

The Commonwealth of Massachusetts

AO-2

Office of

Campaign & Political Finance

Eight Beacon St., Boston 02108

727-8352

Dennis J. Duffin
Director

June 14, 1982

Sections
6, 7, 8, 10

Robert G. Stewart
Hutchins & Wheeler
Counsellors at Law
One Boston Place
Boston, MA 02108

Dear Mr. Stewart:

I am in receipt of your letter of May 24, 1982 in which you ask my opinion as to whether a charitable association, chartered as a non-profit corporation under Chapter 180 of the Massachusetts General Laws, is prohibited from making a contribution to "political committees" as defined in Chapter 55 of the Massachusetts General Laws and also as to whether there is any limit on such contributions imposed by Chapter 55, the Law that I administer.

Chapter 55, Section 10 of Massachusetts General Laws as amended by C. 151 of the Acts of 1975 states: "No person, shall directly or indirectly, make a campaign contribution in any name except his own nor in any manner for the purpose of disguising the true origin of the contribution nor unless he makes his name and residential address known to the person receiving such contribution at the time such contribution is made; nor shall any trust, foundation or association other than a political committee make a campaign contribution unless at the time such contribution is made there is also made known to the person receiving such contribution, the names and addresses of its principal officers. No candidate or political committee or person acting under its authority or in its behalf shall knowingly receive a campaign contribution, or knowingly enter or cause the same to be entered in the accounts or records of such candidate or committee, unless the provisions of this section have been complied with."

Chapter 55, Section 7 of the Massachusetts General Laws imposes a maximum contribution of \$1,000 from an individual in a calendar year. This section also states in the first sentence: "No person or combination of persons including a corporation formed under the provisions of chapter one hundred and eighty, shall in connection with any nomination or election receive money or its equivalent, expend or disburse or promise to expend or disburse the same, except as authorized by this chapter." The reading of other sections of this chapter would indicate that contributions from candidate's committees are severely limited (Section 6) and contributions from Business Corporations are not allowed at all (Section 8). Clearly, then the legislature did consider limitations on contributions from various sources, yet chose not to limit contributions from associations. In fact, Chapter 55, Section 10 of the Massachusetts General Laws clearly provides for the disclosure of contribution from these groups.

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It is my opinion that Chapter 55 specifically provides for contributions by a Chapter 180 non-profit association to political committees and allows such to transpire without limit. I presume that your client 180 Corporation contemplates the making of a political contribution as an incidental activity from their general account. In such a case the disclosure provided for by Chapter 55, Section 10 of Massachusetts General Laws as described in my first paragraph would be sufficient. If, however, the 180 Corporation conducted fundraising activities specifically for political purposes, or received income intended in whole or in part for political purposes, this office would require that the corporation register with this office and make disclosure under Chapter 55, Sections 5 and 18 of the Massachusetts General Laws. In such case, the organization would also be subject to all the requirements of Chapter 55 relevant to the operation of political committees.

I also presume that your client 180 Corporation is not an association of Business Corporations and is not incorporated for the purpose of enhancing the profits of Business Corporations.

I further note that you have described your organization as a "charity." As you are aware, charities are regulated pursuant to Chapter 12, Sections 8-8M. I would point out to you that Chapter 55 makes no provision either allowing or prohibiting public charities from making political contributions. You may want to seek the advice of the Director of Public Charities of the Department of the Attorney General concerning this question.

In addition there may be some language in your client's charter or by-laws that would prohibit or limit it in making political contributions. Chapter 55 would not speak to these kinds of restrictions either and I would suggest that if they exist, that they be respected.

Very truly yours,


Dennis J. Duffin
Director

DJD/rep