



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MARY F. MCTIGUE
DIRECTOR

May 17, 1989
AO-89-13

Nancy Flavin
Vice Chairman
Easthampton Democratic
Town Committee
207 Loudville Road
Easthampton, MA 01027

Dear Ms. Flavin:

This letter is in response to your request for an advisory opinion concerning the propriety of the Easthampton Democratic Town Committee (the "Town Committee") in providing a scholarship to a local resident.

Specifically, you have stated that the Town Committee recently voted to award a \$500 scholarship to a resident of Easthampton who plans to attend college in September. The Town Committee expects to give such an award on an annual basis. The recipient of the scholarship award would need to meet the following criteria:

1. Be a senior within the Easthampton school system, attending Smith Vocational School or an Easthampton resident attending Holyoke Catholic High School.
2. Be in good standing.
3. Plan to attend college or university and major in government, political science or a related field.
4. Have demonstrated participation in a community project or a political project.
5. Exhibit interest in and support for the Democratic Party.
6. Demonstrate leadership potential.

The recipient of the scholarship would be chosen by a committee comprised of a representative from each of the Easthampton School System, the Smith Vocational School, the Holyoke Catholic High School and the Town Committee, respectively, as well as a member of the community of Easthampton at large.

The monies for the scholarship to be awarded in 1989 were raised at a breakfast sponsored by the Town Committee in February. Tickets for the fundraiser were \$10.00 per person and were sold in advance as well as at the door. You have stated that the Town Committee collected, recorded and disclosed all the funds in compliance with the provisions of M.G.L. c.55.

Section 6 of M.G.L. c.55 states, in pertinent part: "Any . . . political committee, duly organized, may receive, pay and expend money or other things of value for the enhancement of the political future of . . . the principle, for which the committee was organized so long as such expenditure is not primarily for the candidate's or any other person's personal use; provided, however, that the director shall establish reasonable rules and regulations concerning such expenditures . . ."

The regulations promulgated pursuant to section 6 of M.G.L. c.55 do not specifically address the award of scholarships by political committees.

A political committee may make a charitable contribution provided the following requirements, as set forth in 970 C.M.R. 2.06(a), are met:

1. The contribution is made to an entity which is subject to either M.G.L. c.12, section 8(f), M.G.L. c.67 or M.G.L. c.180.
2. Neither the treasurer nor any other officer of the committee may be a trustee, officer, principal or beneficiary or involved in any manner in the operations of the entity to which the contribution is made.
3. Neither the treasurer nor any other officer of the committee may be related by consanguinity or affinity to any trustee, officer, principal or beneficiary of said entity.
4. It is the usual and customary practice of the political committee to make such charitable contributions.
5. The political committee will receive publicity and foster political goodwill as a result of making the contribution.

A political committee may make a gift to an individual provided the following requirements, as set forth in 970 C.M.R. 2.06(b)(2), are met:

1. The political committee will receive publicity and foster political goodwill as a result of making the contribution.
2. The treasurer of the political committee has no personal relationship with the individual or his family.

3. The gift is appropriate for the occasion which has prompted the gift.
4. It is the usual and customary practice of the political committee to make such gifts.
5. The gift would not be made but for the interest in enhancing the principle for which the committee was organized.

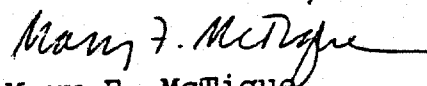
In light of the above-cited regulations, it is the opinion of this office that the Town Committee may award a scholarship provided the following requirements are met:

1. The treasurer, the chairman or any other officer of the Town Committee may not be involved in any manner in the selection of specific candidates for the scholarship award.
2. The treasurer, the chairman or any other officer of the Town Committee may not be related by consanguinity or affinity to the recipient of the scholarship award.
3. The Town Committee undertakes that the practice of awarding a scholarship has been or will become the usual and customary practice of the Town Committee.
4. The Town Committee will receive publicity and foster political goodwill as a result of awarding the scholarship.

This opinion has been rendered solely on the basis of the 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.

Very truly yours,


Mary F. McTigue
Director

MFM-PLH/bah