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TO: Candidates and Treasurers
FROM: Mary F. McTigue *MF*
DATE: December 17, 1992
SUBJECT: Chapter 133 of the Acts of 1992
Definition of "Personal Use"

For many years Massachusetts' campaign finance law, M.G.L. c.55, has been interpreted as prohibiting a political committee from expending campaign funds for governmental purposes such as maintaining a district office since such a purpose was considered a prohibited "personal use."

Section 379 of Chapter 133 of the Acts of 1992 amended section 6 to exclude expenses related to constituent and legislative services and the maintenance of a district office from the term "personal use". As a result expenditures in these categories are now permissible provided they otherwise comply with the campaign finance law. The relevant text of the new law provides:

For the purpose of this section the term "personal use" shall not include expenses relating to the provision of constituent or legislative services or to the opening or maintaining of a legislative district office, provided that . . . said expenses are not otherwise paid, provided or reimbursed by the commonwealth or any other governmental body.

Legislators who plan to use political committee funds to pay for any of the services permitted by the recent amendment should keep in mind that such expenditures must be reasonable and also designed "for the enhancement of the political future of the candidate" as required by M.G.L. c.55, s.6.

While this law applies primarily to incumbent legislators, all candidates should be aware of any changes in the law. Also while we anticipate issuing regulations on this matter in 1993 we encourage anyone contemplating such expenditures to review AO-92-31, OCPF's recent advisory opinion on the new law, or to contact OCPF for further guidance.