

## **2.13 Publicity in Library Facilities**

Non-profit organizations or their representatives may supply free flyers or literature on topics of educational, cultural, civic, social and recreational interest for display and distribution in areas of the Library reserved for this purpose. Due to space, safety and security considerations the library can only accept printed materials for display. Organizations may not set up their own table or actively disseminate information. Exceptions can be made by applying to the Board of Library Trustees at one of their monthly meetings. The Library's Electronic Signage Display is for Library-related information only.

Solicitation for political signatures follows state guidelines (*see copy of state guidelines at the bottom of the page*).

### **Procedure**

Staff members in various areas are designated in charge of publicity and will regulate items for posting or distribution. The staff members will act as a clearinghouse for materials that are brought to the Library to be made available. Flyers approved to be hung on bulletin boards will be marked on the front with the posting date. Staff will remove any outdated flyers or literature no longer relevant to the community. Flyers for recurring events will be reviewed every six months to determine if they need to be replaced. Any questionable materials should be brought to the attention of the Director and may be reviewed by the Board of Trustees.

### **Guidelines**

1. Commercial or political advertising is not accepted.
2. Because of limited space, the Library reserves the right to limit the size and arrangement of notices and other publications, as well as the time allowed for display and the number of publications supplied by any one person or group.
3. The Library also reserves the right to remove materials judged to be unsuitable.
4. The Library does not endorse and is in no way responsible for the views expressed in these notices and publications, nor is the Library responsible for the loss of or damage to any items on display.

*Approved by the Library Board of Trustees, February 2019*

### **Solicitation Of Signatures In Public Places**

The document below was provided to the library by the Massachusetts Elections Division concerning the solicitation of signatures at locations that includes public libraries. Ballot-access and nomination paper signature solicitation are permitted provided there is no interference with patrons, staff, or normal library operations.

### **The Commonwealth of Massachusetts**

William Francis Galvin, Secretary of the Commonwealth  
Elections Division

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).

#### **Public Areas of Privately Owned Shopping Centers:**

The state Supreme Judicial Court has provided guidance specifically to those persons gathering signatures in privately owned shopping centers. *Batchelder v. Allied Stores International, Inc.*, 388 Mass. 83, 445 N.E.2d 590 (1983). Although the *Batchelder* Court ruling was limited to gathering signatures on candidates' nomination papers, this standard also applies to gathering signatures on initiative and referendum petitions, under the Massachusetts Constitution. Mass. Const, amend art. 48. Shopping centers may adopt reasonable regulations that require signature gatherers to identify themselves, prevent them from harassing customers and obstructing pedestrian traffic, and allocate space and times among different groups of petitioners. It is therefore suggested that solicitors contact the management company of a privately owned shopping center to arrange for a mutually convenient time for such activity.

#### **Municipal Property:**

In *Batchelder* 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.

Please do not hesitate to contact Michelle K. Tassinari, Legal Counsel, at 617.727.2828 or 1.800.462.VOTE for more information on the right of individuals to gather signatures in public places.

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website: [www.state.ma.us/sec/ele](http://www.state.ma.us/sec/ele) • e-mail: [election@sec.state.ma.us](mailto:election@sec.state.ma.us)