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Sheriff's candidate returns \$10,000 in campaign donations from department employees

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NORTHAMPTON — The committee working to elect Patrick Cahillane for Hampshire County sheriff was ordered to return more than \$10,000 in campaign contributions earlier this month because the donations came from his department's employees.

State law bars unelected public officials from accepting donations when they are seeking an elected public office. The returned contributions amounted to about 25 percent of Cahillane's approximately \$39,000 war chest, according to state campaign finance records.

Cahillane is currently the deputy superintendent and supervises the sheriff's department employees. He said the employee contributions were an honest mistake, born of ignorance of a law even campaign finance law reformers say is confusing.

"This is my first run for political office so there will be things that the committee will get wrong," he said, describing his campaign as "a grassroots effort" made up of volunteers. "Anything that has ever come up with the office we have addressed."

A public employee running for office must create a campaign committee to receive donations on the candidate's behalf. A committee representing a non-elected public employee, like Cahillane, running for elected office, cannot accept contributions from employees the candidate supervises unless the candidate resigns the current post.

"Anyone under their direct control is prohibited from contributing to the committee," Jason Tait, spokesman for the Office of Campaign and Political Finance, said of such cases.

"It's so they're not pressured to donate," said Michael Sullivan, director of the agency.

Cahillane said he returned \$10,010 to his employees after he was contacted by the office, which has no authority to issue penalties on the violations.

In an interview with the Gazette, Cahillane said he was unaware that public employees under his supervision were prohibited from donating to his campaign at the time his committee accepted the contributions. He began campaigning in February, he said.

Current Sheriff Robert Garvey said he also was unaware of the campaign finance restriction, which he said was unclear. Garvey's campaign finance records show that Hampshire County Sheriff Department employees also have donated to his political campaigns.

Under Massachusetts law, there's apparently no problem with that. Tait of the Office of Campaign and Political Finance said campaign committees representing sitting elected officials are free to accept contributions from their subordinates.

Of those Hampshire County Sheriff's Department employees who contributed to Cahillane, top officials rank among the biggest donors.

"I worked for the guy for 34 years and he really is the only candidate worth discussing," said Daniel Hart, director of security, who contributed \$250. "The people who work with him are also who know him best and know he does his job. (The law) puts him at a disadvantage."

Hart said he contributed to Garvey's campaigns for decades, which is why he thought it was OK to contribute to Cahillane's campaign committee.

"There's a tremendous amount of confusion, and certainly in Patrick's case it's a very, very honest mistake," Garvey said.

Questions about Cahillane's campaign arose this summer (<http://www.gazettenet.com/Sheriff-candidate-says-no-violation-intended-when-he-marched-with-department-vehicles-in-parade-last-month-3818880>) after he marched in Chesterfield's Fourth of July parade, carrying a campaign banner ahead of uniformed officers and county sheriff's vehicles.

Cahillane said it is disappointing that public employees can't make such donations, and that the incident has negatively impacted his ability to campaign in advance of the Nov. 8 election. He said the restrictions also infringe on his employees' First Amendment rights.

"Those are funds I could have utilized for advertising and those types of things, so it changes what we can and can't do," he said.

Cahillane said he never asked employees for contributions, and he doesn't think anyone felt any implied pressure.

"I at no time twisted anybody's arm to donate to the campaign, nor would I," he said. "Some of the individuals that donated, from what I saw in the list, were people I have very little contact with who I'm assuming think I'm the right person for the job."