



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MARY F. McTIGUE
DIRECTOR

December 30, 1993
AO-93-34

Mr. Mark F. Logan
10 Royal Dane Drive
Marshfield, MA 02050

Re: Participation in Campaign by Public Employees

Dear Mr. Logan:

This letter is in response to your November 29, 1993 request for an advisory opinion regarding the legality of your providing assistance to a candidate for statewide office in 1994.

You have stated that you are currently employed within the executive branch of state government in Massachusetts. You have been contacted to assist a candidate for statewide office in 1994. You would be compensated by the campaign for your services.

You further state that you are interested in maintaining your current employment and working on the campaign strictly before and after normal business hours and on weekends. Your role would not consist of any fundraising or any activity where the solicitation or acceptance of money is involved.

You state that you have already requested and received an opinion from the State Ethics Commission. You now would like to know if you may, within the requirements of the campaign finance laws, participate in campaign activities.

M.G.L. c. 55, s. 13 provides, in pertinent part, that:

No person employed for compensation, other than an elected official, by the commonwealth . . . shall directly or indirectly solicit or receive any gift, payment, contribution, assessment, subscription or promise of money or other thing of value for the political campaign purposes of any candidate for public office or of any political committee, or for any political purposes whatever . . .

Since you are a person "employed for compensation" by the commonwealth, you are subject to the restrictions against solicitation and receipt set forth in section 13. As long as you will not directly or indirectly solicit monies or other things of value for political purposes and so long as you do not receive money or other things of value for political reasons, your activities would not be prohibited by section 13.

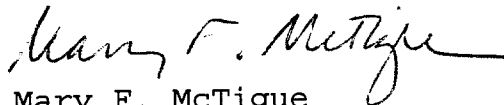
I would caution you, however, to take care that your activities do not result in an indirect political solicitation. See AO-89-23 (legislative aide's consulting business involving sale of a fundraising handbook/directory is indirect solicitation prohibited by section 13), AO-89-24 (helping to build data base by supplying actual contributor information is indirect solicitation prohibited by section 13), AO-90-07 (consultant's development of fundraising strategies constitutes an indirect solicitation prohibited by section 13). Compare AO-88-25 (purely clerical tasks such as data entry of campaign contributors does not constitute indirect solicitation). Copies of these opinions are enclosed for your reference and information.

In addition, you should be aware of the provisions of M.G.L. c. 55, ss. 14-17 as well as other restrictions relevant to public employees participating in campaign activities. For your information on these matters, I have enclosed copies of the office's "A Guide to Political Activity for State, County and Municipal Employees" as well as an interpretative bulletin, OCPF-IB-92-01, issued by this office. In particular, you should note that the prohibitions in section 13 as well as sections 14-17 apply even if you provide services only before or after work or on weekends.

This opinion has been rendered solely on the basis of representations made in your letter and solely in the context of M.G.L. c. 55.

Please do not hesitate to contact this office should you have additional questions regarding the campaign finance laws.

Very truly yours,


Mary F. McTigue
Director

MFM/cp
Enclosures