



The Commonwealth of Massachusetts

Office of Campaign & Political Finance

One Ashburton Place, Boston 02108

727-8352

Dennis J. Duffin
Director

August 14, 1985
AO-1985-13

George H. Howard, P.C.
Treasurer
Committee to Re-elect
James M. Collins
327 Washington Street
Westwood, MA 02090

Dear Mr. Howard:

This is in response to your recent request for an advisory opinion under M.G.L. c. 55, the campaign finance law. You have inquired whether the Committee to Re-elect James M. Collins may use all or any part of its funds to retain counsel in the indictments which Mr. Collins faces in Berkshire, Norfolk and Suffolk Counties.

Section 6 of Chapter 55 regulates expenditures by all political committees. That section provides that political committees, such as the one involved here "may receive, pay and expend money or other things of value for the enhancement of the political future of the candidate or the principle, 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." Regulations promulgated by this office to implement this section of the law address the specific question you have raised. 970 C.M.R. 2.06 (6) provides that such political committees are prohibited from making any expenditures for:

"Any expenses relative to alleged violations of the law, other than those which have arisen solely as a function of an individual assuming and performing necessary duties and responsibilities as a candidate or treasurer of a political committee. However, under no circumstances may funds of a political committee be used for any such expenses incurred after conviction of the candidate or treasurer has occurred;"

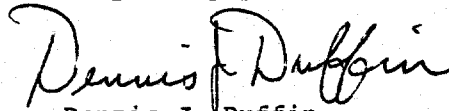
The committee may expend funds on behalf of its candidate relative to alleged violations of the law only in those instances where the alleged illegal activity arises as a result of the individual performing the necessary duties and responsibilities in the course of campaigning for public office. Allegations of illegal activity relative to one's responsibilities as a public official are clearly different than those which might arise solely as a result of being a candidate for public office. In the matter before us, the indictments

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in question apparently allege violations of the law relative to the conduct of Mr. Collins as a public official. They do not appear to arise out of the "necessary duties and responsibilities" of campaigning for public office.

Therefore, M.G.L. c. 55 and rules promulgated thereunder, prohibit the Committee to Re-elect James M. Collins from making any expenditures relative to the indictments which Mr. Collins now faces.

Very truly yours,



Dennis J. Duffin
Director

DJD/bva

Overruled.