

THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF CAMPAIGN & POLITICAL FINANCE

ONE ASHBURTON PLACE ROOM 411  
BOSTON MASSACHUSETTS 02108

MICHAEL J. SULLIVAN  
DIRECTOR

TEL: (617) 727-8352  
(800) 462-OCPF  
FAX: (617) 727-6549

January 27, 2009

Timothy Dwyer  
134 Beverly Road  
Worcester, MA 01605

Re: CPF-08-90

Dear Mr. Dwyer:

This office has completed its review of a complaint we received concerning an e-mail sent by you using the Dedham High School server to oppose Question 1 in the November 2008 state election.

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 you used the Dedham School server to send an e-mail communication to other union members and members of a union coalition, reminding these people of the date and time at which a group would hold signs in opposition to Question 1.

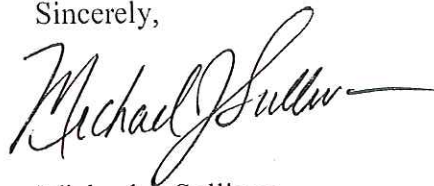
Public resources, namely use of the school server may not, generally speaking, be used to distribute this information. In AO-04-10, this office found that such activity would be permitted, but only if authorized pursuant to a negotiated collective bargaining agreement, and only if the distribution of the information does not involve political fundraising by public employees or in public buildings.



In the absence of a collective bargaining agreement allowing the use of the school server to distribute such information to members, the use was not consistent with the campaign finance law. In the event that the server is used again in this manner, absent a change to the collective bargaining agreement, you would be required to reimburse the town the value of the use of the school server. We believe, however, that this matter may be closed at this time and expect that the guidance provided as a result of this review will ensure future compliance with the campaign finance law.

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