



Commonwealth
of Massachusetts

OCPF Online

www.state.ma.us/ocpf

Office of Campaign and Political Finance

One Ashburton Place, Room 411

Boston, MA 02108

Advisory Opinion

November 8, 2001

AO-01-29

Peter S. Cunningham, Chairman
Groton Board of Selectman
173 Main Street
Groton, MA 01450

Re: Links to Local Party Committee Websites

Dear Mr. Cunningham:

This letter is in response to your October 28, 2001 request for guidance as to whether the town of Groton may provide links on its website to the websites maintained by each of the local political party committees organized in accordance with M.G.L. c. 52, § 2.

QUESTION

May the municipal website contain links to the local party committees' websites?

DISCUSSION

Yes. The town's website may contain links to the local political party committees' websites as long as the opportunity for a link is provided to each of the political party committees.

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. Based on this opinion, public resources may not be used to *support or oppose* political parties, candidates or ballot questions. See AO-01-05 (advising that it would be an inappropriate use of public resources to allow incumbent legislators to link their campaign websites to the official General Court website).

The Anderson opinion does not prevent public resources from being used in a political context where the resources used are minimal and serve the legitimate, neutral purpose of promoting voter participation or interest in the political process. Consequently, this office has consistently advised that

political candidates and committees may be offered access to certain public resources as long as similar access is afforded to all committees or candidates on the same terms. See e.g. AO-00-04 (advising that public resources may be used to distribute a town newsletter in which all local candidates were invited to submit a statement discussing their candidacy), AO-99-14 and AO-99-15 (advising that a city may provide either space or a link on its website to all local candidates), and AO-90-02 (discussing equal access to public buildings).

Based on your representation that “equal access” to the Groton website will be made available to all local party committees, the inclusion of links to the committees’ websites on the town website would not be inconsistent with Anderson. Equal access means all committees may be provided a link, even if not all ultimately decide to request a link. If one party committee decides not to request a link or does not have a website, that does not prevent another such committee with a website from being provided such a link.

It should be noted that the political party committees’ websites may be linked to the town’s website even if the websites contain campaign material.¹ The fact that all party committees will have access to the Groton website serves to distinguish this opinion from the circumstances involved in AO-01-05, cited above, in which only the committees of incumbent legislators had the opportunity to place a link on the General Court’s website. Under those circumstances, it was important to focus on the content of the legislators’ websites to ensure that public resources were not inappropriately used to benefit their candidacies. Here, there is no need to restrict the content of the party committees’ websites because equal access protects against the improper use of public resources to advocate for or against any particular party or candidate.

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 matters.

Sincerely,

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

Michael J. Sullivan
Director

MJS:bp

¹ A campaign website may (1) solicit contributions, votes or volunteers; (2) contain express advocacy supporting or opposing any candidate, party or ballot question, or (3) contain express advocacy on its face (for example www.electDoe2002.com). See AO-01-05.