



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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January 27, 2009

Roy E. Belson, Superintendent
Medford Public Schools
489 Winthrop Street
Medford, MA 02155

Re: CPF-08-78

Dear Superintendent Belson:

This office has completed its review of a complaint we received concerning the "Vote No On Question 1" flyer, which was sent home with Medford students through the Medford public schools.

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 school department reproduced and distributed copies of a "Vote No on Question 1" flyer distributed to Medford voters via students in the Medford public schools. Public resources, namely the photocopier, paper and toner, were used to reproduce these documents, and the paid time of the school staff, also a public resource, was used to distribute the flyer to students.

You stated that Stand For Children, a non-profit organization located in Portland, Oregon, would provide restitution to the city of Medford in the amount of \$100, which you have stated was the cost incurred to distribute the flyer. In addition, Stand For Children filed a Form CPF 22 ("Report of Ballot Question Expenditures By Corporation or Organization") with this office to disclose the expenditure. See M.G.L. c. 55, § 22.



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Because you have 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 cursive script that reads "Michael J. Sullivan". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Michael J. Sullivan
Director

MJS/sh
cc: Stand For Children