



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MARY F. MCTIGUE
DIRECTOR

December 7, 1989
AO-89-29

Robert J. Gaynor, Esquire
One Boston Place
Suite 955
Boston, MA 02108

Dear Mr. Gaynor:

This letter is in response to your request for an advisory opinion. You have inquired as to whether it is permissible for your political committee (the "Committee") to make a contribution of \$1,000 to the Massachusetts General Hospital and/or Beth Israel Hospital and/or the Belmont Hill School.

You have stated that you served as an Alderman in the City of Newton and that you have retained a campaign finance committee fund. Prior to serving as Alderman, you ran for state representative. You have stated that you have future ambitions to run for another office.

Section 6 of M.G.L. c.55 states, in pertinent part: "Any . . . political committee, duly organized, may receive, pay and expend money or other things of value for the enhancement of the political future of the candidate. . . for which the committee was organized so long as such expenditure is not primarily for the candidate's or any other person's personal use; provided, however, that the director shall establish reasonable rules and regulations concerning such expenditures . . ."

A political committee may make a charitable contribution provided the following requirements, as set forth in 970 C.M.R. 2.06(a), are met:

1. The contribution is made to an entity which is subject to either M.G.L. c.12, section 8(f), M.G.L. c.67 or M.G.L. c.180.
2. Neither the treasurer nor any other officer of the committee may be a trustee, officer, principal or beneficiary or involved in any manner in the operations of the entity to which the contribution is made.
3. Neither the treasurer nor any other officer of the committee may be related by consanguinity or affinity to any trustee, officer, principal or beneficiary of said entity.

4. It is the usual and customary practice of the political committee to make such charitable contributions.

5. The political committee will receive publicity and foster political goodwill as a result of making the contribution.

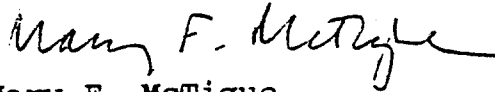
In light of the above-cited regulations, it is the opinion of this office that the Committee may make one or more charitable contributions to any entity meeting the requirements set forth in the regulations.

It is the opinion of this office that incidental expenditures made to charitable organizations by a political committee such as yours, which expenditures support the primary purpose for which the committee was organized, would be permissible under the campaign finance law. We would, however, alert you to the requirement of section 18(h) of M.G.L. c.55 which states that all residual funds remaining after the dissolution of a political committee must be given to the Local Aid Fund. This provision would not be applicable if you intend to maintain the Committee.

This opinion has been rendered solely on the basis of the representations made in your letter and solely in the context of M.G.L. c.55.

Please do not hesitate to contact this office should you have additional questions.

Very truly yours,



Mary F. McTigue
Director

MFM/wp