



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

April 17, 2009  
AO-09-06

Mark K. Molloy, Esq.  
Lynch Associates, Inc.  
10 Liberty Square, 5<sup>th</sup> Floor  
Boston, MA 02109

Re: Public Employees' Contributions to a PAC Through a Signed Authorization for the  
Deduction of a Portion of Union Dues

Dear Mr. Molloy:

This letter is in response to your recent letter that requested an advisory opinion.

You have stated that members of the State Police Association of Massachusetts ("SPAM"), a public employee union, have expressed an interest in contributing to the State Police Association of Massachusetts Political Action Committee ("SPAM PAC"). SPAM seeks to deduct authorized contributions from each participating members' union dues. Presently, the Commonwealth deducts the union dues from each member's state payroll and then forwards the dues to SPAM.

In addition, you have stated that participating members will complete and sign authorization forms that include the name and residential address of the contributor, the occupation and employer of any person contributing \$200 or more in a calendar year, and the amount and payment period so indicated on the same form. SPAM PAC will reimburse SPAM for any and all expenses incurred as a result of administering the contributions and any other administrative activities undertaken for the PAC. While SPAM PAC anticipates a minimal contribution at each pay period of two dollars or less per member, it contemplates reporting each contributor on its PAC campaign finance reports. The SPAM PAC treasurer, who will be soliciting these contributions, is not a public employee.

QUESTION: May SPAM PAC accept contributions from participating members of SPAM who direct SPAM in writing to forward a portion of the participating members' union dues to SPAM PAC after SPAM's receipt of the union dues from the Commonwealth?

ANSWER: Yes. Processing the contributions in this manner would be consistent with the campaign finance law and regulations.

DISCUSSION: M.G.L. c. 55, § 9 states that "[n]o individual, candidate, or political committee . . . shall accept a contribution of money from any one person or political committee if the aggregate



Mark K. Molloy, Esq.

April 17, 2009

Page 2

amount contributed in a calendar year exceeds \$50 except by a written instrument or by direct deposit in accordance with Section 9A. For the purposes of the preceding sentence the term 'written instrument' shall mean a check on which the contributor is directly liable or which is written on a personal, escrow, trust, partnership, business or other account which represents or contains the contributor's funds."

Section 9A allows PACs to accept "... money from individual contributors by direct deposit of funds into the committee's account by wire transfer or other electronic means." Section 9A states that persons making contributions by direct deposit must provide the PAC with a copy of the authorization card the contributor provided "to the contributor's employer, or the contributor's bank or other financial institution." In AO-01-25 (Souris), this office advised, however, that so long as a copy of the authorization card is provided to the entity completing the transaction, the card does not have to also be given to the contributor's bank or the employer.

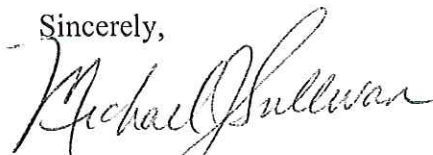
The statute is designed to assure that contributions are made only upon affirmative authorization of contributors, and to provide a means by which accurate information regarding contributors is received and reported by committees receiving contributions. It is necessary that the authorization cards be provided to the entity (in this case, SPAM) which processes the deductions. It is also important that the PAC be given the contributor information from the authorization cards. The accurate disclosure of information provided in the authorization cards allows OCPF to ensure that committees adhere to the campaign finance law. The language in Section 9A stating that contributions may be made by direct deposit to PACs only if contributors complete authorization cards provided "to the contributor's employer, and the contributor's bank or other financial institution" should not be construed to require that the authorization card be given in all cases to the contributor's employer or financial institution – these entities are listed not by way of limitation, but rather as examples of the entities that generally process payroll deductions.

As you have described it, union members can authorize the transfer of money through payroll deductions into the PAC's account. If SPAM is processing the payroll deductions for members, the authorization cards should be given to SPAM. The information from the cards should also be provided to the PAC at the time of transfer.

We appreciate your interest in the campaign finance law. This opinion is based on the representations in your correspondence, in your conversations with OCPF staff, and is issued solely within the context of the Massachusetts campaign finance law.

Please do not hesitate to contact this office should you have additional questions about this or any other campaign finance matter.

Sincerely,



Michael J. Sullivan  
Director

MJS/sh