

# UNIVERSITY OF MASSACHUSETTS

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## *MEMORANDUM*

RE: University Employees and Political Campaigns

DATE: September 8, 2010

The Massachusetts Campaign Finance Law, General Laws Chapter 55, restricts public employees from engaging in certain activities in connection with political campaigns. The Campaign Finance Law also prohibits political fundraising in public buildings and bars the use of public resources for political purposes. This memorandum provides a general summary of certain provisions of the Campaign Finance Law that are of particular importance to University employees. All University employees intending to participate in political campaigns should familiarize themselves with the law's requirements.

### **Prohibited Activities**

#### 1. Fundraising Activity By Public Employees

Section 13 of the Campaign Finance Law prohibits all full and part time public employees from "directly or indirectly" soliciting or receiving monetary contributions or anything of value for a political purpose. This provision applies at all times; during and after an employee's work hours, on weekends and vacations. The statute's prohibition includes fundraising activities for political candidates, political action committees (PACs) and ballot question committees. Among the activities that public employees may not engage in are: 1) soliciting campaign contributions; 2) selling tickets to or collecting money for a political fundraiser; 3) identifying people who may be targeted for political fundraising; 4) serving as the treasurer of a political committee; 5) sponsoring or hosting a political fundraiser; and 6) allowing their names to be used in letters, advertisements or phone calls that ask for political contributions.

The potential penalties for violating Section 13 of the Campaign Finance Law include imprisonment of up to one year and a fine of up to \$1000.00.

## 2. Use of Government Buildings

Section 14 of the Campaign Finance Law prohibits anyone (not just public employees) from engaging in political fundraising activity in a building occupied for government purposes. This prohibition applies in publicly owned buildings, as well as privately owned buildings that are occupied by government offices. Prohibited fundraising activities within a government building include: 1) asking for or receiving contributions for any political candidate or committee; 2) selling tickets to a political fundraiser; 3) using the building as the site of a political fundraiser; 4) using the building's address or phone number as the contact for a political fundraiser; and 5) posting of any advertisements or notices promoting a political fundraising event. In addition, the prohibition against soliciting political contributions in a government building extends to communications sent from outside the building, including telephone, mail and email communications. For example, emails soliciting political contributions that are sent to a public employee at his or her work email address are prohibited by Section 14. A political campaign may not accept contributions that are made as a result of such a solicitation.

The potential penalties for violating Section 14 of the Campaign Finance Law include imprisonment of up to one year and a fine of up to \$1000.00.

## 3. Use of Public Resources

Public employees and other individuals are prohibited from using public resources to support political campaigns. "Public resources" include any items that are paid for with public money such as: telephones, computers, copiers and other office equipment; government vehicles; and paper, envelopes or other office supplies. In addition, a public employee may not engage in any political campaign activity during his or her paid work time. For example, a public employee may not use an office computer to print out campaign literature or make telephone calls from work promoting a political candidate.

## **Permitted Activities**

The Campaign Finance Law does not prohibit public employees from participating in all political activities. A public employee may work for a political campaign or committee in a non-fundraising capacity, as long as the work is performed outside of his or her usual working hours. Public employees may perform such tasks as holding campaign signs, making telephone calls on behalf of a candidate, stuffing envelopes, and hosting candidate events that do not involve fundraising.

## 1. Campaign Contributions

In addition, although they may not engage in fundraising themselves, public employees may make their own financial contributions to political candidates and committees for state or local elections (e.g. governor, state legislature, mayor) subject to the following annual contribution limits applicable to all individual donors under Section 7A of the Campaign Finance Law (current for calendar year 2010):

- \$500.00 to a particular candidate;
- \$500.00 to a political action committee;
- \$5,000.00 to a state party committee; and
- \$5,000.00 to a city or town party committee.

The maximum aggregate contribution by an individual to all state, county and local political candidates may not exceed \$12,500.00 in a calendar year. However, there is no limitation on the amount of contributions an individual may make to a committee formed to support or oppose a ballot question. All state campaign contributions are reported to the Massachusetts Office of Campaign and Political Finance which maintains a searchable online database listing the name, address and employer of individual contributors.

Campaign contributions for federal elections (e.g. President and U.S. Congress) are governed by federal law and are subject to higher contribution limits. The current 2010 limits for individual contributors in federal elections are as follows:

- \$2,400.00 to a particular candidate per election;
- \$5,000.00 to a political action committee per year; and
- \$30,400.00 to a national party committee per year.

Under federal campaign laws, a primary election and a general election are each considered a separate election with a separate limit of \$2,400.00 to a particular candidate. In addition, federal law imposes a biennial maximum campaign contribution limit for individuals of \$115,500.00 (\$45,600.00 to all candidates, and \$69,900.00 to all PACs and party committees). The Federal Election Commission maintains an online searchable database of individuals contributing at least \$200.00 to federal election campaigns.

### **Further Information**

The Massachusetts Office of Campaign and Political Finance (OCPF) is the state agency that administers the Massachusetts Campaign Finance Law. OCPF will provide a written advisory opinion to an individual seeking further guidance regarding his or her own campaign activities. OCPF also provides informal advice over the phone. OCPF may be reached at (617) 979-8300 and at [ocpf@cpf.state.ma.us](mailto:ocpf@cpf.state.ma.us). OCPF's webpage is

found at [www.mass.gov/ocpf](http://www.mass.gov/ocpf). In addition, you may contact the University's Office of the General Counsel at (774) 455-7300 if you have additional questions regarding the topics discussed in this memorandum.