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DIRECTOR

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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May 14, 2025

Lisa Howard
Superintendent, Winthrop Public Schools
One Metcalf Square
Winthrop, MA 02152

Re: CPF-25-24

Dear Superintendent Howard:

This office has completed its review of a complaint we received which alleged that Winthrop Public Schools ("WPS") resources were used to influence voters with respect to three ballot questions that appeared on the town ballot in the April 5, 2025 special town election. All three questions related to a debt exclusion or override, and all questions passed.

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. The Court stated that the campaign finance law, M.G.L. c. 55, demonstrates an intent "to assure fairness of elections and the appearance of fairness in the electoral process" and that the law should be interpreted as prohibiting the use of public funds "to advocate a position which certain taxpayers oppose." 376 Mass. at 193-95.

Accordingly, this office has concluded that governmental entities may not expend public resources or contribute anything of value to influence or affect the outcome of a ballot question. Public resources may not, therefore, be used to distribute information regarding a ballot question, even if the information is intended to be objective and factual, unless expressly authorized by state law. However, the use of public resources to compile information and prepare materials may be consistent with Anderson and M.G.L. c. 55, as a policy-making official may research and analyze the impact a potential ballot question may have on matters that are within their scope of responsibility. See IB-91-01.

The complaint alleged that public resources, including school facilities, supplies, and staff time, were used to support the ballot questions. Based on its review, OCPF has determined that public resources, in the form of staff time and WPS technology (e.g., computers, internet, etc.), were used to compile a variety of materials, including PowerPoint presentations, slides, and



other electronic materials, including draft emails that you provided to school principals for distribution. Certain of those materials, including the PowerPoint presentation or slides, were discussed at school committee meetings and posted to the WPS website, to enable the public to access the materials if they so chose. The emails you drafted and provided to principals addressed the ballot questions at length and were ultimately distributed, using staff time, WPS email lists, and WPS computers/internet, to families with children enrolled in WPS without that information being requested.

The use of WPS resources to research and compile the described materials was consistent with Anderson and M.G.L. c. 55. As a policy-making official, you may research and analyze the impact a ballot question may have on matters within the scope of your responsibilities, and public resources may be used to make those findings available to the public upon request. Public resources may not be used, however, to *distribute* that information without it being requested, absent specific statutory authority to do so. See Mass. Const. Art. CVIII and M.G.L. c. 54, §§ 53-54 (establishing a mechanism for the Secretary of the Commonwealth to provide information to voters via distribution of the “red book”); M.G.L. c. 53, § 18B (establishing a mechanism for local government officials to provide information to voters).

OCPF has consistently advised that materials that do not advocate for or against passage of a ballot question may be posted to a website which the public may access. Such materials, being public records, can be made available to the public upon request, including at forums concerning the subject of the ballot question. Accordingly, the posting of slides to the WPS website, or presentations made to the school committee, did not present an issue under the campaign finance law and the Anderson decision, as those have been interpreted by OCPF. However, the use of WPS staff time, email lists, and computers to proactively distribute materials relative to a ballot question – namely, the emails sent by school principals to enrolled families – was not consistent with Anderson, the provisions of the Massachusetts campaign finance law, and 970 CMR 1.24(6)(stating, in pertinent part: “Public resources, e.g., public computers, may not be used to support or oppose a candidate, political committee, political party or ballot question...”). You, in your capacity as Superintendent, worked with the WPS business manager/CFO to file a CPF Form 22A (Report of Governmental Treasurer) with the Winthrop town clerk on April 7, 2025, to disclose the use of WPS resources in the amount of \$141.50.

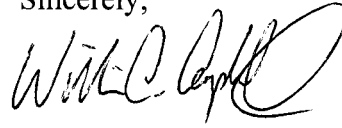
OCPF notes that you cooperated fully with this review, and timely filed the Form 22A when instructed to do.¹ Therefore, because OCPF expects this review will ensure future compliance with the campaign finance law, this matter may be closed at this time. Prior to using public resources on election-related communications in the future, you are encouraged to contact OCPF to ensure compliance with the campaign finance law.

¹ Pursuant to M.G.L. c. 55, § 22A, the Form 22A must be filed “...on or before...the fifth and twentieth day of each month complete as of the preceding first and fifteenth day of the month, until the election...”. Because the emails were sent on or about March 19, 2025, the Form 22A that reflected that activity would have been due on April 5, 2025; however, as April 5 fell on a Saturday, the due date for the form was extended to April 7, the first business day thereafter. 970 CMR 1.02(5)(c).

Lisa Howard, Superintendent
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In accordance with the opinion of the Supervisor of Public Records, this letter is a matter of public record. A copy is being provided to the local clerk, and may be provided to the person(s) who brought this matter to our attention.

Sincerely,

A handwritten signature in black ink, appearing to read "William C. Campbell", with a large, stylized loop at the end.

William C. Campbell
Director

WCC/mc

cc: Denise Quist, Winthrop Town Clerk