

# Massachusetts Office of Campaign and Political Finance

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## Public Employees

**MGL Chapter 55, Sec. 13** prohibits public employees from soliciting or receiving funds for any political purpose.

**Who are public employees?** Anyone employed for compensation by the state, a county or a municipality, full or part time. Elected officials and retirees are exempt.

**Restrictions** are in place 24-7, nationwide.

**May not** solicit (verbal or written), collect money or sell tickets to a fundraiser.

**May not** host a fundraiser.

**May not** help identify people to be targeted for fundraising.

**May not** serve as treasurers of any political committee.

**May** work for a campaign in a non-fundraising capacity (holding signs, stuffing envelopes, serving food at a fundraiser).

**May** make contributions to candidates and political committees.

### Examples of Prohibited Activities

- On her own time, a community college secretary posts an invitation to her personal Facebook page for her brother's fundraiser for school committee.
- A county corrections officer uses his personal or county issued cell phone to call coworkers, asking them to donate to a specific candidate for sheriff.
- A candidate lists his influential supporters on a campaign mailing, which also has language about donating at his campaign website. One of the supporters listed is a UMASS professor.

## Buildings Used for Governmental Purposes

**MGL Chapter 55, Sec. 14** prohibits soliciting or receiving contributions in buildings used for governmental purposes.

**The prohibition** is in effect at all times, even during non-business hours, within the "four walls" of a building – not outside.

NOT PERMITTED

**Receive** contributions in a public building.

**Solicit** (written or verbal) contributions in a public building.

**Send invitations** to a fundraiser to a government building address or e-mail.

**Display** posters or fliers advertising a fundraiser.

**Solicitations** to public e-mail addresses.

### Examples of Prohibited Activities

- A candidate for mayor mails or e-mails a fundraising invitation to a sheriff at his place of work.
- A candidate for city council is in city hall paying her water bill and her friend sees her in the hallway. The friend hands the candidate a contribution check.
- DPW workers are eating lunch in a town's public works building. One worker asks if anyone wants to buy a \$10 ticket to his brother's pancake fundraiser for selectman (also a violation of the public employee statute).

- A campaign volunteer leaves a stack of campaign literature for a state rep. candidate on the public library community table. The literature mostly addresses issues, but includes a few lines asking readers to donate to the campaign.

### **Public Resources**

**Anderson v. City of Boston** (1978): Public resources may not be used for political campaign purposes. Public resources are anything that is paid for by the taxpayer.

#### **Examples of Public Resources**

**Phones:** Using the office phone or government-issued cell to call voters and ask them to vote for a candidate.

**Copiers:** Using a public school copier to make flyers asking residents to vote a certain way.

**E-mail:** A state employee uses his work e-mail to send a message asking the recipients to vote for a certain presidential candidate.

**Paper:** A school principal makes 1,000 copiers of a flyer asking parents to "vote yes" on a new high school building project, and send it home in student backpacks.

**Vehicles:** A mayor asks the DPW department to use municipal trucks to plant lawn signs around the city.

**Labor and employee time:** Jail employees call in sick to hold signs for a candidate for sheriff on election day.

**Exception:** Equal access. If one candidate can host a non-fundraising political event at the senior center, then all candidates must be able to host a political event under the same terms and conditions.

#### **Permitted Activities by Public Officials**

- Discuss a ballot question, including at public and private meetings.
- Take a position on a ballot question.
- Analyze the impact of a ballot question, even if public employee time is used.
- Provide copies of the agency's analysis of a ballot question to the attendees of meetings.
- Participate in a forum held by a private group.
- Speak to the media.
- Post information on a government bulletin board or website.
- Appear on cable television.
- Distribute information advising voters of the date of an election (please contact OCPF prior to distributing such information).

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