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Office of Campaign and Political Finance

One Ashburton Place, Room 411

Boston, MA 02108

Advisory Opinion

May 15, 2002
AO-02-20

Nancy Radville
115 Bancroft Avenue
Reading, MA 01867

Re: Building Pride ballot question committee

Dear Ms. Radville:

This letter is in response to your April 18, 2002 request for guidance regarding Building Pride, the Committee to Restore Reading Memorial High School (the Committee), a ballot question committee organized with the Reading Town Clerk.

Facts

You have stated that the Committee was formed in March 2002 for the purpose of supporting a ballot question election that was held on April 2, 2002 in the Town of Reading. The question asked the voters whether they would support a debt exclusion override of \$450,000 to allow the Town to retain an architect to prepare schematic design plans for the renovation and restoration of Reading Memorial High School, and for the preparation of a full project budget. The question passed, and the School Building Committee will now interview and hire an architect. Another debt exclusion vote for funding the project itself will be held sometime in 2003, on a date to be determined.

Building Pride would like to stay in existence to support the next ballot question, rather than dissolve and restart, as there is a balance of \$522 left in the Committee's account that the Committee would like to retain. Also, the same individuals want to stay involved. While the Committee was formed specifically to support the April 2 question, you have provided a copy of the agenda for the Committee's first meeting. The agenda suggests that the group was formed not only to support the ballot question to retain the architect, but also to support a subsequent ballot question to obtain funding for the project itself (the goals of the campaign are listed as winning the election on April 2, but also building momentum "for the vote in 2003 to pay for the renovation costs for the High School").

Question

May the Committee remain in existence to support the ballot question to obtain funding for the renovation of the High School?

Response

Yes. Because the expenditures would relate to integrally related phases of the same renovation project, they would be consistent with the purpose for which the Committee was organized.

A ballot question committee is a political committee “which receives or expends money or other things of value for the purpose of favoring or opposing the adoption or rejection of a specific question or questions submitted to the voters . . .” See M.G.L. c. 55, sections 1 and 6B, (emphasis added). “Ongoing” ballot question committees are not generally contemplated by the campaign finance law. See M.G.L. c. 55, s. 18 (requiring ballot question committees to dispose of “residual funds” after the adoption or rejection of a question) and AO-93-30.

This office has stated that a ballot question committee organized to support a debt exclusion to fund a feasibility study for a school construction project may remain in existence to support a subsequent ballot question concerning the actual construction project, because the two phases of the project are integrally related. See AO-95-11. In the circumstances you have described, the fact that the original statement of organization indicated that the Committee was organized to support “Question 2,” i.e., funding for an architect to prepare schematic design plans, and there was no reference to the subsequent renovation work, should not mean that the Committee may not remain in existence to support the ballot question concerning the actual renovation work. The agenda from the first meeting of the Committee indicates that the original purpose of the Committee was to support both phases of the project, even if the immediate and principal concern when the Committee was organized was the question relating to design fees. A person contributing to the Committee before Question 2 was on the ballot may reasonably have expected that the contributed funds would be used to support both phases of the project.

Therefore, the Committee may remain in existence to support the anticipated ballot question to obtain funding for the renovation work and should amend its statement of organization to indicate that the Committee was organized to support both phases of the project. Although a ballot question committee generally may not amend its purpose as reflected in a statement of organization, amendment is appropriate if it will clarify the original purpose of the committee. See AO-91-21. Given the circumstances you have described, an amendment to reflect the intention that the Committee would remain in existence for both the phases of the same project would be appropriate.

This opinion is provided on the basis of representations in your letter and in your conversations with OCPF staff, and is issued solely within the context of the campaign finance law.

I encourage you to contact us in the future if you have further questions.

Sincerely,

A handwritten signature in cursive script that reads "Michael J. Sullivan". The signature is written in black ink and is positioned to the left of a vertical line that extends downwards from the end of the signature.

Michael J. Sullivan
Director

MJS/gb
cc: Cheryl A. Johnson, Reading Town Clerk