

# OCPF Reports



## From the Director

Like many of you, much of our focus will be on the state election from now until November.

We'll be reaching out to candidates and committees during this period, and we hope you contact us with your questions, too.

In June, committees will receive a packet with information about how and when to file campaign finance reports this year.

We are also helping local party committees with their re-organization efforts — our office has already received hundreds of organizational forms this season, and will gladly help re-organized committees with their 2012 reporting requirements. Party committees that have yet to organize can call OCPF for assistance.

Also, please stay tuned to our website for updates on seminars for legislative

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## Paper reporting discontinued in favor of electronic filing for most

All candidates and political committees organized with OCPF — except local party committees — are now required to file campaign finance reports electronically, starting this year.

Paper campaign finance reports are no longer accepted by OCPF from candidates, ballot question committees and political action committees. Paper filers are already a small group — nine of 515 legislative candidates filed their 2011 year-end reports on paper, for example.

Candidates and committees that previously filed on paper can download Reporter 5, OCPF's reporting software, or use Web Reporter to file electronic reports — and can call OCPF for technical assistance.

The Electronic Filing System established in 2002 requires statewide, legislative and Governor's Council candidates to file electronically. Political action committees, people's committees, state party committees, ballot question committees and other county and municipal candidates were added in later years.

However, some candidates and committees continued to file paper reports if they did not reach certain spending or fundraising thresholds. Those thresholds are no longer in effect, now requiring all committees to file electronically. Electronically filed reports are immediately posted to OCPF's website, giving the public easy access to the documents.

Local party committees are strongly encouraged to file electronic reports, but are only required to file electronically if they raise or spend more than \$10,000 during a two year election cycle.

There are no filing changes for municipal candidates and committees that file paper reports with their local election officials.

### 2012 Filing Schedule for Legislative Candidates, PACs & Local Parties

Report	Due Date
Pre-Primary Report	Aug. 29
Pre-Election Report	Oct. 29
Year-End Report	Jan. 22, 2013

## Mayoral candidates report spending more than \$3.5 million

Mayoral candidate finalists in 38 cities reported expenditures of \$3,549,375 in 2011, an average of \$49,991 per candidate, according to a recently released OCPF study.

The spending total in 2011 was less than half that of 2009, a mayoral election year

in Boston, when candidates spent a record \$7.5 million. There was no mayoral election in Boston in 2011.

The 2011 OCPF study ([available here](#)) examined campaign finance activity during the calendar year by 71 finalists for mayor in elections

throughout Massachusetts. Mayoral candidates in cities with populations between 40,000 and 100,000, and mayoral candidates in Springfield and Worcester, filed campaign

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## Continued: Mayoral candidates spend \$3.5 million in 2011

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finance reports with OCPF in 2011. Other mayoral candidates in cities with populations of less than 40,000 filed disclosure reports with their local election officials.

The most expensive mayoral races in 2011 were in New Bedford and Fall River, where the two finalists in each city reported expenditures of \$484,896 and \$392,334, respectively. Other races exceeding \$300,000 in expenditures were in Quincy and Revere.

Once again, winning candidates as a whole raised and spent significantly more than those who lost in 2011. Winners spent \$63,311 on average while unsuccessful candidates averaged \$34,652. The top spenders in the 31 contested elections won 26 times, or 86 percent of the con-

tests in 2011.

Fall River Mayor William Flanagan reported the highest total expenditures for the year at \$300,972, followed by Quincy Mayor Thomas Koch at \$290,969 – both were successful.

Candidates in 2011 reported receipts of \$3,386,403 for the calendar year, the second lowest total since OCPF began issuing mayoral campaign finance studies in 1997.

The top mayoral fundraisers in 2011 were Fall River Mayor Flanagan with \$275,567, Quincy Mayor Koch with \$274,033, and Jonathan Mitchell of New Bedford with \$227,645. All three candidates won their elections.

The average amount spent per vote by a candidate in 2011 was \$11.01, a decrease of \$5.51 over 2009.

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candidates and other committees. Our seminars will occur across the state this summer to train committees on the campaign finance law and how to use our reporting software.

### Staff Update

We have recently welcomed two employees, Shane Slater and Lauren Gentile.

Shane joined our auditing staff and will focus on assisting candidates with last names starting with B, C and D. Shane graduated from Stonehill College and Bridgewater Raynham Regional High. He worked in the finance industry prior to joining OCPF.

Lauren Gentile joined our IT staff to help develop our public web presence, and build OCPF's internal network. She graduated from the University of Florida and worked for the U.S. Coast Guard before joining OCPF.

We have included the names and e-mail addresses of all OCPF staff on page 5 of this newsletter. Please feel free to call or write our staff if you have questions about the campaign finance law.

**Mike Sullivan, Director**

### Campaign Finance Activity by Mayoral Candidates in Municipal General Elections

	Number of candidates	Receipts		Expenditures		
		Total	Median	Total	Median	Average spent per vote
1997*	66	\$3,708,975	\$28,157	\$3,835,055	\$27,127	\$6.63
1999	69	\$3,198,736	\$32,289	\$3,284,268	\$23,388	\$7.44
2001*	76	\$4,546,947	\$32,644	\$5,852,880	\$33,040	\$11.70
2003	70	\$3,587,911	\$31,586	\$3,949,051	\$27,672	\$11.03
2005*	71	\$5,778,781	\$30,021	\$6,209,404	\$27,621	\$14.18
2007	69	\$3,577,819	\$29,122	\$3,914,462	\$25,339	\$12.23
2009*	73	\$5,549,845	\$30,523	\$7,542,006	\$28,924	\$16.52
<b>2011</b>	<b>71</b>	<b>\$3,386,403</b>	<b>\$30,218</b>	<b>\$3,549,375</b>	<b>\$27,469</b>	<b>\$11.01</b>

\*Mayoral Election Year in Boston

# 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 such as public resolution letters, disposition agreements or referral to the Office of the Attorney General for further action. All resolution letters are posted under the [Agency Actions](#) tab at the agency website, [www.mass.gov/ocpf](http://www.mass.gov/ocpf).*

*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.*

*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.*

## Public Resolution Letters

**CPF-11-92: Mayor William Flanagan, Fall River.** Did not comply (excess contributions); 2/3/2012. The committee accepted six contributions in excess of the \$500 annual limit in 2011. All contributions have been refunded.

**CPF-11-79: Niall Hopkins, South Yarmouth.** Did not comply (reporting); 2/6/2012. The Hopkins Committee filed an original campaign finance report for the May 2011 town election for selectman that was incomplete and contained significant errors and omissions. An amended report was filed in January 2012.

**CPF-11-96: Michael Dupont, Taunton.** Did not comply (independent expenditure); 2/10/2012. Michael Dupont did not initially file an independent expenditure disclosure report for an aerial advertisement. Dupont borrowed a friend’s private plane and a banner, and flew an aerial advertisement that stated, “Vote for Tom Hoyer for Mayor.” The required disclosure report was not filed until after the due date, and after Dupont was contacted by OCPF.

**CPF-11-95: Town of Marshfield.** Did not comply (public resources); 2/21/2012. The Marshfield School Building Committee authorized the expenditure of public money to produce and distribute to all Marshfield residents a brochure discussing the proposed new high school building project and the upcoming Town Election. The project manager advanced the money for the brochure after assurances from the town that it would be reimbursed with public funds. To resolve the matter, Building Committee members will make a joint payment of \$1,000 to the state.

**CPF-11-107: Alex Morse for Mayor Committee, Holyoke.** Did not comply (public buildings, corporate contributions); 3/28/2012. In December 2011, the Alex Morse for Mayor

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## Filing Reminder: Late Contribution Reports

2012 candidates on a state ballot and state ballot question committees are required to file late contribution reports shortly before the primary or general elections, if their committees receive and deposit contributions of \$500 or more after the 18th day but more than 72 hours before the election.

**A late contribution report will be due within 72 hours of deposit in the following instances:**

- Contribution by check or credit card of \$500 or more.
- In-kind contribution of \$500 or more.
- Out-of-pocket expenditure by legislative candidate, if the expenditure by the candidate meets or exceeds \$500 for the calendar year.
- Loan of \$500 or more by the candidate to his or her campaign committee.

*Please contact OCPF if you have questions about Late Contribution Reports, or [click here](#) to read our bulletin on the issue.*

# Continued: Recent Cases

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Committee mailed flyers soliciting contributions from public employees at their places of work, and received \$400 from the solicitation. The campaign finance law prohibits the solicitation of political contributions in buildings used for governmental purposes. The committee also deposited prohibited corporate contributions and excess contributions from political committees. The committee agreed to purge the prohibited funds, a total of \$587.50.

**CPF-11-103: Maura Hennigan, Boston.** Did not

comply (public resources); 3/17/2012. Suffolk County Superior Court employees, during their work day, placed address labels on campaign envelopes for the Hennigan Committee. The committee made a payment of \$2,000 to the state's general fund to resolve the matter and, in part, provide restitution to the state for the value of the staff time used in assisting the committee.

### Memoranda

**M-12-01:** OCPF issued a memorandum on March 6, 2012, regarding the extent to which candidates for state or local political party commit-

tees are subject to the campaign finance law. Generally, candidates for state and local party committees are not subject to the disclosure requirements of the campaign finance law. However, the campaign finance law prohibits corporations, LLCs, LLPs and partnerships from contributing, directly or indirectly, to support or oppose a candidate for a political party committee. Public employees are also prohibited from soliciting or receiving contributions to support or oppose a candidate for a political party committee.

## Recently Organized Political Action Committees

Since February, six political action committees (below) have organized with OCPF. Organizational forms are available for viewing at [www.efs.cpf.state.ma.us](http://www.efs.cpf.state.ma.us)

[Stripers Forever PAC](#), New Bedford.

[Activate Worcester County PAC](#), Worcester.

[Worcester County Women's Club LX PAC](#), Sterling.

[Pizza Party PAC](#), North Easton.

[National Correctional Employees Union PAC](#), Springfield.

[American Term Limits Party PAC](#), Fitchburg.

## OCPF's main website averages more than 4,000 distinct visitors a month in 2011

Visits to OCPF's main website remained high in 2011.

The website logged an average of 4,314 distinct visitors per month, or 141 daily.

There were 5,521 distinct visitors each month on average in 2010, a state election year. In 2009, a non-election year for the state, there were 3,959 distinct visitors monthly, on average.

A distinct visitor may visit the website more than once during a month, but is counted only once in the monthly average.

OCPF also maintains the Electronic Filing System (EFS), which contains data from hundreds of candidates and committees that are required to file electronic reports. During calendar year 2011, political committees filed 18,041 reports on the EFS.

OCPF's website and EFS are used to educate the public and political committees on the campaign finance law, and to provide a platform for disclosing campaign finance activity in a convenient on-line location.

### Average Monthly Distinct Visitors to the OCPF's Website

2011	4,314
2010	5,521*
2009	3,959
2008	6,469*

\*State election year



[\*\*@OCPFReports\*\*](#)

## Contacting OCPF Staff

OCPF staff members will answer your questions about the campaign finance law, technical issues and filing requirements. You can call 617-979-8300 or e-mail.

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# Q&A: From OCPF Staff

*OCPF staff answer many questions each day.*

*Here are a few recent answers.*

## Goods and Services from Businesses

**Q:** A local candidate owns an LLC. Can the candidate use her company's stamps, envelopes and paper to send a campaign mailing to voters?

**A:** Yes, but the candidate's campaign must pay fair market value to the LLC for those goods and services, and disclose an expenditure to the company on the relevant campaign finance report.

## Local Elections: Write-in Candidates

**Q:** Are municipal write-in candidates required to file campaign finance reports if they spend a minimal amount of money for a sticker campaign?

**A:** Yes. If the expenditure happens more than 18 days before a primary or general election, the campaign finance report will be filed eight days prior to the relevant election. If the expenditure is made within 18 days of an election, the report would be filed 30 days after the election in a town, or at year end for a city.

## Federal and Out-of-State PAC Activity

**Q:** Can federal or out-of-state PACs contribute to Massachusetts candidates?

**A:** No. PACs must be organized with OCPF to contribute to Massachusetts candidates.

## Changing Banks

**Q:** Does a candidate for state representative need to inform OCPF if she is moving her campaign funds to another bank?

**A:** No. Non-depository candidates, such as House and Senate candidates, are not required to declare a depository bank with OCPF.

## Switching from Municipal to State Office

**Q:** A current town officeholder wants to run for state representative, but his town campaign committee already has liabilities owned to businesses. Do those liabilities follow a candidate's committee from the town to the state level for reporting purposes?

**A:** Yes. The liabilities incurred during a candidate's time as a town candidate would be disclosed on campaign finance reports for state representative — until the debts are paid or settled. OCPF's guide on how to switch from a local candidate to a state candidate is available by [clicking here](#).