

THE COMMONWEALTH OF MASSACHUSETTS OFFICE OF CAMPAIGN & POLITICAL FINANCE

ONE ASHBURTON PLACE, ROOM 411 BOSTON, MASSACHUSETTS 02108

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DRAFT IN EFFECT Jan. 1, 2015

M-90-05

Issued: April 1990 Revised: January 1, 2015

MEMORANDUM

TO:

Interested Persons

FROM:

Michael J. Sullivan, Director

SUBJECT: Instructions for Candidates and Committees on the Use of Depository Bank Accounts

Candidates for statewide office, Governor's Council, county offices, and certain municipal offices, as well as political action committees and people's committees, are required by Section 19 of M.G.L. c.55 to designate a bank or other authorized financial institution ("depository bank") as a depository for campaign funds. These candidates and committees are often referred to as "depository committees."

This memorandum describes in general terms the establishment of a depository bank account, the use of a depository checking account, the procedure for filing a deposit report, and the use of checks and debit cards for campaign expenditures. Candidates and committees should consult the OCPF publication Campaign Finance Guide: "Depository" Candidates & Committees or contact this office for further information on the campaign finance law and the depository system.

Establishing a Depository Account

The following is a summary of the forms that must be filed with OCPF by the candidate or committee when establishing a depository account.

CPF 101 (Statement of Organization): This form lists the names and addresses of the committee treasurer and chairman. For candidate committees, the form lists the candidate on whose behalf the committee is organized. When the CPF 101 form is filed (CPF 101 PC for PACs), the candidate or committee will receive a CPF identification number and password for e-filing purposes.

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¹ The statewide offices are governor, lieutenant governor, secretary of state, attorney general, treasurer/receiver general and auditor; the county offices are district attorney, clerk of court, register of probate, register of deeds, county commissioner, county treasurer and sheriff. The municipal offices include mayor, city councilor and alderman in the cities of Boston, Brockton, Cambridge, Fall River, Lawrence, Lowell, Lynn, New Bedford, Newton, Quincy, Somerville, Springfield and Worcester. The treasurers of political action committees, people's committees and each of the political committees of the state political parties are also required to designate a depository.

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CPF D102 (Initial Campaign Finance Report): For a new candidate or committee, the initial report is filed to disclose any activity occurring prior to opening the depository bank account and authorizing the bank to disclose activity to OCPF. For existing candidates or committees that are transferring into the depository system, this report discloses all activity that has occurred since the ending date of the latest periodic report filed by the candidate or committee.

The ending date of the initial report (CPF D102) is the day the depository account is established. <u>Exception:</u> The ending date of the initial report is Jan. 31, 2015, for all mayoral, city council and alderman candidates in New Bedford, Brockton, Quincy, Lynn, Fall River, Newton, Lawrence and Somerville, and PACs and People's Committees, who are entering the depository system in January, 2015.

The initial report should be e-filed using the identification number and password provided by OCPF.

CPF D103 (Appointment of Depository Bank): This form must be completed by candidates and committees who open a checking account with a depository bank. The depository bank must sign the form and indicate the date such account was opened. PACs and people's committees must file a CPF D103 form.

Candidate Note: A depository bank account must be opened even if a candidate intends to spend only his or her own money on the campaign.

CPF D104 (Statement of Candidate Not Raising or Expending Campaign Funds): If a candidate does not have a committee and does not intend to accept contributions, use their own money, make expenditures or incur liabilities, the candidate is not required to open an account with the depository bank but must complete Form CPF D104. PACs and people's committees cannot file Form CPF D104.

The forms above can be filed with OCPF by fax or e-mail, other than the CPF D102, which should be e-filed.

Making Deposits of Receipts

All monies received by a candidate or committee, including a candidate's personal funds, must be deposited in the depository bank account. Please note that all deposits must be made by the end of the seventh day following receipt. It is strongly recommended that the deposit report be electronically filed with OCPF on the same day the deposit is made or shortly afterward. All receipts, including contributions, refunds and loans, are listed on the deposit report. The candidate or committee creates the deposit report using OCPF's Web-based campaign finance reporting system, available on the agency website, www.ocpf.us.

Note: A deposit report should be filed for each deposit made. For example, if a committee deposits five checks on Monday and 10 checks on Tuesday, two separate deposit reports should be filed with OCPF – one for the Monday deposit and one for the Tuesday deposit.

The deposit report must contain the following information for each receipt: 1) the date of deposit, 2) the form of tender, i.e. cash, check, etc.; 3) the name of each contributor who made a contribution of more than \$50 (or which together with all other contributions from such contributor in the same calendar year add up to more than \$50); 4) the contributor's residential address; 5) the amount of the contribution;

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and 6) the occupation and employer for each contributor who made a contribution of \$200 or more (or which together with all other contributions from such contributor in the same calendar year add up to \$200 or more).

After being electronically filed with OCPF by a candidate or committee, each deposit report is grouped with the data filed by depository banks at the end of each reporting period.

Issuing Checks for Expenditures

Any payment for campaign finance purposes made by or for the benefit of a depository candidate or committee in excess of \$100 must be made by a check or debit card drawn on the depository bank account.² The candidate may not be named as a payee of a check for more than \$100. No person who is authorized to make expenditures may sign a committee check payable to himself or herself.

The campaign finance law requires a candidate/committee to provide certain information on expenditure checks drawn on their depository checking account (this is a standard check that is personalized with the name of the candidate or committee and an OCPF identification number, as applicable). The memo line of the check is used by the candidate or committee issuing the check to indicate the **specific purpose** of the expenditure. Example: "newspaper advertisement." This information will enable the depository bank to complete the necessary reports to be electronically filed with OCPF. The handwritten information on the check should be legible.

Debit Card Expenditures: Debit cards may be used by candidates and committees to make expenditures. The depository bank will record each expenditure using OCPF's Web-based reporting system. The same information required for checks is also required for debit card usage, except for the specific purpose information, which the bank will not have (the candidate or committee will enter the purpose information). The depository bank will also enter a vendor's address, if available.

Obligations of the Depository Bank

When candidate or committee checks are presented for payment, the depository bank itemizes expenditures electronically on an **expenditure report**. The expenditure report includes the specific purpose from the memo line of the check. If the general or specific purpose has been omitted, the depository bank enters an asterisk (*). It is the responsibility of the person completing the check to ensure that this information is entered legibly on each check.

The depository bank is also responsible for summarizing the receipt and expenditure information for each depository account. The depository bank's reports must be submitted by the 5th and 20th of each month. The report due by the 20th of the month is for the period from the 1st to the 15th of the month. The next report due by the 5th of the following month is for the period from the 16th through the last day of the month. The reports must be transmitted to OCPF no later than midnight of the 5th day of the month or the 20th day of the month, whichever is applicable.³

² A committee may use a credit card issued in the committee's name to make expenditures. However, credit card payments must be made by a check or debit card drawn on the depository bank account.

³ The obligations of depository banks are discussed in more detail in OCPF Memorandum M-90-04.

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Annual Reporting Obligations of the Depository Candidate/Committee

In addition, the depository candidate or committee has an annual reporting responsibility with OCPF. The filing of a CPF D102 Campaign Finance Report is required once a year on or before January 20th. The CPF D102 summarizes all monetary receipts and expenditures and itemizes in-kind contributions and liabilities of the candidate or committee for the previous calendar year.

If you have questions concerning depository bank accounts and procedures, please contact OCPF at (617) 979-8300. Further information is also available at the office's website, www.ocpf.us.



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Draft in Effect Jan. 1, 2015

M-90-04

Issued: April 1990

Revised: January 1, 2015

MEMORANDUM

TO:

Interested Persons

FROM:

Michael J. Sullivan, Director

SUBJECT: Information For Banks Designated As Depositories

For Campaign Funds Under Mass. General Laws Chapter 55

Candidates for statewide office, Governor's Council, county offices, certain municipal offices, political action committees and people's committees are required by Section 19 of M.G.L. c.55 to designate a bank or other authorized financial institution (hereinafter referred to as "depository bank") as a depository for campaign funds. Such candidates and committees are often referred to as "depository candidates and committees." No other candidate or committee, other than a state political party, is required to open a depository bank account.

DESIGNATING THE DEPOSITORY BANK

To designate a bank, Form CPF D103 "Appointment of Depository Bank" must be completed by the committee or candidate and the depository bank. It is the responsibility of the committee or candidate to file the completed Form CPF D103 with OCPF within three business days after designating a depository bank. The depository bank must indicate the date an account was opened on Form CPF D103.

RESPONSIBILITIES OF THE DEPOSITORY BANK

The Depository Bank Account

In addition to the usual services a bank provides to its customers, the depository bank has unique responsibilities under the provisions of M.G.L. c.55. All campaign finance activity undertaken by a candidate or committee required to designate a depository bank must be through a checking²

¹ The statewide offices are governor, lieutenant governor, secretary of state, attorney general, treasurer/receiver general and auditor; the county offices are district attorney, clerk of court, register of probate, register of deeds, county commissioner, county treasurer and sheriff. The municipal offices include mayor, city councilor and alderman in the cities of Boston, Brockton, Cambridge, Fall River, Lawrence, Lowell, Lynn, New Bedford, Newton, Quincy, Somerville, Springfield and

² The bank has no filing requirements relating to savings or money market accounts or certificates of deposit.

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account with that depository bank. Thus, all receipts of a candidate or committee and all expenditures by a candidate or committee must flow through the depository account. The campaign finance law requires the depository bank to play an integral role in reporting and disclosing these receipts and expenditures. It should be noted that the depository bank has no responsibility for the legality of the actual receipts and expenditures, only certain responsibilities for the reporting of them to OCPF.

Account Credits

Under the law, depository candidates and committees must deposit all funds received into the depository bank account. Separately, the <u>candidate or committee</u> electronically files a **Report of Receipts** with OCPF, which lists the names and addresses of the contributors of the receipts that are deposited at the depository bank, as well as the contribution amounts.

Additionally, the depository bank will be responsible for reporting all credits to the account during a designated reporting period using OCPF's Web-based reporting system. The reporting system enables the depository bank to produce a report of the deposit activity in the account that provides the total amount and date of each credit for the reporting period.

All account credits must be reported, including bank interest, bank corrections, refunds and wire transfers.

Account Debits

<u>Checks</u>: M.G.L. c.55 requires a candidate/committee to provide certain information on expenditure checks drawn on their depository checking account (this is a standard check that is personalized with the name of the candidate or committee and OCPF identification number, as applicable). The memo line of the check is used by the candidate or committee issuing the check to indicate the **specific purpose** of the expenditure. Example: "newspaper advertisement." This information will enable the depository bank to complete the necessary reports to be electronically filed with OCPF.

The depository bank is responsible for reporting all checks presented for payment during the designated reporting period using OCPF's Web-based reporting system. The reporting system enables the depository bank to produce a report of the expenditures that lists each check alphabetically by payee as of the date presented for payment (not the date of the check) for the reporting period. The required information includes: the date the check was paid, the payee, the payee's address, and the specific purpose of the expenditure, all of which may be taken from the face of the check, and the amount. If the specific purpose is omitted from a check, please indicate this by inserting an asterisk (*) in the appropriate data entry field.

<u>Debit Card Expenditures</u>: Debit cards can be used by candidates and committees to make expenditures. The depository bank should record each expenditure using OCPF's Web-based reporting system. The same information required for checks is also required for debit card usage, except for the specific purpose information, which the bank will not have (the candidate or committee will add the purpose information after the bank files the report). Because the specific purpose is omitted from a debit card expenditure, please indicate this by inserting an asterisk in the appropriate data entry field. The depository bank will also enter a vendor's address, if available.

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Other Account Debits: The depository bank should also record other debits, such as bank fees, chargebacks, transfers to savings accounts, merchant provider fees and wire expenditures.

Activity Summary

The depository bank is responsible for summarizing the receipt and expenditure information for the depository account in a Summary Report of Campaign Receipts and Expenditures for the reporting period. This summary information is electronically filed with OCPF by the depository bank.

Filing Schedule: The depository bank's reports must be submitted by the 5th and 20th of each month. The report due by the 20th of the month is for the period from the 1st to the 15th of that month. The report due by the 5th of the following month covers the period of the 16th through the last day of the previous month. The reports must be transmitted to OCPF no later than midnight of the 5th day of the month or the 20th day of the month, whichever is applicable. These electronic summaries and contribution reports are considered public records and provide the primary disclosure of the depository candidate's (and committee's) campaign finance activity.

Closing an Inactive Depository Account

From time to time, depository candidates and committees retain no assets in their depository accounts. The costs of servicing such accounts nevertheless continue to be incurred. Should a depository bank encounter this situation, OCPF should be contacted immediately so that the account may be deactivated. Do not close a depository account without first contacting this office.

If you have any questions concerning depository bank accounts and procedures, please contact OCPF at (617) 979-8300.

| CPF ID #: | |
|-----------|-----------------------|
| | (For Office Use Only) |

Commonwealth

Form CPF D103: Appointment of Depository Bank

Office of Campaign and Political Finance

| of Massachusetts | | | | |
|--|--|---|---|---|
| File with: Director Office of Campaign an One Ashburton Place, I | d Political Finance Room 411, Boston, MA | 02108 | | (617) 979-8300 / (800) 462-OCPF ocpf@cpf.state.ma.us http://www.mass.gov/ocpf |
| CHECK ONE: | CANDIDATES: | Candidate with Political | Committee OR Candi | date without Political Committee |
| - | COMMITTEES: | Political Action Committ | ee People's Committee | State Political Party Committee |
| Committee Name: | : | | | |
| Mailing Address: | | | City/State/ Zip: | 39 |
| Treasurer's Name: | | | E-Mail: | Phone #: |
| Mailing Address: | | | City/State/Zip: | |
| Candidate's Name | :: | | E-Mail: | Phone #: |
| Mailing Address: | | | City/State/Zip: | |
| Office Sought/Dis | strict: | | | |
| DESIGNATED E | INANCIAL INSTIT | TITION: | | |
| authorize said fir | nancial institution | | Office of Campaign and Pol | the depository for campaign funds, and I litical Finance, the reports required by |
| Signature of Cand | idate | Date: | Signature of Treasur | er Date: |
| | | CKNOWI EDCMENT | BY FINANCIAL INSTIT | IITION |
| Massachusetts. The above named | ersigned financial The financial instit candidate and/or e as OCPF notifies | institution is authorized to aution hereby acknowledge committee and agrees to fi | transact business and has it es that it has been designate | ts main office, or a branch office, in d as the depository for campaign funds of s with OCPF as prescribed by M.G.L. c. |
| | | | DATE ACCOUNT OPEN | IED: |
| Authorized employ | yee's signature | Date: | Financial Institution: | 10 |
| Please print name: | | | Mailing Address: | |
| Title: | | Phone #: | City / State / Zip: | |
| | | STATEMENT OF T | REASURER / CANDIDA' | ГЕ |
| of \$100, made by depository. | or for the benefit | erwise provided in M.G.L. | c. 55, ss. 9 and 19(c), all pa | ayments for campaign purposes in excess om funds on deposit in the above-named |
| Signature of Candi | idate | Date: | Signature of Treasurer | Date: |
| | | | | D103 10/14 |

INSTRUCTIONS FOR COMPLETING FORM CPF D103

1. WHO MUST FILE:

Newly organized political action committees or state political party committees are required to designate, on Form CPF D103, Appointment of Depository Bank (this form), an authorized financial institution as a depository for the committee's campaign funds on the day the committee is organized. Independent Expenditure PACs file reports as required by M.G.L. c. 55, s. 18A(e) and do not have to file a Form CPF D103 or designate a depository bank. (See M.G.L. c. 55, ss. 1 and 18A(e) and 970 CMR 2.17(3) for the definitions of these committees.)

A candidate for nomination or election to one of the offices listed below (and his or her candidate's committee, if one is organized) must file either a Form CPF D103 (this form) or a Form CPF D104, Statement of Candidate Not Raising or Expending Campaign Funds, with OCPF. The designation of the depository bank, or the certification that no financial activity will occur, must be made on the day the individual becomes a candidate for one of the offices specified below. (See M.G.L. c. 55, s. 1 for the definition of "candidate.")

- 1. Statewide Office: Governor, Lieutenant Governor, Attorney General, State Secretary, State Treasurer and State Auditor;
- 2. The Governor's Council;
- County Office: Clerk of Courts, County Commissioner, County Treasurer, District Attorney, Register of Deeds, Register of
 Probate, Sheriff, Suffolk Co. Superior Court-Civil, Suffolk Co. Superior Court-Criminal, and Supreme Judicial Clerk of Courts
 (Suffolk Co.); and
- 4. The offices of mayor, city council and alderman in cities with a population over 75,000 (Boston, Brockton, Cambridge, Fall River, Lawrence, Lowell, Lynn, New Bedford, Newton, Quincy, Somerville, Springfield and Worcester).

2. WHEN TO FILE:

This form must be filed with OCPF before funds are raised or spent and no later than the third business day following such appointment. An initial campaign finance report, Form CPF D102, must also be filed with OCPF within three days of the candidate or committee organizing. An authorized employee of the financial institution must sign the acknowledgment of the depository bank printed on the form.

3. NOTES FOR CANDIDATES AND CANDIDATE COMMITTEES:

Form CPF D103, Appointment of Depository Bank (this form), is used by the candidates listed above to designate an authorized financial institution as a depository for the campaign funds of the candidate and/or the candidate's committee.

Form CPF D104, Statement of Candidate Not Raising of Expending Campaign Funds, is used by the candidates listed above to certify that he or she does not plan to receive contributions, make expenditures (including expenditures of his or her own funds) or incur liabilities.

A CANDIDATE WHO HAS A COMMITTEE

Complete all information requested on the D103 form. Check the box at the top of the form indicating the existence of the committee and fill in the committee information. Both the candidate and committee treasurer must sign the form.

A CANDIDATE WHO DOES NOT HAVE A COMMITTEE

In this case, the candidate should check the box at the top of the form indicating that he/she does not have a committee. The committee information may be left blank, but the rest of the form should be completed. Only the candidate and financial institution employee must sign the form.

A candidate who does not plan to receive contributions, make expenditures (including expending his or her own funds) or incur liabilities does not have to open a depository bank account and may instead complete and file a Form D104, Statement of Candidate Not Raising or Expending Campaign Funds, with OCPF.

4. NOTE FOR BANKS

The authorized employee's signature acknowledges notice of the candidate and/or committee's appointment of the bank as a depository for campaign funds. The bank should indicate the date the account was opened and will be subject to the reporting provisions of M.G.L. c. 55, s. 19 from that date. OCPF provides an online e-filing application to file the requisite reports at www.ocpf.us.

Please contact the Office of Campaign and Political Finance at (617) 979-8300 or by e-mail at ocpf@cpf.state.ma.us, or visit OCPF's website at www.ocpf.us for further information.

Timeline and Reporting Schedule1-

October 18 - 31, 2014: Late Contributions (Pre-Election) Reporting Period

Candidates and committees on the ballot that receive **and** deposit contributions of \$500 or more on or after the 18th through to the 31st of October must file a disclosure report within 72 hours of depositing the contributions received. Not applicable for

PACs.

October 27, 2014: <u>Pre-Election Report Due</u>

The disclosure report of all campaign finance activity from August 23, 2014 through

October 17, 2014 is due from PACs.

November 2014: Wrap up campaign finance activity for the year

Candidates and committees entering the depository system January 1, 2015 are advised to conclude their campaign finance activity for the year well in advance of December 31st this year to give enough time for 2014 checks to clear the bank before January 1, 2015. Ideally, all transactions reported on the 2014 Year-end report should

clear the bank before January 1st.

December 31, 2014: Year-End Reporting Period Closes

The reporting period for the Year-End disclosure report is October 18, 2014 through December 31, 2014. This year, PACs are encouraged to file as soon after the 31st as

possible.

January 1, 2015: New law takes effect

Complete and file a Form CPF D103: Appointment of Depository Bank.

Candidates and committees use this form to designate an authorized financial institution as a depository for the campaign funds of the candidate or committee. Part of this form must be completed and signed by an authorized employee of the financial institution. Please review the enclosed bank listing to see if your financial institution is already registered as a depository with OCPF. If it is not, please contact OCPF for guidance. Committees will have 15 days to complete and file their Form CPF

D 103: Appointment of Depository Bank forms.

¹ Candidates running for office in Brockton, Fall River, Lawrence, Lynn, New Bedford, Newton, Quincy and Somerville should consult with their local election officials for their campaign finance report filing schedules.

January 1 - 31, 2015:

Depository transition period

Candidates and PACs need to complete the following steps before January 31, 2015:

- 1. Complete and file their 2014 year-end reports by January 20, 2015.
- Reconcile the ending balance of their 2014 year-end campaign finance report to their December 2014 bank statement. Ideally, the ending balance of the report should approximately match the ending balance of the account statement. If it does not, please contact OCPF for guidance.
- 3. Prepare and e-file a Form CPF D102: Initial Report with OCPF.
 - Reporting Period: January 1, 2015 through January 31, 2015; report due February 10, 2015.
 - b. Include all campaign finance activity that occurred in January.
 - c. If needed, the committee may include a one-time accounting adjustment to reconcile the committee's bank account balance with the ending balance of its D102 Initial Report. No accounting adjustments should be made, however, without contacting OCPF for guidance.

January 15, 2015:

The Form CPF D103: Appointment of Depository Bank is due

January 20, 2015:

The 2014 Year-End report must be filed no later than the 20th

February 1, 2015:

Depository banks commence filing bi-weekly campaign finance reports for new candidates and committees in the depository reporting system

The first bank report, February I, covers February 1, 2015 to February 15, 2015 and is due no later than February 20, 2015. Candidates and committees will commence filing deposit reports, and supplementary expenditure reports (R-1, CPF9 and SV-1 reports), in accordance with the bank's reporting schedule. Candidates and committees are strongly encouraged to file their deposit reports within 3 days of making their bank deposits.

February 10, 2015:

The D102 Initial report is due.

February 20, 2015

The February I report is due.

February 16, 2015

The second bi-weekly reporting period, February II, commences. The second report covers February 16, 2015 to February 28, 2015 and is due no later than March 5, 2015.

March 1, 2015

The third bi-weekly reporting period, March I, commences. The third report covers March 1, 2015 to March 15, 2015 and is due no later than March 20, 2015.

March 5, 2015

The February II report is due.

Banks Currently Participating in OCPF Depository System*

| Bank Name | # OCPF Accounts | _ |
|----------------------------------|------------------------|----------------|
| Bank of America | 53 | |
| Berkshire Bank | 3 | |
| Blue Hills Bank | 8 | |
| Bristol County Savings Bank | 1 | |
| Cambridge Trust Company | 1 | |
| Central One Federal Credit Union | 1 | |
| Century Bank | 6 | |
| Citizens Bank | 79 | |
| Commerce Bank | 14 | |
| Community Credit Union | 1 | |
| East Cambridge Savings Bank | 3 | |
| Eastern Bank | 6 | |
| Easthampton Savings Bank | 2 | |
| Edgartown Savings Bank | 4 | |
| Enterprise Bank & Trust | 16 | |
| First Niagara Bank | 1 | |
| Greenfield Savings Bank | 4 | |
| Lowell Five Cent Savings Bank | 3 | |
| Mechanics Cooperative Bank | 2 | |
| Meetinghouse Bank | 1 | |
| Mount Washington Bank | | joined 11/7/14 |
| Rockland Trust Company | 22 | |
| Santander | 58 | |
| TD Bank | 36 | |
| The Savings Bank | 1 | |
| United Bank | 18 | |
| Westfield Bank | 2 | |
| Weymouth Bank | 2 | |

*as of 11/10/14