



The Commonwealth of Massachusetts

*Office of
Campaign & Political Finance*

One Ashburton Place, Boston 02108

727-8352

AO-86-22

*Dennis J. Duffin
Director*

October 15, 1986

AO-86-22

Mr. Paul H. Rupp
2 Ocean Avenue, Apt. 402
Revere, MA 02151

Dear Mr. Rupp:

This is in response to your recent request for an advisory opinion concerning the application of M.G.L. c. 55, the campaign finance law, to you.

You state that you are presently serving in the capacity of Executive Director of the Thrift Institutions Fund for Economic Development. This fund, which was created by Chapter 485 of the Acts of 1984, is an association of the 274 savings banks, cooperative banks, and federal savings and loans in Massachusetts. The fund is governed by a 15 member Board of Directors, the majority of which are appointed by and represent the thrifts themselves. You further state that the \$100 million fund is financed entirely, including salaries and overhead, by proportional assessment of the member thrifts. There is no direct or indirect state funding involved, and the operations of the fund are entirely independent.

You wish to know whether the provisions of the campaign finance law, regulating the conduct of public employees, apply to you as an employee of the Thrift Institutions Fund for Economic Development.

Section 13 of Chapter 55 provides, 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 any gift, payment, contribution, assessment, subscription or promise of money or other thing of value for the political campaign purposes of any candidate for public office or of any political committee or for any political purpose whatever..." In order to be subject to this provision, an individual must be a non-elected compensated employee of the commonwealth, or of any county, city or town. The issue before us, therefore, is whether, given the particular nature of your employer, you are employed by the commonwealth, or any county, city or town.

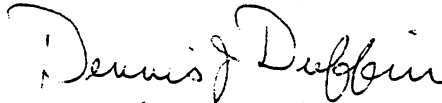
In reviewing the representations you have made, and the materials you have provided, it is my opinion that your employment with the Thrift Fund does not constitute employment by the commonwealth or a county, city or town. While the Thrift Fund was created by the state legislature,

Mr. Rupp
October 15, 1986
Page 2

it is completely comprised of private institutions. It is funded exclusively by private funds, and receives no direct or indirect funding from any public institution. The entities which you serve as Executive Director are the private thrift institutions, which cannot be considered to be public instrumentalities.

I therefore conclude that the particular facts concerning The Thrift Fund would not subject its employees to the provisions of the campaign finance law relative to public employees.

Very truly yours,



Dennis J. Duffin
Director

DJD/rep