



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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December 19, 2017

Superintendent Timothy Piwowar  
Billerica School Department  
365 Boston Road  
Billerica, MA 01821

Re: CPF-17-128 and 17-146

Dear Superintendent Piwowar:

This office has completed its review of two complaints we received concerning e-mails sent by the Billerica Schools, using its e-mail list and server, to support a question on the ballot in the December 2, 2017 special town election.

In Anderson v. City of Boston, 376 Mass. 178 (1978), 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. The court stated that the campaign finance law 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 193-195.

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, unless a statute specifically authorizes the distribution of information, e.g., Section 18B of M.G.L. c. 53. Absent such authorization, public resources may not be used to distribute information regarding a ballot question, even if the resources used are minimal, and the information distributed is intended to be objective and factual.

You have acknowledged that the Billerica School Department used its server and e-mail list to send an informational e-mail to parents of Billerica students regarding the ballot question. The distribution of this e-mail using public resources did not comply with the campaign finance law.

Because of the limited amount of resources used, your prompt acknowledgment of the error and our belief that the guidance provided as the result of this review will ensure future compliance with the campaign finance law, this office now considers this matter closed.



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This letter is limited in scope to the campaign finance law. You should be aware, however, that issues relating to the use of public resources for political purposes may, in addition to raising issues under the campaign finance law, also raise issues under the conflict of interest law, which is administered by the State Ethics Commission. In accordance with the opinion of the Supervisor of Public Records, this letter is a public record. A copy is being provided to the persons who brought this matter to our attention.

Sincerely,

A handwritten signature in black ink that reads "Michael J. Sullivan". The signature is written in a cursive style with a large, prominent initial "M".

Michael J. Sullivan  
Director