



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

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TO: Interested Parties

FROM: Michael J. Sullivan, Director

SUBJECT: Massachusetts and Federal Candidate Committee Issues

This memorandum outlines the provisions of state law relative to a Massachusetts candidate committee that wishes to: (1) transfer funds between that candidate's Massachusetts and federal committee, (2) solicit contributions refunded to contributors by that candidate's federal committee or (3) make expenditures to "test the waters" in connection with a possible campaign for Federal office.

I. Transfers Between Candidate's Massachusetts and Federal Committee.

The Massachusetts campaign finance law and regulations promulgated by the Federal Election Commission (FEC) prohibit the transfer of funds or assets between a Massachusetts candidate's federal and state political committee. Specifically, M.G.L. c. 55, § 7 provides, in pertinent part:

No candidate or candidate's committee shall receive a transfer of funds or assets from any federal political committee. No candidate or candidate's committee shall make an expenditure of, or transfer, funds or assets that were transferred on or after November 25, 1998 from a federal political committee.

Similarly, FEC regulations provide that a federal campaign committee may not receive transfers of funds or assets from that candidate's nonfederal (e.g. Massachusetts) campaign committee. See 11 CFR 110.3(d). It should be noted, however, that 11 CFR 110.3(d) allows a candidate's federal committee to solicit a contribution from a contributor who previously contributed to the candidate's state committee, after the state committee has refunded the contribution.



II. Solicitation of Contributions Refunded by Candidate's Federal Committee.

Although the campaign finance law prohibits transfers from a candidate's federal committee, it does provide that a candidate's state committee may "coordinate arrangements, with a federal committee that refunds contributions pursuant to federal law¹, for a solicitation of the same contributors by the candidate's [state] committee." See M.G.L. c. 55, § 7. If such a solicitation occurs, section 7 requires that the candidate's state committee must pay the full cost of such a solicitation. In addition, the contributor must make the contribution to the candidate's state committee, if greater than \$50.00, from the contributor's checking account, or by credit or debit card. See M.G.L. c. 55, § 9. **Candidates or committee treasurers should contact the Federal Election Commission for assistance relative to the application of federal law to candidate's committee activities. The Federal Election Commission's toll free number is 1-800-424-9530.**

III. Campaign Finance Activity while Candidate Explores Federal Candidacy.

While Massachusetts law and regulations do not prohibit a candidate's state committee from making expenditures while exploring a possible candidacy for federal office, the FEC imposes restrictions on such expenditures, and candidates or committee treasurers should contact the FEC for guidance.

IV. Additional Information.

This memorandum is intended to serve only as a general guide to candidates and candidate committees which may wish to transfer funds between that candidate's federal and state political committees, solicit refunded federal contributions or "test the waters" for a possible federal candidacy.

Questions regarding the application of state law or regulation should be directed to OCPF at **1-800-462-OCPF** or **617-979-8300.**

¹ Federal law and regulations do not specifically address the refund of contributions from a federal committee to contributors for subsequent solicitation by a state committee. The FEC has ruled, however, that such refunds may be made consistent with federal law. See FEC Advisory Opinion 1996-52.