

2.13 Publicity in Library Facilities and on Library Grounds

The Chelmsford Public Library is a resource for local information and community activities and events. In support of this mission, the library may accept free, printed flyers or literature on topics of educational, cultural, civic, social and recreational interest for display and distribution according to this policy.

Questions about items covered under this policy should be brought to the attention of the Director and may be reviewed by the Board of Library Trustees. Exceptions to this policy may only be made by the Board of Library Trustees or the Library Director.

Library Facilities:

Nonlibrary materials under this policy will only be displayed or shared in areas reserved for that purpose. Only library staff can add flyers or other printed materials to these areas.

Organizations may not set up their own table or actively disseminate information. The Library's Electronic Signage Display is for Library-related information only. The Library can only accept printed materials for display.

Library Grounds:

No publicity, informational, or messaging materials may be placed on Library grounds by any organization or group outside of the Library's sanctioned events. This includes (but is not limited to): signs, banners, literature holders, flags, electronic/digital signs or projections, or tables. Organizations, groups, and individuals may not actively disseminate information except as part of a "public gathering" and following the Library's Public Gathering Practices guidelines (see policy section 3.6).

Solicitation for political signatures inside or outside the library follows state guidelines (see *copy of state guidelines at the end of this policy*).

Procedure

Designated staff members will act as a clearinghouse for materials that are brought to the Library for posting or distribution.

- a. Priority will be given to Library-sponsored postings first, followed by official Town administration, Board, Committee, and Department postings.
- b. Postings must state the specific date of an event, deadline for action, or end date as well as a contact person and method.
- c. Flyers approved to be hung on bulletin boards will be marked on the front by library staff with the posting date.
- d. All materials (on bulletin boards or in other locations) will be reviewed regularly to determine if they need to be removed or replaced according to this policy.

- i. Staff may remove items that are outdated, because of space limitations, or other practical factors.

Types of items considered:

- a. Postings of future educational, social, civic, cultural, or recreational activities.
- b. Informational postings by nonprofit organizations, groups, agencies, or by any federal, state, or local government.
- c. Nonpartisan, local election information.

Exclusions:

- a. Political materials urging people to vote for or against a person or an issue.
- b. Postings designed for individual or commercial profit or gain. Submitting entity must be a non-profit organization or represent Town of Chelmsford administration, departments, boards, or committees.
- c. Postings containing content that could be considered discriminatory or harassing based on a group or individual's status protected by Federal, State, or local law, or which advocates in any way for such discrimination or harassment.

Guidelines

- a. 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.
- b. The Library reserves the right to refuse or remove materials that do not comply with established library policies or will have a negative impact on space, safety, or security.
- c. 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 Board of Library Trustees, March 2024

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.

04/06

One Ashburton Place, 17th Floor, Boston, Massachusetts 02108
(617)727-2828 • 1-800-462-VOTE (8683)
website: www.state.ma.us/sec/ele • e-mail: election@sec.state.ma.us