



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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January 4, 2007

Edward Hsieh, Executive Director
Brookline Greenspace Alliance
370 Washington Street
Brookline, MA 02445

Re: CPF-06-86

Dear Mr. Hsieh:

This office has completed its review of a complaint we received concerning the Fall 2006 Brookline Greenspace Alliance ("BGA") newsletter supporting the passage of the Community Preservation Act in Brookline at the November 7 election. The complaint suggested that the BGA had a campaign finance reporting obligation in connection with the distribution of the newsletter.

Section 1 of M.G.L. c. 55, the campaign finance law, provides a specific exemption from the definition of "contribution" and "expenditure" for expenditures made by membership organizations for the costs incurred to communicate with members and their families, even if such communication encourages support for or opposition of candidates or ballot questions. In accordance with Section 1, these costs do not have to be disclosed on campaign finance reports.

It is our understanding that BGA is a membership organization that regularly publishes a biannual newsletter for distribution to its membership. You have informed us that this edition of the newsletter was mailed to 2,700 people. Of that 2,700, it appears that 2,200 were members and the remaining 500 would not be considered members under the campaign finance law.

BGA is not obligated to disclose the costs to publish and distribute the newsletter to its members. It is, however, required to disclose any additional costs associated with the distribution to the non-members. In the past, this office has concluded that to be considered a "member" of such a group, an individual must take some affirmative action to become affiliated with the group, such as payment of dues, volunteering services, or requesting to be included on the membership list. See AO-02-23 and AO-97-09.

Section 22 of the campaign finance law states that "[t]he treasurer of a corporation, association, organization or other group of persons, other than a political committee organized under section 5, which has given, paid, expended or contributed, or promised to give, pay expend or contribute, any money or other thing of value in order to influence or affect the vote on any



question submitted to the voters shall file reports setting forth the amount or value of every gift, payment, expenditure or contribution or promise to give, pay expend or contribute, together with the date, purpose and full name and address of the person to whom it was made." The BGA did not comply with Section 22 by failing to file Form CPF M22 thirty days after the election with the Town Clerk.

After being contacted by this office, the BGA did file Form CPF M22 with the Town Clerk on December 29, 2006, to disclose its expenditures. In addition, the BGA has agreed to file a year-end report, on January 22, 2007, to further disclose any campaign finance related expenses. Because of this corrective action, your acknowledgment of the error and our expectation that the guidance provided as the result of this review will ensure future compliance with the campaign finance law, this office now considers this matter closed.

In accordance with the Supervisor of Public Records Opinion, this letter is a public record. A copy is being provided to the person(s) who brought this matter to our attention. Thank you for your cooperation in resolving this matter.

Sincerely,



Michael J. Sullivan
Director

MJS/sh

cc: Patrick Ward, Brookline Town Clerk