



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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April 21, 2020

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2020 APR 23 AM 10:12

Newburyport Cannabis Action Network
Connie Preston, Treasurer
18 Atwood Street
Newburyport, MA 01950

Re: CPF-20-12

Dear Ms. Preston:

This office has completed its review of a complaint we received that alleged that the Newburyport Cannabis Action Network ballot question committee ("NCAN") did not accurately or timely disclose its campaign finance activity.

M.G.L. c. 55, § 1 defines a ballot question committee as "...a political committee which receives or expends money or other things of value for the purpose of favoring or opposing the adoption or rejection of a specific question or questions submitted to the voters including, without limitation, a charter change, an initiative or referendum question or a constitutional amendment." Under the campaign finance law, if more than one person pools their resources (monetary or in-kind) to influence a ballot question, such persons are acting as a ballot question committee and are required to organize as such. See OCPF IB-90-02. A ballot question committee organized to influence a question put to the voters at a city or town election must file reports disclosing its activity eight days before the election and, for a city election held in November, a year-end report on or before the following January 20 to disclose activity from the end of the pre-election report through December 31 of the election year. M.G.L. c. 55, § 18.

You have stated that NCAN did not raise money for the purpose of supporting or opposing the ballot question, but you acknowledged that members of the group pooled their resources for purposes of purchasing lawn signs and flyers to influence the vote. Upon learning it should have organized as a ballot question committee, NCAN filed a Statement of Organization on October 30, 2019, and, at the same time, filed a pre-election report disclosing activity totaling approximately \$300. With an election on November 5, 2019, the pre-election report was due on or before October 28, 2019. As a result, the late filing of the pre-election report did not comply with the requirements of the campaign finance law. M.G.L. c. 55, § 18. OCPF notes, however, that the report was filed prior to the election.

NCAN subsequently filed a dissolution report on January 10, 2020, disclosing in-kind contributions of approximately \$700. NCAN did not initially, however, disclose vendor information in its description of the in-kind contributions. After OCPF contacted you to discuss this and a variety of

other issues raised by the complaint, you promptly filed an amendment to NCAN's dissolution report to disclose vendor information and to correct clerical errors in the original dissolution report.¹

NCAN's late filing of the pre-election report, and the lack of vendor information for in-kind contributions received, were not consistent with the campaign finance law. However, because NCAN took prompt remedial action to file or amend the required campaign finance reports, and because we believe the guidance provided in the course of this review will ensure future compliance with the campaign finance law, no further action is required, and this matter may be closed at this time.

In accordance with the opinion of the Supervisor of Public Records, this letter is a matter of public record. A copy is being provided to the person(s) who brought this matter to our attention.

Sincerely,



Maura D. Cronin
Legal Counsel

cc: Richard Jones, Newburyport City Clerk

¹ Among other issues raised in the complaint were concerns that the costs of creating and hosting NCAN websites were not disclosed, failure to disclose contributions from an elected official's spouse, and failure to disclose the services provided by a politically-savvy individual to the ballot question committee. OCPF determined that the building and hosting of the websites, as well as the involvement of another politically-connected individual in assisting the ballot question committee, constituted personal services that did not have to be disclosed as contributions. Furthermore, the contribution from the elected official's spouse was timely and accurately disclosed, and therefore did not present an issue under the campaign finance law.