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June 21, 2023

Omar Mohuddin  
Mohuddin Committee  
2 Webster Avenue  
Woburn, MA 01801

Re: Use of Public Buildings for Campaign Events

Dear Mr. Mohuddin:

This letter is in response to your recent request for guidance regarding the use of a public school building or grounds for a campaign event.

You have stated that you would like to have a campaign event at a local public school. The event may be inside the building, or it may be held at an outdoor area that is adjacent to the public school building. The event would take place after school hours.

Question

May a political candidate or committee hold a campaign event at a local public school building, or on the grounds adjacent to the school building?

Answer

Yes, a political candidate or committee may hold a campaign event at a local public school building or on the grounds adjacent to the school building, provided the use of the space complies with equal access requirements and there is no fundraising for political purposes inside the building or in an area outside the building that impacts the entry to the building.

Discussion

In Anderson v. City of Boston, 376 Mass. 178 (1978), appeal dismissed, 439 U.S. 1069 (1979), 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 submitted to the voters at a state election. The court stated that "the Legislature may decide, as it has, that fairness in the election process is best achieved by a direction that political subdivisions of the State maintain a 'hands off' policy." 376 Mass. at 195. The court also noted that the campaign finance law [M.G.L. c. 55] 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 should not provide public facilities to a candidate or political committee unless each side is given equal access upon request. See Anderson, 376 Mass. at 200. Therefore, a candidate or political committee may use a public school building or the grounds adjacent thereto for a campaign event, provided other candidates and committees are granted access to the same or similar public school buildings, under the same terms and conditions, upon request. Conversely, if one candidate or committee is denied access to a building for a political event, other candidates/committees must also be denied access, in accordance with the equal access requirement set forth in Anderson.

For any political event held in a school building, however, political fundraising is strictly prohibited. See M.G.L. c. 55, § 14, which prohibits the solicitation or receipt of funds for any political purpose in a building or part thereof occupied for state, county, or municipal purposes. This section of the statute would proscribe any event within public school buildings that required a ticket purchase or suggested a contribution; it would also prohibit the use of a public building for a free event at which an individual suggests, requests, or accepts contributions while at the event, even if the solicitation was not previously advertised. It is important to note that, even if no contributions are requested or solicited, they may not be accepted even if offered voluntarily.

The restriction on contributions in public buildings extends to the outside areas that are, for practical purposes, part of the entrance to the building (for example, the area immediately in front of the entrance to the public building), but does not apply to open areas/fields that are publicly owned and merely adjacent to the building (for example, parks and fields that are located behind or to the side of the school building and not blocking entry or egress to the building). The equal access requirement does, however, apply to outdoor locations if they are governmental property.

Lastly, it is important to note that M.G.L. c. 55, §13 strictly prohibits public employees from fundraising for political purposes, either directly or indirectly; this restriction applies at all times, and in all locations - not just during the public employee's workday.

This letter is issued solely within the context of the campaign finance law and is provided on the basis of representations made in our conversations. If you have any further questions, please do not hesitate to contact us.

Sincerely,



Maura D. Cronin  
Deputy General Counsel