

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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June 15, 2011
AO-11-04

Jonathan W. Blodgett
District Attorney
Ten Federal Street
Salem, MA 01970

Dear District Attorney Blodgett:

This letter is in response to your May 31, 2011 request for an advisory opinion regarding the use of campaign funds to pay for enhanced security at your home.

You have stated that you recently received communications from an individual that resulted in attention and documented concern by the Massachusetts State Police assigned to the Office of the Eastern District Attorney, as well as the Chief of Police in the City of Peabody. You have been advised by both the State Police and the Chief of Police in Peabody to take precautions to protect yourself personally and to protect your home, as the communications are considered credible threats. The individual who made the threats has been incarcerated for numerous criminal violations and has repeatedly harassed you and your office. One of the communications from the individual included a cartoon purporting to be you hanging on the end of a sword.

Question

May you use campaign funds to pay for enhanced security? The funds would not be used for capital or structural improvements to your residence.

Answer

Yes, because the expenditure would meet the standard for committee expenditures and would not constitute the personal use of campaign funds under M.G.L. c. 55, § 6.

Discussion

The campaign finance law states that your committee may make expenditures "for the enhancement of the political future of the candidate or the principle, 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." See M.G.L. c. 55, § 6. Regulations issued by this office list a series of permitted expenditures, i.e., expenditures that are not considered personal use. See 970 CMR 2.06. Although



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there is no express provision for home security systems, the regulation states that other expenditures, "which are similar to [those listed] and not inconsistent with 970 CMR 2.00, M.G.L. c. 55 or any other law shall be permitted." The office has not previously considered whether payments for a home security system would constitute personal use.

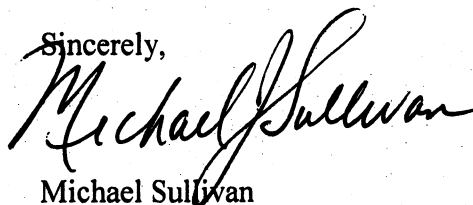
To determine whether the expenditure would be permitted, the office considers all relevant circumstances.

Because the on-going harassment has occurred as a result of your public position as a District Attorney, the need for the security system would not exist but for your official position. We understand that you and your committee had no contact with the individual until after you became an elected official and the content and timing of the individual's communications demonstrate that the communications would not have been made but for your being an elected official. Furthermore, the proposed security upgrades were recommended by the Chief of the Peabody Police Department and by the State Police assigned to your office, because of the continuing threat posed by the individual. Finally, the expenditure for the home security system would not be made for the purpose of increasing the resale value of your home and would not involve the making of structural improvements to your home.

Based on these facts, the campaign finance law would allow the proposed expenditure to be made. This opinion has been rendered solely on the basis of the representations set forth in your letter and in telephone conversations with OCPF staff, and is issued solely in the context of M.G.L. c. 55.

Please do not hesitate to contact this office should you have additional questions about this or any other campaign finance matter.

Sincerely,

A handwritten signature in black ink that reads "Michael Sullivan". The signature is written in a cursive, flowing style.

Michael Sullivan
Director