



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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## MEMORANDUM

**TO:** Interested Persons  
**FROM:** Michael J. Sullivan, Director  
**SUBJECT:** Candidacy for political party committee office

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From time to time OCPF receives questions from persons who are candidates for state or local (ward, town and city) political party committee office, regarding the extent to which such persons are subject to the requirements of the campaign finance law, M.G.L. c. 55.

This memorandum is limited in scope to providing guidance under Chapter 55. M.G.L. c. 52 defines the manner in which state and local parties elect members and officers. For questions on such elections or the duties of persons who are elected, contact the appropriate state party, or the Secretary of the Commonwealth.

### 1. Basic Rule

The campaign finance law defines the term "candidate" as "any individual who seeks nomination or election to public office." See M.G.L. c. 55, § 1. A person seeking election to a state or local party committee is not seeking "public office." For that reason, except as discussed below, funds raised and spent to run for a state or local political party committee position are not "contributions" or "expenditures" subject to the disclosure requirements or contribution limits of the campaign finance law.

### 2. Exceptions

Section 8 of chapter 55 states that business corporations, partnerships, or other business entities specified in the statute, may not "directly or indirectly give, pay, expend or contribute, or promise to give, pay, expend or contribute, any money or other valuable thing *for the purpose of . . . aiding or promoting or antagonizing the interest of any political party*" (emphasis added). If a business corporation were to make payments or contributions to promote the candidacy of a person seeking election to a state or local party committee, such payments would be indirectly promoting the interests of the party. Therefore, a corporation may not make contributions to support or oppose a candidate for political party office.



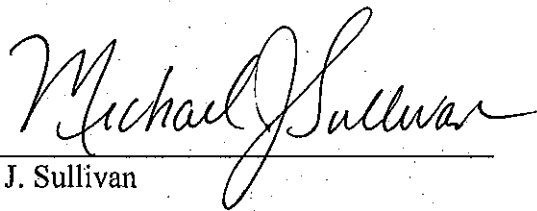
Also, Section 13 of chapter 55 states that “no person employed for compensation, other than an elected officer, by the commonwealth [or one of its subdivisions may] directly or indirectly solicit or receive any gift, payment, contribution . . . or other thing of value . . . *for any political purpose whatever*” (emphasis added). Making a contribution to support or oppose a candidate for state or local party committee involves making a payment for “a political purpose.” Therefore, an appointed public employee (including a candidate who is also a public employee) may not solicit or receive contributions to support or oppose a candidate for party office. *See* AO-96-23. Finally, funds received for such purposes would be subject to the prohibition on political fundraising in governmental buildings and related prohibitions. *See* M.G.L. c. 55, §§ 14-17.

### 3. Candidates for public office using existing campaign finance accounts

Political committees organized on behalf of candidates for public office, i.e., legislative, city, county, or state office, may use their existing campaign accounts to make expenditures to support a candidacy for a political party committee position. Such expenditures would be subject to disclosure requirements under the campaign finance law. All funds raised and deposited into the campaign account, even if intended to be used for a political party committee campaign, would be “contributions” subject to the limitations of the campaign finance law.

Alternatively, a candidate for public office may create a separate account to raise and spend money to support the candidate’s political party committee campaign. If a separate account is created for that limited purpose, the account would not, except as described above, be subject to either the contribution limits or the disclosure requirements of the campaign finance law.

Please call OCPF at (617) 979-8300 if you have questions on this issue.



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Michael J. Sullivan  
Director