



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF CAMPAIGN & POLITICAL FINANCE  
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October 19, 2017  
AO-17-03

Robert Anderson, Treasurer  
Kevin Coppinger Committee  
36 Jerdens Lane  
Rockport, MA 01966

Re: Political activities of public employee

Dear Mr. Anderson:

This letter is in response to your recent request for guidance regarding the extent to which an employee of the Essex County Sheriff's Office may, consistent with M.G.L. c. 55, § 13, assist the Coppinger Committee by screening contributions to ensure that no employee of the Office makes a contribution.

You have stated that the Committee has adopted a policy of not accepting contributions from employees of the Sheriff's Office. The policy reads as follows:

It is the policy of the Essex County Sheriff's Office that no Essex Sheriff's Office employee or their immediate family members shall contribute financially to the Sheriff's political campaign. "Employee" shall include, in addition to full-time employees, all contract employees. ... "Immediate family" [is defined] as "the employee and his spouse, and their parents, children, brothers and sisters."

You have also stated that the Sheriff's Committee has put together a small group of non-employees to review donations and their sources to ensure that the Committee complies with the policy described above. Because the Sheriff's Department employs more than 600 individuals, you have indicated that it would be very helpful if a representative of the Sheriff's Department's Human Resources Office could be part of the screening process. A representative from Human Resources would be best suited to help identify employees as well as family members. The individual would serve in a voluntary capacity, and would screen contributions "after work" hours so that there would be no conflict with any official responsibilities.

QUESTION

May an employee of the Human Resources Department assist the Committee by screening contributions to ensure compliance with the policy?



*Answer: Yes, the activity would be consistent with the campaign finance law. You should also contact the State Ethics Commission, however, to ensure that the activity complies with the conflict of interest law.*

#### DISCUSSION

Section 13 of the campaign finance law states that “no person employed for compensation, other than an elected officer, by the commonwealth or any county, city or town shall directly or indirectly solicit or receive” money or anything of value for a political purpose. This provision of the campaign finance law, in combination with several others, reflects the goal of “assuring the fairness and appearance of fairness in the electoral process” by removing non-elective public employees from political fundraising. See Anderson v. City of Boston, 476 Mass. 178, 186-193 (1978).

OCPF has stated that to ensure compliance with Section 13, a public employee should not engage in activities that would lead a reasonable person to conclude that the employee is or may be soliciting funds for a political purpose. See AO-93-10, in which the office defined “indirect” solicitation or receipt by stating that “what the public employee can not do directly (ask a friend for a contribution) can not be done in a ‘roundabout’ or indirect manner (help someone else to ask the employee’s friend).”

To avoid direct or indirect solicitation or receipt of contributions, the office has stated that public employees may not:

- Serve as treasurers of political committees;
- Solicit or collect political contributions;
- Host political fundraisers;
- Sell tickets to or collect money for a political fundraiser;
- Allow their names to be used in fundraising materials;
- Allow their names, or their anticipated appearance at a fundraiser, to be used as a draw to collect contributions or sell tickets to that fundraiser; or
- Help identify people to be targeted for fundraising, including people who might volunteer to work on fundraising.

On the other hand, however, public employees, on their own time, may choose to assist campaigns or political committees by doing clerical work (such as entering and processing financial data or completing campaign finance reports, preparing labels, or stuffing envelopes), making non-fundraising calls, or serving as a member of a political committee in any non-fundraising capacity. Public employees may also contribute to candidates, attend fundraisers, hold signs urging a vote for a candidate, or help committees or candidates in other ways that do not involve fundraising or the use of public resources for political purposes. See IB-92-01.

Regarding your specific question, the activity described may best be characterized as a clerical or routine administrative task that is sufficiently removed from actual solicitation or receipt. A reading of Section 13 that would prohibit screening of contributions would be overly broad and

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would not be necessary to achieve the statute's purpose of furthering the fairness and appearance of fairness in the electoral process.

Please note that this opinion is issued solely within the context of the campaign finance law and is based on the representations made in your letter. A public employee may not be under an obligation to provide services to your campaign. See M.G.L. c. 55, §§ 16-17. We understand that the Human Resources Office employee who would be part of the screening process would provide services completely on his or her own initiative, and that the employee has not been asked or otherwise obligated to assist the Committee.

I encourage you to contact us in the future if you have further questions regarding this or any aspect of the campaign finance law. Because the screening of contributions would involve a public employee providing services outside the scope of his or her official responsibilities, you should also contact the State Ethics Commission to ensure compliance with the conflict of interest law.

Sincerely,



Michael J. Sullivan  
Director

MJS:gb