

**FRANKLIN TOWN COUNCIL  
MINUTES OF MEETING  
December 11, 2019**

A meeting of the Town Council was held on Wednesday, December 11, 2019, at the Franklin Municipal Building, Council Chambers, 355 East Central Street, Franklin, Massachusetts. Councilors present: Andrew Bissanti, Brian Chandler, Robert Dellorco, Eamon McCarthy Earls, Melanie Hamblen, Matthew Kelly, Thomas Mercer, Deborah Pellegri. Councilors absent: Glenn Jones. Administrative personnel in attendance: Jamie Hellen, Town Administrator; Mark Cerel, Town Attorney; Chrissy Whelton, Assistant to the Town Administrator.

**ANNOUNCEMENTS:** ►Chair Mercer announced the meeting is being recorded by *Franklin TV* and available for viewing on Comcast Channel 11 and Verizon Channel 29. This meeting may also be recorded by others.

**PRESENTATIONS/DISCUSSIONS:** *The state Office of Campaign and Political Finance will make a presentation.* ►Mr. Hellen stated this is a unique evening; it is almost a professional development and training session. He thanked Mr. Jason Tate, Office of Campaign and Political Finance (OCPF), for coming to Franklin. He stated Mr. Tate will give a presentation, and Town Council and audience members will have an opportunity to ask questions. He noted the community has had many questions on this item. ►Mr. Tate stated his office performs 60 to 70 such training seminars per year. He stated his slideshow presentation will focus on information for local ballot question elections and campaign finance law to help people understand the rules for campaign finance. He stated OCPF is an independent non-partisan agency that administers the campaign finance law, both audit and legal, and the disclosure of campaign finance activity. Their primary job is to help entities file reports on campaign finance. He noted that his office can be contacted with questions by phone or email. He stated that in addition to calling his office, it is also recommended to call the Ethics Commission on any issue. OCPF's primary focus is taking calls and helping candidates and different committees to raise money properly, spend it properly, and put the information in a report for the public to see. He will focus on ballot questions but will also answer candidate questions. He reviewed important ground rules for public employees, public buildings, and public resources. He stated disclosure of money raised and money spent is very important and the public needs to see it. Regarding both ballot questions and candidate election questions, public employees are prohibited from soliciting or receiving campaign contributions, directly or indirectly, 24-7, nationwide. He explained the requirements for the receipt of contributions, such as name and address of each donor, and occupation and employer of donor if the amount is above \$200. No public employee can physically receive the contributions. He stated that public employee violations are often found regarding solicitations. Fundraising calls and selling tickets to a fundraiser, both solicitation and receipt, are prohibited. Soliciting by public employees on social media is prohibited even from personal accounts. Public employees cannot appear on invitations. Public employees should not have fundraisers at their homes, although there is a spousal exemption. Public employees may not be treasurers of political committees. The solicitation or receipt of campaign contributions is prohibited in buildings used for governmental purposes, even during non-working hours. Solicitations to public email addresses are prohibited. He explained public resources and noted *Anderson v. City of Boston (1978)*: Public resources may not be used for political campaign purposes. He stated public resources include phones, paper, vehicles, copiers, labor and employee time, postage, and anything that is paid for by the taxpayer; public resources cannot be used for a campaign purpose. The use of public email for a political purpose is prohibited. He reviewed permitted actions by public officials and public employees: they can make donations, hold election signs on personal time only, take a position on a ballot questions, discuss a ballot question with parents during pick-up, support/oppose ballot questions on social media on their own time on their personal social media, attend a PTO meeting to discuss a ballot question on their own time, analyze the impact of a ballot question, and provide copies of agency's analysis/position on a ballot question for people attending public meetings of a governmental entity. They can, depending on the scope of the public employee's responsibility, speak to the press. They can post information on the school or town website although it should not look like a campaign website, and depending on scope of the public employee's responsibility, an official

may appear on cable television even during the workday. The use of public facilities is permitted as long as equal access is granted. ► Mr. Cerel emphasized there are some areas that overlap with state Ethics Law, and there is a set of rules that separately govern these issues which must be considered. ► Mr. Tate agreed and noted that both agencies must be consulted regarding these issues. He discussed ballot question committees which is when two or more people or entities pool their resources to support or oppose a ballot question. An M101 form must be filed. To bring in money, they must have a segregated bank account. There are no contribution limits for a ballot question committee. An M102 campaign finance report is due eight days before a general election and 30 days afterward. Reports are filed with the local election official. He showed the OCPF website and discussed the legal webpage. He reviewed how cases are resolved. He noted campaign finance law is a criminal statute. He stated that for the most part, they try to resolve issues in the office. Most cases are resolved through public resolution letters. Sometimes a disposition agreement is done if a lot of money is being dealt with or there was intent to deceive. He stated their office can refer a case to the Attorney General's office for criminal charges, which happens rarely. He noted OCPF has a quarterly newsletter. He stated OCPF is available to help candidate and ballot question campaigns and said to email or call the office for information or to ask questions.

**ADJOURN: ► MOTION to Adjourn by Dellorco. SECOND by Earls. No Discussion. ► VOTE: Yes-8, No-0, Absent-1. Meeting adjourned at 7:50 PM.**

Respectfully submitted,

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Judith Lizardi  
Recording Secretary



# OFFICE OF CAMPAIGN AND POLITICAL FINANCE

MUNICIPAL BALLOT QUESTIONS

## *What is OCPF?*



- Independent, non-partisan agency
- Director serves six-year terms
- Administers the campaign finance law (audit and legal)
- Disclosure of campaign finance activity



# Important Ground Rules

- Public employees
- Public buildings
- Public resources



MGL c. 55, Sec. 13 - 17



Public employees are prohibited from soliciting or receiving campaign contributions, directly or indirectly, 24-7, nationwide.



# Receipt of Contributions



## Solicitation



Fundraising  
Calls are  
Prohibited

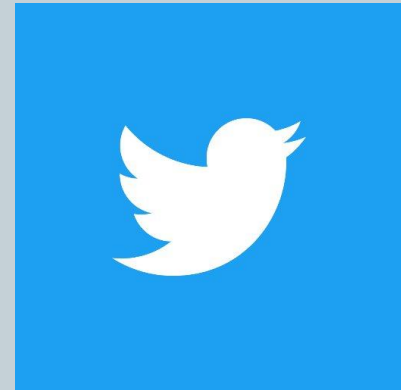


Selling tickets  
to a fundraiser  
(solicitation  
and receipt)





# PUBLIC EMPLOYEES & SOCIAL MEDIA



Soliciting by public employees on social media is prohibited, even from personal accounts

Public employees cannot appear on invitations

## VOTE YES Committee Invites You to a Night of Music

The Town Youth Choir singing contemporary hits

6 p.m. Opening remarks from the Mayor and School Superintendent

6:30 Dessert Bar Mingle

7:00 TYC concert (accompanied by the Rami Malek Band)

Event co-hosted by E Corp CEO Terry Colby and Police Chief Fernando Vera

Tickets are \$20 and available by e-mailing Angela at [angelamoss@gmail.com](mailto:angelamoss@gmail.com)

## Campaign Fundraisers are Prohibited at Public Employee Homes (Spousal Exception)



Public  
employees  
may not be  
treasurers of  
political  
committees





# Elected officials are exempt

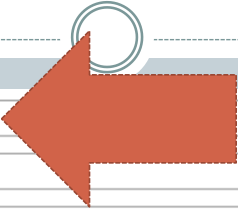


The solicitation or receipt of campaign contributions is prohibited in buildings used for governmental purposes. Prohibited even during non-working hours.





# Solicitations to Public E-Mail Addresses



Send

To... [GEORGEHOOD@LYNN.MA.EDU](mailto:GEORGEHOOD@LYNN.MA.EDU)

Cc...

Bcc...

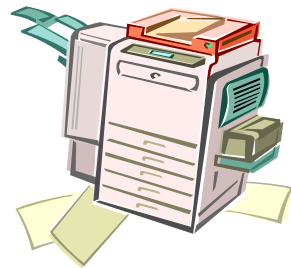
Subject Vote Yes Event

You are invited to the VOTE YES committee fundraiser Friday at 6 p.m. at the VFW. Tickets are \$25 and available at the door.

We hope to see you there!

## Public Resources

Anderson v. City of Boston  
(1978): Public resources may not be used for political campaign purposes



# Examples of Public Resources

Phones

Copiers

Paper

Labor and employee time

Vehicles

Postage



# Distribution



## Prohibited: Use of Public E-Mail for a Political Purpose

Send	From ▾	JONSNOW@PUBLICSCHOOL.MA.EDU
	To...	TLANNISTER@GMAIL.COM; HODOR@YAHOO.COM
	Cc...	
	Bcc...	
Subject:		ballot question

HI GUYS,

WE WERE TALKING ABOUT THE BALLOT QUESTION LAST NIGHT AND I PROMISED TO SEND YOU THE CONTACT LIST. [HERE IT IS](#). PLEASE CALL THESE PEOPLE AND ASK THEM TO VOTE YES ON THE QUESTION.

THANKS.

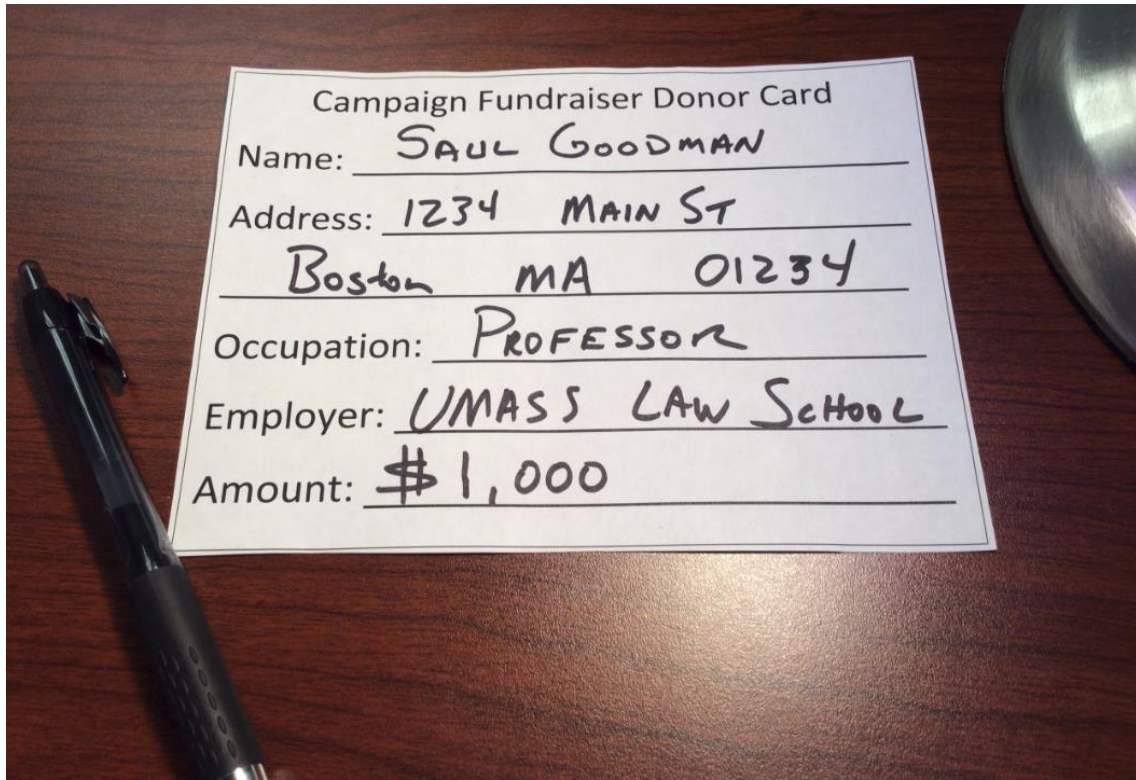
JON

## Permitted Actions by Public Officials and Public Employees



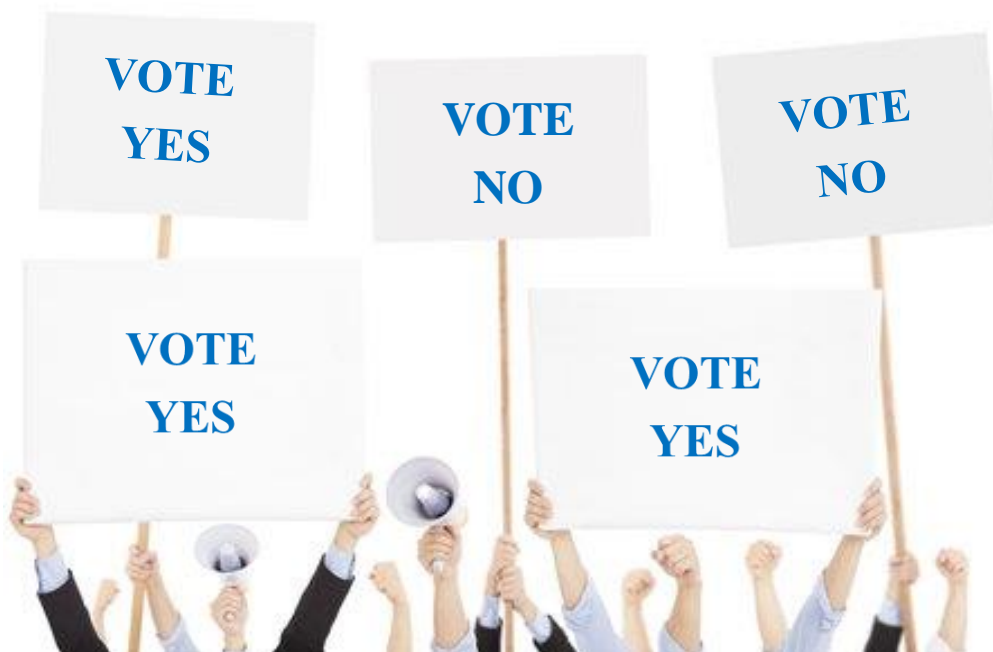
# Permitted Activities by Public Employees

## Make Donations



## Permitted: Hold election signs

(Personal time only)



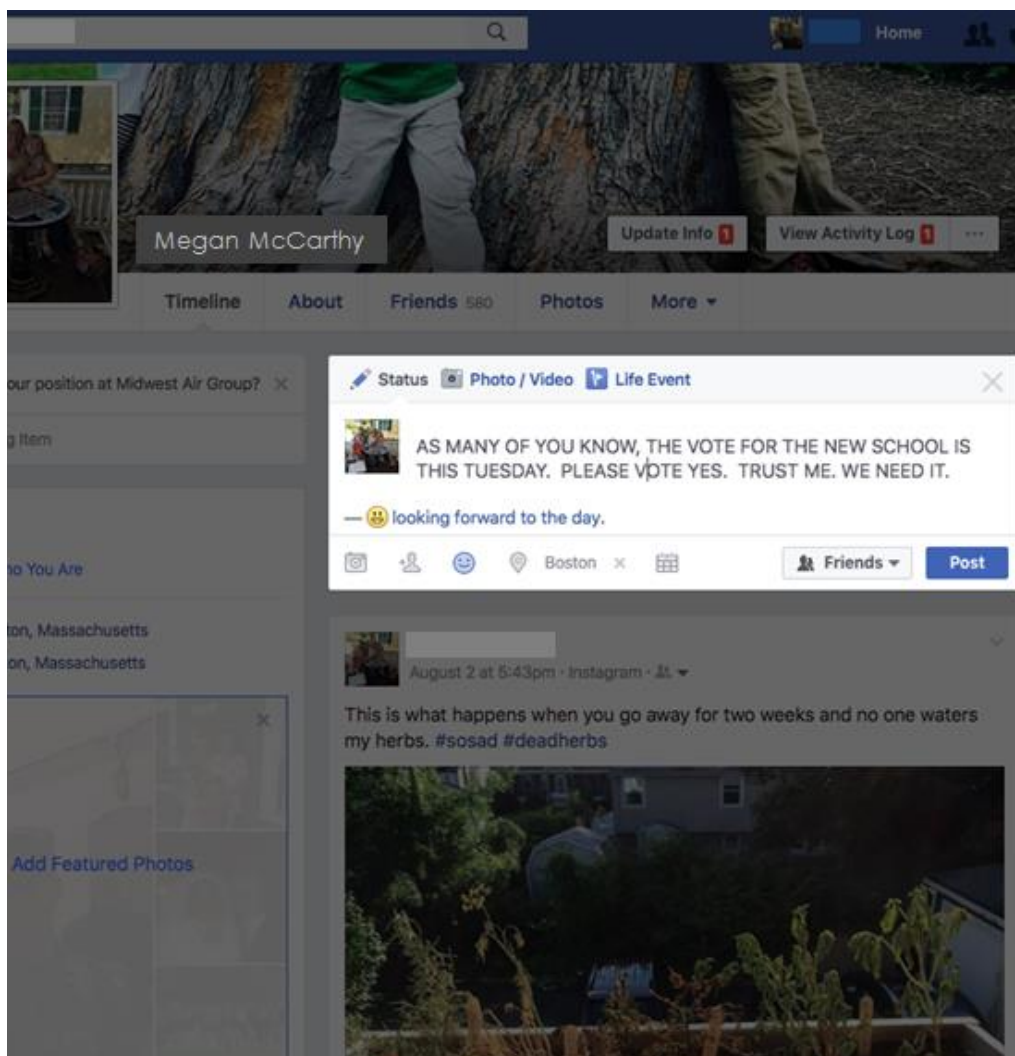


# Public employees can take a position on a ballot question



**Permitted: Discuss a ballot question with parents during pick-up**





**Permitted:** Public  
Employees can  
Support/Oppose BQ  
on social media

**Permitted: Attend a PTO meeting to discuss a ballot question on your own time**





# Analyze the impact of a ballot question

(Scope of responsibility)



Provide copies of an agency's analysis/position on a ballot question to people attending public meetings of a governmental entity



# Speak to the press

(scope of responsibility)



## Post information on the school or town website



### Information for new parents



Striving to be the best. In partnership with our community, Tawhai School will provide the skills, knowledge, experiences and values to enable children to reach their full potential.



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Quisque posuere, purus sit amet malesuada blandit, sapien sapien auctor arcu, sed pulvinar felis mi sollicitudin tortor. Maecenas

[Click here](#) for information about the Nov. 5 ballot question election





## Should not look like a campaign website



An official may appear on cable television, even during the workday  
(scope of responsibility)

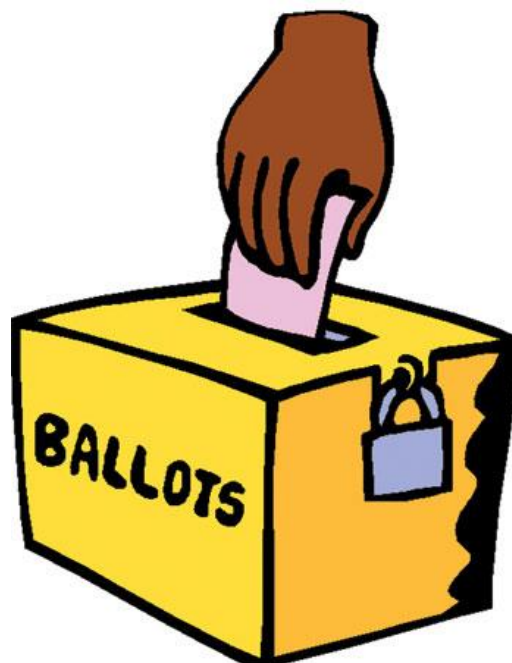


## Use of Facilities: Equal access



## Ballot Question Committees

- M101
- M102
- No Limits
- Reporting



# Resolving Cases

- Late Filers: \$25 fines assessed daily,  
up to \$5,000
- Public resolution letters
- Disposition agreements
  - Referral to AG