

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MICHAEL J. SULLIVAN
DIRECTOR

February 27, 1996
AO-96-04

D. Margaret Drury
City Clerk
City of Cambridge
Cambridge, MA 02139

Re: Provision of links from city Internet homepage to
homepages of members of city council

Dear Ms. Drury:

This letter is in response to your February 6, 1996 request
for an advisory opinion.

Question: May the City of Cambridge provide links from the
City's Internet homepage to homepages of members of the city
council?

Answer: Yes.

Facts:

You have stated that members of the public presently can
connect via Internet to a homepage, maintained by the City,
entitled "City of Cambridge," which provides information,
resources and links to other Internet sites. The City also
maintains a second homepage, entitled "Cambridge City Hall."
The City Hall homepage contains information about city
government, providing answers to the most commonly asked
questions, as well as information about how to contact each
department, including each city councillor.

The City Council information includes a picture of each
city councillor, home and office telephone numbers and
addresses, e-mail address where applicable, and a list of the
committees on which each member sits. Recently, a councillor
requested the creation of a link from her information on the
City Hall site to her own homepage, which she produces and
maintains at her own expense.

The City is willing to set up such a link for any
councillor. "It takes literally one minute of the time of an
MIS staffperson, and there is no additional cost to the City."

Because the homepage of a councillor may contain opinions and advocacy which are neither the adopted policy of a majority of the council or the official policy or position of the City, you would utilize the following disclaimer:

Links to City Councillors' web pages are provided where applicable as a public service. Councillor web pages are privately funded and may contain partisan, promotional or advocacy positions which are solely the opinions and responsibility of the author or authors. These pages in no way establish any official policy and/or position, stated or implied, of the City of Cambridge.

You have stated that in making the link available, the City "would be providing a service quite analogous to the service the City Council Office already provides in supplying the Councillor's home telephone numbers to callers." You have suggested that if the link is deemed unfair to non-incumbent candidates, the link could be disconnected 60 days before municipal elections.

Discussion:

In Anderson v. City of Boston, 376 Mass. 178 (1978), the Supreme Judicial Court analyzed the provisions of M.G.L. c. 55 in considering whether a municipality had authority to appropriate and expend funds to influence a ballot question. The court held that M.G.L. c. 55 was a comprehensive campaign finance statute which bars such expenditures since it "demonstrate[s] a general legislative intent to keep political fund raising and disbursing out of the hands of nonelective public employees and out of city and town halls." Id., at 186-187. In accordance with the Anderson decision, this office has consistently advised that governmental entities may not use public resources to support or oppose political parties, candidates or ballot questions.

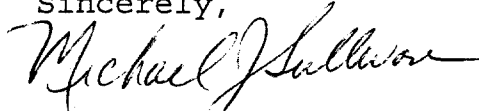
The link would be consistent with the limitations specified in Anderson. Since (1) the creation of the link would not involve the use of public resources to support or oppose any councillor, (2) the minimal use of public resources to establish the link allows councillors to provide services to constituents, and (3) the disclaimer which will be used minimizes any potential appearance of impropriety, the City may proceed as outlined in your letter.

Although the campaign finance law does not require the City to disconnect the link 60 days prior to a municipal election, such a stipulation is consistent with the goal of minimizing the appearance of unfairness expressed in Anderson. Therefore, we recommend that the suggested cut-off be made part of the City's policy.

This opinion has been rendered solely on the basis of representations made in your letter, and solely in the context of M.G.L. c. 55.

Please do not hesitate to contact this office should you have additional questions about this or any other campaign finance matter.

Sincerely,

A handwritten signature in cursive script that reads "Michael J. Sullivan". The signature is written in dark ink and is positioned above the typed name and title.

Michael J. Sullivan
Director

MJS/cp