



Commonwealth  
of Massachusetts

## *OCPF Online*

*www.state.ma.us/ocpf*

*Office of Campaign and Political Finance*

*One Ashburton Place, Room 411*

*Boston, MA 02108*

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### Advisory Opinion

June 28, 2002

AO-02-29

John P. Coflesky, President  
State Police Association of Massachusetts  
550 Worcester Road  
Framingham, MA 01702-5362

Re: Political Fundraising by Public Employees

Dear Mr. Coflesky:

This letter is in response to your May 30 request for guidance regarding the extent to which M.G.L. c. 55, § 13 prohibits public employees from engaging in political fundraising.

As a state trooper employed for compensation by the commonwealth, you are aware that the campaign finance law precludes you from directly or indirectly soliciting or receiving political contributions. You have asked for guidance as to what constitutes “indirect solicitation,” and have specifically asked whether you may provide a political committee with a list of names for fundraising purposes. In addition, you question whether you may participate in political fundraising activities in your capacity as President of the State Police Association of Massachusetts (“SPAM”).

Since your questions relate to the broad issue of how M.G.L. c. 55, § 13 impacts public employees, I have not attempted to set forth an answer to each question in the form and order you have presented them. Instead, I will address the larger issue.

Section 13 of the campaign finance law states that “no person employed for compensation, other than an elected officer, by the commonwealth or any county, city or town shall directly or indirectly solicit or receive” money or anything of value for a political purpose. This provision applies to fundraising for candidates, political parties, political action committees, and ballot question committees. It does not apply to charitable fundraising, non-election activity or lobbying.

The restrictions of § 13 apply around the clock, to both full and part-time government employees, and are not confined to any geographical limits. As such, you would be subject to this provision as long as you are employed by the state police notwithstanding your status as SPAM President. Section 13 does not apply, however, to retired public employees.

Generally speaking, public employees may engage in political activity that does not involve fundraising or the use of public resources on their own time. Therefore, OCPF consistently advises that public employees may not:

- o Serve as treasurers of any political committees;
- o Solicit or collect political contributions, including political contributions to be made through authorized payroll deductions;
- o Host a political fundraiser;
- o Sell tickets to or collect money for a political fundraiser;
- o Allow their names to be used in letters that ask for political contributions or on tickets to a political fundraiser;
- o Allow their names, or their anticipated appearance at a fundraiser, to be used as a draw to collect contributions or sell tickets to that fundraiser; or
- o Help identify people to be targeted for fundraising, including people who might volunteer to work on fundraising.

On the other hand, public employees may:

- o Contribute to candidates;
- o Attend fundraisers;
- o Endorse candidates as long as the endorsement is not made in conjunction with a request for contributions;
- o Host a “meet the candidate” event or coffee that does not involve fundraising;
- o Work for campaigns or political committees in a non-fundraising capacity, such as sign-holding, doing clerical work, or making calls; or
- o Serve as a member of a political committee in any non-fundraising capacity.

These are by no means exhaustive lists, just a few examples to give you an idea of the types of activities that are prohibited, as well as those that are acceptable. If you have additional questions, you may wish to meet with an OCPF staff member or arrange for OCPF to conduct a seminar for SPAM members.

Please note that this opinion is issued solely within the context of the campaign finance law based on the representations made in your letter. I encourage you to contact us in the future if you have further questions regarding this or any aspect of the campaign finance law.

Sincerely,

A handwritten signature in cursive script that reads "Michael J. Sullivan". The signature is written in black ink and is positioned to the left of a vertical line that extends downwards from the end of the signature.

Michael J. Sullivan  
Director