

## Petitions and Nomination Papers

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.

In keeping with these protections, the Goodnow Library allows the collection of signatures for nomination papers, petitions, etc. 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 the lobby and walkways as areas in which signatures may be collected, and requires that the person(s) collecting signatures may neither interfere with the ongoing activities of the library, nor prevent library users from freely entering or leaving the building.

Nomination papers 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 may be left unattended in Sudbury Town Buildings or at the Goodnow Library.