



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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January 3, 2018  
AO-18-01

Sergio Cornelio  
City Clerk  
City of Everett  
484 Broadway  
Everett, MA 02149

Re: Millie Cardello – appointment to School Committee vacancy

Dear Mr. Cornelio:

This letter is in response to your recent request for guidance regarding Millie Cardello.

Ms. Cardello was a candidate organized with OCPF in 2016. As such, she was required to file a year-end campaign finance report with OCPF no later than January 20, 2017, to disclose contributions received and expenditures made during 2016. *See* M.G.L. c. 55, § 18. Notwithstanding OCPF's notifications, she failed to file the report. OCPF then referred Ms. Cardello to the Attorney General on March 7, 2017, in accordance with M.G.L. c. 55, § 3.

On June 20, 2017, the Attorney General filed a lawsuit (Commonwealth v. Millie Cardello, Suffolk Superior Court Civil Action No. 1784CV01906) in the Suffolk Superior Court, seeking an order requiring Ms. Cardello to file the required campaign finance report. The Attorney General also sought an order requiring Ms. Cardello's payment of a civil penalty to the Commonwealth of \$25 for each day the report is late, up to a maximum penalty of \$5,000. As of the date of this Opinion, the campaign finance report remains unfiled, and OCPF will shortly be filing a Motion for the Entry of Default Judgment and Assessment of Damages.

As required by Section 3 of the campaign finance law, OCPF advised you on July 26, 2017 that, because of the pending litigation, Ms. Cardello's name may not be printed on any election ballot. In addition, we indicated that she is not eligible to be nominated or elected as a write-in or sticker candidate unless the required campaign finance report is filed.

You have stated that there are two vacancies on the Everett School Committee. Millie Cardello has indicated that she may ask to be appointed to one of the two vacant seats.



QUESTION

You have asked if Ms. Cardello is eligible to be appointed to the vacant School Committee position.

RESPONSE

Answer: Yes, but if the campaign finance report is not filed, she may not seek election for the School Committee position at the conclusion of the term for which she is appointed.

The statute provides that:

The name of a candidate who is required to file campaign finance reports with the director, and who fails to file any statement or report after the initiation of civil proceedings under this section to compel the filing, *shall not be printed on any municipal preliminary, state primary or general or special election ballot* unless the statement or report is timely filed pursuant to chapter 53 or any charter or special law establishing the filing deadline. The director shall notify the state secretary or, for municipal candidates, the registrars of the city or town, of the names of those candidates against whom civil proceedings for failure to timely file have been initiated and shall do so within 72 hours of the filing deadline for nomination papers for the candidate. Any candidate who is disqualified from appearing on any municipal preliminary, state primary or general or special election ballot as set forth above *shall be ineligible to be nominated or elected as a write-in or sticker candidate unless the candidate shall have filed the statements or reports* which are the subject of the civil litigation by the date of the municipal preliminary, state primary or general or special election in which the candidate is seeking nomination or election.

The statute provides that a person who has failed to file a required campaign finance report with OCPF may be barred from appearing on a municipal election ballot. It does not address whether a candidate against whom litigation has been initiated may, instead of being on a ballot, *be appointed* to fill a vacant elected position. Therefore, we must conclude that Ms. Cardello may, consistent with Section 3, be appointed to fill the vacant school committee position. If the required campaign finance report remains unfiled, however, she may not appear on the ballot for the term that would commence at the conclusion of the appointed term.

This opinion is issued in the context of the Massachusetts campaign finance law, and is limited to providing guidance within the scope of that statute.

Sergio Cornelio  
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Please do not hesitate to contact this office should you have additional questions about this or any other campaign finance matter.

Sincerely,

A handwritten signature in black ink that reads "Michael J. Sullivan". The signature is written in a cursive style with a large, sweeping initial "M".

Michael J. Sullivan  
Director

MJS:gb