



Commonwealth  
of Massachusetts

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*One Ashburton Place, Room 411*

*Boston, MA 02108*

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### Advisory Opinion

February 5, 2001

AO-02-05

Ms. Colleen Campion  
37 Lynn Terrace  
Westwood, MA 02090

Re: Ballot Question Committee Expenditures

Dear Ms. Campion:

This letter is in response to your January 16, 2002 request for guidance regarding proposed expenditures by the “Committee to Support Our Schools,” a Westwood ballot question committee.

The Committee was formed in 1999 to support the pending school budget as well as the construction and funding of several school building projects, collectively referred to by town officials as the “five-year expansion plan.” Based on these goals, the following purpose was set forth on the Committee’s Statement of Organization: “to obtain proposition 2 ½ debt exclusions and general overrides related to a five year expansion plan and to obtain a 1999 Proposition 2 ½ general override for the school operating budget.”

A few of the building projects that were part of the “five-year expansion plan” have since been abandoned. However, voters approved initial debt exclusions for a new high school and to renovate the Martha Jones Elementary School at the spring 2000 town election. You have stated that the Committee did not dissolve after that election because of the possibility that subsequent ballot questions to secure the final funding of these projects would be held.

Because of an architect’s error, additional money is now needed in order for the construction of the new high school to commence.<sup>1</sup> There is a Special Town Meeting scheduled in Westwood on February 27, 2002 to secure this funding. Subject to approval at this meeting, the town can allocate the funds necessary to complete the project pursuant to its normal bonding authority without having to hold a ballot election in accordance with Proposition 2 ½. Based on the foregoing, you have asked the following questions:

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<sup>1</sup> Based on changes in the state reimbursement rate, the fate of the elementary school renovation is uncertain.

QUESTION

May the Committee make expenditures to influence the Special Town Meeting vote to fully fund the high school project?

RESPONSE

Yes. Such expenditures would be consistent with the purpose for which the Committee was organized.

To safeguard the expectations of contributors, expenditures by ballot question committees are limited to those that further the principle(s) for which the committees were organized. See M.G.L. c. 55, § 6B and 970 CMR 2.06(2). Appropriate expenditures for local committees formed to support or oppose Proposition 2 ½ overrides to finance building projects include those relating to ballot elections involving the design and construction phases of the same project. See AO-98-08, AO-97-10 and AO-95-11.

Consistent with these principles, a ballot question committee formed to support all phases of a building project may make expenditures to influence a town meeting vote that directly relates to that project. In this case, that means the Committee may make town meeting expenditures to ensure completion of the high school project it was organized to support, even though the Special Town Meeting is scheduled almost two years after the original debt exclusion election has passed.

It is important to note that the campaign finance law does not contemplate ongoing ballot question committees. See M.G.L. c. 55, §§ 1 and 18. Moreover, committees may not generally remain in existence to influence future elections simply because the committee had adopted a broad statement of purpose. See AO-93-30. As such, the Committee should be aware that it must dissolve after the specific building projects it was established to promote have been fully funded or abandoned.

QUESTION

Can the Committee make expenditures to influence the vote at a spring town meeting and ballot election to approve the school department's next operating budget?

RESPONSE

No. Expenditures to support the new school budget would not further the Committee's original purpose and would therefore be inconsistent with M.G.L. c. 55, § 6B and 970 CMR 2.06(2).

As stated above, ballot question expenditures are limited to those consistent with a committee's founding purpose. This ensures that the expectations of contributors are met. And while in some limited circumstances a ballot question committee may remain in existence to support an "identical or substantially identical" question in future elections, such would not apply to the Committee's proposal to support a new school budget. Committee contributors were not given notice of the Committee's intent to support any school budget aside from the FY99 budget at the time their donations were made. It is possible that these contributors would not have wanted their funds used to support the FY03 school budget. Consequently, the money may not be spent for this purpose. See AO-98-08.

Once again, the Committee must dissolve the high school and elementary school projects that were the subject of the 2000 debt exclusions have been fully funded or abandoned. In the meantime, any expenditures by the Committee should be directly related to furthering these two projects and not unrelated ballot questions.

QUESTION

If the Committee dissolves in the near future and a new ballot question committee is organized in the spring to raise and spend money to influence the vote on the next school budget may it too be named the "Committee to Support Our Schools?"

RESPONSE

Yes. As long as the name of a ballot question committee clearly identifies its special interest, there is nothing in the campaign finance law to prevent a new committee from using the same name as a previously dissolved committee. See M.G.L. c. 55, § 5B.

Please note that this opinion is issued solely in the context of the Massachusetts campaign finance law, M.G.L. c. 55, and based on the representations made in your e-mail and in conversations with OCPF's staff.

Thank you for your interest in the campaign finance law. Please do not hesitate to contact us if you have any questions regarding this or any other campaign finance matter.

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.

Michael J. Sullivan  
Director

MJS:bp