



Commonwealth
of Massachusetts

OCPF Online
www.mass.gov/ocpf
Office of Campaign and Political Finance
One Ashburton Place, Room 411
Boston, MA 02108

Advisory Opinion

April 29, 2004
AO-04-07

Grace H. Lee
Department of the State Treasurer
State House – Room 227
Boston, MA 02133

Re: Political Consulting by a Public Employee

Dear Ms. Lee:

This letter is in response to your recent request for guidance regarding political activity by an employee of the Department of the State Treasurer.

First Deputy Treasurer Doug Rubin is interested in working as a paid consultant for the re-election campaigns of several state representatives. Specifically, he would: advise on political campaign strategy on non-fundraising matters; help coordinate non-fundraising events; coordinate voter registration and get-out-the-vote activity; coordinate phone banks for voter and candidate awareness; gather and coordinate volunteers; and coordinate candidate awareness and visibility in a non-fundraising capacity.

You have stated that this activity would occur after hours and apart from Mr. Rubin's position with the Treasurer's Office, and without using public resources.

QUESTION

May the First Deputy Treasurer provide private consulting services to political candidates under the circumstances set forth above?

RESPONSE

Yes. There is nothing in the campaign finance law to preclude an appointed public employee, including the First Deputy Treasurer, from engaging in political activity, to support or oppose any type of candidate or political committee, on his or her own time, in a non-fundraising capacity, and where no public resources are involved. See M.G.L. c. 55, § 13, which only restricts political *fundraising* by appointed public officials. This applies even if the public employee is paid by a candidate or committee in exchange for the services provided.

You should be aware, however, that M.G.L. § 13 prohibits both direct and indirect solicitation and receipt of political contributions. Issues could arise regarding Section 13 if lists derived from volunteer or phone activities, which were gathered or coordinated by a public employee, were subsequently used for direct solicitations.

Please note that this opinion is issued solely within the context of the campaign finance law and is based on the representations made in your letter and to OCPF staff. Please call if you have any questions regarding this opinion 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

MJS:bp