



Commonwealth  
of Massachusetts

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*Office of Campaign and Political Finance*  
*One Ashburton Place, Room 411*  
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Advisory Opinion

August 15, 2007  
AO-07-09

Kevin O'Reilly, Campaign Manager  
The Committee to Elect Therese "Terry" Murray  
P.O. Box 1803  
Plymouth, MA 02360

Re: Rental of office space

Dear Mr. O'Reilly:

This letter is in response to your recent request for guidance regarding contemplated campaign finance expenditures for office space.

You have stated that over the past three years, the Murray Committee has spent a significant amount of money on hotel rooms in Boston, necessitated by Senator Murray's extensive schedule and the length of time it takes to travel between Plymouth and Boston. In her former position as the Chair of the Senate Committee on Ways and Means and now as Senate President, Senator Murray frequently attends meetings and events in the evening and early the next morning, requiring an overnight stay in Boston. The committee believes these expenditures are authorized by G.L. c 55, §6 by virtue of their connection to the Senator's legislative duties. In addition, the Senator's new duties as Senate President have required her to take on a more active statewide political role, and you state that the political activities associated with that role must take place outside of the State House.

In an effort to accommodate the Senator's schedule and her enhanced political activities, the committee is considering renting office space in Boston. The space contemplated would be in proximity to the State House and would have a phone line paid for by the committee. This would allow the Senator and her campaign staff to conduct campaign business, including fundraising calls, from a Boston location.

In addition, you have stated that a secondary purpose of the expenditure would be to provide the Senator with the ability to spend the night in Boston without having to incur repeated costs for hotel rooms, which, as of July 23, totaled over \$6,000 for 2007. While you are not yet sure of the actual cost to rent such space, you believe that the space the committee will ultimately rent will be small enough to keep the costs lower than those currently being paid for rental of hotel rooms, while providing opportunities to conduct campaign business. Also, you have indicated that the Senator does

not take the *per diem* allowance that she is entitled to under M.G.L. c 3, § 9B, and that she will continue to forego the allowance.

QUESTION

May campaign funds be used for the purposes described above?

RESPONSE

Yes. Such an expenditure, given the circumstances you have described, would be consistent with the campaign finance law. A political committee organized on behalf of a state legislator “may receive, pay and expend money or other things of value **for the enhancement of the political future of the candidate** . . . for which the committee was organized so long as such expenditure is not primarily for the candidate's or any other person's **personal use** . . .” In addition, the statute specifies that “the term ‘personal use’ shall not include expenses relating to the provision of constituent or legislative services . . .” See M.G.L. c. 55, § 6 (emphasis added).

In effect, the statute recognizes that expenditures made to assist in providing constituent or legislative services enhance an incumbent’s political future and, therefore, like political expenditures, they may be made using campaign funds. See 970 CMR 2.15, which governs the provision of legislative and constituent services. More relevant to your question, the regulations state that candidates and committees may make “reasonable and necessary expenses in connection with the operation of a campaign office or offices.” See 970 CMR 2.05(2)(h).

The office’s regulations, interpretive bulletins and advisory opinions do not, however, specifically address your question, i.e., whether campaign funds may be used to pay for an office that is rented primarily for campaign and legislative purposes, which would also have a secondary purpose of allowing a candidate or staff to have a place to sleep on those occasions when they need to stay in Boston overnight due to legislative or political activities.

In AO-93-14, the office advised a state representative that campaign funds could not be used to pay rent for a second residence in Boston. We stated that such an unusual expense would be considered for the representative’s “personal use” and therefore not an expense that could be paid from campaign funds. We determined that the representative could not use campaign funds for lodging since (1) the legislator received *per diem* provided for by M.G.L. c. 3, and (2) the legislator’s maintenance of a second residence was more a matter of personal convenience.

The expenditure at issue in AO-93-14 can be distinguished from the proposed expenditures described in your letter. The expenditure you have described would not be made for a “second residence,” but instead would be for office space that would primarily be used for conducting political and legislative business. Although the office closely scrutinizes political committee expenditures for lodging, given the facts in this particular instance, we believe that the expenditure would primarily be made to enhance the Senator’s political future, rather than for any personal benefit. Although the expenditure might provide an incidental personal benefit, such incidental benefit is not equivalent to using campaign funds to pay a mortgage or for some other personal use.

In addition, given the Senator’s past demonstrated expenditures as Chair of the Senate Committee on Ways and Means, and the enhanced political and legislative responsibilities that you indicate are associated with her new position as Senate President, the proposed expenditure will not

only serve a valid political and legislative purpose, but would also likely save her political committee money.

Finally, Section 6 of G.L. c. 55 excludes expenses relating to the provision of constituent or legislative services from the definition of “personal use,” but only if “said expenses are not otherwise paid, provided or reimbursed by the commonwealth or any other governmental body.” Since the Senator will continue to forgo her *per diem*, the use of campaign funds to rent the office would not raise a personal use concern.

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.

I encourage you to contact us again if you have further questions regarding 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 above the printed name and title.

Michael J. Sullivan  
Director

MJS/gb