

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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October 2, 2008
AO-08-08

Gwen Bruns
102 Greenacre Avenue
Longmeadow, MA 01106

Re: Endorsing ballot question

Dear Ms. Bruns:

This letter is in response to your recent request for guidance as to whether the Ludlow School Building Committee may endorse a ballot question, hold informational meetings regarding the ballot question, and discuss the endorsement at such meetings.

You have stated that you are a member of the School Building Committee (SBC) formed pursuant to the Massachusetts School Building Authority's (MSBA) requirements for the Longmeadow High School project. The SBC is comprised of members of local elected and appointed boards, as well as town administrators. You are one of two school committee members on the SBC.

The SBC wants to provide information to the public regarding the debt exclusion ballot question that will be on the November 4, 2008 ballot, which would fund a feasibility study relating to the project. The SBC has drafted a Power Point presentation that will be used at various meetings (including meetings of PTOs, the Rotary Club, and at Senior Centers). The presentation would explain the next step and what the debt exclusion means, e.g., the projected impact on taxes. The presentation would include a slide regarding the source of funding for the project indicating that the source of funding would be a debt exclusion "on the November 4th ballot – Vote YES!"

QUESTION

You have asked if the SBC may endorse a vote in favor of the ballot question and discuss the endorsement in its presentations.

ANSWER

The SBC may endorse the ballot question and discuss the endorsement in its presentations, but it should not use a slide that says "Vote YES!" on the ballot question.



DISCUSSION

Based on the Supreme Judicial Court's opinion in Anderson v. City of Boston, 376 Mass. 178 (1978) appeal dismissed, 439 U.S. 1069 (1979), public resources may not be used to promote or oppose a ballot question. See IB-91-01. Such resources may therefore not be used to distribute, by mail or through student backpacks, informational or advocacy material intended to influence a ballot election, or sponsor a campaign event for or against a ballot question. See IB-91-01.

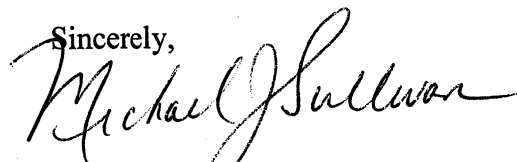
The Anderson opinion does not, however, preclude public officials from endorsing a ballot question or holding public meetings to provide voters with information regarding a ballot question within the scope of their official responsibilities. The SBC may therefore endorse the ballot question and hold informational meetings regarding the question.

Public resources may be used to prepare and distribute a brief neutral notice to voters announcing the times and dates of such informational meetings, and at such meetings SBC members may, while providing information relating to the ballot question, also indicate their position on the question, or distribute a sheet to persons present at the meeting indicating the vote taken by the SBC. See IB-92-02 (a copy is enclosed, for information). As noted in IB-92-02, public officials may not, however, use public resources to publicize the SBC's endorsement, or to campaign for or against the ballot question. This means, in the context of your question, that the Power Point slide that urges voters to "Vote YES!" should not be included in the SBC's presentations, and the SBC should avoid any other exhortation encouraging electoral action supporting or opposing a ballot question.

Information regarding the project may be presented or discussed at such a meeting, including, for example, the project's specifications, cost projections or anticipated tax consequences. The SBC may distribute a reasonable number of informational documents relating to these topics at the meeting if the materials are designed to facilitate discussion.

This opinion is issued within the context of the Massachusetts campaign finance law and is provided solely on the basis of the information provided in your letter. Please contact us if you have further questions regarding this or any other campaign finance issue. You may want to contact the State Ethics Commission to ensure compliance with the Massachusetts Conflict of Interest Law, M.G.L. c. 268A.

Sincerely,



Michael J. Sullivan
Director

Enclosure