

# OCPF Reports



## From the Director

Mike Sullivan

Thanks to all of the committees that filed year-end campaign finance reports by the Jan. 22 deadline. It makes the disclosure process easier when reports are available to the public on time.

We also appreciate that so many people called us for assistance. Over 500 calls were received in the three weeks prior to the filing deadline, and our on-line instructional videos were viewed 346 times during the same period. Stats like that show that candidates and committees want to file accurate and complete reports.

Most committees had filed by the deadline of midnight on January 22<sup>nd</sup>.

**Political Action Committees** had the highest on-time filing percentage at 96%, followed by **legislative candidates** at 90 percent.

Eighty-eight percent of **depositional candidates** filed on time. These include statewide, county, and Governor's Council candidates, and some municipal candidates.

The on-time filing rate for **mayoral candidates** in cities with populations of 40,000 to 100,000 was 86 percent.

Moving forward, our focus

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## OCPF is launching a redesigned website in 2013

OCPF will launch a redesigned website later this year to make it easier to view campaign finance reports and search for other information.

The new look, which will be phased in starting this spring, will have more "one-click" buttons and less text on the homepage. Users will have an easier time finding information.

"We want to refresh it with the standards of today and make it more user-friendly," said Albert Grimes, OCPF's chief information officer.

Other than the appearance, the largest change will be combining the OCPF website with the Electronic Filing System (EFS), where candidates and committees file reports for the public

to view. Currently, the OCPF website and the EFS are separate websites.

All information on the current website, such as the legal research database, press releases and forms, will also appear on the new website.

Later phases of the redesign project will merge OCPF's two electronic filing reporting systems —Reporter 5 and Web Reporter — into one system.

Political committees and the public can call OCPF for help with navigating the new site, and we will post an instructional video on how to use it.

The new website will still be accessed at [www.mass.gov/ocpf](http://www.mass.gov/ocpf)

## Mayoral candidates file electronically with OCPF

Candidates for mayor in cities with populations between 40,000 and 100,000 are required to file campaign finance reports electronically with OCPF.

This year, 21 such cities are electing a mayor.

**All mayoral candidates in cities within this population range will file with OCPF**, regardless of their financial activity. This is a change from 2011, when candidates with less than \$5,000 in activity filed paper reports with city election officials.

Mayoral candidates will file pre-preliminary reports eight days before the preliminary, if they are on the ballot, and a pre-election report eight days before the Nov. 4 election. A year-end report is due Jan. 21, 2014.

To organize, a new candidate will file a statement of organization with their city election official and a copy of the statement with OCPF.

OCPF's regulations on mayoral reporting are available [here](#).

### List of Cities with Mayoral Elections in 2013\*

Attleborough	Lawrence	Peabody
Brockton	Leominster	Pittsfield
Chicopee	Lynn	Quincy
Everett	Medford	Salem
Fall River	Methuen	Somerville
Fitchburg	New Bedford	Taunton
Haverhill	Newton	Westfield

\*Populations of 40,000 to 100,000

# Unions and groups make \$782,000 in independent expenditures for legislative races in 2012

Unions and associations reported making \$782,052 in independent expenditures to support or oppose 114 legislative candidates in 2012.

In addition, five Independent Expenditure Political Action Committees, known as Super PACs, reported \$200,923 in expenditures.

Independent expenditures are expenditures made to expressly advocate the election or defeat of candidates, and are made without coordinating with a candidate's campaign. This spending is disclosed electronically on CPF18A forms (link to reports: [18As](#)).

Independent expenditure PACs are political committees that raise and spend money to make independent expenditures, which are also disclosed electronically on regular campaign finance reports.

The Massachusetts Teachers Association reported the highest total amount of independent expenditures last year: \$309,976. The union also contributed \$75,000 to the Mass Values Independent Expenditure PAC.

The 1199 SEIU union reported spending the second highest amount at \$204,524, and also added \$75,000 to the Mass Values IEPAC. SEIU Local 509 reported \$153,489 in independent expenditures and made a \$10,000 contribution to the Mass Values IEPAC.

The majority of independent expenditures in 2012 were made to support candidates. However, 11 expenditures were made to oppose candidates, four by the Massachusetts Fiscal Alliance and one by SEIU Local 509. The Mass Values IEPAC also reported spending \$53,758 to oppose six candidates.

Of the top 20 candidates supported by independent expenditures, 14 won their races.

The 2012 total is \$256,786 higher than in 2008 – the last non-statewide election year. Traditionally, independent expenditures are highest during statewide election years. In 2010 they topped \$3.7 million, when a majority of all expenditures were made to support or oppose gubernatorial candidates.

## 2012 Independent Expenditures

Organization or Individual	Independent Expenditure Total	Contributions to Independent Expenditure PACs by groups that also made independent expenditures
<i>Massachusetts Teachers Association</i>	\$309,976	\$75,000
<i>1199 SEIU</i>	\$204,524	\$75,000
<i>SEIU Local 509</i>	\$153,489	\$10,000
<i>Massachusetts Fiscal Alliance</i>	\$53,336	0
<i>MassEquality</i>	\$22,513	\$2,000
<i>Massachusetts Nurses Association</i>	\$20,857	0
<i>Professional Fire Fighters of MA</i>	\$9,419	0
<i>Neighbor to Neighbor MA Action Fund</i>	\$5,326	0
<i>Stand for Children</i>	\$2,021	0
<i>Michael Parry</i>	\$588	0
<b>TOTAL</b>	<b>\$782,052</b>	<b>\$162,000</b>

## FROM THE DIRECTOR

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will be on auditing the thousands of reports filed in 2012 and educating new and returning municipal candidates with their 2013 filing responsibilities.

As always, please call with any questions. And don't forget our weekly drop in seminar on Wednesdays at 2 p.m. in our conference room at One Ashburton Place in Boston.

# 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 such as public resolution letters, disposition agreements or referral to the Office of the Attorney General for further action.

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. Public resolution letters and disposition agreements are matters of public record once cases are concluded.

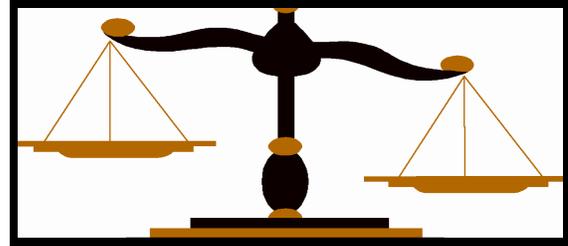
## Public Resolution Letters

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-12-56: John K. O’Toole, Dorchester.** Did not comply (prohibited contributions); 10/22/2012. The committee received a prohibited \$100 corporate contribution, which was refunded, and \$1,250 from unregistered PACs. To resolve the matter, the committee agreed to make a payment of \$1,250 to the state’s general fund.

**CPF-12-92: Mayor Carlo DeMaria, Everett.** Did not comply (occupation and employer); 11/2/2012. The committee did not include occupation and employer information for approximately 75 percent of the individuals who contributed \$200 or more. OCPF, on seven occasions starting in March 2012, requested information from the committee regarding the missing or incomplete reports. The information was disclosed by the committee after OCPF’s requests for amendments.

**CPF-12-70: Peabody Fire Department.** Did not comply (use of public resources for political purposes); 11/13/2012. Two firefighters used the department’s internal emergency alert software to solicit volunteers via text message for a political campaign. The campaign finance law prohibits the use



of public resources for political campaign purposes. The department took corrective action by issuing educational letters to the individuals responsible and by conducting an audit of the alert system.

**CPF-12-74: Rep. Carolyn Dykema, Holliston.** No reason to believe (corporate contributions); 11/20/2012. The committee solicited donations from local businesses for door prizes for Rep. Dykema’s annual senior picnic. The donations are not prohibited by the campaign finance law because they were made to benefit seniors, not Dykema’s committee.

**CPF-12-79: Alan Silvia, Fall River.** Did not comply (public employee); 12/20/2012. The Silvia Committee’s treasurer, Ernest Edwards, was a part-time public employee as a compensated member of the city’s Planning Board. Public employees are prohibited from serving as committee treasurers. To resolve the matter, Edwards resigned as treasurer and made a \$100 payment to the state’s general fund. The committee made a \$400 payment to the state.

## Advisory Opinions

An **advisory opinion** is a response from OCPF to a specific question asked by an individual, political committee, group, company or organization concerning the campaign finance law.

**AO-12-03:** Legislative or executive agents (lobbyists) may use LinkedIn discussion groups to solicit contributions for a candidate from online group members. The lobbyist may not, however, actually receive and forward the contributions if any one of the contributions exceeds \$156. In addition, the lobbyist may not provide a candidate or committee receiving contributions with written correspondence stating that the lobbyist was responsible for arranging for the contributions to be made.

## Recently Organized PACs

Six Political Action Committees were formed recently.

[Greater Boston Green-Rainbow PAC](#),  
PO Box 2424, Acton, 9/27/12.

[Mass Values IE PAC](#), 202 Bonham  
Road, Dedham, 9/28/12.

[Pioneer Valley Green Rainbow PAC](#),  
256 N. Pleasant St., Suite 2, Amherst,  
10/12/12.

[Serlin Haley PAC](#), 51 Franklin St.,  
Suite 3, Boston, 11/9/12.

[United Independent Political Action  
Committee](#), 1 Park Lane, Unit 1901,  
Boston, 12/19/12.

[Alkermes, Inc., PAC](#), 852 Winter St.,  
Waltham, 12/26/12.

## Frequently Asked Question

### What is an in-kind contribution?



An in-kind contribution is something of value given to a committee that is not money.

For example:

- A campaign volunteer buys \$100 worth of postage for your committee
- A friend gives you a stack of plywood for lawn signs
- Your aunt gives you a copier and ink for campaign letters and fliers

In-kind contributions count towards an individual's \$500 annual contribution limit to a campaign. The market value of the item should be reported.



## Candidates for city council and mayor in large cities must enter the state's depository system

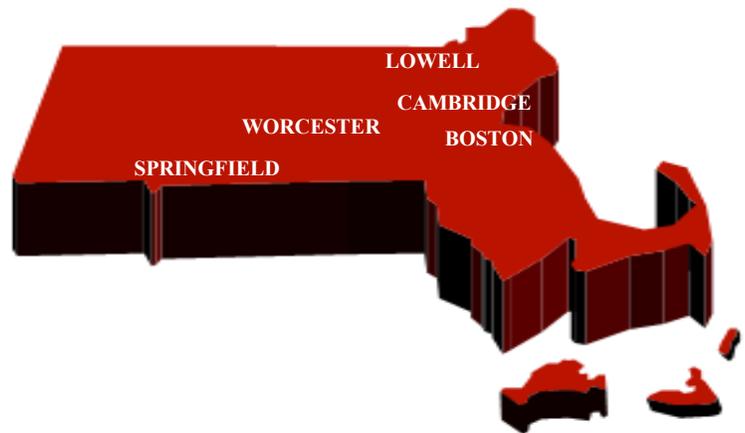
Candidates running for city council or mayor in Boston, Cambridge, Lowell, Springfield and Worcester this year must enter the depository system with OCPF, if they haven't already.

The depository system is different from the non-depository system, which is used by most municipal candidates and requires three reports in an election year.

The depository system requires frequent reports — the committee's bank files expenditure reports monthly or twice monthly, and candidates file contributor reports as they make bank deposits.

To organize with OCPF as a depository candidate, the committee must submit:

1. An organization form
2. Initial report disclosing any activity prior to opening a bank account
3. D103/104 form, which designates a depository bank



The committee is also required to order special checks to make expenditures (all expenditures must be made by committee check or committee credit card).

The process for organizing a depository committee is explained in detail at [this link](#).

An instructional video on how to organize a depository committee is at [this link](#).

# Town and City

## 2013 Filing Requirements

### **Pre-Preliminary Report (Fall Elections):**

Due on or before the 8th day preceding the preliminary or primary election, complete from the day following the ending date of the last report filed through 10 days before the due date.

### **Pre-Election Report (Cities and Towns):**

Due on or before the 8th day preceding the general election, complete from the day following the ending date of the last report filed through 10 days before the due date.

**In 2013, the pre-election report is due on Oct. 28 for all cities & towns with a Nov. 5 election date.**

### **Post-Election Report (Spring / Town):**

Due on or before the 30th day following the general election complete from the day following the ending date of the last report filed through 10 days before the due date. This report may be considered a final report if the candidate/committee has no cash balance, assets or outstanding liabilities, and is not an incumbent. Most spring elections occur in towns.

### **Year-End Report (Cities and Towns):**

Due on or before January 20 in the year following, complete from the day following the ending date of the last report filed through December 31. **The year-end report must be filed every year so long as a committee is in existence, or a candidate maintains a campaign fund, has outstanding debts, or is an incumbent elected official.**



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# More than \$9 million spent on statewide ballot questions in 2012

More than \$9 million was spent to influence three questions put before the voters on the 2012 statewide ballot, according to disclosure reports filed by ballot question committees with the Office of Campaign and Political Finance.

The highest amount of expenditures for any year was in 1992, when \$16,139,661 was spent to influence eight questions.

OCPF's [review of ballot question committee](#) activity in 2012 showed a total of \$9,304,909 spent by 13 committees on questions concerning automobile repair, physician assisted suicide and medical marijuana.

**Question 2**, Prescribing Medication to End Life, had the highest amount of spending – \$5,868,797 by seven committees. The question failed.

**Question 1**, Availability of Motor Vehicle Repair Information, had \$2,304,999 in expenditures. The question passed.

**Question 3**, Medical use of Marijuana, had \$1,131,113 in expenditures. The question passed.

The Committee Against Physician Assisted Suicide reported the highest amount of expenditures for any ballot question committee, \$4,027,098, in a successful effort to defeat Question 2. The largest donors to the committee were the Boston Catholic Television Center, \$1 million; St. John's Seminary Corporation, \$1 million; Knights of Columbus, \$450,000; and The Catholic Association, \$420,000.

The Massachusetts Right to Repair Committee reported the second highest amount of expenditures, \$1,936,320, to successfully support Question 1. The committee's largest donors were the Automotive Aftermarket Industry Association, \$957,500; and the Coalition for Automotive Repair Equality, \$210,000. Four automobile parts companies each gave \$150,000.

The Committee for Compassionate Medicine reported the third highest amount of expenditures, \$1,125,647, to support Question 3, which passed. Its largest donor was retired insurance company executive Peter Lewis of Mayfield Village, Ohio, who contributed \$1,097,000.

In addition to the receipts and expenditures reported by 13 ballot question committees in 2012, they also reported a total of \$1,113,867 in in-kind contributions.

Independent from the ballot question committees, six organizations made expenditures to oppose questions 2 and 3, and [reported those expenditures](#) electronically with OCPF. The Massachusetts Family Institute, The Trustees of Emmanuel College, Stonehill College, Anna Maria College, College of the Holy Cross and the Trustees of Boston College spent \$48,264 opposing Question 2. An individual also reported spending \$2,373 opposing the same question.

The Massachusetts Family Institute reported spending \$6,505 opposing Question 3.

# Reporting schedule set for special House elections

To fill the vacancies caused by the resignation of Rep. Stephen Stat Smith (28th Middlesex District) and the death of Rep. Joyce Spilotis (12th Essex District)

All candidates seeking the 28th Middlesex House (Everett) and 12th Essex House (Peabody) districts must file three campaign finance reports with OCPF:

- **A pre-special primary report: Due Feb. 25 (election day: March 5)**  
*This report covers all activity beginning on Jan. 1, 2013, and continues through Feb. 15, 2013.*
- **A pre-special election report: Due March 25 (election day: April 2)**  
*This report covers all activity beginning Feb. 16, 2013, and continues through March 15, 2013.*
- **A post-election (30 –day after) report: Due May 2, 2013.**  
*This report covers all activity beginning March 16, 2013, and continues through April 22, 2013.*

**Late Contribution Reports:** Committees that receive and deposit contributions of \$500 or more after the 18th day but more than 72 hours before an election must file a late contribution report. Please see our [bulletin](#) on late contribution reports and watch our instructional videos on how to file the report using [Reporter 5](#) or [Web Reporter](#).

## Town Elections

### Schedule a seminar

OCPF conducts seminars in the spring for town elections.

Town clerks can contact Jason Tait at [jtait@cpf.state.ma.us](mailto:jtait@cpf.state.ma.us) to schedule a seminar.

For times and locations, our seminar schedule is posted to our website. [Click here](#) for a link to our seminar calendar.

#### Upcoming Municipal Candidate Seminars

**Framingham Town Hall**, 6:30 p.m., Feb. 20

**Tewksbury, Police Station Meeting Room**, 6:30 p.m., Feb 26

**East Bridgewater Town Hall**, 6:30 p.m., March 6



**LOOKING AHEAD: The next report for legislative candidates and PACs is the mid-year report due **July 22**, covering the period of **Jan. 1 to June 30****

### Viewing Reports On-Line

One of the few campaign finance reports still filed on paper with OCPF is the CPF 111 form.

This form is required when an organization has made political contributions or expenditures to support or oppose candidates, and that spending has exceeded \$15,000 or 10 percent of the organization’s general fund.

These reports are [posted here](#).