



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

April 6, 2010
AO-10-05

Mark G. Mastroianni, Esq.
95 State Street – Suite 309
Springfield, MA 01103

Re: Use of Facebook and Piryx to raise campaign contributions

Dear Mr. Mastroianni:

This letter is in response to your request for an opinion regarding whether your political committee (“the Committee”) may raise credit card contributions from a link embedded in your Facebook page by Piryx.

You have stated that you have a Facebook page as well as a campaign website. Piryx, the vendor that you would like to use to process contributions, will create a link on your Facebook page. When clicked, this link will direct a contributor to a secure donate page on the Piryx website that will be specifically designed to accept contributions for your campaign. Contributions will be forwarded to your campaign after Piryx deducts transaction fees.

Question: May the Committee raise funds in this manner?

Response: Yes, if the Committee and Piryx process the contributions in a manner that ensures compliance with the disclosure requirements and limits of the campaign finance law.

As described in OCPF’s credit card regulations, 970 CMR 1.09, and Memorandum M-04-01, credit card contributions may be raised via the Internet if the Committee receiving the contributions collects certain required information regarding each contribution. The information includes:

- (1) the name and residential address of the contributor;
- (2) the date received and amount of the contribution;
- (3) the occupation and employer of the contributor if the annual aggregate contribution(s) from the individual is equal to or greater than \$200;
- (4) any costs or fees deducted by or paid to the vendor or the merchant provider;
and
- (5) the contributor’s billing address, if it is different from his or her mailing address.



Facebook, a free networking site, may be used to direct contributors to a page created by Piryx that processes contributions and collects the required information. In addition to collecting required information, however, the office, in M-04-01, requires such websites to:

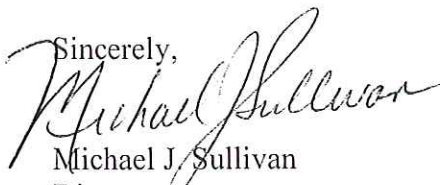
(1) set forth appropriate questions, which require an affirmative response from a contributor, to determine that the source and amount of the contribution complies with M.G.L. c. 55 and 970 CMR 1.09; (2) clearly identify the name of the candidate or committee involved in the solicitation; (3) require a contributor to certify with an affirmative action that the contributor is responsible for making payments on the credit or debit card and that the contributor's personal funds will be the true source of the contribution as required by M.G.L. c. 55, § 10; and (4) clearly distinguish between required and optional information collected.

This information must be included on the page that the contributor reaches by clicking on the link embedded on the Facebook page.

In addition, the Committee would need to disclose the receipt of the contributions and the payment of fees in the manner described in M-04-01. This means that the Committee would have to disclose contributions for each reporting period in which contributions are received, and that fees assessed by Piryx would be reported as expenditures by the Committee. Please contact OCPF for assistance in disclosing this information.

The Committee must also keep records of all contributions, regardless of the amount contributed. Anonymous contributions may not be accepted. *See* 970 CMR 1.04. If required information is not obtained regarding a contribution, or if funds are received from a prohibited source or if they constitute an excess contribution, the contribution must be returned, or donated to a charitable or other entity in a manner consistent with the residual funds clause of Section 18.

This opinion is issued within the context of the Massachusetts campaign finance law and is based on the information in your letter. Please contact us if you have further questions regarding this opinion or any other campaign finance issue.

Sincerely,

Michael J. Sullivan
Director

MJS:gb