



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF CAMPAIGN & POLITICAL FINANCE

ONE ASHBURTON PLACE, ROOM 1007

BOSTON, MASSACHUSETTS 02108

(617) 727-8352

(800) 462-OCPF

MARY F. MCTIGUE  
DIRECTOR

December 29, 1989  
AO-89-32

Sylvia L. Shipton  
Town Clerk  
P.O. Box 782  
Shirley, MA 01464

Dear Ms. Shipton:

This letter is in response to your request for an advisory opinion.

You have stated that the Shirley town meeting approved and the moderator appointed a regionalization committee whose function and decision is to recommend regionalization of the Shirley school system with the Lunenburg school system. The question of regionalization will be brought to a special town meeting called by the selectmen within 30 days of receiving a contract document from the regionalization committee. At town meeting the question of regionalization will be by ballot of those present and voting.

You have also stated that the planning board wishes to have a townwide mailing of its recommendation on a special or annual town meeting warrant article on a zoning issue.

You have asked if the regionalization committee and the planning board may expend town funds to conduct their separate mailings.

Section 1 of M.G.L. c.55 defines a contribution, in part, as "a contribution of money or anything of value . . . for the purpose of promoting or opposing a charter change, referendum question, constitutional amendment, or other question submitted to the voters . . ."

It is the opinion of this office that "questions submitted to the voters" must appear on the ballot in order for the provisions of M.G.L. c.55 to apply. This office does not consider issues which are debated in an open forum such as a town meeting, even if such issues are resolved by secret vote, to be questions "on the ballot." Therefore any materials published and disseminated by either the regionalization committee or the planning board in anticipation of a town meeting solely to inform the voters

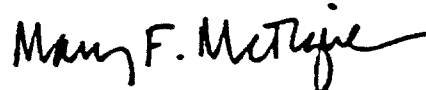
Sylvia L. Shipton  
December 29, 1989  
Page 2

prior to such meeting will not be considered to have been so published and disseminated for the purpose of "influencing or affecting the vote on any question submitted to the voters", even if such materials advocate a "yes" or "no" vote on a topic at town meeting. The provisions of M.G.L. c.55 therefore would not prohibit the expenditure of governmental monies for such materials.

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

Should you have additional questions, please do not hesitate to contact this office.

Very truly yours,



Mary F. McTigue  
Director

MFM/wp