

# *TOWN OF ORANGE*

## *CANDIDATES' GUIDE TO*

## *CAMPAIGN PRACTICES*



*Published by  
Nancy M. Blackmer, MMC, CMMC, Town Clerk*

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## *INTRODUCTION*

**This booklet is designed to provide basic information about campaign practices for individuals seeking elected office in the Town of Orange. Pertinent Massachusetts General Laws and how they pertain to local elections are outlined within this booklet. While legal references are included, more detailed information can be obtained by contacting the Town Clerk's office (978-544-1100, ext. 101) or the Secretary of the Commonwealth, Elections Division, One Ashburton Place, Room 1705, Boston, MA 01208-1512 (800-462-VOTE).**

**For information concerning campaign finance issues, please contact the Office of Campaign and Political Finance, One Ashburton Place, Room 411, Boston, MA 02108 (800-462-OCPF).**

**POLITICAL CALENDAR RELATING TO THE  
2011 ANNUAL TOWN MEETING AND ELECTION**

**NOMINATION PAPERS**

- January 14, 2011 1:00 p.m.**    **Last day and hour to OBTAIN NOMINATION PAPERS**
- January 18, 2011 4:00 p.m.**    **Last day and hour to SUBMIT NOMINATION PAPERS to  
the Registrars of Voters for Certification of signatures**
- February 2, 2011 4:00 p.m.**    **Last day and hour for FILING WITHDRAWALS of or  
OBJECTIONS to nominations for the Annual Town  
Election**

\* \* \* \* \*

**REGISTRATION OF NEW VOTERS**

One may register to vote at the Office of the Town Clerk during regular business hours or by sending a mail-in voter registration form to the Office of the Town Clerk.

- February 22, 2011**                    **Last day and hour to register to vote before the Annual  
Town Election**
- March 7, 2011**                    **Annual Town Election**
- June 20, 2011**                    **Annual Town Meeting**

Any voter whose name or address has been changed during the year is advised to appear before the Town Clerk to have this information changed on the voting list.

\_\_\_\_\_  
Town Clerk--Orange, Massachusetts

A True Copy, ATTEST:  
(SEAL)

**2011 Annual Election  
Campaign Finance Filing Schedule  
Town of Orange**

The attached municipal campaign finance reports (Form CPF M102) must be filed by all candidates who are seeking election at Orange's March 1, 2010 annual election. This report should be filed as follows:

*PRE-ELECTION REPORT*

**DUE DATE: 8 DAYS PRIOR TO ELECTION – Monday, February 28, 2011 by close of business (4:00 p.m.)**  
This includes all financial activity through February 18, 2011 (10 days prior to due date)

*POST-ELECTION REPORT*

**DUE DATE: 30 DAYS AFTER THE ELECTION – Wednesday, April 6, 2011 by the close of business (4:00 p.m.)**  
This includes all financial activity from February 18, 2011 to March 27, 2011.

If you do not receive any contributions, spend any money (including your own) or incur any liabilities in connection with your campaign for municipal office, you may sign Form CPF M102-0 (available at the office of the Town Clerk).

Committees must be registered by filing Form CPF M101 – Statement of Organization of a Candidates Political Committee (available at the office of the Town Clerk).

*YEAR END REPORT*

**DUE DATE: January 20, 2012.** This report is required of candidates and committees that carry over cash balances or liabilities, have additional financial activity or are incumbents.

The obligation to file both before and after the election applies to all candidates, win or lose. Even those who do not raise or spend any money must sign a form saying they had no activity.

## ***NOMINATION PAPERS***

In order to be considered a candidate for elected office in the Town of Orange, individuals must first file a written statement of candidacy with the Town Clerk. Once nomination papers are issued, the candidate must obtain signatures of registered voters in the Town of Orange. The number of signatures required is equal to one percent of the entire vote cast for governor at the preceding biennial state election--currently 25 signatures. Signed nomination papers must be filed with the Town Clerk for the Board of Registrars' certification by the deadline indicated on the Political Calendar.

Blank nomination papers are prepared by the Secretary of the Commonwealth and supplied only to town clerks. State law prohibits the Secretary from supplying nomination papers directly to candidates for a local election.

The Town Clerk may distribute nomination papers only to candidates or to persons presenting signed authorizations for candidates seeking nomination to an elected office.

The name of the candidate, his/her residence with street and number, and the office which he/she seeks must be written or printed on all nomination papers. If the candidate is an incumbent, nomination papers may indicate that he/she is a candidate for re-election.

No candidate for town office is to be given more blank nomination papers than will contain five times the number of signatures required to be nominated.

### ***Gathering Signatures***

Although soliciting signatures in the public areas of municipal buildings is permissible if conducted in a reasonable and unobtrusive manner, candidates are forbidden to leave nomination papers or petitions on desks or counters in municipal offices to obtain required signatures. This practice may create the appearance that public employees are using their official authority to influence the outcome of an election, which is prohibited by statute. Public employees are prohibited from using office time and facilities to work for the success or defeat of a political candidate or ballot

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question.

Signatures for nomination papers or petitions may not be gathered within One Hundred Fifty (150) feet from the building entrance to any polling place.

### **Objections and Withdrawals**

When nomination papers are filed, they are considered valid unless written objections are made to them and filed with the Town Clerk within two weekdays after 5:00 p.m. of the filing deadline date. The Town Clerk transmits written objections to the Board of Registrars, who must render a decision within four days after the last day to file objections.

A candidate may withdraw his/her name from nomination by filing with the town clerk a written request signed before a notary public (other than the town clerk) within two weekdays after 5:00 p.m. of the filing deadline date.

### **Public Records**

Nomination papers, objections and withdrawals are public records and are open to public inspection. They will be preserved in the town clerk's office for one year from the filing date.

## ***POLITICAL ADVERTISING***

All printed political advertisements, whether in the form of a poster, a circular, or an advertisement in a periodical, must include information about its source. The name(s) of someone responsible for the contents must be printed on the advertisement. This can be the NAME(s) of:

- \* the chairman and treasurer of the campaign committee
- \* the names of two other officers of the campaign committee
- \* the name and residential address of one or more persons eighteen years of age or older

Also, advertisements in newspapers and periodicals have the following additional requirements:

- \* the word “advertisement” must precede the political advertisement and be in type not smaller than that of the body type
- \* a statement in substantially the following form must be submitted to the periodical:

“I hereby authorize the affixing of my name to the attached political advertisement on behalf of or in opposition to \_\_\_\_\_, candidate for \_\_\_\_\_, in the election to be held in the current year, or on behalf of or in opposition to a question being submitted to the voters in the election in the current year.”

Signature: \_\_\_\_\_

Address: \_\_\_\_\_

Date: \_\_\_\_\_

Witness' Signature: \_\_\_\_\_

This statement must be signed in the presence of a witness and the periodical that is printing the advertisement must retain the statement for at least a year for public perusal. (Legal reference: M.G.L. Ch. 56, § 39, 41)

**What Political Advertisements Must Not Include:**

- \* Unless the candidate is a veteran as defined by Mass. General Laws Ch. 47, § 7, he/she cannot use the word “veteran” as applied to himself/herself in any printed matter.
- \* No one may knowingly publish any false statement regarding a candidate or a question submitted to the voters if the statement is designed to help or hinder that candidate or question.
- \* No one may use the name of any person as an endorser or supporter of a candidate or a question without the express consent of such person.

These provisions impose criminal sanctions and are not enforced by the Secretary of the Commonwealth, nor the Office of Campaign and Political Finance. Violations of these sections should be brought to the attention of the District Attorney, or an individual may file a criminal complaint with the clerk magistrate in District Court to initiate prosecution.

**Campaign Signs, Posters, etc.:**

No poster, card, handbill, placard, picture or circular intended to influence the action of the voter shall be posted, exhibited, circulated or distributed in the polling place, in the building where the polling place is located, on the walls thereof, on the premises on which the building stands, or within **One Hundred Fifty (150) Feet** of the building entrance door to such polling place. Also, any candidate, member of a ballot question committee, or their workers are prohibited from remaining within 150' of a polling place for the purpose of greeting and/or promoting any candidacy or cause to be voted on at that election; however, they may conduct exit polling. Also, no posters or stickers may be posted, circulated or distributed within 150' and no person shall collect signatures on petitions or nomination papers within 150'. (Legal reference: M.G.L. Ch. 54, § 65)

Temporary signs for political advertising shall be permitted for a period not to exceed sixty (60) days prior to the election or vote advocated by such signs; such signs shall not exceed sixteen (16) square feet in area and shall be removed within five (5) days after the election or vote. (Legal reference: Orange Zoning By-Laws Sec. 3230)

## ***CAMPAIGN FINANCES***

Chapter 55 of the Mass. General Laws covers all aspects of campaign finance law for state and local elections. The Office of Campaign and Political Finance has prepared comprehensive guides on campaign finance activities as they relate to local candidates, political action committees (PACs), ballot question committees, town political party committees and public employees. For detailed information, consult the Campaign Finance guides (which can be obtained through the town clerk's office), the statute, or contact the Office of Campaign and Political Finance (800-462-OCPF).

If you are thinking of running for an elected office, you should contact your town clerk or the Office of Campaign and Political Finance before undertaking any activity. The campaign finance law has a very broad definition of "candidate" and an individual may be considered a candidate under the law well before any formal announcement is made.

### ***Statement of Organization of a Political Committee***

Although a candidate is not required by law to have a campaign committee, many candidates organize one on their behalf. Public employees who run for elected office must organize a committee and have the committee handle all fundraising, since public employees are prohibited from fundraising for political purposes.

No political committee may raise or spend any money until its treasurer has qualified for the office of treasurer by completing, signing and filing a statement of organization with the town clerk's office.

Candidates for local office, PACs operating at the local level, and committees organized to favor or oppose a question appearing on a town ballot must file reports of their financial activity with the town clerk.

### ***Disclosure and Reporting Requirements***

Political committees and candidates for municipal office are responsible for filing timely campaign finance reports disclosing their receipts and expenditures. Candidates are personally liable for a penalty of \$10 per day for every day that a required report is late, up to a maximum of \$2,500.

In order to learn about your particular reporting schedule, consult the “Campaign Finance Guide for Candidates for Municipal Office”.

### ***FORBIDDEN CONDUCT***

Massachusetts law prohibits the following activities with regard to political campaigning.

- \* No one may influence a person’s vote by paying money, giving a gift, threatening to fire, threatening to reduce wages, promising to hire or promising higher wages.
- \* Town employees may not use their official authority to influence the outcome of an election.
- \* Public funds or resources may not be used for the purpose of influencing election results.
- \* A political candidate or committee may not pay an owner or agent of a newspaper or periodical to advocate or oppose editorially any candidate or question.

### ***CAMPAIGNING ON ELECTION DAY***

No poster, card, handbill, placard, picture or circular intended to influence the action of the voter shall be posted, exhibited, circulated or distributed in the polling place, in the building where the polling place is located, on the walls thereof, on the premises on which the building stands, or within One Hundred Fifty (150) feet of the building entrance door to such polling place. Any candidate, member of a ballot question committee, or their workers are prohibited from remaining within 150' of a polling place for the purpose of greeting and/or promoting any candidacy or cause to be voted on at that election; however, they may conduct exit polling.

No posters or stickers may be posted, circulated or distributed within this distance and no person shall collect signatures on petitions or nomination papers within 150' of the entrance to any polling place.

Oral electioneering within 150' of the polling place is not forbidden by law; however, the presiding officer at each polling place is authorized to maintain order and to enforce obedience of his/her lawful commands in and

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about the polling place and to keep access thereto open and unobstructed.

No one may hinder, delay or interfere with a voter on the way to vote. Access to polling places must be open and unobstructed. (Legal reference: M.G.L. Ch. 54, § 65)

### **Public Observation**

Observers must be permitted inside the polling place outside the voting area throughout the day and after the polls close, unless they are disorderly or disrupt the access of voters.

Before the polls open, the ballot box must be shown to be empty to all observers. Candidates, or their authorized representative, may view the first sheet of the printer packs one-half hour before the polls open.

Observers may have copies of the voting list with them and may mark them. Election officers must distinctly announce the name, address and party (in a primary) of all voters before they vote when they “check in”.

No credentials are required for observers, but it would be courteous to notify the town clerk and/or warden in advance of observers’ intentions at the polling place.

At the moment that the polls are closed the constable will secure the voting area until such time that the voting machines are locked and the printer packs are posted for viewing.