



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

ONE ASHBURTON PLACE ROOM 411
BOSTON MASSACHUSETTS 02108

MICHAEL J. SULLIVAN
DIRECTOR

TEL: (617) 727-8352
(800) 462-OCPF
FAX: (617) 727-6549

July 8, 1997
AO-97-14

Jean M. Willis, Treasurer
Arlington Republican Town Committee
15 Arizona Terrace #3
Arlington, MA 02174

Re: Reporting by Local Party Committee on a Ballot Question

Dear Ms. Willis:

This letter is in response to your June 5, 1997 request for an advisory opinion regarding the obligations of a local party committee which solicits and expends funds to influence a municipal ballot question. You ask if the Arlington Republican Town Committee ("the Committee") is required "to file a report specifically for the June 10th special election."¹

Question: Does a local party committee which solicits and expends money specifically to influence a ballot question have to file campaign finance reports prior to a special election on the question?

Answer: If a local party committee receives funds specifically to influence a ballot question, it must (like any other group raising and spending funds to influence a ballot question) organize as a separate ballot question committee. Funds raised by the ballot question committee must be kept separate from the local party committee's fund. In addition, the ballot question committee would have to file timely reports before and after a special election.

If a local party committee does not receive contributions specifically to influence a ballot question, but does make expenditures for that purpose, it would still have to file reports both before and after the election if the committee expended more than \$100 during the relevant reporting period. It would not, however, have to organize a separate ballot question committee.

In short, whether a local party committee reports as a party committee or as a ballot question committee is determined by the purpose for which the group raises and expends its funds.

¹ This office does not generally issue advisory opinions on matters which have already taken place. The issues raised by your question are, however, relevant and of interest to other city, town and ward committees.

Facts: The town of Arlington held a special election on Tuesday, June 10, 1997 to submit a Proposition 2 ½ question to the voters concerning a proposed school construction project. On May 22, 1997 the Committee mailed a two-page flyer to town residents urging a “No” vote. The flyer stated:

For us to conduct this dialogue, to wake up our neighbors to what is happening and what must change it will cost \$1,000 per mailing. Please help us cover this cost. In exchange we promise to keep you informed and pursue our mutual objectives.

The flyer also contained a tear off portion with specific contribution amounts and noted that checks should be payable to the Arlington Republican Town Committee.

Discussion: The campaign finance law defines a “ballot question committee” as a political committee which receives and expends money or other things of value “for the purpose of favoring or opposing the adoption or rejection of a specific question or questions submitted to the voters. . .” See M.G.L. c. 55, s. 1 and OCPF interpretive bulletin IB-88-01. The phrase “political committee” includes any “committee, association, organization or other groups or persons. . .” See M.G.L. c. 55, §1. Consequently, any political committee or other group of persons which receives and expends money to influence a ballot question would be a “ballot question committee.”

Any group of persons organized as another type of political committee such as a local party committee, therefore, must also organize a separate ballot question committee if the group raises and expends “money or other things of value for the purpose of favoring or opposing” a ballot question. As noted previously, the critical factor is the purpose for which the group raises and expends its funds, not the fact that it may already have organized as a political party committee. See also M.G.L. c. 55, § 1, which defines “contribution” and “expenditure” by reference to the purpose of the activity.

Like any other group of persons organized to influence a municipal ballot question, a local party committee (more precisely the interested members of such a committee) must organize a ballot question committee by filing a statement of organization (Form CPF M101BQ) with the local election official, before raising and spending any funds. See M.G.L. c. 55, §5. Thereafter, the ballot question committee must file campaign finance disclosure reports (Form CPF M102BQ) on (1) the eighth day preceding a general or special primary (rarely applicable in towns), (2) the eighth day preceding a general or special election and, in a town, (3) thirty days after a general or special election. See M.G.L. c. 55, § 18, paragraph 2, clause (b) and (e). In a city, a ballot question committee files on the twentieth day of January in year following a general election, instead of filing thirty days after the election.²

² The Committee solicited funds specifically to influence the ballot question. Therefore, a statement of organization of a ballot question committee, and a campaign finance report disclosing all funds raised and spent to influence the ballot question, should be filed with the local election official.

Jean M. Willis, Treasurer
July 8, 1997
Page 3

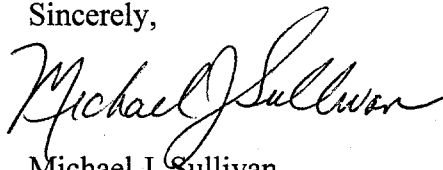
A political party committee which does not solicit or receive contributions for the purpose of influencing a ballot question, but only makes expenditures to promote or oppose a ballot question, does not have to organize a separate ballot question committee or file a Form CPF M101BQ. Of course, a local party committee must file reports with OCPF in connection with the state election cycle. See M.G.L. c. 55, s. 18, paragraph 2, clause (e)(1). If a local party committee expends more than \$100 to influence a municipal ballot question, it must also file a report, Form CPF 102WTC, with the local election official on the schedule applicable to ballot question committees (i.e., eight days before and thirty days after a town election). See M.G.L. c. 55, § 18, paragraph 2, clause (b) and (e)(2). To avoid possible confusion at a later time, we strongly recommends that a copy of such a report be filed with OCPF.

You have suggested that it is sufficient if a local party committee reports monies raised and spent to influence a ballot question on its year end report filed on January 20 of each year. Such a conclusion would, however, substantially undercut a fundamental goal of the campaign finance law, i.e. the timely disclosure of campaign contributions and expenditures. Indeed, the act which created OCPF and required the filing of pre-election financial disclosure reports is entitled, An Act Relative To The Full Disclosure of Campaign Contributions and Expenditures. See chapter 1173 of the Acts of 1973.

This opinion is issued on the basis of representations in your letter and the content of the Committee's flyer and is solely within the context of the campaign finance law.

I encourage you to contact us in the future if you have further questions about the Committee's reporting requirements of any other aspect of the campaign finance law.

Sincerely,



Michael J. Sullivan
Director

cc: Corinne M. Rainville, Town Clerk



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

ONE ASHBURTON PLACE ROOM 411
BOSTON MASSACHUSETTS 02108

MICHAEL J. SULLIVAN
DIRECTOR

TEL: (617) 727-8352
(800) 462-OCPF
FAX: (617) 727-6549

July 8, 1997
AO-97-13

Georgina W. Scott
55 Broad Street
Salem MA 01970-3138

Re: Republican Party Web Page

Dear Ms. Scott:

This letter is in response to your email received June 6, 1997, requesting an advisory opinion regarding a web page of the Massachusetts Republican Party ("the Party").

Question: May the Party permit all Republican city and town committees or any other Republican organization or candidate to post notices on the Party's web page, and if so, do candidates or committees using the page have to disclose the transaction in campaign finance reports?

Answer: The Party may provide access to the web page to candidates, committees and organizations. Such access is not a "contribution," and therefore it is not subject to the disclosure requirements imposed by the campaign finance law.

Facts: The Party has a web page, "Official Massachusetts Republican Party." Within the Party's web page, there is a calendar of events. The web site for the calendar is "<http://www.massgop.com/calendar.htm>." The calendar may be used to post notices of "meetings, events, activities, etc." Access is provided without charge to all Republican city and town committees and any other Republican organization or candidate.

You have asked whether these Republican organizations and candidates may use the calendar and whether there are any related reporting or disclosure requirements.

Discussion: This office has previously advised that a candidate committee may use campaign funds to design, implement and maintain a web site or home page. See AO-97-06. The office stated that such expenditures "would appear to be an appropriate method for providing information to constituents." Similarly, a state party committee may also establish a web page. The Party's cost of developing and maintaining the web

Georgina W. Scott

July 8, 1997

Page 2

site is an expenditure as defined by M.G.L. c. 55, § 1. Therefore, the Party's state committee must make such expenditures for the web page from, and report them through, the committee's depository bank account in accordance with M.G.L. c. 55, §§ 7 and 19.

A "contribution" is defined as a transfer of money or anything of value for the purpose of influencing the nomination or election of an individual or candidate or for the purpose of promoting or opposing a ballot question. See M.G.L. c. 55, s. 1. If providing space in the calendar free of charge were considered a "contribution," disclosure would be required. A web site calendar, however, is no different from a calendar that might be included as part of a state political committee or party newsletter. The web site calendar, like a calendar in a newsletter published by the Party, is primarily used to enhance the interests of the Party.

Republican organizations and candidates may be asked to let the Party know of upcoming events for a printed newsletter by phone or mail without charge. Similarly, these organizations and candidates may forward information regarding upcoming events for a web site by email or the Internet without charge. In both cases, the Party is not making a "contribution" as that term is defined by the campaign finance law. Compare AO-85-03 (the Party may not accept paid corporate advertising for a print newsletter it wished to publish because of the prohibition on corporate contributions).

This opinion is issued on the basis of your letter and solely within the context of the campaign finance law. I encourage you to contact us in the future if you have further questions regarding any aspect of the campaign finance law.

Sincerely,

A handwritten signature in cursive script that reads "Michael J. Sullivan".

Michael J. Sullivan

Director