



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

ONE ASHBURTON PLACE ROOM 411
BOSTON MASSACHUSETTS 02108

MICHAEL J. SULLIVAN
DIRECTOR

TEL: (617) 727-8352
(800) 462-OCPF
FAX: (617) 727-6549

August 20, 2008
AO-08-04

David M. Rosenberg, Treasurer
Norfolk Democratic Town Committee
123 North Street
Norfolk, MA 02056

Re: Expenditures for student to attend Democratic National Convention

Dear Mr. Rosenberg:

This letter is in response to your recent request for guidance regarding the Norfolk Democratic Town Committee's (the Committee's) payment of expenses for a student to attend the Democratic National Convention.

You have stated that the Committee has been approached by a student who has an opportunity to attend the national convention of your party (the 2008 Democratic National Convention), not as a delegate, but in connection with her studies. She asked if the Committee could help defray her expenses in attending the convention. You have asked the following questions, and our answers are provided after each question:

1. May the Committee expend funds to help defray the expenses of a student attending the Democratic National Convention on the grounds that the expenditure would promote the party the Committee was organized on behalf of, generate favorable publicity, and build future party membership?

Yes, if the expenditure complies with OCPF's regulations relating to the making of gifts, the expenditure would be consistent with the campaign finance law, which states that political committees such as committees organized on behalf of a political party, may make expenditures "for the enhancement of the ... principle, for which the committee was organized so long as such expenditure is not primarily for ... any ... person's personal use." See M.G.L. c. 55, § 6.

The office has issued regulations that describe many of the expenditures that may be made by local party committees, and the regulations state that the expenditures listed in the regulation, "as well as any expenditures which are similar to the [listed expenditures] and not inconsistent" with the regulations or other laws, are permitted. See 970 CMR 2.06(3).



Although the expenditure you describe is not specifically allowed by a specific regulation, the regulations contain a provision stating that local political party committees may make expenditures for gifts. See 970 CMR 2.06(3)(b)2. The regulation allows a local party committee to pay for gifts of reasonable value if the committee will receive publicity and foster political goodwill as a result of the making of the gift. For a gift to be made, the following requirements must be met:

- a. The [the members and officers of the Committee] may not have a personal relationship with the individual [receiving the gift] or with any member of the recipient's family;
- b. The gift is appropriate to the occasion which has prompted the gift;
- c. Making the gift is a usual and customary practice of the political committee; and
- d. The gift would not be made but for the interest in it enhancing the principle for which the Committee was organized.

Even if the expenditure is not being made in connection with an occasion more often encountered under the regulation, such as a constituent's wedding or funeral, and there is not yet a "usual and customary practice" of making such a gift, the described expenditure would be consistent with the regulation, and is also similar to expenditures allowed by a regulation that permits expenditures to pay costs incurred by delegates to party conventions, 970 CMR 2.06(6)(b)2. Therefore, the expenditure would be permitted, but only if the officers and members of the Committee have no personal relationship with the individual receiving the gift or with any member of the recipient's family, and providing the gift would not be made but for the interest in enhancing the principle for which the Committee was organized.

2. May the Committee award a scholarship for attendance at the national convention, with the requirement that the funds awarded can only be used to help defray the expenses of the scholarship winner attending the party's national convention? If so, what other restrictions or requirements would this scholarship have to meet?

Yes, the Committee may award a scholarship to a student to pay the reasonable costs for the student to attend a national party convention, if the making of such an award complies with the campaign finance law, specifically 970 CMR 2.06(3)(b)2, discussed in response to Question #1. See AO-05-10. The Committee must also ensure that all funds raised and spent to award scholarships are disclosed on campaign finance reports filed with OCPF in accordance with M.G.L. c. 55, § 18.

3. May some of the Committee's members give money to the student (for example in the form of individual checks payable directly to the student) to help defray the expenses of the student attending the national convention? One of the Committee's members would collect the individual checks and hand them to the student, and then the Committee would seek publicity stating some of the Committee's members donated money to help defray the expenses of the student attending the national convention?

Yes. This would also be permitted. This approach would not involve the receipt of contributions by the Committee, or the making of expenditures subject to the campaign finance law, and therefore would not be subject to the limitations or disclosure requirements of M.G.L. c. 55.

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The advice in this letter is limited to providing guidance within the scope of the Massachusetts campaign finance law and is provided solely based on the statements in your letter and in your conversations with OCPF staff.

Please contact us if you have further questions regarding the campaign finance law.

Sincerely,

A handwritten signature in cursive script that reads "Michael J. Sullivan". The signature is written in black ink and has a long, sweeping horizontal line extending to the right.

Michael Sullivan
Director

MJS/gb