



The Commonwealth of Massachusetts

Office of
Campaign & Political Finance

One Ashburton Place, Boston 02108

727-8352

Dennis J. Duffin
Director

AO-82-25

November 23, 1982

Mrs. Miriam Nelen
Springfield School Committee
19 Eton Street
Springfield, MA 01108

Dear Mrs. Nelen:

Thank you for your letter of November 8, 1982, in which you ask the following questions:

1. Can City employees participate in a special election campaign on City time?
2. Can City services, phones, etc. be used?
3. Can City employees be required to campaign?

While I believe these questions were answered in my November 3, 1982 Opinion to you, I will briefly respond.

In Anderson v. City of Boston, 380 N.E. 2d 628 (1978), app. granted 99 S. Ct. 50, stay denied, 99 S. Ct. 346 appeal dismissed 99 S. Ct. 822 (1978), a copy of which is enclosed, the Supreme Judicial Court responded to your first two questions. The court, in holding that public funds may not be appropriated or expended by a municipality to influence the vote on a question submitted to the voters, stated that "the city has no authority to use any other appropriated funds, including the services of any employees paid from funds appropriated for other purposes, for the purpose of influencing that vote." The court also stated that

"Our order made no explicit reference to the use of city facilities, equipment, and supplies to advocate adoption of the classification amendment. The city intends to use office space and telephones for this purpose and to make them available to volunteers. It also intends to provide printed materials for distribution to the voters. From what we have said, it is apparent that the city's use of telephones and printed materials provided by public funds, and its use of facilities paid for by public funds, would be improper, at least unless each side were given equal representation and access."

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In answer to your final question G.L. c. 55, Section 16 explicitly states

"No person in the public service shall, for that reason, be under obligation to contribute to any political fund, or to render any political service, and shall not be removed or otherwise prejudiced for refusing to do so."

In closing, I will note that there may be other statutes which affect the questions raised in your letter. I, of course, have no jurisdiction over those statutes and suggest you contact any other state agencies which may be appropriate.

Very truly yours,



Dennis J. Duffin
Director

DJD/rep

enclosure