

# CITY OF NEWTON

## CANDIDATE GUIDE



**2021**

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## Introduction

This guide is designed to provide basic information about campaigning for an Elected Office in the City of Newton. Referenced in this guide are Massachusetts General Laws in addition to the City Charter and City Ordinances. Although legal references are included, more detailed information may be obtained through the City Clerk's Office at (617)796-1200 or the Secretary of the Commonwealth Election Division at 1(800)462-VOTE.

Information pertaining to campaign finance should be directed to the Office of Campaign and Political Finance at 1(800)462-OCPF.

## Campaign Finance Overview

Chapter 55 of the MGL covers all aspects of campaign finance law for state and local elections. The Office of Campaign and Political Finance prepares comprehensive guides on campaign finance activities as they relate to local candidates, political action committees and ballot question committees. To obtain this information please consult their website, contact the OCPF directly at 1(800)462-OCPF or call the City Clerk's Office at (617)796-1200.

If you are thinking of running for an elected office, you should contact the City Clerk's Office or the Office of Campaign and Political Finance before undertaking any activity. The campaign finance law has a very broad definition of "candidate" and an individual may be considered a candidate under the law well before any formal announcement is made.

## Organization and Disclosure

Candidates who file locally, municipal ballot question committees, local party committees and locally-based political action committees file organizational forms at the City Clerk's Office. The law does not, under most circumstances, require a candidate to have a political committee organized on his or her behalf, but most candidates have one. Form CPF M101 Should be filed with the City Clerk's Office as soon as the committee is organized. ***(Please Note - Candidates for Mayor and City Council file their M101 statement with OCPF directly)*** A copy of each of the forms are available in the appendix of this packet and are also available at the City Clerk's Office.

- For Candidate Committees use **CPF M101**
- For Ballot Question Committees use **CPF M101 BQ**
- For Political Action Committees use **CPF M101 PC**
- For a Candidate's Segregated Fund use **CPF M101 SFA**

The Organizational form contains the names and addresses of the committee officers. If there are any changes in the information those changes should be reported to the City Clerk's Office within 10 days of that change. Any change in treasurer should be submitted by completing **Form CPF M T 101** and filing it with the City Clerk's Office.

## Campaign Finance Reporting

Newton candidates and political committees are required to file form **CPF M102** with the City Clerk's Office on or before each reporting date. ***(Please Note - candidates for Mayor and City Council file electronically with OCPF)***. Candidates and treasurers are responsible for the legality, validity, completeness and accuracy of each of their reports. *Please remember Records of all receipts and expenditures must be maintained by a candidate and committee for all activities, regardless of amount.*

## City Council and Mayoral Candidates

All new City Council and Mayoral candidates must file a Statement of Organization (**CPF M102**) and Appointment of Depository Bank (**CPF D103**) forms directly with the OCPF prior to any receipt or expenditure of funds. A copy of the CPF 101 and CPF D 103 are available in the appendix of this packet and are also available at the City Clerk's Office.

**REPORTING TO OCPF**— Depository candidates must electronically file an Initial Report with OCPF within 3 days of designating a depository bank using OCPF's e-file system. When you make deposits to your depository bank, your campaign must also file contributor information on the same day, or shortly afterward, using the e-file system. At a minimum, Deposit Reports must be submitted by the 5th and 20th of the month. A year-end report which summarizes all receipts and expenditures must be filed by January 20th each year.

The filing requirements apply to all candidates, win or lose. Even those who lose in the Preliminary are required to file all reports until the committee has been dissolved. Candidates or committees not intending to spend or raise any money must complete a "Statement of a Candidate Not Raising or Expending Campaign Funds" form with OCPF.

Candidates/Committees who file late are subject to a \$25.00 per day fine. This fine will be enforced by the Office of Campaign and Political Finance.

**RECORDKEEPING** – Records of all receipts and expenditures must be maintained by the candidate or committee for all activities, regardless of amount. Candidate 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 Dates and Disclosure

Candidates and committees 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 with the City Clerk's Office or OCPF. **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 City Clerk's Office by the close of business on the day the report is due. **The candidate is personally liable for a \$25.00 per day late fine for each day a report is late.**

**Pre-Preliminary Report:** Due on or before the 8th day preceding the cities preliminary election. The form is to be complete from the day following the end date of the last report filed through ten (10) days before the due date. (**Please Note** - Only those candidates on the preliminary ballot are required to file pre-preliminary reports)

**Pre-Election Report:** Due on or before the 8th day preceding the city general election, complete from the day following the ending date of the last report filed through ten (10) days before the due date.

**Year-End Report:** Due on or before January 20 in the year following, complete from the day after the end date of the last report filed through December 31. The year-end report must be filed each 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. If January 20th falls on a weekend the report would be due the next business day.

## Forbidden Conduct

Massachusetts Law prohibits the following activities with regard to political campaigning.

- No one may influence a person's vote by paying money, giving a gift, threatening to fire, threatening to reduce wages, promising to hire or promising higher wages.
- City employees may not use their official authority to influence the outcome of an election.
- Public funds or resources may not be used for the purpose of influencing election results
- A political candidate or committee may not pay an owner or agent of a newspaper or periodical to advocate or oppose editorially any candidate or question.

## 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**, as do incumbents with or without a committee.

In order to dissolve, 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 City of Newton General Fund; (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.

To dissolve, candidates or committees file the **CPF M102** Form and check the "Dissolution" box near the top of the summary page.

# Annual Campaign Contribution Limits



## ANNUAL CAMPAIGN CONTRIBUTION LIMITS

OFFICE OF CAMPAIGN AND POLITICAL FINANCE  
COMMONWEALTH OF MASSACHUSETTS

TO: >>>>	Candidate / Candidate's Committee	Political Action Committee (PAC) <sup>1</sup>	People's Committee <sup>2</sup>	State Party Committee	Local Party Committee	Ballot Question Committee
Individual <sup>3</sup>	\$1,000	\$500	\$165	\$5,000 <sup>4</sup>	\$5,000 <sup>4</sup>	No limit
Lobbyist	\$200	\$200	\$165	\$200 <sup>4</sup>	\$200 <sup>4</sup>	No limit
Statewide Candidate's Committee <sup>5</sup>	\$100 <sup>6,7</sup>	No Limit <sup>6,8</sup>	0	No Limit <sup>6</sup>	No Limit <sup>6</sup>	No Limit <sup>9</sup>
County, legislative, municipal or other candidate / candidate's committee	\$100 <sup>7</sup>	No limit <sup>8</sup>	0	No limit	No limit	No limit
Political Action Committee (PAC) <sup>1</sup>	\$500 <sup>9</sup>	\$500	0	\$5,000 <sup>4</sup>	\$5,000 <sup>4</sup>	No limit <sup>10</sup>
People's Committee	\$500	\$500	0	\$5,000 <sup>4</sup>	\$5,000 <sup>4</sup>	No limit <sup>10</sup>
State Party Committee	\$3,000 <sup>11</sup>	\$500	0	--	\$5,000 <sup>4</sup>	No limit <sup>10</sup>
Local Party Committee	\$1,000 <sup>11</sup>	\$500	0	\$5,000 <sup>4,12</sup>	\$5,000 <sup>4,12</sup>	No limit <sup>10</sup>
Ballot Question Committee	0	0	0	0	0	No limit <sup>13</sup>

<sup>1</sup> **PACs:** PACs must organize with OCPF under M.G.L. Chapter 55 before they may contribute to Massachusetts candidates or committees. Limits do not apply to Independent Expenditure PACs. (Independent Expenditure PACs may not contribute to candidates or other political committees, except for other Independent Expenditure PACs or Ballot Question Committees.) Please see OCPF's interpretive bulletin concerning Independent Expenditure PACs, [IB-10-03](#).

<sup>2</sup> **People's Committee:** After six months in existence, a PAC that has received contributions from individuals of \$165 or less per year and contributed to five or more candidates may request a change in its status to that of a people's committee. The maximum contribution from an individual to a people's committee is adjusted biennially by OCPF. The \$165 figure is in effect for 2016 and 2017.

<sup>3</sup> **Contributions by Individuals:** Individuals under 18 years of age have an aggregate contribution limit of \$25 per year. There is no limit on how much a candidate may contribute to his or her own campaign, though the maximum amount that certain candidates may loan varies by the office sought. Contact OCPF for information concerning limits on loans from state candidates to their own campaigns.

<sup>4</sup> **Contributions to Party Committees:** The maximum annual aggregate contribution that may be made by an individual, lobbyist, PAC, people's committee or party committee to all committees of any one party, including those on the state and local level, is \$5,000.

<sup>5</sup> **Statewide candidates** include those running for or holding the office of governor, lieutenant governor, attorney general, treasurer/receiver general, auditor and secretary of the commonwealth.

<sup>6</sup> **Candidates Certified to Receive Public Funds:** No candidate's committee that receives public financing pursuant to M.G.L. c. 55C may make a contribution to another political committee during the calendar year in which the candidate's committee receives public financing, except that a committee that receives public financing may pay a political party committee for goods or services provided by the political party committee to the candidate's committee.

<sup>7</sup> **Contributions from a candidate's personal funds** to another candidate are subject to the \$1,000 individual limit, not the \$100 committee limit.

<sup>8</sup> **Contributions from candidates to PACs:** A candidate is prohibited from "financing" a political action committee (Chapter 55, Section 5A). Please see OCPF's advisory opinion, [AO-11-05](#).

<sup>9</sup> **Total PAC contributions:** The aggregate annual amount a state or county candidate may accept from all PACs in a calendar year is limited by M.G.L. c.55, s.6A. For example, a candidate for the Senate may not accept more than \$18,750 in total PAC contributions and a candidate for the House may not accept more than \$7,500. Candidates for municipal office are not subject to any such annual aggregate restriction.

<sup>10</sup> **Contributions from a PAC, people's committee or party committee to a ballot question committee** are not subject to limitation but must be consistent with the principle for which the contributing committee was organized.

<sup>11</sup> **Party contributions to candidates:** This limit applies to monetary contributions only. There is no limit on in-kind contributions by a party committee to an individual candidate.

<sup>12</sup> **A local party committee** may contribute up to an aggregate of \$5,000 in a calendar year to all ward, town, city and state committees of the same political party.

<sup>13</sup> **Contributions among ballot question committees:** A ballot question committee may contribute to another ballot question committee without limitation, provided such contributions are "consistent with the purpose for which [the contributing committee] was organized."

## Nomination Papers

To be considered a candidate for an elected office in the City of Newton, individuals shall collect signatures from the registered voters in the City of Newton. Every year Nomination Papers are made available on May 3<sup>rd</sup> through the City Clerk's Office. Each elected position has a separate required number of signatures outlined in the City Charter but it is highly encouraged that the candidates obtain 40% more than the minimum requirement. The totals needed for each elected office are as follows:

- Mayor                      400 Signatures              Citywide
- Ward Councilor            50 Signatures                Ward Only
- Councilor-At-Large      150 Signatures              Citywide
- School Committee        150 Signatures              Citywide

The name of the candidate, the candidate's residence including street number, and the office which the candidate seeks must be written or printed on all nomination papers. If the candidate is an incumbent, nomination papers may indicate that he/she is a candidate for re-election.

## Gathering Signatures

Soliciting signatures in public areas of municipal buildings is permissible if conducted in a reasonable and unobtrusive manner, candidates are forbidden from leaving nomination papers or petitions on desks and counters in municipal offices to obtain required signatures. This practice may create the false appearance that public employees are using their official authority to influence the outcome of an election, which is prohibited by statute. Public employees are prohibited from using office time and facilities to work for the success or defeat of a political candidate or ballot question.

Please keep in mind: Signatures for nomination papers or petitions may not be gathered within 150 feet from a polling place.

## Objections and Withdraw

When nomination papers are filed, they are considered valid unless written objections are made to them and filed with the City Clerk within two weeks after the filing deadline date. The City Clerk transmits written objections to the Election Commission, who must render a decision within four days after the last day to file objections. A candidate may withdraw their name from nomination by filing with the City Clerk a written request signed before a notary public (other than the City Clerk) within two weekdays after the filing deadline.



## Public Records

### Nomination Papers

Nomination papers, objections and withdraw are public records and are open to public inspection. They will be preserved in the City Clerk's Office for one year from the filing date.

### Voter Lists / Extracts

Voter lists and extracts are available by **written** request through the City Clerk's Office which come in Excel format.

Requests can be made:

- Using enclosed Public Extract Request form.
- Via Next Request (preferred) at the follow link <https://newtonma.nextrequest.com/requests/new>
- Physical written request
- Via e-mail at [elections@newtonma.gov](mailto:elections@newtonma.gov)



# CITY OF NEWTON ELECTION COMMISSION

Telephone: (617) 796-1350

Fax: (617) 796-1214

E-Mail: [elections@newtonma.gov](mailto:elections@newtonma.gov)

## PUBLIC EXTRACT REQUEST

<b>TODAY'S DATE</b>	
<b>APPLICANT</b>	
<b>APPLICANT PHONE</b>	
<b>E-MAIL</b>	
<b>ORGANIZATION</b>	

### AVAILABLE EXTRACTS:

**“Resident Extract”** – This extract contains all of the residents data in a community while excluding all minors (16 years of age and under) and public safety coded residents.

**“Voter Extract”** – This extract contains of all voter in the community. As this extract contains information free for public viewing, it is often requested by political parties and/or candidates.

**“Absentee Voter Extract”** – This extract contains all absentee voters for a specific election, including regular absentee and specially qualified absentees. It also includes information contained in the absentee record.

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<b>Signature of Applicant:</b>	
<b>Signature of Approval:</b>	

## Political Advertising

All printed political advertisements, whether in the form of a poster, a circular, or an advertisement in a periodical, must include information about its source. The name(s) of someone responsible for the contents must be printed on the advertisement. This can be the name(s) of:

- The chairman and treasurer of the campaign committee
- The names of two other officers of the campaign committee
- The name and residential address of one or more persons eighteen years of age or older

Also, advertisements in newspapers and periodicals have the following additional requirements:

- The word “advertisement” must precede the political advertisement and be in type not smaller than that of the body type
- A statement in substantially the following form must be submitted to the periodical:

*“I hereby authorize the affixing of my name to the attached political advertisement on behalf of or in opposition to \_\_\_\_\_, candidate for \_\_\_\_\_, in the election to be held in the current year, or on behalf of or in opposition to a question being submitted to the voters in the election in the current year.”*

*Signature:* \_\_\_\_\_

*Address:* \_\_\_\_\_

*Date:* \_\_\_\_\_

*Witness:* \_\_\_\_\_

This statement must be signed in the presence of a witness and the periodical that is printing the advertisement must retain the statement for at least a year for public perusal. (MGL Ch. 56 § 39, 41)

## Advertising Continued

Unless the candidate is a veteran as defined by MGL Ch. 47 §7, the candidate cannot use the word “veteran” as applied to themselves in any printed matter.

No one may knowingly publish any false statement regarding a candidate or a question submitted to the voters if the statement is designed to help or hinder that candidate or question.

No one may use the name of any person as an endorser or supporter of a candidate or a question without the express consent of such person.

These provisions impose criminal sanctions and are not enforced by the Secretary of the Commonwealth, nor the Office of Campaign and Political Finance. Violations of these sanctions should be brought to the attention of the District Attorney or an individual may file a criminal complaint with the clerk magistrate in District Court to initiate prosecution.

## Campaign Season/Election Signs

The City of Newton Inspectional Services Department has prepared the following informational pamphlet relative to election signs, so that all those involved in election campaigns will be aware of the laws pertaining to these types of signs. It is our experience that most violations of the city's election sign ordinance are due to the lack of proper information. Hopefully, this information sheet will provide the needed answers.

**QUESTION: Are election signs allowed in residentially zoned districts?**

ANSWER: Yes, election signs are authorized in residential districts, however they are strictly regulated.

**QUESTION: Are there regulations pertaining to the size of election signs?**

ANSWER: Yes, the face of the sign shall be *no higher* than and *no wider* than three (3) feet; and the *total area of all signs on the lot* shall not exceed 32 square feet.

**QUESTION: Are there any regulations concerning where on the property election signs may be placed?**

ANSWER: Yes, although election signs may be located anywhere on the lot, they may *not* be located in an area that may cause them to be a traffic hazard by blocking visibility of traffic on a public street or driveway. Furthermore, signs may not overhang a public sidewalk; however, where there is no sidewalk, no part of the sign shall be closer than eight (8) feet to the edge of the paved portion of the public way.

**QUESTION: Notwithstanding campaign headquarters; are there any regulations concerning how many election signs may be placed?**

ANSWER: Yes, no more than one election sign per candidate or per ballot question shall be erected on a single lot.

**QUESTION: When can an election sign be erected and how long can it stay up?**

ANSWER: Election signs may be erected *no earlier* than forty-five (45) days before an election and *shall be removed* within seven (7) days after an election.

**QUESTION: Do election signs in residential districts require a permit?**

ANSWER: No.

**QUESTION: Are election signs allowed in non-residentially zoned areas in the city?**

ANSWER: Yes, and the location of the signs on the lot are regulated the same as residential districts above.

**QUESTION: What about signs on campaign headquarters?**

ANSWER:

1. Campaign headquarters are considered an office use (Commercial).
2. Signs on campaign headquarters offices are regulated as any other signs in commercially zoned districts. They may have one principal sign, which can be up to three (3) square feet for every foot of building frontage but not exceeding one hundred square feet. In addition there may be a secondary sign which may be up to one square foot for each foot of building frontage on a parking area or on a secondary street frontage. Secondary signs shall not exceed fifty square feet. Additionally, each headquarters office may have up to 25% of the window area dedicated to political signage.

**QUESTION: Do signs on campaign headquarters require a permit?**

ANSWER: Yes, these signs fall under the definition of Accessory Signs, which require permits from the Inspectional Services Department.

**QUESTION: What defines the location of a campaign headquarters?**

ANSWER: For purposes of the sign ordinance, it is considered to be the address on file with the Election Commission. A headquarters office must be located in a commercially zoned district.

**QUESTION: When can signs be displayed on a headquarters office, and how long can they remain?**

ANSWER: Temporary signs may be erected as soon as the permit application is *received* by the Inspectional Services Department. The permit review process can typically take three weeks. Permanent campaign headquarters signs may not be erected until a permit is actually issued. Signs may remain for as long as the building is used for a campaign headquarters.

**QUESTION: What about the placement of election signs at the polling stations?**

ANSWER: The only election signs allowed on public property (i.e. schools, parks, streets, sidewalks, etc.) are placards, which are in the physical possession of a person (i.e. hand held or worn). In any event political signs may be located no closer than one hundred and fifty (150) feet from the polling places.

Should you have additional questions or concerns regarding political/campaign signs, please feel free to call the Inspectional Services Department at (617) 796-1060.

Reference : Newton Revised Zoning Ordinances, Section 30-20(h)(6)

# **Election Day**

## **Campaigning on Election Day**

No poster, card, handbill, placard, picture or circular intended to influence the action of the voter shall be posted, exhibited, circulated, or distributed in the polling place, in the building where the polling place is located, on the walls thereof, on the premises on which the building stands, or within 150 feet of the building entrance door to such polling place. Any candidate, member of a ballot question committee, or their workers are prohibited from remaining within 150 feet of a polling place for the purpose of greeting and/or promoting any candidacy or cause to be voted on at that election. However, they may conduct exit polling.

No posters or stickers may be posted, circulated, or distributed within this distance and no person shall collect signatures on petitions or nomination papers within 150 feet of the entrance of any polling location.

Oral electioneering within 150 feet of the polling place is not forbidden by law; however, the election official at each polling place is authorized to maintain order and to enforce obedience of his/her lawful commands in and about the polling place and to keep access thereto open and unobstructed.

No one may hinder, delay or interfere with a voter on the way to a vote. Access to polling places must be open and unobstructed. (MGL Ch. 54 § 65)

## **Public Observation**

Observers must be permitted inside the polling place outside the voting area throughout the day and after the polls close, unless they are disorderly or disrupt the access of voters.

Before the polls open, the ballot box must be shown to be empty to all observers. Candidates, or their authorized representatives, may view the first sheet of the printer packs one half hour before the polls open.

Observers may have copies of the voting list with them and may mark them. Election officers must distinctly announce the name, address and party (in primary) of all voters before they vote when they “check in”

No credentials are required for observers, but it would be courteous to notify the City Clerk’s Office in advance of observer’s intentions at the polling location.

At the moment the polls are closed the officer will secure the voting area until such time that the voting machines are locked and the results tapes are posted for viewing.