts required, expenditure limits for the primary and general elections, and the maximum matching funds received are identical to those in former Chapter 55A as amended through 1994. This State Election Campaign Fund (SECF) under Chapter 55C is the limited campaign finance law under which statewide candidates, that is, governor, lieutenant governor, attorney general, treasurer and receiver general, secretary of the commonwealth, and auditor, operate today. Candidates for governor’s council, state senators and state representatives are no longer included in the public financing program. The voluntary taxpayer checkoff program remains the sole source of funding for the state election campaign fund and continues not to increase the filer’s tax liability or decrease the amount of a refund.

In the twelve statewide elections held since public funding was available, public financing has provided \$13.4 million to candidates. The largest outlay of public financing was in 2002, when almost \$4.1 million was distributed. This was due in large part to the then Clean Elections program. That program provided partial funding to 10 candidates, with only one being a statewide candidate. Over the past 45 years, a total of 114 candidates have received public funds under the various forms of public financing programs.

The following table provides details on available sums and amounts disbursed through the public funding program (dollar figures in this report have been rounded to the nearest dollar):

Table 1
Funds Available and Disbursed from the
State Election Campaign Fund
1978-2022 Statewide Elections

Year	Amount Available	Amount Disbursed
1978	\$175,161	\$162,521
1982	\$679,930	\$489,912
1986	\$888,498	\$865,412
1990	\$450,003	\$380,356

³ See Chapter 26 of the Acts of 2003

1994	\$358,438	\$256,758
1998	\$1,753,463	\$1,719,614
2002	\$4,088,405	\$4,088,405
2006	\$1,613,689	\$1,361,222
2010	\$1,563,839	\$1,419,852
2014	\$1,235,905	\$1,065,704
2018	\$1,210,257	\$1,093,739
2022	\$1,005,711	\$530,270

Table 2
Candidates Eligible for and Receiving Public Campaign Funds
1978-2022

Year	Primary		General		Total candidates receiving funds for primary and/or general
	Candidates eligible for funds*	Candidates receiving funds	Candidates eligible for funds#	Candidates receiving funds	
1978	22	12	10	8	16
1982	12	12	16	3	13
1986	11	9	10	10	16
1990	17	15	14	8	19
1994	19	10	16	8	14
1998	13	4	7	5	8
2002	12	10	6	6	10
2006	14	2	4	3	3
2010	6	4	8	5	7
2014	12	2	10	2	3
2018	9	2	8	1	2
2022	5	2	9	1	3

*Denotes party candidates who agreed to observe spending limits.

Denotes candidates who won their primaries or unenrolled candidates who qualified for the general election and who agreed to observe spending limits. Candidates for governor and lieutenant governor run as candidate teams in the general election.

III. The State Election Campaign Fund

The sole source of funding for limited public financing in Massachusetts is the State Election Campaign Fund (SECF) established under M.G.L. Chapter 10, Section 42. By checking a box on their annual income tax returns, individual taxpayers may direct \$1.00 of their tax liability to the SECF while filers of joint returns can designate \$2.00. Such a designation does not increase a filer's tax liability or decrease the amount of a refund.

Table 3
State Election Campaign Fund
Amounts Collected
1993-2022

Tax	Amount Collected
1993	\$56,648
1994	\$394,150
1995	\$351,705
1996	\$417,791
1997	\$449,991
1998	\$382,270
1999	\$447,283
2000	\$445,789
2001	\$465,545
2002	\$419,308
2003	\$365,895
2004	\$343,790
2005	\$321,393
2006	\$308,467
2007	\$296,489
2008	\$280,672
2009	\$269,131
2010	\$272,463
2011	\$258,910
2012	\$247,366
2013	\$245,108
2014	\$249,160
2015	\$245,951
2016	\$244,085
2017	\$245,688
2018	\$242,130
2019	\$224,350
2020	\$222,169
2021	\$214,340
2022	\$201,683

Source: Massachusetts Department of Revenue. From 2014 through 2022, the total is based on OCPF’s analysis of Blue Book Reports from the Massachusetts Department of Revenue.

The number of candidates who receive money in each election cycle varies. Some candidates choose not to participate in the program and others are excluded due to parameters established in the statute. For example, gubernatorial candidates participating in the program

receive full funding before any other constitutional office candidate is eligible to receive funds. Generally, participating gubernatorial candidates exhaust the available funds thereby precluding the other statewide office candidates from receiving any funds. Further, starting with the 1998 election, candidates choosing to participate in the SECF program must agree to statutory spending limits as a condition to receive funds.

Eligible candidates may only receive limited public financing if they agree to observe spending limits throughout the entire campaign. In return for agreeing to limits, candidates who have opposition in the primary are eligible to receive money for both the primary and, if they are successful in the primary and are opposed, in the general election. Party-affiliated candidates must observe these limits in both the primary and general elections. Candidates who are not enrolled in a party cannot participate in the primary election round of funding, but must observe the limits beginning with the date nomination papers are due in August through the general election date. The statutory expenditure limits vary according to the office sought. Because the nominees for governor and lieutenant governor run as a “candidate team” after the primary, they are both included in the gubernatorial candidate’s general election expenditure limit and maximum matching fund amounts.

Table 4
Expenditure Limits for Public Financing Participants

	Primary	General	Total Limit
Governor	\$1,500,000	\$1,500,000	\$3,000,000
Lt. Governor	\$625,000	-----	\$625,000
Attorney General	\$625,000	\$625,000	\$1,250,000
Treasurer	\$375,000	\$375,000	\$750,000
Secretary of State	\$375,000	\$375,000	\$750,000
Auditor	\$375,000	\$375,000	\$750,000

The amounts which participating candidates are eligible to receive are equal to half of their statutory expenditure limits.

Table 5
Maximum Distributions for Public Financing Participants

	Primary	General	Total
Governor	\$750,000	\$750,000	\$1,500,000
Lt. Governor	\$312,500	-----	\$312,500
Attorney General	\$312,500	\$312,500	\$625,000
Treasurer	\$187,500	\$187,500	\$375,000
Secretary of State	\$187,500	\$187,500	\$375,000
Auditor	\$187,500	\$187,500	\$375,000

Five state officials and agencies coordinate in the implementation of the SECF - the Office of Campaign and Political Finance (OCPF), the office of the Secretary of the Commonwealth, the office of the Treasurer and Receiver General, the Department of Revenue, and the Office of the Comptroller.

The Department of Revenue is responsible for collecting the funds through income tax returns. The Treasurer is responsible for the management and investment of the funds in the SECF as well as disbursing funds to certified candidates.

By mid-July in statewide election years, the Comptroller determines the balance in the SECF as of June 30th and the Treasurer is required to make all invested funds available for immediate withdrawal. The total amount available for public financing in that election year is apportioned on a fifty/fifty basis, with half available for the primary election and half available for the general election.

On or before the ninth Tuesday before the state primary election, the Secretary of the Commonwealth certifies to OCPF the names of those candidates who qualify for the primary ballot and who are opposed by one or more candidates. Unopposed candidates are not eligible to receive public financing. The Director of OCPF is responsible for certifying to the Treasurer that each candidate has met the statutory obligations necessary to receive the public funds. Once the Secretary has certified the number of names to the Director, and the Director has completed the certification of participating candidates, the Comptroller subdivides the primary election account into separate accounts for each participating candidate based on a formula set out in M.G.L. Chapter 10.

The statute provides that candidates for governor receive full funding first. After the gubernatorial candidate receives full funding, the remaining statewide candidates can receive funding from any remaining funds. For all practical purposes, if a gubernatorial candidate participates in the SECF, there will not be sufficient funds for any other candidates. The fund is divided in half to fund the primary election and the general election equally. Therefore, for the gubernatorial candidate \$750,000 is set aside for the primary election and \$750,000 for the general election, or as close to that amount as the fund allows. In 2022, there was \$1,005,711 in available funds. Had a candidate for governor participated, there would not have been sufficient funds for the remaining candidates. If there is no candidate for governor, calculations are made to divide the funds proportionately among other certified statewide candidates.

To become eligible to receive public funds, candidates file statements with OCPF listing contributions received that qualified under the matching funds formula. Qualifying contributions include only the first \$250 of individual contributions that were received and deposited into a candidate's depository bank account during the year of the statewide election and the previous calendar year. The amount of required qualifying contributions varies by office and the type of election, that is, either the primary election or the general election. Prior to receiving public funds, candidates are required to obtain a bond equal to the amount of funds the candidate is eligible to receive through the SECF. The bond protects the Commonwealth in the event of misuse of the public funds by the candidate. Matching funds are sent by wire transfer by the Commonwealth to the candidate's bank depository account registered with OCPF. The receipt of the funds and

subsequent expenditure of the funds are disclosed in the regular campaign finance reports filed with OCPF.

A participating candidate is still eligible to receive funds even if opposed by a non-participating candidate. If a candidate chooses not to participate in the SECF program, they are required to file a statement setting an expenditure limit. The expenditure limit for that office is then increased to that amount even for the participating candidate regardless of the limited amount set forth in Table 4. For example, a primary election candidate for attorney general chooses not to participate in the SECF program and files a statement setting their spending limit at \$4 million. A primary election candidate for attorney general who is participating in the SECF program could receive matching funds, but their spending limit is increased from \$625,000 to \$4 million. If there were three candidates and two did not participate with one setting a limit of \$5 million and the second setting the limit at \$4 million, the expenditure limit for all three candidates would increase to \$5 million.

Table 6
Minimum Qualifying Contributions by Office

	Primary Election	General Election
Governor	\$75,000	-----
Lieutenant Governor	\$15,000	-----
Governor/Lt. Governor	-----	\$125,000
Attorney General	\$37,500	\$62,500
Secretary	\$15,000	\$25,000
Treasurer	\$15,000	\$25,000
Auditor	\$15,000	\$25,000

IV. Candidates' Participation in the 2022 Program

A total of 27 candidates who appeared on the ballot for statewide office were required to file declarations with OCPF stating whether they agreed to observe statutory spending limits in 2022. The twenty party candidates filed the statements prior to submitting nomination papers to the Secretary of the Commonwealth in June and the seven unenrolled candidates filed their statements prior to submitting nomination papers in August. The deadline for filing the statement for party candidates was the same day nomination papers were due to be filed with the Elections Division of the Secretary of the Commonwealth, that is, June 7, 2022. On or before that date, a total of twenty candidates filed statements declaring whether they intended to limit their spending in the 2022 primary and general elections. For unenrolled candidates, the date the statement was due was August 30, 2022. On or before that date, seven candidates filed statements declaring whether they intended to limit their spending in the general election. Every candidate who filed nomination papers filed a statement with OCPF. If a candidate failed to file the statement, they would not be eligible to be on the applicable primary or general election ballot.

Participating candidates were limited to certain expenditure amounts set forth in Table 4 above. For party candidates, the expenditures limits applied during the primary election campaign period from June 8, 2022 through September 6, 2022 and during the general election period from September 7, 2022 to November 8, 2022. For unenrolled candidates, the expenditure limits applied from August 31, 2022 through November 8, 2022. For example, participating gubernatorial candidates are limited to expenditures of \$1.5 million for the primary election campaign period and to \$1.5 million for the general election campaign period. Unenrolled gubernatorial candidates are limited to expenditures of \$1.5 million for the applicable general election campaign period. In return, party candidates were eligible to receive up to \$750,000 in matching funds for the primary election and up to an additional \$750,000 in matching funds for the general election depending upon the availability of funds. Unenrolled candidates were eligible to receive up to \$750,000 for their applicable general election period. A candidate is not eligible for funding if they do not have an opponent for the office.

A total of \$1,005,711 was available to candidates in 2022. This was sufficient to provide matching funds to all candidates who agreed to observe spending limits in return for public matching funds and who met the minimum qualifications. The amount was approximately \$200,000 less than available for the 2018 State election cycle.

Table 7
Statewide Candidates 2022

Office/Statutory Limit	Candidates who agreed to expenditure limits (participants)	Candidates who did not agree to expenditure limits (non-participants)
Governor \$1.5 million per election**	Geoffrey Diehl – R Kevin Reed – U	Christopher Doughty – R Sonia Chang-Diaz – D Maura Healey – D
Lieutenant Governor \$625,000 Primary**	Leah Allen – R Tami Gouveia – D Peter Everett – U	Kate Campanale – R Kimberley Driscoll – D Eric Lesser – D
Attorney General \$625,000 per election	James McMahon – R Quentin Palfrey – D	Andrea Joy Campbell – D Shannon Liss-Riordan – D
Secretary \$375,000 per election	Juan Sanchez – U	Rayla Campbell – R William Galvin – D Tanisha Sullivan – D
Treasurer \$375,000 per election	Cristina Crawford – U	Deborah Goldberg – D
Auditor \$375,000 per election	Gloria Caballero-Roca – U Daniel Riek – U	Anthony Amore – R Chris Dempsey – D Diana DiZoglio – D Dominic Giannone – U

V. The Primary Election

Spending Limit Declarations

Five candidates who were eligible for funding in the primary election agreed to abide by spending limits, which were binding for both the primary and general elections. At the time of the filings, OCPF estimated the amount of money in the State Election Campaign Fund that would be available to participating candidates at approximately \$1 million. By statute, this sum was to be divided evenly between the primary and general election campaigns. One gubernatorial candidate, Republican Geoffrey Diehl, agreed to limit spending but did not take the necessary subsequent steps to receive matching funds. Because no candidates for governor received funds, money was available for other statewide races.

Self-imposed Limits

Candidates who chose not to participate in the public financing system but were opposed by at least one participating candidate in their primary election were required to observe a self-imposed spending limit. By June 10, 2022, the non-participating party candidates were required to file a statement with OCPF stating the maximum amount that they would spend in the primary election campaign. The spending limits of the participating candidates in that particular race were then increased to the highest amount specified by their non-participating opponents. All non-participating candidates filed the required statements declaring the maximum amounts their campaign would spend in the primary election.

Governor (Republican) (Statutory limit: \$1.5 million)

- Christopher Doughty: \$6 million.
- The limit for Christopher Doughty's state primary opponent, Geoffrey Diehl, increased to \$6 million from the statutory limit.

Lieutenant Governor (Democratic) (Statutory limit: \$625,000)

- Kimberley Driscoll: \$2 million.
- Eric Lesser: \$5 million.
- Because a state primary opponent, Eric Lesser, set a self-imposed spending limit of \$5 million, the spending limit for all primary opponents, Tami Gouveia and Kimberley Driscoll, was increased to \$5 million.

Lieutenant Governor (Republican) (Statutory limit: \$625,000)

- Kate Campanale: \$1.5 million.
- The limit for Kate Campanale's primary opponent, Leah Allen, increased to \$1.5 million from the statutory limit.

Attorney General (Statutory limit: \$625,000)

- Andrea Joy Campbell: \$3 million.
- Shannon Liss-Riordan: \$12 million.

- Because a state primary opponent, Shannon Liss-Riordan, set a self-imposed spending limit of \$12 million, the spending limit for all primary opponents, Andrea Joy Campbell and Quentin Palfrey, increased to \$12 million.

In other races, spending statements were not required because those contests either had no candidates who agreed to participate in the public financing program or had candidates that agreed to participate but did not face primary opponents who chose not to participate.

Table 8
Spending Limits for the 2022 State Primary Election
Statutory or Self-Imposed
June 8, 2022 to September 6, 2022

Office	Democratic Primary Election Spending Limit	Republican Primary Election Spending Limit
Governor	No limit	\$6 million
Lieutenant Governor	\$5 million	\$1.5 million
Attorney General	\$12 million	\$625,000
Secretary	No limit	No limit
Treasurer	No Limit	No candidate organized
Auditor	No Limit	No limit

Certification and Release of Funds

The Comptroller certified the amount of \$1,005,711 as available in the State Election Campaign Fund for distribution to 2022 candidates. According to the statute, the amount was divided evenly and \$502,855 was set aside for the primary election campaign and \$502,855 was set aside for the general election campaign. Any funds that remained after the primary election were added to the funds available for the general election.

Two candidates were certified and received funds for the primary election – Tami Gouveia for lieutenant governor, and Quentin Palfrey for attorney general. A total of \$251,427 was available for each of the primary election candidates.

Table 9
Funds Disbursed
in the 2022 Primary Election Campaign

Candidate	Office sought	Amount disbursed
Tami Gouveia	Lt. Governor	\$183,191
Quentin Palfrey	Attorney General	\$245,872
TOTAL		\$429,063

VI. The General Election

Spending Limit Declarations

The general election campaign period for party candidates began on September 7, 2022 and for unenrolled candidates on August 31, 2022. All candidates had previously filed statements indicating their intention to participate in the SECF program.

Self-imposed Limits

Candidates who chose not to participate in the public financing system but were opposed by at least one participating candidate in the general election were required to observe a self-imposed spending limit. By September 9, 2022, the non-participating candidates were required to file a statement with OCPF stating the maximum amount that they would spend in the general election campaign. The spending limits of the participating candidates in that particular race were then increased to the highest amount specified by their non-participating opponents. All non-participating candidates filed the required statements declaring the maximum amounts their campaign would spend in the general election.

Governor/Lt. Governor (Statutory limit: \$1.5 million)

- Maura Healey/Kimberley Driscoll (Democratic): \$6.9 million.
- The limit for general election opponents, Geoffrey Diehl/Leah Allen (Republican) and Kevin Reed/Peter Everett (Unenrolled), increased to \$6.9 million from the statutory limit.

Attorney General (Statutory limit: \$625,000)

- Andrea Joy Campbell: \$3 million.
- The limit for general election opponent, James McMahon (Republican) increased to \$3 million from the statutory limit.

Treasurer and Receiver General (Statutory limit: \$625,000)

- Deborah Goldberg: \$10 million.
- The limit for general election opponent, Cristina Crawford (Unenrolled) increased to \$10 million from the statutory limit.

Secretary of State (Statutory limit: \$625,000)

- William Galvin (Democratic): \$2.5 million
- Rayla Campbell (Republican): \$1 million
- The limit for general election opponents, Rayla Campbell (Republican) and Juan Sanchez (Unenrolled), increased to \$2.5 million from the statutory limit.

Auditor (Statutory limit: \$625,000)

- Diana DiZoglio (Democratic): \$2.5 million
- Anthony Amore (Republican): \$1.25 million
- Dominic Giannone (Unenrolled): \$25,000

- The limit for general election opponents, Anthony Amore (Republican), Dominic Giannone (Unenrolled), Gloria Caballero-Roca (Unenrolled) and Daniel Riek (Unenrolled), increased to \$2.5 million from the statutory limit.

Release of Funds

The SECF had a total of \$576,647 available for disbursement in the general election. This included one half of the available funds certified by the Comptroller as of June 30, 2022 in the amount of \$502,855 and \$73,792 that was remaining from the primary election. Seven candidates in the general election had agreed to spending limits and were eligible to receive funding if they submitted qualifying contributions for matching funds. Of the seven candidates, only one candidate received public funds from the SECF in the general election.

Table 10
Funds Disbursed
in the 2022 General Election Campaign

Candidate	Office sought	Amount disbursed
James McMahon	Attorney General	\$101,206
TOTAL		\$101,206

VII. Total Disbursements

Table 11
Total Public Funds Received in 2022

Candidate/Office	Primary	General	Total
Tami Gouveia/Lieutenant Governor	\$183,191	\$0	\$181,191
Quentin Palfrey/Attorney General	\$245,872	\$0	\$245,872
James McMahon/Attorney General	\$0	\$101,206	\$101,206
TOTAL	\$429,063	\$101,206	\$530,270

The total funds in the SECF as certified by the Comptroller as of June 30, 2022 was \$1,005,711. The total funds disbursed to three candidates in the primary election and general election was \$530,270. The balance of the SECF in the amount of \$475,441 in unused funds is retained for use in the statewide election in 2026 in accordance with Chapter 55C.

Not all the funds were used for several reasons:

- A candidate for governor did not participate.
- Two participating candidates were eliminated in the primary election.
- One participating candidate in the general election had no opponent in the primary election.
- Participating candidates did not receive sufficient contributions to access all of the matching funds set aside for their campaign.
- Chapter 55C requires that after the primary and general elections, candidates return any unused public funds. After both the primary and general elections, it was determined that funds were not used by all three candidates. Quentin Palfrey refunded \$940, Tami Gouveia refunded \$18,863, and James McMahon refunded \$720. Each candidate has made a refund payment to the SECF from their respective campaign accounts.
- The Palfrey Committee informed OCPF that it anticipates receiving a partial refund of a media buy from August 2022. The refund is not anticipated until early 2023. Public funds were used, in part, to purchase the media buy. Once the committee receives the refund, OCPF will assist the Palfrey Committee in calculating the additional refund payment required to be made to the SECF. Accordingly, these funds will be refunded by the candidate and be made available for the 2026 statewide election.
- The total rollover from 2022, including unused and returned funds, is \$495,964. This money is now available for the 2026 statewide election.

VIII. Concluding Comments

The SECF was a source of funds for three statewide candidates, none of whom were successful in the 2022 election. Since the adoption of Chapter 55C in 2003, candidates who received public funds and won the general election include Deval Patrick for governor (2006); Suzanne Bump for auditor (2010); and Martha Coakley for attorney general (2010).

The current formulation of the SECF was established by the adoption of Chapter 26 of the Acts of 2003, effective July 1, 2003. The expenditure limits, maximum distributions and minimum qualifying contributions set forth in Tables 4, 5 and 6 herein have not been increased since that time. Further, the amount of the current expenditure limits and maximum distributions can be traced back to and are the same as those established in prior legislation adopted in 1994. The qualifying contribution limit of \$250 and the minimum qualifying contributions required have their roots in the 1975 legislation.

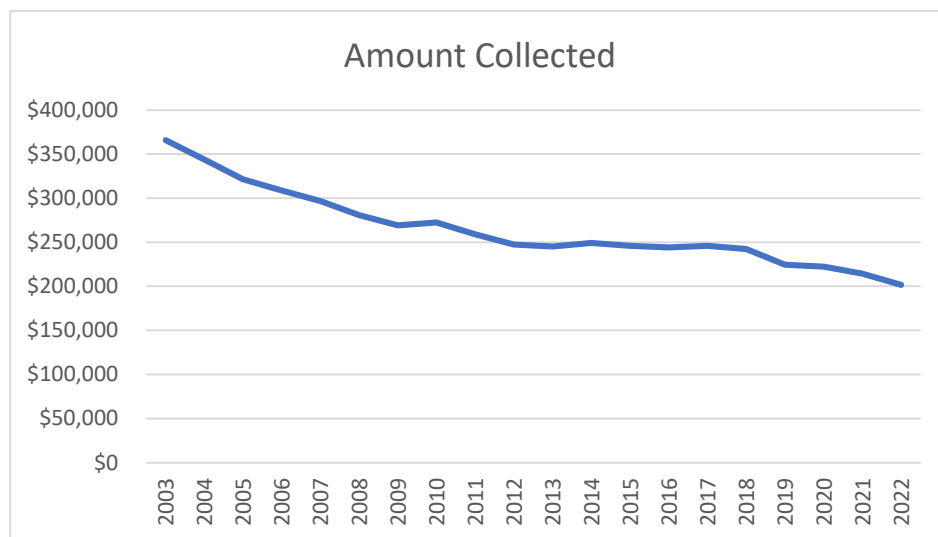
According to the U.S. Bureau of Labor Statistics CPI Inflation Calculator the expenditure limit set for a gubernatorial candidate in 1994 at \$1,500,00 in today's dollars would be

\$3,045,113. According to the same source, the maximum distribution of matching funds set in 1994 for a gubernatorial candidate at \$750,000 would be the equivalent of \$1,522,556 today. Further, the maximum qualifying contribution limit of \$250 which goes back to 1975 would be \$1,424 in 2023.

In examining the six gubernatorial elections from 2002 to 2022, the average expenditures made by the successful candidates, not including those of their lieutenant governors, for the year of the election and the preceding year was \$8,901,146. The expenditures ranged from a low of \$6,637,901 to a high of \$10,124,704. While the expenditure limits are in effect for a much narrower window of time, these expenditures by gubernatorial candidates do reflect the amount of money deployed for successful campaigns over the last two decades. In the 2022 general election for governor, the successful candidate who did not participate in the SECF program set a self-imposed expenditure limit of \$6.9 million for the general election campaign period. Even if an opposing gubernatorial candidate had agreed to participate in the program and took the steps necessary to receive public funding thereby agreeing to limit their expenditures, this self-imposed limit of the non-participating candidate would have allowed the participating candidate to receive the matching public funds of \$750,000 for the general election and make expenditures up to \$6.9 million, not the \$1.5 million set forth in the statute.

However, simply raising the expenditure limits and the maximum distribution amounts to encourage candidates to participate in the program may not be effective if the amount collected in the tax return checkoff program for the SECF continues to decrease. The actual dollar amounts collected each year through the state income tax checkoff program have steadily declined over the past two decades. Table 11 shows the amount collected per year without adjusting for inflation, which would further erode the value of the funding source.

Table 12
State Election Campaign Fund
Amounts Collected Through Tax Return Checkoff
2003-2022



Finally, if an intention of the SECF is to lower barriers and provide opportunity to a potential candidate based on the availability of these funds, the fact that the funds must go first to a candidate for governor reduces the likelihood that this would occur. For the other five statewide offices, the possibility of receiving any public funding from the SECF is entirely dependent on the decision of the gubernatorial candidates as to whether they will participate or not. The availability of matching funds takes no real place in the other statewide candidates' calculation as to whether they will have sufficient funds to mount a robust campaign. Participation by a gubernatorial candidate for all practical purposes prohibits the other constitutional officers from benefitting from public financing. Signatures on nomination papers by the other statewide candidates must be gathered long before they know if they will have any opportunity to receive matching funds. The highest number of candidates receiving public funding occurred in 1990 with nineteen candidates. In the past two decades and following the adoption of Chapter 55C, the number of candidates who received public funds has decreased from ten to three.

OCPF is available to take part in any discussion concerning the future of the State Election Campaign Fund program.

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