



Commonwealth  
of Massachusetts

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*Boston, MA 02108*

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Advisory Opinion

January 10, 2007  
AO-07-01

Joseph H. Kaplan  
150 Rumford Avenue, Unit 211  
Mansfield, MA 02048-2149

Re: Town clerk serving as secretary of local party committee

Dear Mr. Kaplan:

This letter is in response to your request for an opinion regarding the application of Chapter 299 of the Acts of 2006 to your serving as secretary of a local party committee.

QUESTION

May a town clerk who administers elections in one town also serve as secretary of a local party committee in a different town?

ANSWER

No. The statute bars a town clerk who administers elections from also serving as a principal officer of any political committee. A secretary of a political party committee would be considered a principal officer of the committee.

DISCUSSION

On September 19, 2006, the Governor signed Chapter 299 of the Acts of 2006, "An Act Further Regulating Election Practices."

The new law deals chiefly with election laws and poll workers, but also includes one change to M.G.L. Chapter 55, the campaign finance law: it adds a paragraph to Section 5 that prohibits the Secretary of the Commonwealth, any city or town clerk who conducts elections, or any election commissioner or registrar of voters from serving as the chair, treasurer or "other principal officer" of any political committee, including candidate committees, PACs and party committees (excluding his or her own candidate committee).

The language of the relevant section is:

The state secretary, a city or town clerk, or a member of a board of registrars of voters or election commission in any city or town shall not serve as the chairman, treasurer, or other principal officer of any political committee, but any such public officer may serve as the chairman or principal officer, other than treasurer, of the political committee organized on his own behalf. This paragraph shall not apply to city or town clerks who do not administer elections.

The revision to Section 5 of Chapter 55 prohibits town clerks and the other named officials who administer elections from serving as “principal officers” of political committees. Other parts of Section 5 make it clear that the words “principal officers” should be construed broadly. Specifically, the first paragraph of Section 5 requires committees to list, in a statement of organization, “other principal officers, including officers and members of the finance committee, if any.” Therefore, the phrase “principal officers” includes, but is not limited to, the chairman or treasurer of political committees.

Although OCPF has yet to define whether a secretary of a local political party committee is a “principal officer” for purposes of the new restriction in Section 5, the office has issued opinions defining the same phrase as used elsewhere in Chapter 55. See AO-95-01 and AO-95-13 (interpreting the phrase in the context of Section 5A, concerning elected officials serving as principal officers of political action committees). In AO-95-01 the office stated that a principal officer is “a person who . . . is in a leading position,” or “one who holds an office of trust, authority, or command,” and that an “honorary chairman” of a PAC is a principal officer, and in AO-95-13 the office stated that the principal officers of a political action committee include the chairman, treasurer, *secretary* and finance committee officers of the committee.

Secretaries of local party committees should also be considered principal officers of such committees. After each presidential primary, a local party committee must meet to select “a chairman, secretary, treasurer and such other officers as it may decide to elect.” The secretary is assigned significant responsibilities by statute, i.e., he or she must file a list of officers with the state secretary, the city or town clerk, the secretary of the state committee of the political party which the committee represents, and OCPF. See M.G.L. c. 52, §§ 4 and 5. Given the duties of a secretary of a local party committee, a person who fills that role is a principal officer of the committee.

Finally, Section 5 prohibits a town clerk from serving as a principal officer of a committee even if the committee is located in a different town from the town in which the person serves as town clerk. The statute, by its terms, prohibits election officials from serving as principal officers of “any” political committee except for allowing such officials to serve in a position other than treasurer in a committee organized on the official’s own behalf, and the statute contains no geographic limitation regarding its application.

This opinion is issued within the context of the Massachusetts campaign finance law and is provided solely on the basis of representations in your letter and in your conversation with OCPF staff. Please contact us if you have further questions.

Sincerely,

A handwritten signature in black ink that reads "Michael J. Sullivan". The signature is written in a cursive style with a large, stylized initial "M".

Michael J. Sullivan  
Director