

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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AO-17-02

Jeff Gross
Friends of Salem Sanctuary
2 Salt Wall Lane
Salem, MA 01970

Re: Ballot Question Committee's reference to candidates

Dear Mr. Gross:

This letter is in response to your request for guidance regarding The Friends of Salem Sanctuary Committee ("the Committee") referencing candidate committees on its website and in social media. You have stated that the Committee is a municipal ballot question committee organized with the Salem City Clerk.

The Committee was organized to promote the adoption, through a ballot question, of an ordinance passed by the city council in 2017 concerning the sanctuary status of Salem, MA. This ordinance generally allows for undocumented immigrants to remain in and use city services in Salem. Your questions primarily relate to the extent to which the Committee, using social media and its website, or other materials prepared by the Committee, may refer to candidates who have taken a position on the ballot question.

OCPF interpretive bulletin IB-95-02 states that a ballot question committee may not make expenditures to support or oppose candidates or to provide information to the voters regarding matters not within the scope of the ballot question. See M.G.L. c.55, §6B. Ensuring that ballot question committee funds are not used to support or oppose candidates is important because ballot question committees, unlike candidates, may raise funds without limit from individuals or business entities. Consistent with IB-95-02, a ballot question committee may use its website or social media site to refer to candidates, but only if such use does not involve an expenditure of the committee's funds for the purpose of supporting or opposing a candidate or candidates. For further guidance on the use of social media and the campaign finance law see IB-04-01.

Question 1

May the Committee's website, social media site, or other materials prepared by the Committee, include a description of the history of the ordinance that mentions the Salem Mayor and a City Councilor who were involved in the creation of the ordinance, and are running for re-election?



Question 1 Answer

Yes. Including this background information would be permissible under the campaign finance law. Describing the ordinance and its history on the Committee website, or guiding voters to the Salem City website, would not be supporting or opposing candidates, but instead would involve providing information on the ballot initiative, see IB-04-01.

Question 2

May the Committee's materials reference the City's website which includes important background materials and legal opinions relating to the Sanctuary for Peace ordinance, but also refers to the Mayor and City Council candidates?

Question 2 Answer

Yes. See answer to Question 1.

Question 3

May the Committee's Facebook page "like," or may its website provide a link to, an article in the local newspaper about the Committee's kickoff fundraiser (the article also refers to candidates who were present at the event)?

Question 3 Answer

Yes, this would not involve an expenditure by the Committee to support or oppose candidates.

Question 4

May the Committee provide a link from its Facebook page and website to an article in a local newspaper that cites candidates' positions on both sides of the ballot question, and makes an effort to provide a balanced statement of those positions, without explicitly thanking or emphasizing the candidates who support the Committee's stance?

Question 4 Answer

Yes, this would not involve an expenditure by the Committee to support or oppose candidates.

Question 5

May the Committee publish the results of a candidate questionnaire that was distributed by the Committee which exclusively focused on the candidates' views of the ballot question? The poll would not refer to any other local issues and would not be undertaken in partnership with organizations representing other interests/issues.

Question 5 Answer

Yes, but only if the questionnaire and the published results of the survey are not designed to support or oppose a candidate or candidates. To ensure compliance, the Committee may want to provide OCPF with draft language for our review prior to the Committee distributing the questionnaire or publishing the results.

Question 6

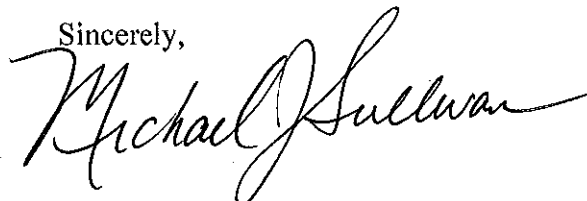
May the campaign director for a candidate, who supports the Committee's position, assist the Committee on her own time, if the individual is not publicly identified in any of the Committee's communications?

Question 6 Answer

Yes, this would be a "personal service" provided by the individual and therefore not a "contribution" to the Committee. See M.G.L.c. 55, §1, which excludes, from the definition of "contribution," personal services provided by an individual who is not compensated by another for the work done.

This opinion is issued within the context of the Massachusetts campaign finance law and is provided solely on the basis of representations in your emails and conversations with OCPF staff. Please contact us if you have further questions.

Sincerely,



Michael J. Sullivan
Director

MJS/jt