



THE COMMONWEALTH OF MASSACHUSETTS
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MEMORANDUM

To: Local Election Officials
From: Michael J. Sullivan, Director *MJS*
Subject: Posting municipal campaign finance reports to city or town Web sites

Chapter 28 of the Acts of 2009 made significant changes to the campaign finance law, M.G.L. Chapter 55. The revisions included amendments to Section 26, the statute that codifies requirements to preserve campaign finance reports and make them available to the public at the municipal level. This memorandum is intended to address issues relating to a specific change to Section 26: the statutory requirement to post campaign finance reports and statements on municipal Web sites.

I. STATUTORY REQUIREMENT

The campaign finance law currently requires local election officials to make campaign finance reports available for public inspection and copying during normal business hours. A change to Section 26 expands that responsibility by requiring local election officials to post any campaign finance report on their municipal Web site if the report discloses activity (receipts, expenditures or liabilities) of \$1,000 or more during a reporting period. The statute requires campaign finance reports to be posted within 30 days of a filing deadline.

The statute does not specify how the posted reports are to be displayed on municipal Web sites. However, Section 26 requires "convenient public inspection" of reports. Local election officials should attempt to display Portable Document Format (PDF) copies of paper campaign finance reports¹ in a layout that accommodates visitors to their municipal Web sites. The reports could be displayed alphabetically by candidate or committee, and/or could be separated by reporting period, office or type.

If a municipality does not have an official Web site, the local election official is not required to post campaign finance reports.

¹ OCPF is devising a template that will allow candidates and committees to enter data directly to a PDF of the Form CPF M 102.



II. REPORTS TO BE DISPLAYED

Section 26, as revised, requires local election officials to post on the municipal Web site “all campaign finance reports required to be filed with the city or town clerk” if more than \$1,000 in receipts, expenditures or liabilities are disclosed in a reporting period. The following reports should be posted on the municipal Web site if any of the following documents disclose activity of more than \$1,000 in a reporting period:

- A. **CPF M 102** campaign finance reports for candidate, ballot question and political action committees.
- B. Report of Independent Expenditures Promoting Election or Defeat of Candidate or Candidates (**CPF 18A** form).
- C. Report of Ballot Question Expenditures by Corporation, Organization or Individual (**CPF M 22** form).²
- D. Report of Governmental Treasurer (**CPF 22A** form).
- E. Supplemental reports supporting the M-102, including the **CPF R-1** (itemization of reimbursements); and **CPF M 9** (disclosure of credit card activity).
- F. Report of Legal Defense, Inauguration, Recount Fund (**CPF 18E** form).³
- G. Report of Electioneering Communication Expenditure (**CPF 18F** form).⁴

There is nothing in the campaign finance law to preclude local election officials from posting campaign finance reports that do not meet the \$1,000 threshold. Local election officials may scan and post each report that is filed with their office, including the CPF M 102-0, which indicates that a candidate or committee has had no financial activity during the reporting period.

Mayoral candidates in cities with populations between 40,000 and 100,000, according to the latest federal census, will file reports electronically with OCPF if the candidates can reasonably expect to spend \$5,000 or more in an election cycle.

III. EFFECTIVE DATE

Changes to the campaign finance law go into effect on Jan. 1, 2010. However, the 2009 year-end report due Jan. 20, 2010, which covers activity in 2009, is not required to be posted. Only reports that disclose activity after Jan. 1, 2010, are required to be posted.

Please call OCPF at 617-979-8300 with any additional questions about posting requirements, changes to the campaign finance law or the specific reports that should be posted.

² Section 22 was revised to require individuals making expenditures of \$250 or more to influence or affect the vote on a ballot question to file a report disclosing the expenditure. Form M 22 is being revised to reflect the change. The revision goes into effect Jan. 1, 2010.

³ Section 18E goes into effect Jan. 1, 2010.

⁴ Section 18F goes into effect Jan. 1, 2010.