

Petitions, Nomination Papers and Campaign Activities

Both the United States and Massachusetts Constitutions protect the right to solicit signatures on nomination papers and ballot question petitions in a reasonable and unobtrusive manner in open public areas. This includes the public areas of municipal property as well as the common areas of privately owned shopping centers. Distribution of printed material in connection with signature solicitation is also protected. The right of signature solicitation (along with other free-speech activities) on municipal sidewalks, in parks and in similar open public areas is clear. *Hague v. CIO*, 307 U.S. 496, 515-16 (1939).

In *Batchelder v. Allied Stores International, Inc.*, 388 Mass. 83, 445 N.E.2d 590 (1983) the Supreme Judicial Court held that Article 9 of the Massachusetts Constitution protects the right to solicit signatures, and to distribute related printed material, in the common areas of privately owned shopping centers, subject to reasonable regulations. At least the same amount of protection must apply on municipal property that is regularly open to the general public for municipal business.

Therefore, ballot-access and nomination paper signature solicitation must be allowed on municipal property that is regularly open to the general public for municipal business, subject only to reasonable time, place and manner regulations. By extension, the same rights apply to campaign activities on municipal property, except as limited by Section 65 of chapter 54 of the Massachusetts General Laws, which pertains to polling places.

In keeping with these protections, the Goodnow Library allows the collection of signatures for nomination papers, petitions, etc., as well campaign activities, in the library building, subject to conditions set by the Library Director or her designee, as long as the collectors do not violate Mass. General Law, Chapter 272, Section 41, which prohibits disturbing people in a public library "by making noise or in any other manner."

To this end, the Library Director designates only the lobby and walkways as areas in which signatures may be collected, or distributing campaign materials, and requires that the person(s) collecting signatures or distributing campaign materials may neither interfere with the ongoing activities of the library, nor prevent library users from freely entering or leaving the building. For the safety of all, the parking lot and driveways may not be used for collecting signatures or distributing campaign materials

Nomination papers and campaign materials should not be left unattended in any public building as it could be construed as using public funds (such as a table or town owned pens) to support a candidate. No nomination papers or campaign materials may be left unattended in Sudbury Town Buildings or at the Goodnow Library.