

OFFICE OF THE TOWN CLERK



ANNUAL TOWN ELECTION

TUESDAY, MAY 5, 2020

CANDIDATES

PACKET

OFFICE OF THE TOWN CLERK



OFFICE OF THE TOWN CLERK

195 Main Street, Maynard, MA 01754

978-897-1300

<https://www.townofmaynard-ma.gov/>

townclerk@townofmaynard.net

Congratulations! You have taken a courageous step by declaring your candidacy for elected office. For any government, but especially your local Town Government to work effectively, it requires the active participation of its citizens. Democracy functions best when the citizenry is given a choice. The Office of the Town Clerk thanks you for your active participation and wishes you the best of luck in your campaign.

The Town Clerks Office is here to assist you as you navigate through the Local Election process. A Candidates Packet is available on the Towns website that provides the following:

- Running for Office in Maynard – Quick Checklist
- Election Calendar
- Positions on the Ballot
- Campaign Finance Materials

I again extend my gratitude to you for placing yourself “in the arena”, and if you have any questions, please do not hesitate to contact me.

Best of luck!

A handwritten signature in black ink that reads "Michelle A. Jenkins". The signature is written in a cursive, flowing style.

Michelle A. Jenkins, CMC
Town Clerk

CHECK LIST FOR RUNNING FOR OFFICE IN MAYNARD

"A Candidate's Guide to running for Town Election"

- Review List of **Terms Due to Expire** for listing of positions available on this year's ballot.
- Review **Annual Town Election Calendar**. Note the last day to obtain and return nomination papers.
- Obtain **Nomination Papers**. Circulate for signatures. Be sure to submit more than the required number (50) for certification so you do not fall short in the event of signatures not certified.

All signatures must be legible and written substantially as registered. The law allows a voter to insert or omit a middle name or initial and still have the signature deemed valid. Do not use nicknames or initials in place of full names. Married women should sign "Helen Smith" not "Mrs. John Smith."

Campaign Finance Activity

State law requires an accounting of all money received or spent in the course of a political campaign. Candidates are required to submit regular campaign finance reports and to comply with the campaign finance laws and procedures. It is the responsibility of all those participating in political campaign financing in Massachusetts to become knowledgeable with the provisions of the campaign finance law and its regulations. Violations of the law carry serious penalties of fines, imprisonment or both.

Your candidate packets include the following Campaign Finance Related materials:

- Campaign Finance Guide
- CPF M102 Campaign Finance Report & Instructions
- No Financial Activity Form CPF M102 – 0
- Common Errors Made Fact Sheet
- Public Employees and Campaigns Fact Sheet

Political Signs

It is recommended that political signs only be placed on private property with the permission of the property owner and that they be out of the right of way, and not obstruct vehicle or pedestrian traffic.

MGL Ch 87, Section 9 allows for a fine of fifty dollars for affixing a notice, sign advertisement or other thing to a tree in a public way without obtaining written permission from the Tree Warden or Highway Department in the case of a state highway.

MGL Chapter 266, Section 126 allows for not less than ten nor more than one hundred dollars, plus the cost of removing such defacement for posting banners, announcements, notices or signs on utility poles. These items can be safety hazards to vehicles and pedestrians as well as interfere with the proper operation of electric service.

Campaign Activities on Election Day

On Election Day, at the polling place, political signs must be held by a person. No signs may be put into the ground, hung on fences or put on public property.

No Campaigning, or any action intended to influence the action of a voter, is **allowed within 150 feet of the entrance door to the polling location**. Prohibited actions include: holding any campaign signs; circulating or distributing campaign materials; wearing any campaign buttons or identifying signage; soliciting a person's vote for or against a candidate or question on the ballot; or distributing stickers. Extended time talking with Election workers or other residents in the polling location after you have voted may appear to be campaigning. Vehicles displaying campaign materials are also prohibited within the 150 feet of entrance.



2020 ANNUAL TOWN ELECTION CALENDAR
TUESDAY, MAY 5, 2020
7:00AM – 8:00PM

EVENT	DEADLINE DATE & TIME		LAW REFERENCE
First Day to Obtain Nomination Papers	Monday, January 13 th		
Last Day to Obtain Nomination Papers	Friday, March 13 th	5:00 PM	MGL c 53 Sec 9A
Last Day to Submit Nomination Papers to the Board of Registrars for certification*	Tuesday, March 17 th	5:00 PM	MGL c 53, Sec 7
Last day for the Board of Selectmen to give written notice to the Town Clerk to place a ballot question on the ballot	Tuesday, March 31 st	5:00 PM	MGL c 54, Sec 42C
Last Day to Object or Withdraw	Thursday, April 2 nd	5:00 PM	MGL c 53, Sec 11
Last Day to Register to Vote in Town Election	Wednesday, April 15 th	8:00 PM	MGL c 51, Sec 26, 28
Deadline to Post Warrant	Tuesday, April 28 th	N/A	MGL c 39, Sec 10
Deadline for Absentee Ballot applications	Monday, May 4 th	12:00 PM	MGL c 54 Sec 89
ANNUAL TOWN ELECTION	TUESDAY, MAY 5th	7AM - 8PM	COE c 44, Sec 2

***50 CERTIFIED SIGNATURES REQUIRED**

The required number of signatures for candidates is set at 1% of the total number of voters in the Town of Maynard in the last race for Governor. The total number of voters in the 2018 Governor's Race in Maynard was 7,264. MGL Ch 53, §6 states the # of signatures required cannot be less than 20 and no more than 50.

CAMPAIGN FINANCE REPORTS
FORM CPF M102

Pre- Election Report	8 th Day Preceding Election	Tuesday, April 28 th	7:00 PM
Post-Election Report	30 th Day After Election	Thursday, June 4 th	4:00 PM
Annual Report	Year End	Wednesday, January 20, 2021	12:00 PM

Note: If you do not receive any contributions, spend any money (including your own) or incur any liabilities in connection with your campaign, you may sign Form CPF M102-0 (available at the Town Clerk's Office) for each reporting period in lieu of filing Form CPF M102.

2020 ANNUAL TOWN MEETING CALENDAR

EVENT	DEADLINE DATE & TIME		LAW
Last Day to Register to Vote	Tuesday, April 28 th	8:00 PM	MCL c 51, Sec 26, 28
Deadline to for Warrant to be Posted	Monday, May 11 th	N/A	MGL c 39, Sec 10
ANNUAL TOWN MEETING	MONDAY, MAY 18 th	7:00 PM	COE c 44, Sec 1



TOWN OF MAYNARD TOWN CLERK

MUNICIPAL BUILDING
195 MAIN STREET
MAYNARD, MASSACHUSETTS 01754
Tel: 978-897-1300 Fax: 978-897-8553
Email: townclerk@townofmaynard.net

2020 ANNUAL TOWN ELECTION

**NOMINATION PAPERS FOR THE FOLLOWING TOWN OFFICES
WILL BE AVAILABLE BEGINNING JANUARY 13TH**

POSITIONS AVAILABLE	ELECTED POSITION	TERM
2	Board of Selectmen	3 years
1	Trustees of the Public Library	3 years
2	School Committee	3 years
1	School Committee	1 year
1	Maynard Housing Authority	5 years

OFFICE OF THE TOWN CLERK

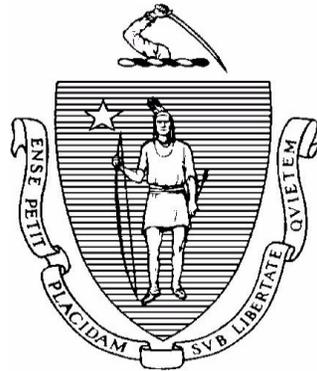


CAMPAIGN FINANCE SUPPLEMENT

Michelle A. Jenkins, CMC
Town Clerk

CAMPAIGN FINANCE GUIDE

*Candidates for Municipal Office
Who File Locally
(Non-Depository)*



Office of Campaign and Political Finance
Commonwealth of Massachusetts

This brochure is designed to introduce **non-depository** candidates for elected municipal office and the treasurers of their political committees to the state's campaign finance law. **Non-depository municipal candidates include all candidates for city or town office who file locally.**

All *mayoral candidates*, as well as *city council candidates in cities with populations of more than 65,000*, file electronically with OCPF in the depository bank system. Such candidates should consult the [guide](#) for depository candidates and committees.

The Office of Campaign and Political Finance (OCPF) is responsible for administering Massachusetts General Laws Chapter 55, the campaign finance law. The office is available to assist individuals in understanding and complying with the statute and encourages treasurers, committee members and interested persons to familiarize themselves with these laws and regulations.

This publication is meant only to be an introductory guide to the campaign finance law, not a substitute for it. It is the responsibility of all those participating in political campaign financing in Massachusetts to become knowledgeable with the provisions of the law and regulations. Violations of the law carry serious penalties of fines, imprisonment or both. For additional information please contact:

Office of Campaign and Political Finance

One Ashburton Place

Room 411

Boston, MA 02108

(617) 979-8300

Fax: (617) 727-6549

Web site: www.ocpf.us

E-Mail: ocpf@cpf.state.ma.us

Twitter: [@OCPFreports](https://twitter.com/OCPFreports)

This publication and all other OCPF campaign finance guides are also available online.

Office of Campaign and Political Finance

Chapter 1173 of the Acts of 1973 strengthened the state campaign finance law and established the Office of Campaign and Political Finance. While the 1970s saw a push for reforms in campaign finance disclosure laws all across the country, portions of the campaign finance law were on the books in Massachusetts as early as 1884. Some of those original laws provide for restrictions on and protections for public employees and will be discussed later in this brochure. Significant changes to the law were made in 1994, 2009 and 2014.

The Campaign Finance Law

Chapter 55 of the Massachusetts General Laws is a comprehensive statute governing the financing of political campaigns in the Commonwealth. The statute requires, for example, that candidates and political committees disclose all contributions received and expenditures made. The campaign finance law also provides for

limitations, and in some cases absolute prohibitions, on certain sources of campaign contributions. Additionally, the way in which campaign funds may be spent is regulated by the statute as well as by regulations and guidelines established by OCPF. Finally, Chapter 55 regulates certain conduct in connection with the raising and spending of campaign funds, such as the activities of public employees, and prohibits the use of governmental resources for political purposes. OCPF has promulgated regulations (970 CMR) on contributions and expenditures, which should be consulted for more specific guidelines on these requirements.

The Municipal Candidate

If you are thinking about running for elective office, you should contact your local election official (city or town clerk or election commission) or OCPF before undertaking any activity. The statute has a very broad definition of “candidate.” The law may consider you a candidate well before any formal announcement of candidacy is made.

This brochure is designed to address issues concerning candidates for **elected municipal office who file locally**, not for members of a representative town meeting, who are exempted from the reporting and disclosure provisions of the campaign finance law. Activities of the treasurer of a political committee organized on behalf of a municipal candidate are also covered in this brochure. This brochure applies to all municipal candidates in the non-depository system who file locally, such as candidates for school committee, selectman, and city council in cities with populations of 65,000 or less.

This brochure does not apply to candidates seeking the office of mayor, as well as city council in the cities of Boston, Brockton, Cambridge, Fall River, Framingham, Lawrence, Lowell, Lynn, New Bedford, Newton, Quincy, Somerville, Springfield and Worcester, who are required to designate a depository bank and file periodic bank reports with OCPF. All mayoral candidates, and city council candidates from those cities, should consult OCPF’s guide for depository candidates.

Organization and Disclosure Forms

The following is a summary of the appropriate forms required for municipal candidates. Unless otherwise noted, all forms are available from, and are to be filed with, the local election official in your community.

Form CPF M 101: Statement of Organization of a Candidate Committee Municipal Form

Although the law does not require a candidate to have a political committee organized on his or her behalf, most candidates have one. A public employee who runs for elective office and wishes to raise funds must have a committee organized on his or her behalf to handle all fundraising since public employees are prohibited by law from political fundraising, even for their own campaigns.

[Form CPF M101](#) should be filed with the local election official as soon as the committee is organized (candidates for mayor, as well as city council candidates in cities of 65,000 or more, organize online with OCPF). A political committee may not accept any contributions, make any expenditures or incur any liabilities until the treasurer qualifies for the office of treasurer by completing, signing and filing Form CPF M101.

This form contains the names and addresses of the⁴ committee chairman and treasurer and the name of the

candidate for whom the committee is organized. Any change in information submitted should be reported to the

local election official or OCPF for candidates who file electronically within 10 days of such change. Political committees are prohibited from receiving or expending funds without an appointed treasurer. Any change in treasurer should therefore be submitted by completing [Form CPF M T 101](#) and filing it immediately with the local election official.

A candidate may have only one committee organized on his or her behalf, even if the candidate holds more than one elective office. If a municipal candidate who files locally plans to seek state or county office, or vice versa, such candidate must transfer his or her committee from the state to the municipality or vice versa. OCPF can assist you in accomplishing these transfers.

By law, a committee must name a chairman and a treasurer. The chairman and the treasurer may be the same person, unless that person is a public employee. A public employee may not serve as the treasurer of any political committee. A candidate may not be the treasurer of his or her own committee, but may be the chairman.

Form CPF M 102: Campaign Finance Report Municipal Form

Every city or town candidate who files locally, and his or her political committee, if any, is required to file [Form CPF M102](#) with the local election official on or before each reporting date as discussed in the next section. This report must be signed by the candidate and treasurer, if any, under the penalties of perjury. Candidates and treasurers are responsible for the legality, validity, completeness and accuracy of each of their reports. The following information should be filed on Form CPF M102:

- o Schedule A - Receipts: An alphabetical listing of all contributions in excess of \$50 received in a reporting period, including the date the contribution was received and the residential address of the contributor. This information must also be reported for receipts of \$50 or less if the total contributions from the individual have exceeded \$50 in the calendar year. Otherwise, receipts of \$50 and under may be added together on one line and included in total receipts. However, complete information, including date, name, residential address and amount, must be kept by the candidate or committee regardless of the amount of the contribution. If the contribution is \$200 or more, the occupation and employer of the contributor must also be disclosed.
- o Schedule B - Expenditures: An alphabetical listing of all disbursements in excess of \$50 with the amount and date of payment, the name and address of the payee and the purpose of the expenditure. Those expenditures of \$50 or less may be added together on one line and included in the total expenditures. However, complete information concerning all expenditures, including date, payee, address, amount and purpose, must be kept by the candidate or committee regardless of the amount.
- o Schedule C - In-Kind Contributions: An alphabetical listing of all in-kind contributions of anything of value other than money with a value in excess of \$50 in a calendar year. This listing includes the date, the name and residential address of each contributor and a description of the contribution. The occupation and employer of any contributor of \$200 or more in in-kind goods or services, or a combination of money and in-kind contributions, is also required. For those contributions valued at \$50 and under, a one-line total is included in the aggregate of all in-kind contributions for the period. In-kind contributions do not include volunteers' personal services or the exercise of ordinary hospitality.
- o Schedule D - Liabilities: An alphabetical listing of all outstanding, unpaid obligations as of the last day of the reporting period, regardless of when the liability was incurred. Included is the amount, the date the liability was incurred, the name and address to whom it is due and the purpose of the liability. Liabilities are

carried over from each report to the successive report until such time as they are satisfied.

Totals from all of the above categories are summarized in a schedule on the front page of Form CPF M102. Detailed instructions for completing Form CPF M102 are available from your local election official or from OCPF.

Form CPF M102-0: Campaign Finance Report (Affidavit) Municipal Form

The M102-0 statement may be filed in lieu of the Form CPF M102 only by candidates who file locally and do not have a political committee organized on their behalf, and have not received any contributions, spent any money or incurred any debts. A candidate without a committee and without any campaign finance activity may instead file a Form CPF M102 with zeros for summary totals, but either Form CPF M102 or Form CPF M102-0 must be filed by every candidate on the ballot. These forms are available from your local election official.

Records of all receipts and expenditures must be maintained by a candidate and committee for all activities, regardless of amount. Candidates and treasurers of all political committees organized in Massachusetts are required by law to preserve detailed accounts, vouchers and receipts for six years from the date of the relevant election.

Filing Deadlines

Candidates and their committees, if any, are required by statute to file periodic campaign finance reports and are also responsible for the legality, validity, completeness and accuracy of their reports. The following is a schedule for filing reports. **These reports must be filed whether or not money has been raised or expended during the reporting period and whether or not the candidate is nominated or elected.** Reports are due to the local election official by the close of business on the day the report is due. **The candidate is personally liable for a \$25 per day late fine assessed by OCPF for each day a report is late.**

In general, candidates in town elections file two campaign finance reports for an election, while city candidates file three reports. The following is the schedule for filing municipal reports:

- o Preliminary Report (Cities and some Towns): Due on or before the 8th day preceding the city or town preliminary election, complete from the day following the ending date of the last report filed through 10 days before the due date. If this is an initial report, the activity period is from the day following the date of the last election for the office sought through 10 days before the due date. **A candidate will file a pre-preliminary report only if his or her name appears on a preliminary ballot.**
- o Pre-Election Report (Cities and Towns): Due on or before the 8th day preceding the city or town general election, complete from the day following the ending date of the last report filed through 10 days before the due date.
- o Post-Election Report (Spring elections): Due on or before the 30th day following the general election complete from the day following the ending date of the last report filed through 10 days before the due date. This report may be considered a final report if the candidate/committee has no cash balance, assets or outstanding liabilities, and did not win. Most spring elections occur in towns.
- o Year-End Report (Cities and Towns): Due on or before January 20 in the year following, complete from the day following the ending date of the last report filed through December 31. **This year-end report must be**

filed every year so long as a committee is in existence, or a candidate maintains a campaign fund, has outstanding debts, or is an incumbent elected official.

- o **Special Elections (Cities and Towns):** In general, candidates and treasurers in special municipal elections file reports eight days before a preliminary election (if any), eight days before a final election and 30 days after the final election. The post-election report may also be considered a final report if the candidate/committee has no cash balance, assets or outstanding liabilities. Candidates and committee treasurers should contact their local election official for specific dates in the event of a special election.
- o **Sub-vendor reports:** A political committee that makes a payment to or incurs a liability to a vendor must disclose the full name and address of each *sub-vendor* receiving payments of more than \$500 in total during a calendar year from the original vendor. A vendor is any person, including a consultant, who provides goods or services to a political committee and either receives or is promised \$5,000 or more during a calendar year by the committee for goods or services. Vendors are required to report sub-vendor payments to the candidate's committee, who is then required to disclose the expenditure information on reports with the local election official.

Posting Reports: All campaign finance reports required to be filed with the city or town **must be made available for viewing on the municipal Web site** within 30 days after the filing deadline if the report discloses that a candidate or committee has received contributions or made expenditures in excess of \$1,000 during a reporting period or incurred liabilities or acquired or disposed of assets in excess of \$1,000 during a reporting period. **The reports are posted by local election officials.**

NOTE: A candidate who appears on a municipal ballot must file campaign finance reports, even if he or she only used his or her personal funds and did not raise money from other sources.

Receipts

All campaign funds received must be placed in a separate fund apart from any and all other funds. The following is a summary of limitations placed on contributions made to a candidate or candidate's committee:

- o An *individual* may contribute up to an aggregate of \$1,000 (monetary or in-kind contributions, or a combination of both) to a candidate and that candidate's committee in a calendar year.
- o A *political action committee (PAC)* or a *people's committee* may contribute up to an aggregate of \$500 per year to a candidate and that candidate's committee.
- o Registered *lobbyists* may only contribute up to an aggregate of \$200 per year to a candidate and that candidate's committee.
- o A ward, town or city *political party committee* may contribute up to an aggregate of \$1,000 per year to a candidate and that candidate's committee. There is no limit on in-kind contributions from a local party committee.
- o A candidate or candidate's committee may not accept any contribution, including an in-kind contribution of goods, services, equipment, personnel, facilities or the like, from *business or professional corporations*,

partnerships or limited liability companies, or from any association or organization comprised in whole or in part of business or professional corporations. However, an individual may use his or her *sole*

proprietorship to make a contribution to the campaign fund of a candidate, as long as the name of the individual contributor is also disclosed.

The 2010 Supreme Court decision, **Citizens United v. FEC**, allows business entities to make *independent expenditures* to support or oppose candidates. Such activity must comply with the definition of “independent expenditure” in section 1 of Chapter 55 and must be disclosed as required by Section 18A of Chapter 55.

The reporting of all contributions received by a candidate or a candidate’s committee is required under M.G.L. Chapter 55. Some of the requirements for such disclosure are outlined below.

- o Each contributor must furnish the candidate or committee with his/her true name and address at the time the contribution is made.
- o A candidate or committee must disclose the name and address of each contributor of more than \$50 in a calendar year. If an individual gives \$200 or more in a calendar year, the committee must also ask once at the time of solicitation and, if necessary, in one written follow-up request for the contributor’s occupation and employer. A copy of the written request must be kept as part of the committee’s records. If a contributor still does not provide the information after the two requests, the committee has complied with the law and may keep the contribution. The committee should also disclose on the campaign finance report that it has complied with the law by noting “letter sent” in the occupation and employer field.
- o Contributions received and disclosed from a union, association, trust or foundation must include the names and residential addresses of its principal officer(s).
- o Contributions from the same person that in the aggregate in a calendar year exceed \$50 must be made by a personal check or a check drawn on an account for which the contributor is personally liable. Contributions by cash, wire transfer, payroll deduction etc. are prohibited in amounts greater than \$50 in the aggregate per contributor per calendar year. For contributions made by money order, the limit is \$100. For contributions made by credit card, candidates and committees should contact OCPF for its regulations concerning the process.
- o Contributions of anything of value other than cash or checks are “in-kind” contributions. In-kind contributions are reportable on the “in-kind” schedule (Schedule C) and are subject to the same contribution limits previously mentioned. Examples of in-kind contributions include, but are not limited to, rental space for headquarters, furniture, office equipment, printing, postage and advertisements.
- o Loans are defined as contributions and are subject to the same contribution limits previously mentioned. Municipal candidates may make loans to their own committees without limit.

Joint Checking Account Contributions

Any joint contribution received by a candidate or committee that does not indicate the amount to be attributed to each contributor may be attributed equally to each contributor, provided that the contribution does not cause a donor to make an excess contribution. For example, if a committee receives a \$1,500 check on a joint check, and both names are printed on the check, the committee can attribute \$750 to each person.

Expenditures

The following is a summary of limitations placed on expenditures by candidates and candidate committees:

- o Expenditures by a candidate or a candidate committee may be made for the enhancement of the political future of the candidate so long as such expenditure is not primarily for the candidate's or any person's personal use.
- o A candidate for city or town office may make expenditures from his or her personal funds without limitation for the purposes of his or her own campaign, including making contributions to his or her committee. All such expenditures and contributions must be fully disclosed on Form CPF M102.
- o If a candidate makes expenditures only from his or her own personal funds without raising any money, the candidate must report all funds that he or she expended as a contribution to the campaign on Schedule A (receipts) and as an expenditure by the campaign on Schedule B (expenditures).
- o A business or professional corporation, partnership, limited liability partnership or limited liability company may not provide goods, services, equipment, personnel or facilities, unless it is paid fair market value for such items by the candidate or committee. Sole proprietorships, however, may make in-kind contributions, as long as the contributions are attributed to an individual making them and do not exceed statutory limits.
- o Any expenditure for an amount exceeding \$50 must be made by check, debit card or credit card.
- o The committee of a candidate for local elected office may not give in the aggregate in a calendar year more than \$100 to another candidate or candidate committee.
- o Surplus money may be placed in an interest bearing savings account or money market account. No other type of investment is permitted by law.
- o No person authorized to make an expenditure from a political committee may sign a committee check payable to himself or herself. The restriction applies to any candidate who has a committee organized on his or her behalf. For example, if a candidate for city council uses his personal credit card to buy paper supplies for the campaign and wants to be reimbursed, he is prohibited from writing a committee check to himself for the reimbursement. Another individual authorized to write checks on the committee account would sign the reimbursement check.

Dissolution of a Committee

Committees that have no cash balance, assets or outstanding liabilities and wish to dissolve may do so. Candidates and committees that do not dissolve must continue to report on a regular basis.

All residual funds from committee or candidate accounts must be donated to one or more of the following: (1) the Commonwealth of Massachusetts General Fund; (2) the general fund of a city or town; (3) a scholarship fund; or (4) a charitable or religious organization. Donations to scholarship funds and charities are subject to certain restrictions. Contact OCPF for more information.

Treasurers of committees are required by law to preserve detailed accounts, vouchers and receipts for six years from the date of the relevant election. This statutory provision applies to all political committees organized in Massachusetts.

Public Employees, Buildings and Resources

OCPF administers Sections 13-17 of M.G.L. Chapter 55, which concern political activity involving public employees, buildings and other resources that are publicly funded. These laws were designed to: protect public employees from being coerced into providing political contributions or services as a condition of their employment; protect individuals doing business with the public sector from being coerced into providing political contributions or services; and separate governmental activity from political campaign activity.

OCPF has published *Campaign Finance Guide: Public Employees, Public Resources and Political Activity*, which is available upon request. The following is a summary of the limitations on the political finance activities of public employees and the use of public buildings and resources in campaigns:

- o No state, county, city or town employee employed for compensation, other than an elected official, may directly or indirectly solicit or receive any contribution or anything of value for **any** political purpose.
- o Public employees may not be treasurers of political committees.
- o If a person is both a public employee and an elected official, the prohibitions against soliciting or receiving political contributions would still apply to him or her.
- o No person may solicit or receive campaign contributions in a building occupied for any state, county or municipal purpose.
- o No person in the public service may be compelled to make a political contribution or to render any political service, and no public official or employee may be prejudiced in his or her employment for failure to make a political contribution or be rewarded for making a political contribution.
- o A political committee may not solicit or receive a contribution on behalf of a candidate who is public employee if the contributor has an interest in any particular matter in which the employee participates or which is the subject of his or her official responsibility.
- o No public resource may be expended or utilized in order to promote or oppose the nomination or election of any candidate to public office or to promote or oppose any ballot question placed before the voters. Examples of public resources include: paid staff time of public employees, office equipment, vehicles, buildings and supplies.

In some cases, agency policy or the conflict-of-interest law, M.G.L. Chapter 268A, may establish additional standards for political activity by public employees. Public employees should consult the State Ethics Commission as well as their supervisors or agency heads.

Seeking Guidance from OCPF

OCPF welcomes inquiries regarding campaign finance activities. The office issues written advice, including advisory opinions and guidance letters, to individuals¹⁵ based on written requests describing specific facts and

circumstances. OCPF can issue opinions only on prospective activities. If you have any questions concerning

advisory opinions, please contact the office. You may also obtain informal, oral advice by calling the office at the numbers listed in the front of this brochure.

In addition to issuing specific written advice, OCPF occasionally issues interpretive bulletins and memoranda setting guidelines on a variety of subjects. These documents are available from OCPF and may be helpful in helping candidates, committees and other organizations comply with the campaign finance law.

Filing a Complaint

Individuals with information concerning possible violations of the campaign finance laws may call or write OCPF. If you have reason to believe that a violation has occurred, you may file a complaint. The office reviews all matters brought to its attention, regardless of the source of the complaint. The identity of complainants is kept confidential.

OCPF cannot comment on any matter that is under review or investigation. Consequently, an individual making a complaint will not receive periodic information on the status of the complaint. The complainant will receive notice, however, of any public disposition of a case.

Frequently Asked Questions

Q. Am I required to organize a committee for my campaign for municipal office?

A. Most candidates organize committees, but the campaign finance law does not always require it. If a candidate is a public employee and plans to raise money from other individuals for his or her campaign, they must form a committee because public employees may not solicit or receive campaign contributions. OCPF recommends that candidates form committees to receive and disburse funds and handle recordkeeping.

Q: May a candidate be the treasurer or chairman of his or her own political committee?

A: A candidate may not be treasurer of his or her own committee, but may serve as its chair.

Q: May the treasurer and chairman of the committee be the same person?

A: Yes, unless that person is a public employee. A public employee may not be treasurer of any political committee.

Q: May a business make a contribution to a candidate?

A: A business or professional corporation, partnership or limited liability company may not make contributions to candidates or their political committees. However, an individual may use his or her sole proprietorship to make a contribution to the campaign fund of a candidate. In such cases, the contribution from the business should be reported as coming from the individual owner who is D/B/A (doing business as) the unincorporated business.

Q: What number should I give the bank for the committee tax identification number?

A: Political committees should consult the Internal Revenue Service for information on how to obtain a federal tax identification number. In addition, you should contact the Massachusetts Department of Revenue for information on any state tax requirements that may be applicable.

Q: *How much may I contribute to my own campaign?*

A: While individual contributions are limited to \$1,000 in a calendar year, a candidate may contribute without limit from his/her personal funds to his/her own campaign. If your contribution is in the form of a loan to your committee, it must be reported not only as a contribution on Schedule A (receipts), but also as a liability on Schedule D (liabilities). Only if loans are properly reported may a candidate be repaid from campaign funds for contributions he or she has made.

Q: *When are my campaign finance reports due, and how do I figure out the beginning and ending dates of the reporting period?*

A: See Page 8 for details on due dates of reports. The reporting period is the period for which the candidate and his/her committee must report all campaign finance activity. This includes all activity from the day following the date of the last report filed through 10 days before the due date.

For example: A local election is held on Tuesday, May 23. The pre-election report is due to the local election official on or before Monday, May 15 (eight days before the election). This report covers the period from the day after the ending date of the last report filed through 10 days before its due date. Therefore, if the candidate or committee's last report filed was a year-end report in January, complete through Dec. 31, the pre-election period will begin on Jan. 1 and end 10 days before the report is due, i.e. Friday, May 5. For first-time filers, the beginning date of this initial report is the day following the date of the last election for the office the candidate is seeking. The ending date is the same described above, 10 days before the due date.

Q: *How can I change information on my Form CPF M101 (Statement of Organization)?*

A: Any changes to Form CPF M101 must be reported to the local election official within 10 days of the actual change. For most changes, a letter of amendment clearly stating the change to Form CPF M101 may be filed. The only exception is a change of treasurer, for which the candidate and the new treasurer must file Form CPF MT101 (Change of Treasurer). No money may be raised or spent by the committee until the new treasurer is appointed and Form MT101 is filed.

Q: *I am an appointed public employee. May I ask a friend or relative to purchase a ticket to a fundraiser for a candidate?*

A: No. Section 13 prohibits this activity at any time.

Q: *I am an appointed public employee. May I run for public office?*

A: Yes. While M.G.L. Chapter 55 does not prevent a public employee from running for office, it does prohibit fundraising by a public employee for any candidate. If you run for office, you must organize a political committee and have that committee handle all fundraising activity. You should also check with your agency, the State Ethics Commission and/or your city or town for further guidance.

Q: *May a candidate or his or her committee use the city or town hall as an address to send a contribution to a candidate's political committee?*

A: No. Such action is prohibited by Section 14.

Q: *I am a public school teacher as well as a candidate for municipal office. May I use the school printing machine to prepare a flyer or letter about my candidacy, or may I distribute information about my candidacy to students in my classroom?*

A: No. The campaign finance law prohibits any person from using a public resource such as office space or equipment for political purposes. The law also prohibits an appointed public employee from engaging in campaign activities while being paid by a municipality or other public agency during work hours.

Q: *I am a elected official in my town. May I serve as an officer of a PAC on the state or local level?*

A: No. Candidates and elected officials on the state, county and municipal levels are prohibited from serving as the principal officers of, or organizing, maintaining, financing or controlling PACs.

Q. *I lost the election or have recently left elected office. What are my future reporting obligations?*

A. If you do not plan to seek office again, you should dissolve your committee after eliminating any unpaid liabilities and remaining funds. Funds must be disposed of through the Residual Funds clause (*see page 16*). Candidates are not required to shut down after losing or leaving office. If a candidate continues to operate a committee for future political activity, however, the candidate and committee must continue to file disclosure reports with the local election official at least once a year. If a candidate again seeks election, he or she would report on the filing schedule for that office.

All OCPF guides are available online.

Office of Campaign and Political Finance
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Revised 12/19



Form CPF M 102: Campaign Finance Report Municipal Form

Office of Campaign and Political Finance

Commonwealth
of Massachusetts

File with: City or Town Clerk or Election Commission

Fill in Reporting Period dates: Beginning Date: _____ Ending Date: _____

Type of Report: (Check one)

- 8th day preceding preliminary 8th day preceding election 30 day after election year-end report dissolution

Candidate Full Name (if applicable) Office Sought and District Residential Address
E-mail: _____
Phone # (optional): _____

Committee Name
Name of Committee
Treasurer Committee Mailing
Address
E-mail: _____

SUMMARY BALANCE INFORMATION:

Line 1: Ending Balance from previous report

Line 2: Total receipts this period (page 3, line 11)

Line 3: Subtotal (line 1 plus line 2)

Line 4: Total expenditures this period (page 5, line 14)

Line 5: Ending Balance (line 3 minus line 4)

Line 6: Total in-kind contributions this period (page 6)

Line 7: Total (all) outstanding liabilities (page 7)

Line 8: Name of bank(s) used:

Affidavit of Committee Treasurer:

I certify that I have examined this report including attached schedules and it is, to the best of my knowledge and belief, a true and complete statement of all campaign finance activity, including all contributions, loans, receipts, expenditures, disbursements, in-kind contributions and liabilities for this reporting period and represents the campaign finance activity of all persons acting under the authority or on behalf of this committee in accordance with the requirements of M.G.L. c. 55.

Signed under the penalties of perjury: _____ (Treasurer's signature) Date: _____

FOR CANDIDATE FILINGS ONLY: Affidavit of Candidate: (check 1 box only)

Candidate with Committee and no activity independent of the committee

I certify that I have examined this report including attached schedules and it is, to the best of my knowledge and belief, a true and complete statement of all campaign finance activity, of all persons acting under the authority or on behalf of this committee in accordance with the requirements of M.G.L. c. 55. I have not received any contributions, incurred any liabilities nor made any expenditures on my behalf during this reporting period.

Candidate without Committee OR Candidate with independent activity filing separate report

I certify that I have examined this report including attached schedules and it is, to the best of my knowledge and belief, a true and complete statement of all campaign finance activity, including contributions, loans, receipts, expenditures, disbursements, in-kind contributions and liabilities for this reporting period and represents the campaign finance activity of all persons acting under the authority or on behalf of this committee in accordance with the requirements of M.G.L. c. 55.

Signed under the penalties of perjury: _____ (Candidate's signature) Date: _____

Line 9: Total Receipts over \$50 (or listed above)

Line 10: Total Receipts \$50 and under* (not listed above)

Line 11: TOTAL RECEIPTS IN THE PERIOD

 Enter on page 1, line 2

* If you have itemized receipts of \$50 and under, include them in line 9. Line 10 should include only those receipts not itemized above.

Line 9: Total Receipts over \$50 (or listed above)

Line 10: Total Receipts \$50 and under* (not listed above)

Line 11: TOTAL RECEIPTS IN THE PERIOD

 Enter on page 1, line 2

* If you have itemized receipts of \$50 and under, include them in line 9. Line 10 should include only those receipts not itemized above.

Line 12: Total Expenditures over \$50 (or listed above)

Line 13: Total Expenditures \$50 and under* (not listed above)

Enter on page 1, line 4 →

Line 14: TOTAL EXPENDITURES IN THE PERIOD

* If you have itemized expenditures of \$50 and under, include them in line 12. Line 13 should include only those expenditures not itemized

Line 12: Expenditures over \$50 (or listed above)	<input type="text"/>
Line 13: Expenditures \$50 and under* (not listed above)	<input type="text"/>
Line 14: TOTAL EXPENDITURES IN THE PERIOD	<input type="text"/>

Enter on page 1, line 4 →

* If you have itemized expenditures of \$50 and under, include them in line 12. Line 13 should include only those expenditures not itemized above.

Line 15: In-Kind Contributions over \$50 (or listed above)	<input type="text"/>
Line 16: In-Kind Contributions \$50 & under (not listed above)	<input type="text"/>
Line 17: TOTAL IN-KIND CONTRIBUTIONS	<input type="text"/>

Enter on page 1, line 6 →

* If an in-kind contribution is received from a person who contributes more than \$50 in a calendar year, you must report the name and address of the contributor; in addition, if the contribution is \$200 or more, you must also report the contributor's occupation and employer.

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Enter on page 1, line 7 →

Line 18: TOTAL OUTSTANDING LIABILITIES (ALL)

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INSTRUCTIONS FOR COMPLETING CAMPAIGN FINANCE REPORTS FOR USE WITH FORM CPF M 102

PAGE ONE:

(1) REPORT DATES

A campaign finance report must indicate the beginning

date and ending date of the report period. Dates must be completed for the report to be accepted. Also, check off reason for filing report (i.e.. 8th day preceding election).

(2) CANDIDATE/COMMITTEE INFORMATION Fill in the appropriate information in the candidate and/or the committee boxes.

(3) SUMMARY ACTIVITY (Lines 1-7)

- (a) Lines 1-5 of your campaign finance report are on a cash basis reporting system.
- (b) Lines 1-7 must be completed for a report to be accepted. They reflect ending balance from previous report, (line 1) total receipts for the reporting period, (line 2) and total expenditures for the reporting period (line 4) for the period as well as total money available as of the last day of the reporting period

(line 5).

- (c) ENDING BALANCE, line 5, should be:
 - line 1 (beginning balance)
 - line 2 (total receipts this report) line 3 (line 1 + line 2)
 - line 4 (total expenditures this report) line 5 (line 3 - line 4) cash available
- (c) Line 5 can NOT be a negative figure since this is a cash reporting system (unless the campaign has an overdrawn checking account).
- (d) The candidate and/or treasurer should reconcile the most recent bank statement with the campaign finance report to ensure the accuracy of the reported balances.
- (e) Total in-kind contributions (line 6) are carried forward from Schedule C.
- (f) Total liabilities (line 7) are carried forward from Schedule D.
- (g) Total liabilities (line 7) must be cumulative, and reflect all debts of the committee outstanding as of the last day of the reporting period, not just debts incurred during the current period.

(4) SIGNATURES

- (a) Reports will not be accepted unless they contain original signatures of the treasurer (if a committee report) and the candidate in ink.
- (b) A candidate should always sign the box on the bottom of the form and check off the affidavit which is applicable to his/her situation. If the candidate has a committee and no expenditures were made independent of the committee by the candidate he/she should check off the top affidavit. If the candidate has made expenditures independent of the committee, the candidate must file a separate report disclosing the independent activity and check off the bottom affidavit on the report of the candidate'; independent campaign activity.
- (c) For committee reports the treasurer must sign the affidavit for the committee treasurer in the box just above the box for the candidate.
- (d) If the candidate does not have a committee, he/she files a candidates report, checks off the bottom affidavit, and signs the report.

PAGE TWO:

SCHEDULE A (RECEIPTS)

- (1) The report must itemize, alphabetically, the names and residential addresses of any receipt in excess of \$50 for the reporting period. These are totaled on line 9. Receipts of \$50 or less should be totaled from the committee's records, and disclosed in the aggregate on line 10. Lines 9 and 10 should be added, and the total shown on line 11. Total receipts (line 11) should be carried forward to page one, line 2.
- (2) If an individual's contribution is \$ 200 or more (or his contributions total \$ 200 or more in a calendar year), you must also report the contributor's employer and occupation. If you have sent the required letter requesting missing emp./occ. information and have not received a response at the time of filing indicate "letter sent" and the date of the letter.
- (3) A loan should be reported as a receipt under the name of the individual who is making the loan; you should indicate that it is a loan by writing "loan" in the space next to the amount.
- (4) Contributions from the candidate, including loans, must be reported as receipts.
- (5) Political Action Committee (PAC) contributions must be reported under the name of the PAC

(including CPF ID#) and not the name of the individual **PAGE FOUR:**
who signed or presented the check. PACs must be

registered under M.G.L. c. 55 to contribute to Massachusetts candidates. (Registered PACs and their CPF ID numbers are available from OCPF.)

(6) Contributions from trusts, foundations, associations or other organizations must be disclosed under the organization's name along with the names and addresses of its principal officers.

(7) Contributions must be reported as of the date received, not the date they were deposited.

(8) Individual contributions made through non-incorporated businesses should be reported as an individual "doing business as," i.e. John Smith D/B/A

Smith's Market. Committees should verify, prior to accepting such contributions, that such business is not incorporated.

(9) Schedule A must reflect all receipts of money including refunds from interest earnings.

PAGE THREE:

SCHEDULE B (EXPENDITURES)

(1) The report must itemize, alphabetically, all expenditures of more than \$50 for the reporting period. These are totaled on line 12. Expenditures of \$50 or less should be totaled from the committee's records,

and disclosed in the aggregate line 13. Lines 12 and 13 should be aggregated, and the total shown on line 14.

Total expenditures (line 14) should be carried forward to page one, line 4.

(2) For individuals who are reimbursed more than \$50 for expenditures made on behalf of the committee, an itemization of reimbursements, form R 1, must be completed to disclose the name, address, purpose and amount for each expenditure made on the committee's behalf.

(3) The stated purpose of each expenditure listed should convey detailed information about the political purpose of the expenditure.

(4) Schedule B must reflect all payments made by the committee including bank service charges and contributions to other committees, even if returned.

(5) If the committee holds a credit card, it must file form, CPF M9 and copies of the credit card statements disclosing committee credit card activity. (NB. The credit card number is not required) If reimbursing an individual for charges made on a personal credit card, make payment to the individual and file form R 1 itemizing the reimbursement.

SCHEDULE C (IN-KIND CONTRIBUTIONS)

(1) The committee must report contributors who have contributed things of value (in-kind contributions) that exceed \$50 by indicating their name, address and a description of what was contributed. In-kind contributions of \$50 or less are aggregated on line 20. If the contribution is \$200 or more, the occupation and employer of the contributor is also required.

(2) Things of value that are NOT included as in-kind contributions are personal services, ordinary hospitality and incidental expenses in rendering a personal service.

SCHEDULE D (LIABILITIES)

(1) Schedule D is a cumulative schedule of ALL debts as of the last day of the reporting period. It includes:

(a) Any unpaid bills that the committee has on hand during the reporting period including refunds from vendors or others and been provided to the committee that remain unpaid at the time of the report.

(c) All outstanding loans from a candidate or others.

(2) Debts should be carried from one report to the next unless such debt has been paid or forgiven during the reporting period. If debt is forgiven, it should be listed as an in-kind contribution on Schedule C and a copy of the letter of forgiveness should be filed with the report.

FORMAT FOR COMPUTER GENERATED REPORTS

All computer generated report formats must be approved by the local election official prior to submission (other than OCPF's reporting software).

If you have any questions, or require further information, please call your election commission, city or town clerk, or the Office of Campaign and Political Finance.

9/99



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COMMON ERRORS MADE WHEN COMPLETING CAMPAIGN FINANCE REPORTS

Some errors tend to appear in campaign finance disclosure reports on a regular basis. OCPF has prepared this guide to help local candidates avoid those mistakes on their M-102 reports.

COVER PAGE

- **Correct dates:** Check with your local city or town clerk or election commission for the correct filing dates and periods covered, which depend on the dates of local elections.
- **Beginning balances:** Line 1 must be the same as Line 5 from your last report.
- **Negative balances:** Lines 1-5 are on a cash based system. Negative balances are possible only if your account is overdrawn.
- **Math errors:** If you are not using OCPF's software, please double check your calculations.
- **Signatures:** Original signatures of the candidate and, in the case of a committee, the treasurer are required.

SCHEDULE A

- **Date Received:** List the date a contribution was actually received by the committee, not the date of the check or the date it was deposited into the committee's bank account.
- **Contributor information:** Avoid using initials instead of first names. Provide residential addresses.
- **Interest earned:** Report as a receipt. You must account for all money that enters the account, including refunds and any funds provided by the candidate.
- **Occupation/Employer:** If information is not provided by the contributor, you must ask for it in writing within 45 days of receipt. Your report should indicate "Letter Sent" and the date of the letter.
- **Cash/Money Orders:** Contributions by cash and money order are limited to \$50 or less.

SCHEDULE B

- **Purpose of Expenditures:** Be specific. For-example, list "thank you dinner for supporters," not "meals".
- **Candidate expenditures:** Include any personal funds spent by the candidate on behalf of the committee. Failing to include the candidate's own contributions and expenditures could result in a negative balance.
- **Reimbursements:** List the purpose of any reimbursement in addition to the actual recipient. If necessary, use the R-1 form to provide complete vendor/purpose/cost disclosure.

SCHEDULE D

- **Liabilities:** Report **all** outstanding liabilities, regardless of when incurred, that are still outstanding. If you have not received a bill, report amount as "to be determined."

PLEASE FILE ON TIME. Filing on time ensures the required disclosure and also avoids the \$25 per day penalty that may be imposed by law. If you have any questions as you complete your report, we encourage you to contact your local election official or OCPF for assistance.

03/10

