



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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January 27, 2009

Louise Reid, President/Treasurer
The Friends of Stevens Memorial Library
20 Memorial Drive
Ashburnham, MA 01430

Re: CPF-08-99

Dear Ms. Reid:

This office has completed its review of the Friends of Stevens Memorial Library ("the Friends") use of the town of Ashburnham's bulk mail permit to mail a pro-override flyer to all of the Postal Patrons of Ashburnham on November 20, 2008.

In Anderson v. City of Boston, 376 Mass. 178 (1978), the Supreme Judicial Court concluded that the City of Boston could not appropriate funds, or use funds previously appropriated for other purposes, to influence a ballot question. The court stated that the campaign finance law demonstrates an intent to "assure fairness of elections and the appearance of fairness in the electoral process" and that the law should be interpreted as prohibiting the use of public funds "to advocate a position which certain taxpayers oppose." 376 Mass. at 193-195.

Accordingly, this office has concluded that governmental entities may not expend public resources or contribute anything of value to influence or affect the outcome of a ballot question. Public resources may not, therefore, be used to distribute information regarding a ballot question, even if it is intended to be objective and factual, unless expressly authorized by state law.

It is my understanding that the Friends used the Town's bulk mail permit to mail a pro-override flyer. Public resources, namely the use of the bulk mail permit, were used to mail this flyer. This activity did not comply with the campaign finance law and the Anderson opinion. Public resources include a bulk mail permit purchased by a Town. Therefore, the use of the Town bulk mail permit for political purposes was not consistent with Anderson. See M-07-01.



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In accordance with OCPF advice, the Friends have paid the Town of Ashburnham \$350, which is the cost of obtaining a bulk mail permit. In addition, the Friends filed a Form CPF 22A ("Report of Governmental Treasurer") with the Ashburnham Town Clerk to disclose the expenditure. See M.G.L. c. 55, § 22A.

Because the Friends has taken the remedial action specified above, and as we believe the guidance in this letter will ensure future compliance with the campaign finance law, this office considers this matter closed.

In accordance with the opinion of the Supervisor of Public Records, this letter is a public record. A copy is being provided to the person(s) who brought this matter to our attention. Thank you for your cooperation in resolving this matter.

Sincerely,

A handwritten signature in black ink that reads "Michael J. Sullivan". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Michael J. Sullivan
Director

MJS/sh
cc: Linda Ramsdell, Ashburnham Town Clerk