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December 8, 2022

Massachusetts Majority Independent Expenditure PAC  
c/o Chris Ashby, Esq.  
Ashby Law  
625 North Washington Street, Suite 325  
Alexandria, Virginia 22314

Dear Mr. Ashby:

This office has completed its review of campaign finance activity by Massachusetts Majority Independent Expenditure Political Action Committee (“MMIEPAC” or the “Committee”) relative to a fundraising event held on July 25, 2022 in Boston. As a result of this review, we have concluded that the Committee has not complied with M.G.L. c. 55, the Massachusetts campaign finance law.

Section 5A of the campaign finance law states that candidates, as defined in M.G.L. c. 55, § 1, may not “...establish, finance, maintain, control or serve as a principal officer of a political action committee...”. Pursuant to 970 CMR 2.22(8), this restriction applies to candidates acting on behalf of both traditional PACs and independent expenditure PACs.

Although the campaign finance law does not define “finance” as it is used in Section 5A of the statute, OCPF has consistently utilized the commonly-accepted meaning of the word, as set forth in Webster’s New Collegiate Dictionary: “to raise or provide funds or capital for.” See Webster’s New Collegiate Dictionary. Therefore, the office has consistently advised that a candidate or elected official would be considered to be financing a PAC when such person takes significant action such as agreeing to lend their name to a fundraising appeal letter and that action (1) is designed to raise a significant portion of a PAC’s funds; (2) actually raises a significant portion of a PAC’s funds; or (3) significantly influences the manner in which a PAC obtains contributions. See AO-95-01.

On June 22, 2022, a representative of MMIEPAC distributed an email invitation for a Committee fundraising event, to be held on July 25, 2022 at the UMass Club in Boston. Both the text of the email and the included attachment advertised Governor Baker as the special guest at the event. The text of the email was as follows:

I'd love for you to join us, along with our special guest, Governor Charlie Baker, at the UMass Club in Boston on Monday, July 25th at 5:00pm in support of the Mass Majority IE PAC, a group that remains instrumental in electing moderate candidates on both sides of the aisle in Massachusetts who have the potential to play key roles in supporting the continued work of Governor Baker.

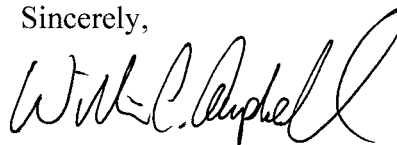
Based upon the wording of the invitation and accompanying email, and in light of the fact that funds were actually received as a direct result of the event and the invitation, OCPF has determined that the Committee's apparent purpose in advertising and hosting the event featuring Governor Baker was to encourage invitees to "support" – or contribute to – MMIEPAC in its efforts to assist its chosen candidates win their races in the 2022 Massachusetts elections. Although Governor Baker was not running for re-election at the time the invitation was distributed, he remained a candidate within the meaning of M.G.L. c. 55, § 1. As such, the use of his name in conjunction with this fundraising event constituted activity intended to "finance" the Committee in a manner that did not comply with M.G.L. c. 55, § 5A. It is worth noting that the Committee was notified by OCPF in prior discussions that such use of a candidate's name would not be consistent with M.G.L. c. 55.

To resolve this matter, MMIEPAC has purged all funds received as a result of the invitation and the event, in the total amount of \$17,500, in accordance with 970 CMR 1.04(8). Although no further action is required at this time, further violations of the Massachusetts campaign finance law may result in referral to the Attorney General's Office.

In accordance with a ruling by the Supervisor of Public Records, this letter and all related correspondence is a matter of public record. As such, it will be placed in the Committee's public file.

If you have any questions regarding this or any other campaign finance matter, do not hesitate to contact this office.

Sincerely,



William C. Campbell  
Director

cc: Governor Charles Baker, c/o Chris Ashby