



Commonwealth  
of Massachusetts

## *OCPF Online*

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*Office of Campaign and Political Finance*

*One Ashburton Place, Room 411*

*Boston, MA 02108*

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### Advisory Opinion

November 1, 2002

AO-02-35

VIA FAX AND REGULAR MAIL

Rep. William M. Straus

8 Nashawena Road

Mattapoisett, MA 02739

Re: Independent Expenditures by a Candidate's Committee

Dear Representative Straus:

This letter is in response to your October 28 request for guidance regarding an independent expenditure by the Bill Straus Committee to promote another candidate.

You have indicated that your Committee wishes to make an independent expenditure to promote a candidate on the November ballot. The Committee has already contributed \$100 to this candidate earlier this year. The expenditure contemplated would be made without consulting or receiving approval from the relevant candidate or the candidate's committee.

#### QUESTION

May the Committee make an independent expenditure for another candidate under the circumstances set forth above?

#### ANSWER

Yes. A political committee for a legislative candidate may without limitation make any expenditure that enhances the candidate's political future as long as the expenditure is not for the candidate's or any individual's personal use. See M.G.L. c. 55, § 6. This would appear to include an independent expenditure to benefit another candidate where such an expenditure is in the legislator's political interest and not for the benefit of anyone personally.

Contributions, on the other hand, by legislative candidate committees to other candidate committees are limited to \$100 per calendar year to any one candidate, with \$1,500 being the

aggregate annual limit on all such contributions. Whether an expenditure by one committee to expressly advocate the election of another candidate would constitute an in-kind contribution or an independent expenditure would depend on whether the expenditure was made in concert with, after consulting, at the request or suggestion of, or with the approval of the benefiting candidate, his or her committee, or an agent thereof. See M.G.L. c. 55, § 18 and AO-00-17.

Based on the facts you have provided, the Straus Committee would be making an expenditure to promote another candidate without consulting that candidate or seeking that candidate's approval. If this is the case and the expenditure is not otherwise made under circumstances that would render it a contribution, the Committee may go forward with the expenditure without it applying to the \$100 contribution limit. Of course, the costs associated with this activity should be disclosed on the Committee's relevant campaign finance report. See M.G.L. c. 55, § 18.

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. Please contact us if you have further questions regarding this opinion or any other campaign finance issue.

Sincerely,

Bradley S. Balzer  
Deputy Director

BSB:bp