



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

ONE ASHBURTON PLACE ROOM 411
BOSTON MASSACHUSETTS 02108

MICHAEL J. SULLIVAN
DIRECTOR

TEL: (617) 727-8352
(800) 462-OCPF
FAX: (617) 727-6549

April 27, 2000
GL-00-09

Winthrop Wulsin
Coalition for Health Care
11 Ward Street
Somerville, MA 02143

Re: Contributions to ballot question committee by foreign nationals

Dear Mr. Wulsin:

Your April 24, 2000 letter to Denis Kennedy regarding contributions to a ballot question committee by foreign nationals has been forwarded to me for reply.

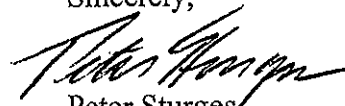
The Coalition for Health Care (CHC) is a ballot question committee organized with this office. The purpose of CHC is to advocate universal access to health care. One of your supporters has a relative who would like to make a small contribution to CHC. The relative is a Canadian citizen. You have asked whether CHC may accept a contribution from this contributor.

The campaign finance law provides that an "individual may . . . make contributions without limitation to ballot question committees." M.G.L. c. 55, s. 7A(a)(4). Neither section 7 nor any other provision of chapter 55 limit which individuals may make such contributions. Chapter 55 therefore does not prohibit a Canadian citizen or any other individual from making a contribution to a ballot question committee such as CHC.

Federal law, however, may limit or prohibit such a contribution and, if it did so, would supercede state law. It is my understanding that federal law prohibits "foreign nationals," a term that is specifically defined by federal law, from making contributions or expenditures in connection with an election for any federal, state or local political office. See 2 U.S.C. s. 441e(a). This prohibition, however, may not apply to contributions to ballot question committees. For further guidance regarding the application of federal law to your question, you should contact the Federal Election Commission at (800) 424-9530.

This office appreciates your interest in the campaign finance law. Please contact us if you have further questions regarding this matter.

Sincerely,


Peter Sturges
General Counsel

