



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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September 6, 2007
AO-07-10

Hal Brown
273 Tispaquin Street
Middleborough, MA 02346

Re: www.casino-friend.com

Dear Mr. Brown:

This letter is in response to your recent request for guidance.

You have stated that you are one of three organizers of a website, www.casino-friend.com, formed to provide counterpoint to Casinofacts, a group that used a website (casinofacts.org) to oppose a Middleborough casino at a recent Town Meeting. In a recent advisory opinion issued to Casinofacts, this office advised that organization that it had taken the appropriate action by registering as a political action committee, because the group planned to support or oppose candidates.

You have stated that Casino-friend, unlike Casinofacts, is not involved in raising or spending funds to support or oppose candidates.

You have also stated that the Casino-friend website contains a forum for letters both supporting and opposing a casino, and that the site seeks to provide unbiased reporting on the issue. You have acknowledged, however, that the site's editorial position is to support the concept of a casino in Middleborough.

You do not consider Casino-friend "to be anything more than a website with an editorial bias, certainly not a political action committee." The group's contributions and expenditures are listed on its website. Casino-friend began with \$450 received from the three founding members, and eventually raised a total of \$1,620, including the original \$450. It has spent \$1,540 since organizing, much of this amount being used for bumper stickers to publicize the site. It is not raising money or making expenditures to influence an election, since no election is anticipated.



QUESTIONS

(1) Is Casino-friend required to form as a political action committee?

Answer: No, since it is not raising and spending money to influence an election. A group like Casino-friend, that is only trying to influence town meeting, public opinion, and/or elected or appointed town boards, on a particular issue, is not required to organize a political committee or file campaign finance reports.

(2) May the group continue to use its website and may the website contain commercial advertising?

Answer: Yes. Continuing to use the website, and including advertising on the website, would comply with the campaign finance law. If the group at some pointing the future, however, starts to raise funds or make expenditures to influence an election, it would not be able to receive any funds from business corporations.

DISCUSSION

A political committee is defined, in part, as any group that receives contributions “for the purpose of influencing the nomination or election of a candidate, or candidates, ... or for the purpose of opposing or promoting a charter change, referendum question, constitutional amendment, or other question submitted to the voters.” See M.G.L. c. 55, § 1. Political committees must register and file periodic campaign finance reports with the town clerk. In contrast, an association or “issues group” that supports or opposes a particular public policy issue has no filing requirements with the Town Clerk as long as it is not involved in election-related activity. See AO-06-05.

The campaign finance law defines “contributions” and “expenditures,” in part, to include contributions or expenditures made “for the purpose of promoting or opposing a charter change, referendum question, constitutional amendment, or other question submitted to the voters . . .” See M.G.L. c. 55, § 1. The office has consistently interpreted this language to mean that “questions submitted to the voters” must appear *on the ballot in an election* for there to be a contribution or expenditure. See AO-89-32. This office does not consider issues that are debated in an open forum such as a town meeting, even if such issues may be the subject of a future referendum, to be questions “on the ballot.”

Based on your description of the group’s activities, and our review of its website, Casino-friend does not have to register as a political committee because it is not raising or spending money to influence an election. You have stated that Casino-friend, in contrast to Casinofacts, is not raising and spending money to influence a recall election, or otherwise to support or oppose candidates, and does not plan to raise funds for that purpose. In addition, Casino-friend is not involved in raising or spending money to influence a ballot question. Its activity in connection with

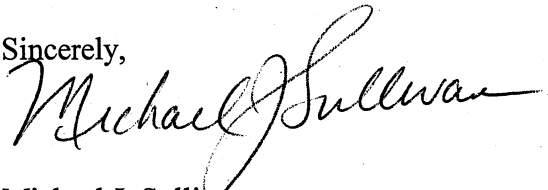
the recent Town Meeting was, therefore, not subject to the disclosure requirements of the campaign finance law, and such activity would not have caused the group to have to organize as a political committee.

Finally, the campaign finance law does not restrict the ability of an issues group such as Casino-friend to include commercial advertising on a website. Therefore, at this time, the group may include such advertising on its website. If the group organizes a PAC in the future, however, the PAC may not receive any funds from business corporations. See M.G.L. c. 55, § 8.

We appreciate your interest in the campaign finance law. This opinion is based on the representations in your correspondence and is issued solely within the context of the Massachusetts campaign finance law.

Please do not hesitate to contact this office should you have additional questions about this or any other campaign finance matter.

Sincerely,

A handwritten signature in cursive script that reads "Michael J. Sullivan". The signature is written in dark ink and is positioned to the right of the typed name.

Michael J. Sullivan
Director

MJS/gb