

OCPF Reports



From the Director

Mike Sullivan

We're working with your local election officials

OCPF and local election officials will work closely during the 2019 municipal election year.

In cities with populations of less than 65,000, all mayoral candidates organize with OCPF.

In cities with populations over that threshold, **mayoral and city council** candidates are organized with OCPF.

We depend on city election officials to direct those candidates to us and to provide us with updated candidate lists.

Our recently organized list, [here](#), displays many municipal candidates who have already set up accounts with us.

Please see page 9 for more information about municipal elections.

Year-End Report Stats

A total of 1,655 candidates and committees filed year-end reports with OCPF by the Jan. 22 deadline.

There were fewer than 150 who didn't file or filed late.

We greatly appreciate those of you who filed on time.

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Legislative candidates reported spending \$14.1 million in 2018 election

During the 2018 state election year, 346 House and Senate candidates reported spending \$14,118,291.

This is the largest election-year expenditure total since 2010, when 433 candidates reported spending \$16.9 million.

Candidates in 2018 also reported raising \$14,250,227.

HOUSE

There were 281 House candidates who filed with OCPF, reporting \$9.3 million in receipts and \$9.4 million in expenditures.

On average, House candidates raised \$33,135 and spent \$33,444.

The top fundraiser and spender in 2018 was House Speaker Robert DeLeo of Winthrop, who raised \$510,814 and

spent \$386,834. DeLeo won re-election.

SENATE

There were 65 Senate candidates who filed with OCPF, reporting \$4.9 million in receipts and \$4.7 million in expenditures.

On average, Senate candidates raised \$75,986 and spent \$72,621.

The top fundraiser was Barry Finnegold of Andover, who raised \$458,009 and spent \$357,469. Finnegold won his election.

This spring, OCPF will release a comprehensive legislative study that details fundraising and spending in the 2018 election.

Please [click here](#) to view legislative campaign finance reports.

TOP 10 EXPENDITURE TOTALS BY HOUSE CANDIDATES

1. R. DeLeo, Winthrop	\$386,834
2. J. Sanchez, Boston	\$375,812
3. T. Nguyen, Andover	\$171,513
4. N. Elugardo, Boston	\$146,669
5. D. Garlick, Needham	\$131,905
6. A. Gustavson, Man.	\$129,557
7. J. Lyons, Andover	\$127,164
8. R. Mariano, Quincy	\$125,899
9. A. Michlewitz, Boston	\$124,738
10. M. Ciccolo, Lexington	\$124,211

Includes information from the pre-primary, pre-election & year-end reports, but not from special elections in 2018 (1/1/2018–12/31/2018)

TOP 10 EXPENDITURE TOTALS BY SENATE CANDIDATES

1. B. Finnegold, Andover	\$357,469
2. J. Cyr, Truro	\$290,493
3. N. Collins, Boston	\$247,876
4. K. Spilka, Ashland	\$245,300
5. J. Lewis, Winchester	\$203,267
6. M. Busse, Acton	\$195,029
7. P. Feeney, Foxboro	\$156,742
8. J. Eldridge, Acton	\$156,267
9. R. Rausch, Needham	\$146,051
10. J. Welch, W. Spring.	\$127,832

Includes information from the pre-primary, pre-election & year-end reports, but not from special elections in 2018 (1/1/2018–12/31/2018)

Continued: From the Director

Reporter 7 Launch

Thousands of campaign finance reports have been filed since the launch of Reporter 7 in mid-December.

A few technical bugs were found after the launch, which is expected with new software. Our IT department has been able to squash them all.

Please e-mail our office at ocpf@cpf.state.ma.us if you have Reporter 7 suggestions or comments.

Public Hearing

We held an initial public hearing on Dec. 6 concerning the so-called “10-15 Rule.”

The 10-15 rule allows an entity to make direct contributions to candidates of up to \$15,000 or 10 percent of its general fund, whichever is less.

Businesses are prohibited from giving under the 10-15 rule, as are organizations with corporate funds in their general treasuries.

We heard from more than a dozen individuals and organizations (their written comments are available by [clicking here](#)).

We are now developing initial draft regulations, which we plan to make public in February by posting them to the front page of our website, www.ocpf.us.

We will then hold another public hearing on March 5 at 2 p.m. on the 21st Floor at One Ashburton Place in Boston.

We’d appreciate your feedback on the initial draft regulations, which can be sent to ocpf@cpf.state.ma.us.

Have a great winter.



OCPF SEMINARS FOR CANDIDATES AND COMMITTEES
EACH WEDNESDAY / 2 pm
ONE ASHBURTON PLACE, BOSTON
4TH FLOOR

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 (below). The identity of any complainant is kept confidential. Disposition agreements are matters of public record once cases are concluded.

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.

Disposition Agreements

A disposition agreement is a voluntary written agreement entered into between the subject of a review and OCPF, in which the subject agrees to take certain specific actions.

Candidate did not originally disclose \$20,000 in activity for 2018 campaign

Patricia Buckley Malcolmson of Leominster, a 2018 candidate for Worcester Northern District Register of Deeds, entered into a disposition agreement with OCPF on Nov. 27, 2018, to resolve issues of non-disclosure.

According to the disposition agreement, OCPF determined that on four occasions between February and September of this year, the candidate, her husband and her daughter paid a political campaign consultant, Kreative Dezigns, a total of \$20,000 using personal funds. Kreative Dezigns then subsequently made expenditures for campaign materials using those funds, totaling \$18,921.

Depository candidates are required to first deposit funds into their campaign accounts, and then only spend money from the account by check or debit card. The activity is then reported to OCPF by the campaign's bank.

This activity was not disclosed to the public because the money paid to Kreative Dezigns, and subsequently spent by the consultant on campaign materials, was never deposited into the campaign's depository bank account.

After consulting with OCPF, the campaign filed a report on Sept. 24, 2018, to disclose all campaign

finance activity that occurred outside the depository bank account.

To resolve the issues, the candidate has agreed to forgive \$6,300 owed to her by the committee and to make all future expenditures through the campaign's depository bank account.

The disposition agreement was signed by OCPF Director Michael J. Sullivan and the candidate. The agreement is available by clicking [here](#).

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-18-55: Christopher Resendes. Did not comply (public employee); 12/7/2018. Resendes was a public employee while organizing a political fundraiser and soliciting funds. Public employees are prohibited from soliciting or receiving funds for any political purpose.

CPF-18-55: William King, Westport

CPF18-55: Christopher Barry, Wilmington

CPF-18-55: Joseph Borges, Dighton

CPF-18-55: Donald Vieira. No further action (raffle); 12/7/2018. King, Barry, Borges and Vieira organized a raffle on Facebook to raise money for the Daniel Shores Committee. OCPF has consistently advised that political committees may not hold raf-

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Continued: Recent Cases & Rulings

fles, nor may a raffle be used to raise funds for a political purpose.

CPF-18-55: Daniel Shores, Hingham. No further action (raffle); 12/7/2018. The committee received raffle proceeds totaling \$4,665. OCPF has consistently advised that political committees may not hold raffles, nor may a raffle be used to raise funds for a political purpose. To resolve the matter, the committee has purged \$4,665 to charitable organizations.

CPF-18-90: Ryan Chamberland, Blackstone, and Kevin Kuros, Uxbridge. No further action (contribution limits); 12/7/2018. A mailing that benefited both candidates, Chamberland and Kuros, was paid for equally by both committees. However, the mailing benefited Chamberland more because it was mailed to more potential Chamberland voters, resulting in an excess committee-to-committee contribution. The Chamberland Committee paid \$169 to the Kuros Committee to cure the excess contribution.

CPF-18-45: Postcards to Voters, Kennesaw, GA. (Political activity); 12/7/2018. Postcards to Voters (PTV) solicited funds to pay for services used to support Massachusetts candidates and appeared to be acting as a PAC. PTV was advised to refrain from involvement in Massachusetts elections unless it organizes a PAC, or obtains further guidance from OCPF.

CPF-18-92: Michael Striar, Newton. No further action (ballot question expenditures); 1/14/2019. OCPF reviewed a complaint that Striar spent money to influence a local ballot question, but Striar denied the allegations, and evidence did not warrant action by OCPF.

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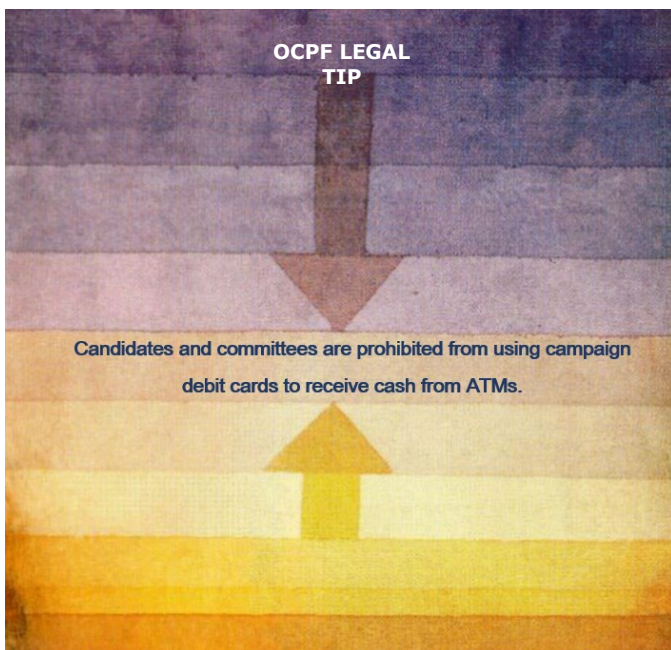
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HOW TO DISSOLVE

Did you run unsuccessfully for a House or Senate seat in 2018, and now want to dissolve your committee with OCPF?

To dissolve, a committee must have a zero balance and no liabilities.

Please [click here](#) for a short tutorial on how to dissolve.



OCPF SENDS A MONTHLY INFORMATIONAL E-MAIL TO MUNICIPAL ELECTION OFFICIALS. CLICK THE LINKS BELOW FOR RECENT EDITIONS OF "CHECKING IN."

[JANUARY, 2019](#)

[DECEMBER](#)

[NOVEMBER](#)

[OCTOBER](#)



OCPF

JANUARY 2019

CHECKING IN

Monthly Informational Mailer for Local Election Officials 617-979-8300

Former Candidates: How can they dissolve?

Many of you have former candidates who still appear on your year-end filing lists because they carry balances or liabilities from past campaigns. You may want to encourage them to dissolve so they no longer need to file campaign finance reports.

Form CPF M 102: Campaign Finance Report
Municipal Form
Office of Campaign and Political Finance

Fill in Reporting Period dates: Reporting Date: 1/1/2018 Ending Date: 12/31/2018

Type of Report: (Check one)
 90-day preceding profession 90-day preceding election 90-day after election year-end report dissolution

<p>WALTER HOBBS SCHOOL COMMITTEE 10 NORTH ST. w.hobbs@yaho.com</p>	<p>HOBBS Comm EMILY HOBE 10 NORTH ST. E.Hobe@yaho.com</p>
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To dissolve, a candidate needs to have a zero balance and no liabilities. Feel free to share our "How to dissolve a committee on the municipal level" tutorial, [available here](#).

Dissolution reports are filed on the regular M-102 form (left). Candidates just need to check the dissolution box.

Please let your filers know when to file the year-end report

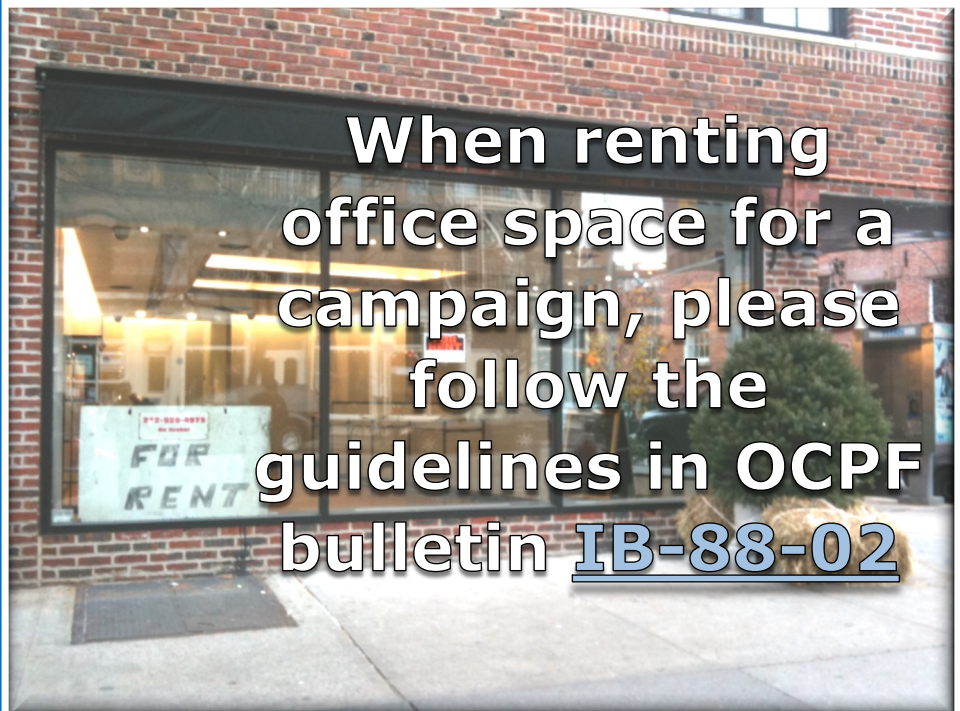
The year-end report is due on Jan. 22, 2019. Please let your filers know when it's due by sending a filing notice (by mail or e-mail). OCPF has created [this sample filing notice](#) for clerks and local election officials.

HAVE A GREAT 2019

Tips for renting space for a campaign

1. Get a lease in writing.
2. Pay the fair market value.*
3. Corporations, LLCs, LLPs and partnerships cannot provide free space (or a reduced price).
4. A candidate or committee may share space with another entity, if the fair market value for such space (pro-rated) is paid by the candidate or committee directly to the landlord.
5. Individuals can't rent, for payment, portions of a personal residence to a committee.

*OCPF considers various factors in determining whether a lease is bona fide and does not include a prohibited contribution from a business entity. These factors include, but are not limited to: the value for similar space in advertised notices of availability; whether the lease is for a space that has been vacant for an extended period of time; the nature of the lease (short term or "at will"); whether the committee agrees to improve the space during the term of the lease; and whether the individual owner of the space has made contributions to the candidate or committee in the past.



Notice of Proposed Rulemaking: Defining a Political Committee

OCPF will issue initial draft regulations in early February concerning the appropriate standard for determining when an entity should be considered a political committee.

Initial public comments have been received on whether Interpretive Bulletin [IB-88-01](#) should be codified or if it should be replaced with a different standard. [Click here](#) to read the written comments.

SCHEDULE

- A. Initial draft regulations are expected to be completed by OCPF and available in early February
- B. Public hearing on regulations to be held on March 5
- C. Comments on draft regulations to be received by March 15
- D. Final regulations to be available by May 1

The hearing will be held at 2 p.m. at One Ashburton Place, 21st floor, in Boston.

Comments can be e-mailed to ocpf@cpf.state.ma.us

Ordinary Hospitality

FAQ: Can an individual invite a candidate to his home for a meet & greet fundraiser with neighbors, & provide snacks & drinks?

ANSWER: Yes. If the food & beverages constitute ordinary hospitality, the cost does need to be disclosed, & does not have to be paid for by the committee. It's "off the books."

Ordinary Hospitality = common, average or unexceptional reception and/or entertainment of guests.



Candidates will run for mayor in 34 cities in 2019

Mayoral candidates in
Massachusetts organize and file
campaign finance reports with
OCPF.

To organize, candidates submit a
[CPF 101 organizational form](#) with
OCPF (the form is not filed
locally).

In addition to filing the CPF 101
form, new mayoral and city council
candidates in Boston, Brockton,
Cambridge, Fall River, Framingham,
Lawrence, Lowell, Lynn, New
Bedford, Newton, Quincy,
Somerville, Springfield and
Worcester also file the [D103 form](#)
with OCPF to enter the depository
system of reporting.

[Click here](#) for a short tutorial on
how to organize in the [depository
system](#).

CITIES WITH MAYORAL ELECTIONS IN 2019

Agawam, Amesbury,
Attleboro, Beverly,
Braintree, Brockton,
Chicopee,
Easthampton, Fall
River, Fitchburg,
Gardner, Gloucester,
Greenfield, Haverhill,
Leominster, Malden,
Marlborough,
Medford, Melrose,
Methuen, New
Bedford, North
Adams, Peabody,
Pittsfield, Quincy,
Revere, Somerville,
Springfield, Taunton,
Waltham, Westfield,
Weymouth, Woburn
and Worcester.

Local Filers Can Use R7 to Create and Print Campaign Finance Reports

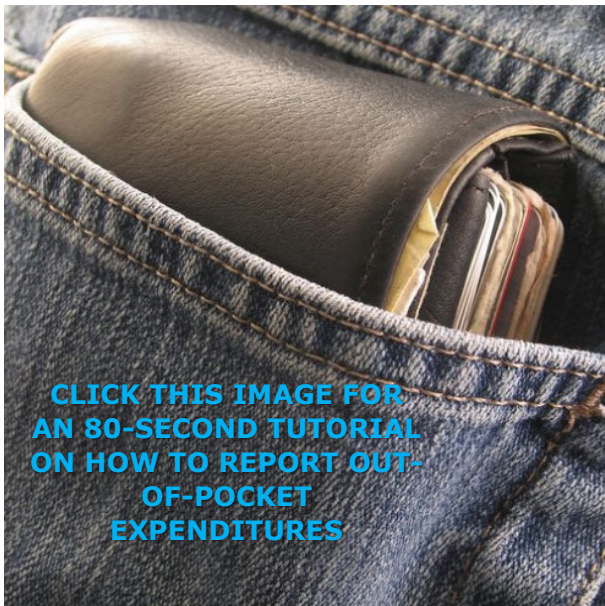
Local filers can use R7 (Reporter 7) to create, print and sign campaign finance reports.

To register, a local candidate can send his or her organizational form (M101) to OCPF, with “R7 only” written at the top.

If a candidate does not have a committee or a completed M101 form, he or she can complete the form and send it, unsigned, to OCPF. [Click here](#) for the M101 form.

The form can be sent by e-mail to Jason Tait at jtait@cpf.state.ma.us. After registering, each candidate is issued a password and identification number, sent to them by e-mail. If the M101 form is sent to OCPF by traditional mail or by fax (617-727-6549), an e-mail address must be included.

"Local filers" include all town candidates, and all city candidates who don't e-file with OCPF.



CLICK THIS IMAGE FOR AN 80-SECOND TUTORIAL ON HOW TO REPORT OUT-OF-POCKET EXPENDITURES

How to Report Out-of-Pocket Expenditures

Non-depository candidates who use Reporter 7

- If a candidate directly spends his or her personal funds on behalf of a committee, and is not reimbursed, the transaction is an out-of-pocket expenditure.
- Out-of-Pocket expenditures are reported within the expenditure schedule on Reporter 7.
- Out-of-pocket expenditures can be listed as a “loan” that the campaign owes to the candidate. They can also be listed as out-of-pocket contributions.

CLICK FOR ALL R7 VIDEOS



FUTURE OCPF SEMINARS

Training for candidates and local parties

Southwick Town Hall / March 5 / 6:30 p.m.

Milford Town Hall / March 7 / 6 p.m.

Wayland Town Hall / March 13 / 6:30 p.m.

Springfield City Hall / March 26 / 6:30 p.m.

Somerville / Central Library / April 22 / 6 p.m.