

The Commonwealth of Massachusetts

Office of Campaign & Political Finance

One Ashburton Place, Boston 02108

727-8352



Dennis J. Duffin
Director

July 9, 1986
AO-86-15

Mr. Joel Ario, Esquire
MASS PIRG
37 Temple Place
Boston, MA 02111

Dear Mr. Ario:

This is in response to your recent request for an advisory opinion concerning the application of M.G.L. c. 55, the campaign finance law, to the following.

You state that MASS PIRG Committee for Massachusetts' Future, now called the Massachusetts Campaign to Clean Up Hazardous Waste, a registered political committee, is raising substantial monies for a campaign on the hazardous waste initiative. It is possible that the committee may have a substantial surplus of funds after the November ballot question. The Committee believes that conflicts concerning the ballot question issue may arise in the courts, in administrative agencies and in the legislature. You wish to know whether it may make expenditures for activities in these forums concerning the hazardous waste question on the November ballot.

Section 6 of M.G.L. c. 55 provides that ballot question political committees may make expenditures "for the enhancement of the political future of 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..." While political committees are generally prohibited from making expenditures relative to civil suits and administrative proceedings, this prohibition does not apply to expenditures for "necessary legal action to protect or further the interests of the political committee." 970 CMR 2.06 (6)(a). Therefore, expenditures for legal proceedings would be permitted only if the particular legal actions are necessary to protect or further the purposes of the political committee making the expenditures.

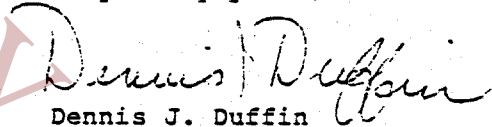
The purpose of the Massachusetts Campaign to Clean Up Hazardous Waste is to promote the vote of the public on the question concerning hazardous waste which will appear on the state election ballot this November. Expenditures by the Committee relative to legal proceedings, such as court actions and administrative hearings, which are directly related to the hazardous waste ballot question, would be permitted.

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This office has consistently stated that political committees may not make expenditures for the purpose of promoting, opposing or influencing legislation. See 970 CMR 2.06 (6)(b). In Advisory Opinions 83-06 and 84-14, we stated that "Funds received for campaign finance purposes may not be used for any other purpose, including efforts to lobby the legislature on any matter relative to the ballot question." While contributions by single candidate and multi-candidate committees, to candidates who may be incumbent legislators are generally permitted, political committees organized on behalf of ballot questions may not contribute to candidates and their committees.

Therefore, it is my opinion that the Massachusetts Campaign to Clean Up Hazardous Waste may make expenditures relative to legal proceedings, such as court actions and administrative hearings which are directly related to the ballot question for which the committee is organized. However, it may not make any expenditures for the purpose of promoting, opposing or influencing legislation.

Very truly yours,


Dennis J. Duffin
Director

DJD/rep

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