

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MICHAEL J. SULLIVAN
DIRECTOR

December 19, 1995
AO-95-43

William F. Hofmann, III, President
Hofmann Insurance Agency, Inc.
258 Blanchard Road
Belmont, MA 02178-4055

Re: Expenditures on behalf of candidate seeking membership on
state committee of political party

Dear Mr. Hofmann:

This letter is in response to your December 4, 1995
request for an advisory opinion.

Question: May a candidate for public office use campaign funds
for expenses incurred in seeking membership on the state
committee of a political party?

Answer: Yes.

Facts: You are currently a member of the Republican State
Committee and a candidate for re-election next March. You have
two opponents. You were a candidate for state senate in 1990
and your political committee has a balance in excess of \$7,000.
You would like to know if you may use some part of that balance
in connection with your campaign for re-election to the state
committee.

Discussion:

M.G.L. c. 55, the campaign finance law, defines the term
"candidate" as "any individual who seeks nomination or election
to public office" A person seeking election to a state
party committee is not seeking "public office." For that
reason, this office has concluded that such a person is not a
"candidate" required to file campaign finance reports with this
office. See AO-87-10. We have also concluded that funds
raised on behalf of a particular candidate may be used to
support the candidate's campaign for membership in a state
committee of a political party. See AO-88-04. The latter
advisory opinion did not, however, discuss the relevant
regulations.

The regulations prohibit the use of campaign funds to make
contributions to, or expenditures on behalf of, "individuals
seeking membership on elected political committees as provided
for in M.G.L. c. 52." See 970 CMR 2.06(6)(b)(1). Your
question requires our consideration of the meaning of the word
"individuals" in the context of the regulation.

Sections 6 and 7 of c. 55 state that campaign funds raised by a candidate may be used only "for the purpose of aiding or promoting the success or defeat of a candidate at a primary or election or a political party or principle in public election or favoring or opposing the adoption or rejection of a question submitted to the voters, and for other purposes expressly authorized by this chapter" and must "enhance the political future of the candidate or principle on whose behalf the committee was organized." See also 970 CMR 2.06(6)(b).

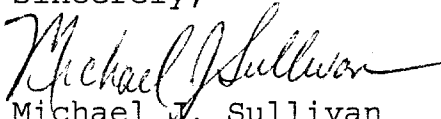
Since campaign funds may be used to enhance the political future of the candidate on whose behalf a committee has been organized, in the context of 970 CMR 2.06(6)(b)(1), the word "individuals" cannot be read to include within its scope the candidate on whose behalf funds have been raised. Such a reading would not be consistent with sections 6 and 7 of the campaign finance law.

Therefore, we conclude that 970 CMR 2.06(6)(b)(1) was intended to prohibit such expenditures on behalf of individuals other than the candidate on whose behalf a political committee was organized. Since re-election to the state party committee would enhance your political future, your political committee's funds may be used in connection with that campaign.

As you know, c. 55, s. 18 requires the disclosure of all expenditures in a reporting period. Any money spent out of your campaign fund to influence your election to the state committee must be disclosed on reports filed with this office.

This opinion is solely in the context of M.G.L. c. 55 and is based solely on the representations made in your letter. Should you have additional questions, please do not hesitate to contact this office.

Sincerely,


Michael J. Sullivan
Director

MJS/cp