



**PUBLIC  
RESOURCES**

BALLOT QUESTIONS  
AND THE CAMPAIGN  
FINANCE LAW



# ABOUT OCPF




Appointed and  
compensated  
public employees



# Fundraising in buildings used for governmental purposes





**- The Anderson Decision**  
**- Ch. 55, S. 22A**  
**- Ch. 53, S. 18B**

A photograph of an HP Color Laser MFP 178nw printer. The printer is white with a black top section. It has a control panel on the top right with a small LCD screen and several buttons. The HP logo is visible on the front. The printer is sitting on a desk with some cables visible in the background.

# **IMPROPER DISTRIBUTION:**

- Unsolicited**
- Public Funds**
- Election Issue**

# Common Applications

A group of children are walking away from the camera on a paved surface. They are wearing various hats and carrying colorful backpacks. The backpacks are yellow with cartoon characters, red with stars, and blue with a pattern. The children are dressed in casual summer clothing. The scene is brightly lit, suggesting a sunny day.

- Mass mailings
- Distribution via student backpacks
- ROBO calls
- School newsletter



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## SECTION 18B



### GENERAL LAWS

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**OBJECTIVE  
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**Section 18B:** Information relating to questions on city, town or district ballot; contents; written arguments by principal proponents and opponents; public inspection

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Section 18B. (a) As used in this section "governing body" shall mean, in a city, the city council or board of aldermen acting with the approval of the mayor subject to the charter of the city, in a town having a town council, the town council, in every other town, the board of selectmen and in a district as provided in sections 113 to 119, inclusive, of chapter 41, the prudential committee, if any, otherwise the commissioners of the district.

(b) The governing body of a city, town or district which accepts this section in the manner provided in section 4 of chapter 4 shall print information relating to each question that shall appear on the city, town or district ballot. The information shall include: (1) the full text of each question; (2) a fair and concise summary of each question, including a 1 sentence statement describing the effect of a yes or no vote, which shall be prepared by the city solicitor, town counsel or counsel for the city, town or district; and (3) arguments for and against each question as provided in subsections (d) and (e). Not later than 7 days before an election at which the question shall be submitted to the voters in a city, town or district, the information in this subsection shall be sent to each household wherein a person whose name appears on the current voting list for the city, town or district resides.

(c) Not later than the day following the date of the determination that a question shall appear on the ballot in an election, the governing body shall provide written notification to the city solicitor or town or district counsel and to the city or town clerk.

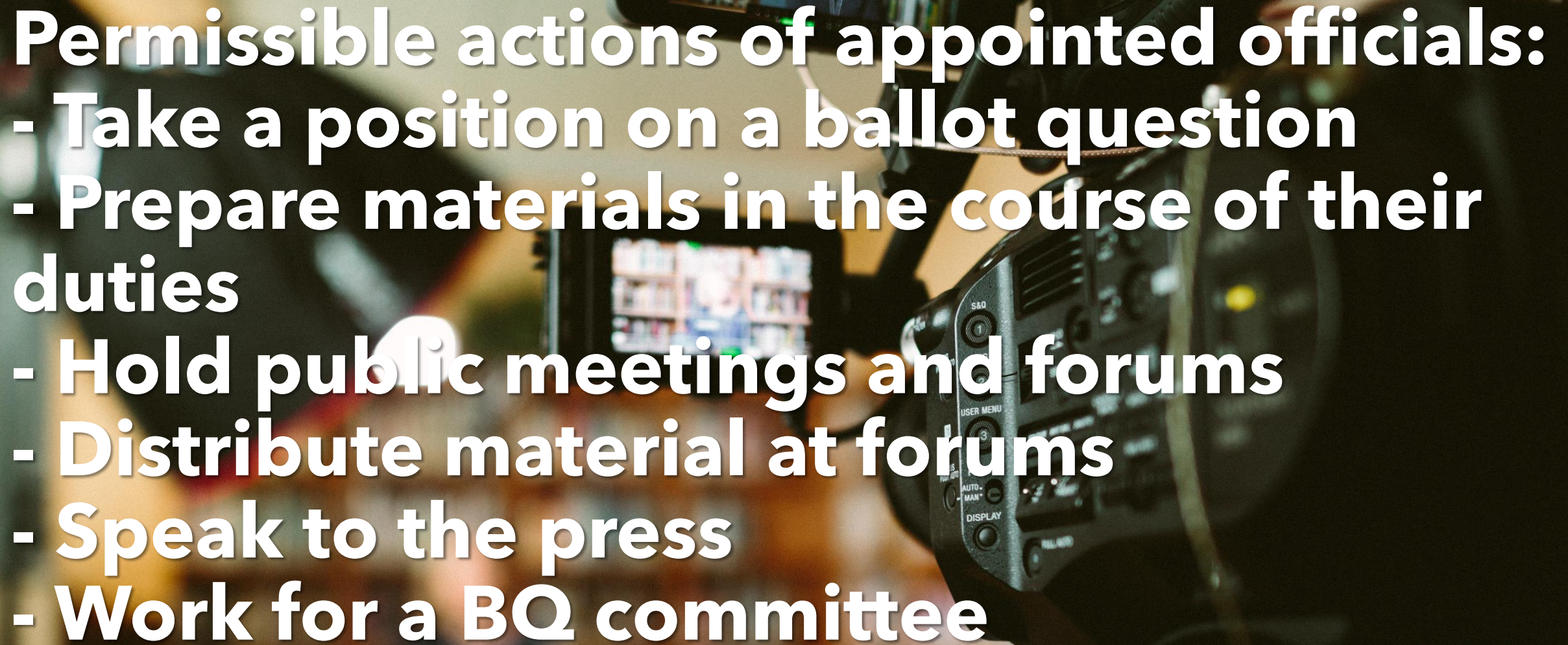
(d) Not later than 7 days after the determination that a question shall appear on the ballot, the city solicitor or town or district counsel, as applicable, shall seek written arguments from the principal proponents and opponents of the question. For the purposes of this section the principal proponents and opponents of a question shall be those



# Permissible distributions

- Requested by the public
  - Notification of an upcoming election (restricted to date, time, place and a brief neutral title)
- Note: Call Ethics



- 
- Permissible actions of appointed officials:**
- **Take a position on a ballot question**
  - **Prepare materials in the course of their duties**
  - **Hold public meetings and forums**
  - **Distribute material at forums**
  - **Speak to the press**
  - **Work for a BQ committee**



# **Public Meetings**

- Speech of officials is unrestricted**
- Distribution of material at meetings is unrestricted**
- Materials may discuss, and advocate for or against, a ballot question**
- Such material may not be distributed proactively outside the meeting**

An empty courtroom with rows of wooden seats facing a judge's bench. The bench is a white wall with a central window and two doors on either side, each with a green exit sign above it. A circular light fixture is mounted on the wall above the bench.

**Equal Access:**

**Court: Political use of government facilities is improper, unless each side were given equal representation and access**


## Municipal Websites:

- Ballot question activity may be posted
- Such material may contain advocacy, but cannot take on the appearance of a campaign site



A large, stylized orange '@' symbol is centered on a light blue background. The symbol has a white outline and is partially obscured by the text.

Government e-mail may not be used to  
send information about ballot questions

A woman with long brown hair is shown in profile, smiling and talking on a black smartphone. She is wearing a dark grey cardigan over a light-colored top. The background is a home interior with a wooden table, a vase of dried flowers, a framed picture of a landscape, and a book titled 'Union' with a black and white photo of Marilyn Monroe on the cover. The text is overlaid on the right side of the image.

**ROBO Calls: Such a calling system should not be used to distribute information or advocate concerning a ballot question**

**Time/Date/Place notification is OK, but contact Ethics**



Commonwealth of Massachusetts

# Form CPF M101 BQ: STATEMENT OF ORGANIZATION BALLOT QUESTION COMMITTEE MUNICIPAL FORM

Office of Campaign and Political Finance

File with: City / Town Clerk or Election Commission

NOTICE IS HEREBY GIVEN in accordance with the provisions of General Laws, Chapter 55, of the organization of a ballot question committee as follows:

## BALLOT QUESTION COMMITTEES

1. Name (See note 1): \_\_\_\_\_

2. Committee mailing address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

E-mail Address: \_\_\_\_\_ Phone #: \_\_\_\_\_

3. Purpose / specific issues and interests (See note 2): \_\_\_\_\_

4. Topic of question & question no., if known: \_\_\_\_\_

5. This committee is formed to (check one):  support or  oppose the question.

### 6. OFFICERS:





# Agency Actions

OCPF audits all campaign finance reports and reviews complaints alleging violations of the campaign finance law. These audits and reviews may result in enforcement actions or rulings such as:

- **Public Resolution Letters**

A public resolution letter may be issued in instances where the office found "no reason to believe" a violation occurred; where "no further action" or investigation is warranted; or where a subject "did not comply" with the law but, in OCPF's view, the case is able to be settled in an informal fashion with an educational letter or a requirement that some corrective action be taken. A public resolution letter does not necessarily imply wrongdoing on the part of a subject and does not require agreement by a subject.

- **Disposition Agreements**

A disposition agreement is a voluntary written agreement entered into between the subject of a review and OCPF, in which the subject agrees to take certain specific actions. Disposition agreements are available below, under the public resolution letters.

- **Referral**

OCPF has the option of referring matters to the Office of the Attorney General for further action.

[Public Resolution Letters](#)

[Disposition Agreements](#)

[Non-Filer Referrals to the Attorney General](#)

[AGO Actions on OCPF Referrals](#)

## Confidentiality

OCPF does not comment on any matter under review, nor does the office confirm or deny that it has received a specific complaint.

The identity of any complainant is kept confidential. Public resolution letters and disposition agreements are matters of public record once cases are concluded.