



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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March 18, 2009
AO-09-03

Andrew Upton, Esquire
DiNicola & Upton, LLP
141 Tremont Street, Suite 400
Boston, MA 02111

Re: Joint Labor Union Outreach to Membership

Dear Mr. Upton:

This letter is in response to your request for an advisory opinion.

You have stated that you represent 1199 Service Employees International Union/United Health Care Workers East ("SEIU"). SEIU, in conjunction with several other labor unions ("the unions"), proposes to create an informal organization known as Victory Boston. Victory Boston proposes to participate in the 2009 Boston municipal election, and would be the vehicle by which these unions will undertake the following activities – all of which will be designed to mobilize **only** their own members:

- (1) Run joint meetings
- (2) Send mailings (each mailing would go only to union members)
- (3) Conduct phone banks (each phone call would be made to union members)
- (4) Canvassing efforts (each canvass would be made only to union members)
- (5) Creation of a joint web-enabled database (each union would only have access to the data of its own members)
- (6) Hire consultants to design and execute 1-5 above.

We assume that the primary purpose of each participating union is to allow them to communicate with their members and each union is not entering into this agreement for the purpose of assisting other organizations to make such communications. Each union would pay their pro-rated share of the costs based on the amount of membership outreach they choose to undertake. Each union would communicate only with their own membership.

QUESTION: May SEIU join together with other unions, thereby creating an organization called Victory Boston, and share information, but only communicate with their own members relative to the 2009 Boston municipal election, without forming a separate political committee?




Andrew Upton
March 18, 2009
Page 2

ANSWER: Yes. Section 1 of M.G.L. c. 55, the campaign finance law, provides a specific exemption from the definition of “contribution” and “expenditure” for expenditures made by membership organizations for the costs incurred to communicate with members and their families, even if such communication encourages support for or opposition of candidates or ballot questions. In accordance with Section 1, these costs do not have to be disclosed on campaign finance reports and a separate political committee does not need to be formed to raise and spend funds for such communications.

In the past, this office has concluded that to be considered a “member” of such a group, an individual must take some affirmative action to become affiliated with the group, such as payment of dues, volunteering services, or requesting to be included on the membership list. See AO-02-23 and AO-97-09. SEIU and the Unions are membership organizations.

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

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