

# MASSACHUSETTS OFFICE OF CAMPAIGN AND POLITICAL FINANCE



## **PUBLIC EMPLOYEES PUBLIC BUILDINGS PUBLIC PROPERTY**

OCPF GUIDE



# PUBLIC EMPLOYEES

Massachusetts state law prohibits paid state, county, city or town employees, other than elected officials, from directly or indirectly soliciting or receiving contributions or anything of value for any political purpose.



The ban applies to full and part-time employees, such as public school teachers, police officers, firefighters, community college professors, county jail employees and others. A person who receives a stipend is, generally, subject to this restriction. The prohibition is in effect at all times, even on personal time, anywhere in the world.

Public employees may not solicit funds verbally or in written form.



The ban on soliciting or receiving funds includes fundraising for candidates, political action committees, ballot question committees, and political party activities.

*What does this mean, in practical terms?*



Prohibited public employee activity:

- Being treasurer of a political committee.
- Selling or distributing tickets for a fundraising event.
- Making phone calls inviting people to a fundraiser.
- Posting information on social media about a political fundraiser.
- Re-posting political fundraising posts made by others on social media.
- Hosting a fundraising event at home.
- Being listed as a featured speaker at a fundraising event.



The prohibition does not apply to:

- Paid elected officials, unless they are also appointed and compensated public employees.
- A person appointed to a board and is not compensated.
- A public employee who is raising money for humanitarian, charitable or educational causes.
- A former public employee who is retired.



*Check with us if you are unsure whether public employee activity is permitted.*

## DID YOU KNOW?

Public employees may participate in the political process. They may donate to candidates, hold political signs on their own time, and support or oppose candidates and ballot questions on social media.

Public employees may run for office, but must establish a committee to solicit and receive funds.





# PUBLIC BUILDINGS

Similar to the public employee ban, funds may not be solicited or received in buildings used for governmental purposes.

The prohibition is in effect within government buildings, not outdoor public spaces such as parks, parking lots and public college campuses.

The prohibition is in effect at all times, even during non-business hours.

Examples of prohibited activity in buildings used for governmental purposes:

- A candidate rents a function room at the senior center to host her fundraiser.
- A local party committee meets at the public library, and collects monthly dues.
- A ballot question committee sets up a table in a school prior to a girl's basketball game, asking attendees to donate money to the effort.
- A candidate prints flyers explaining his platform, and includes information on how to donate to his campaign. He then leaves the flyers on the public information table at the public library.
- A sheriff holds a meeting with corrections officers, in the jail facility, and asks them to contribute to his campaign.
- A city councilor, during a council meeting, asks attendees to donate to the ballot question committee opposing a tax increase.

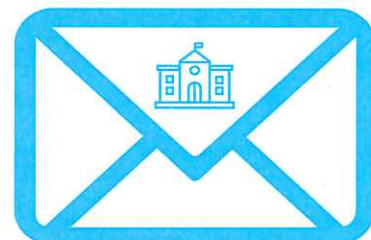


## How might a political committee trip up on this issue of soliciting in a government building?

It would likely be when sending invitations to a political fundraiser, by mail or e-mail. For example, a "Vote Yes" ballot question committee should not send an invitation for a fundraiser to the school superintendent's government work addresses.

Candidates and committees should review their e-mail lists to ensure that solicitations are not sent to government e-mail addresses.

**Political committees should not send fundraising invitations to government addresses or e-mail addresses**





# PUBLIC PROPERTY & RESOURCES

The use of public resources for a political purpose is prohibited.

Public resources include anything paid for by the taxpayers, such as vehicles, employee time, paper, postage, computers, telephones and copiers.



## Examples of prohibited activity:

- A city public works department may not use employee time and city vehicles to distribute the mayor's lawn signs in neighborhoods.
- A school superintendent may not use the school's postage machine to mail information to parents about a tax override ballot question.

There is, however, an important exception called "**equal access**." The equal access rule allows public resources and property to be used for political purposes, if the same standards are applied to all under the same terms and conditions.

Additionally, the equal access standard is satisfied if a property manager prohibits political activity for all.



## Equal access examples:

- A candidate schedules a meet and greet campaign event at the senior center. This is permitted, if the senior center's equal access rule allows all candidates to hold events under the same terms and conditions, and there is no fundraising.
- A political action committee wants to set up a table inside a public university's student center to ask students to register for their group. This is permitted, if all PACs and political committees may do so under the same terms and conditions, and there is no fundraising.



## DID YOU KNOW?



Government e-mail is considered a public resource and may not be used for political purposes. For example, a fire chief should not use government e-mail to ask people to vote for certain selectboard members who support increasing the department's budget.

## OCPF TIPS:



Prior to using public property for political purposes, **contact the building or property administrator**. The property may have rules prohibiting political activity. For example, a town-owned transfer station may prohibit candidates from handing out flyers on town property to residents using the facility.

The state's **Ethics Commission** should also be consulted about public resources issues concerning elections, at 617-371-9500.

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*Additional information* →