



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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April 11, 2002
GL-02-11

BY FACSIMILE TRANSMISSION

Mr. Philip Benincasa, Principal
Alcott School
91 Laurel Street
Concord, MA 01742

Re: Distribution of Information

Dear Mr. Benincasa:

This letter is in response to your April 11, 2002 requests for guidance forwarded by fax. The director has asked me to respond.

You have indicated that the Alcott School intends to distribute a mailer to Concord residents regarding a renovation project for the Alcott School that will be considered at a town meeting scheduled for April 24, 2002. You faxed a copy of the school's proposed mailer, which briefly discusses the school project and urges residents to support the project and attend town meeting.

Question May school department funds be used to pay the cost of copying and mailing the mailer?

Answer Yes.

The campaign finance law defines "contributions" and "expenditures" as contributions or expenditures made "for the purpose of promoting or opposing a *charter change, referendum question, constitutional amendment, or other question submitted to the voters . . .*" See M.G.L. c. 55, § 1. The office has consistently stated that "questions submitted to the voters" must appear on the ballot in an election in order for the provisions of M.G.L. c. 55 to apply. See AO-89-32. This office does not consider issues that are debated in an open forum such as a town meeting, even if such issues are resolved by secret vote, to be questions "on the ballot." Funds raised or spent to affect the deliberations of Town Meeting are therefore not subject to the campaign finance law. See IB-91-01.



The mailer that you have asked about does not address *an election*. Instead, it is designed primarily to influence the town meeting. As such, the campaign finance law would not prohibit the use of public funds for such purposes.

This letter is based solely on information provided in your request and in our conversations and is issued within the context of the Massachusetts campaign finance law.

This office appreciates your interest in the campaign finance law. Please contact us if you have further questions regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "Tracey L. Dano". The signature is fluid and cursive, with the first name "Tracey" being more prominent and the last name "Dano" following in a similar style.

Tracey L. Dano
Legal Counsel

TD:ms
Enclosure

cc: Anita Tekle, Concord Town Clerk