

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MARY F. McTIGUE
DIRECTOR

April 9, 1992
AO-92-02

Mr. Bradley H. Jones, Jr.
251 Park Street
North Reading, MA 01864

Re: Political Consultation to Elected Officials

Dear Mr. Jones:

This letter is in response to your February 5, 1992, letter requesting an advisory opinion regarding the legality of your providing political consulting services to certain elected officials and candidates.

You have stated that you have been a legislative aide for a state representative since January 3, 1991. You are also a partner in a small, unincorporated business which does political consulting, although not since 1990. The opportunity has arisen for you, through your business, to provide consulting services to your state representative. The services would include direct mail campaign development and implementation,¹ writing and drafting letters and releases and general campaign management. Your business would be compensated for these services by your employer's political committee.

You further state that neither you nor your name would be used directly or indirectly in any political fundraising activities and that any work would be conducted outside the State House and on your own time.

1. Based upon your statements, I assume that the phrase "direct mail campaign development and implementation" does not include the development of contributor information or fundraising strategies or the creation of a data base used for such purposes which would be prohibited as noted herein.

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You ask if you may, within the requirements of the campaign finance laws, provide such services to your employer as well as to other elected officials and/or candidates who may wish to engage your business' services.

M.G.L. provides, in pertinent part, that:

No person employed for compensation, other than an elected official, by the commonwealth . . . 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 purposes whatever . . .

As a legislative aide you are a person "employed for compensation" by the commonwealth and, therefore, subject to the restrictions against solicitation and receipt set forth in section 13. See AO-89-09. Therefore, as long as you do not directly or indirectly solicit monies or other things of value for political purposes (as you state in your letter) and provided further that you also do not receive money or other things of value for political reasons, your activities may not be prohibited by section 13.

I would caution you to take care that the activities of your business do not result in an indirect political solicitation. See AO-89-23 (legislative aide's consulting business involving sale of a fundraising handbook/directory is indirect solicitation prohibited by section 13), AO-89-24 (helping to build data base by supplying actual contributor information is indirect solicitation prohibited by section 13), AO-90-07 (consultant's development of fundraising strategies constitutes an indirect solicitation prohibited by section 13). Compare AO-88-25 (purely clerical tasks such as data entry of campaign contributors does not constitute indirect solicitation). Copies of these opinions are enclosed for your reference and information.

In addition, you should be aware of the provisions of M.G.L. c.55, ss.14-17 as well as other restrictions relevant to public employees participating in campaign activities. For your information on these matters, I have enclosed copies of the Office's "A Guide to Political Activity for State, County and Municipal Employees" as well as a recent interpretative bulletin, OCPF-IB-91-01, issued by this Office.

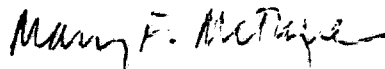
You should also be aware that your activities raise questions under M.G.L. c.268A, the state's conflict-of-interest law. Therefore, I recommend that you seek guidance from the State Ethics Commission on this matter as well.

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

Please do not hesitate to contact this Office if you should have additional questions regarding the campaign finance laws.

Very truly yours,



Mary F. McTigue
Director

Enclosures

cc: Andrew B. Crane, Executive Director
State Ethics Commission