



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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March 1, 2021
AO-21-02

Senator Michael O. Moore
20 Bengtson Lane
Millbury, MA 01527

Re: Use of Campaign Funds to Purchase Personal Protective Equipment

Dear Senator Moore:

This letter is in response to your recent request for an advisory opinion regarding the use of campaign funds to purchase bullet-proof vests/body armor, pepper spray, gas masks, or other similar personal protective equipment for yourself and your Senate staff.

Your request stems from recent events that transpired in the Capitol Building in Washington, D.C., and concerns for personal safety that were relayed to you by your Senate staff members. You stated that "Legislators in both political parties are receiving death threats," and that the ability to safely exit the Massachusetts State House is limited in the event of an incursion, especially for those offices not located near an exit. In addition, you assert that Legislators and Constitutional Officers, and their staff, "may be targets for violence not only while in the State House, but while in transit and while at events in the district." You have asked for an opinion regarding whether certain elected officials may use campaign funds to purchase personal protective equipment for themselves and their staff.

QUESTION

May a Constitutional Officer, State Senator, or State Representative use campaign funds to purchase personal protective equipment, including bullet-proof vests/body armor, pepper spray, and gas masks for themselves and/or their staff members?

ANSWER

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

DISCUSSION

The campaign finance law permits candidates to make expenditures for the enhancement of their political future, provided the expenditures are not primarily for the candidate's or any other person's personal use. 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 there is no express provision for personal protective equipment, the regulation states that other

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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 been asked whether the purchase of personal protective equipment, including body armor, gas masks, or pepper spray, would constitute personal use. OCPF has, however, previously allowed candidates to use campaign funds to pay for a security detail (see 970 CMR 2.06(3)(1), or to purchase a home security system (see AO-11-04). Conversely, OCPF regulations prohibit committees from using campaign funds to purchase "normal clothing attire...usual to the ordinary course of everyday living." 970 CMR 2.06(6)(a)(4).

In light of recent events in our nation's capital, it is reasonable for candidates and their staff members to be concerned about their personal security while at work in the State House or other governmental building, or in the performance of their official duties elsewhere. In the absence of holding official public positions, those candidates and their staff would not have the same concerns regarding their personal safety. It is also reasonable for candidates and staff to want to be proactive rather than reactive in these circumstances, and to have protective equipment on hand without having to wait for a concrete threat to purchase said supplies. Despite the fact that some of the items purchased with campaign funds would be worn by a candidate or staff member, it is clear that such pieces are outside the scope of what is considered "normal clothing attire," as set forth in OCPF's regulations.

Based on these circumstances, OCPF has determined that Constitutional Officers, State Senators, and State Representatives may use campaign funds to purchase personal protective equipment such as bullet-proof vests/body armor, gas masks, and pepper spray for the candidates and their staff members. The items purchased must be kept in the candidate's or staff member's office, or may be brought to official events to have on hand during the performance of the candidate's or staff member's official duties. If a staff member is no longer employed by the candidate, the items purchased with campaign funds remain the property of the committee and should be retained by the committee for official use in accordance with the guidelines outlined above.

This opinion is issued solely in the context of M.G.L. c. 55; you should contact the State Ethics Commission to ensure compliance with their statute. In accordance with the opinion of the Supervisor of Public Records, this letter is a public record.

Sincerely,



Michael J. Sullivan
Director Pro Tem