

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Garrett J. Bradley**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to campaign finance.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Cory Atkins	14th Middlesex
Garrett J. Bradley	3rd Plymouth
James H. Fagan	3rd Bristol

# The Commonwealth of Massachusetts

\_\_\_\_\_  
In the Year Two Thousand and Nine  
\_\_\_\_\_

## AN ACT RELATIVE TO CAMPAIGN FINANCE.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 9 of chapter 53 of the General Laws, as appearing in the 2008 Official  
2 Edition, is hereby amended by striking out, in lines 21 and 22 and in line 25, the words “fifty-  
3 five A” and inserting in place thereof, in each instance, the following figure:- 55C.

4 SECTION 2. Section 1 of chapter 55 of the General Laws, as appearing in the 2008 Official  
5 Edition, is hereby amended by inserting after the definition of “Candidate’s committee” the  
6 following definition:-

7 “Clearly identified candidate”, a candidate whose name, photo or image appears in a  
8 communication or a candidate’s identity is apparent by unambiguous reference in a  
9 communication.

10 SECTION 3. Said section 1 of said chapter 55, is hereby further amended by inserting after the  
11 definition of “contribution” the following definition:-

12 “Designated contribution committee”, a political committee established for the primary purpose  
13 of accepting contributions designated by the contributor to be directed to a candidate or  
14 candidate’s committee, a party committee, or a ballot question committee, and which forwards  
15 such contributions to the designated recipient, either as a single payment of funds or as part of a  
16 payment which aggregates multiple contributions designated for a single candidate or committee,  
17 within 10 days of receipt without any exercise of discretion over the amount contributed or who  
18 shall be the designated recipient, which does not make any other contributions to candidates or  
19 committees and which does not select candidates to support on any basis other than political  
20 party, does not endorse candidates, does not advocate for or engage in any business, trade, or  
21 public policy, or any other substantive agenda other than accepting and forwarding contributions  
22 as herein specified and is not affiliated with another organization, business, association, or  
23 political committee with a substantive agenda, business, or trade.

24 SECTION 4. Said section 1 of said chapter 55, is hereby further amended by inserting after the  
25 definition of “Election” the following definition:-

26 “Electioneering Communication” shall mean any broadcast, cable, mail, satellite, or print  
27 communication that fulfills each of the following conditions:1) the communication refers to a  
28 clearly identified candidate; and 2) the communication is publicly distributed within 90 days  
29 immediately preceding an election in which the candidate is seeking election or reelection.

30 SECTION 5. Said section is hereby further amended by inserting after the definition of  
31 “Expenditure” the following definition:-

32 "Independent expenditure", an expenditure made, or liability incurred, by an individual, group, or  
33 association for goods or services expressly advocating the election or defeat of a clearly

34 identified candidate which is made or incurred without cooperation or consultation with any  
35 candidate, or a nonelected political committee organized on behalf of a candidate, or any agent  
36 of a candidate and which is not made or incurred in concert with, or at the request or suggestion  
37 of, any candidate, or any nonelected political committee organized on behalf of a candidate or  
38 agent of such candidate.

39 SECTION 6. Said section 1 of said chapter 55, is hereby further amended by adding the  
40 following paragraph:-

41 The following communications are not an “electioneering communication”: 1) a  
42 communication that is disseminated through a means other than a broadcast station, radio station,  
43 cable television system or satellite system, newspaper, magazine, periodical, or billboard  
44 advertisement, or mail, provided however, that communications to less than 100 recipients shall  
45 be exempt; 2) a news story, commentary, letter to the editor, news release, column, op-ed, or  
46 editorial broadcast by a television station, radio station, cable television system or satellite  
47 system, or printed in a newspaper, magazine, or other periodical in general circulation; 3)  
48 expenditures or independent expenditures or contributions that must otherwise be reported under  
49 this chapter; 4) a communication from a membership organization exclusively to its members  
50 and their families, otherwise known as a membership communication; 5) bona-fide candidate  
51 debates or forums and advertising or promotion of the same; and 6) internet or email.

52 SECTION 7. Section 2 of said chapter 55, as so appearing, is hereby amended by inserting  
53 after the third paragraph, the following paragraph:-

54 With respect to contributions received through a designated contribution committee, the  
55 candidate shall keep a detailed account as required by this section of the initial designated

56 contribution. The designated contribution committee through which the contribution is made  
57 shall provide the candidate all of the information relating to the initial contributor which is  
58 required by this section to be kept within three business days after receiving the contribution.

59 SECTION 8. The eighth paragraph of section 3 of said chapter 55, as so appearing, is hereby  
60 amended by adding the following two sentences:- The name of a candidate who fails to file any  
61 statement or report after receiving notice under this section of such failure and who continues to  
62 fail to file such statement or report after the institution of civil proceedings under this section to  
63 compel such filing shall not appear on a state ballot after the initiation of such civil proceedings,  
64 until such time as the statement or report is filed, and the director shall inform the state secretary  
65 of such failure prior to the deadline for filing nomination papers with the state secretary for such  
66 candidate pursuant to chapter 53. Any candidate who files such statement or report with the  
67 director after the deadline for filing nomination papers with the secretary shall not be allowed on  
68 the state ballot.

69 SECTION 9. The eleventh paragraph of said section 3 of chapter 55, as so appearing, is hereby  
70 further amended by striking the last sentence and inserting in place thereof the following three  
71 sentences:- For a candidate who is holding elective office whose term of office is 3 or more  
72 years, for the treasurer of the political committee organized on behalf of such candidate, or for  
73 any person or entity supporting or opposing such candidate, evidence of any violation of this  
74 chapter, if submitted to the attorney general prior to the next election for the office held by the  
75 candidate that occurs after the violation, shall be submitted no later than 2 years prior to such  
76 election, and if submitted after the election, such evidence may not be submitted more than 3  
77 years after said election. For all other persons or entities under investigation for violations  
78 relating to an identifiable election, evidence of any violation of this chapter shall be presented by

79 the director to the attorney general only after the next relevant election, but within 3 years after  
80 said election. If the evidence does not relate to an identifiable election, referral shall take place  
81 within 3 years of the violation.

82 SECTION 10. The twelfth paragraph of said section 3 of said chapter 55, as so appearing, is  
83 hereby further amended by striking out the second sentence and inserting in place thereof the  
84 following sentence:- Said civil penalty shall be in the amount of \$25 per day; provided, however,  
85 that the maximum penalty the director may assess shall be no greater than \$5,000 for any one  
86 report, statement or affidavit which is filed later than the prescribed date.

87 SECTION 11. Chapter 55 is hereby amended by striking out section 6, as so appearing, and  
88 inserting in place thereof the following section:-

89 Section 6. A political committee organized or operating on behalf of a candidate for the office of  
90 governor, lieutenant governor, attorney general, state secretary, treasurer and receiver general, or  
91 auditor may receive, pay and expend money or other things of value for reasonable and  
92 necessary expenses directly related to the campaign of such candidate but shall not make any  
93 expenditure that is primarily for the candidate's or any other person's personal use; provided,  
94 however, that no such committee may contribute to any other political committee or to the  
95 campaign fund of any other candidate, except that such committee may contribute to a political  
96 committee of a political party, provided that: (a) the aggregate of all contributions to any one  
97 such political committee shall not exceed the sum of \$150 in any 1 calendar year; and (b) the  
98 aggregate of all such contributions shall not exceed the sum of \$2,200 in any 1 calendar year;  
99 and, provided further, that the director shall establish reasonable rules and regulations concerning  
100 such expenditures.

101 Any other political committee, duly organized, may receive, pay and expend money or other  
102 things of value for the enhancement of the political future of the candidate or the principle, for  
103 which the committee was organized so long as such expenditure is not primarily for the  
104 candidate's or any other person's personal use, provided, however, that the director shall establish  
105 reasonable rules and regulations concerning such expenditures; and provided, further, that such  
106 committee may contribute to other political committees and may contribute to the campaign fund  
107 of a candidate; and provided, further, that the aggregate of all such contributions made by such a  
108 committee organized on behalf of a candidate to another non-elected political committee  
109 organized on behalf of a candidate shall not exceed in any 1 calendar year the sum of \$150; and  
110 provided further, that the aggregate of all such contributions made by such a committee  
111 organized on behalf of a candidate to other non-elected political committees organized on behalf  
112 of candidates shall not exceed in any 1 calendar year the sum of \$2,200.

113

114 Except as otherwise provided in section 6A or 6B, a political committee not organized on behalf  
115 of an individual candidate may contribute to another political committee not organized on behalf  
116 of an individual candidate; provided, however, that the aggregate of all such contributions for the  
117 benefit of the political committees of any one political party shall not exceed in any 1 calendar  
118 year the sum of \$7,350; and provided, further, that the aggregate of all such contributions for the  
119 benefit of any one such political committee other than a political party committee shall not  
120 exceed in any 1 calendar year the sum of \$750. A political committee not organized on behalf of  
121 an individual candidate, other than a political party committee, may contribute to the campaign  
122 fund of a candidate; provided, however, that the aggregate of all such contributions for the  
123 benefit of any one candidate and such candidate's committee shall not exceed the sum of \$750 in

124 any 1 calendar year. The political committee of a political party may contribute to the campaign  
125 fund of a candidate; provided, however, that the aggregate of all contributions of money for the  
126 benefit of any one candidate and the non-elected political committee organized on such  
127 candidate's behalf shall not exceed in any 1 calendar year the sum of \$4,400 in the case of the  
128 state committee and the sum of \$1,500 in the case of each town or ward committee. For the  
129 purposes of the limitations established by this section, all campaign contributions made by  
130 political committees established, financed, maintained or controlled by any person, including any  
131 parent committee of a subsidiary committee or any person other than a natural person, shall be  
132 considered to have been made by a single political committee. Nothing in this section shall be  
133 construed to permit contributions to political committees which are otherwise prohibited by this  
134 chapter.

135 Such committee may place such funds in a savings account or money market to earn interest  
136 thereon but may not invest its funds or other things of value in any other manner.

137 For the purposes of this section the term "personal use" shall not include expenses relating to the  
138 provision of constituent or legislative services or to the opening or maintaining of a legislative  
139 district office, provided that said expenses are not otherwise paid, provided or reimbursed by the  
140 commonwealth or any other governmental body.

141 The sums referenced in this section shall be indexed biennially for inflation by the director, who,  
142 not later than December thirty-first of each even numbered year beginning with 2010, shall  
143 calculate and publish such indexed amount, using the federal consumer price index for the  
144 Boston statistical area. Such sums, after being calculated as above, shall be increased to the  
145 nearest \$50; provided, that, if such resulting amount is less than \$50, the director shall retain a



146 record of the resulting amount, when added to the resulting amount calculated in each even  
147 numbered year since the last adjustment was made equals or exceeds \$50.

148 Violation of any provision of this section or section 6A or 6B shall be punished by imprisonment  
149 for not more than 1 year or by a fine of not more than \$1,000.

150 SECTION 12. Said chapter 55 is hereby amended by striking out section 6A, as so appearing,  
151 and inserting in place thereof the following section:-

152 Section 6A. A candidate and such candidate's committee shall not accept any contribution from  
153 a political action committee if such contribution would result in such candidate and such  
154 committee together receiving from all political action committees aggregate contributions in any  
155 calendar year in excess of the following amounts:

156 (a) a candidate for governor, including contributions jointly to such candidate for governor and a  
157 candidate for lieutenant governor in a state election-- \$220,500;

158 (b) a candidate for lieutenant governor-- \$45,950;

159 (c) a candidate for attorney general—\$91,900;

160 (d) a candidate for state secretary, state treasurer, and state auditor—\$55,150;

161 (e) a candidate for state senator, county commissioner, governor's councillor, district attorney,  
162 clerk of courts, register of probate, registrar of deeds or any other county officer--\$27,550;

163 (f) a candidate for state representative--\$11,050.

164 The contribution limits referenced in this section shall be indexed biennially for inflation by the  
165 director, who, not later than December thirty-first of each even numbered year beginning with  
166 2010, shall calculate and publish such indexed amount, using the federal consumer price index  
167 for the Boston statistical area. Such contribution limit, after being calculated as above, shall be

168 rounded to the nearest \$50; provided, that, if such resulting amount is less than \$50, the director  
169 shall retain a record of the resulting amount, when added to the resulting amount calculated in  
170 each even numbered year since the last adjustment was made equals or exceeds \$50.

171 SECTION 13. Chapter 55 is hereby amended by striking out section 7A, as so appearing, and  
172 inserting in place thereof the following section:-

173 Section 7A. (a)(1) An individual may make campaign contributions to candidates or candidates'  
174 committees; provided, however, that the aggregate of all such contributions for the benefit of any  
175 one candidate and that candidate's committee shall not exceed the sum of \$750 in any calendar  
176 year.

177 (2) An individual may in addition make campaign contributions for the benefit of elected  
178 political committees or non-elected political committees organized on behalf of a political party;  
179 provided, however, that the aggregate of such campaign contributions for the benefit of the  
180 political committees of any one political party shall not exceed in any one calendar year the sum  
181 of \$7,350.

182 (3) An individual may in addition make campaign contributions to any political committee not  
183 specified in paragraph (1), (2) or (4); provided, however, that the aggregate of such campaign  
184 contributions to any one such political committee shall not exceed in any one calendar year the  
185 sum of \$750.

186 (4) An individual may in addition make contributions without limitation to ballot question  
187 committees.

188 (5) Notwithstanding any other provision of this subsection, the aggregate of all contributions  
189 from any one individual to all candidates and candidate's committees shall not exceed the sum of

190 \$18,400 in any one calendar year;

191 (b) Notwithstanding any other provision of this chapter, the aggregate of all contributions by a  
192 legislative or executive agent for the benefit of any one candidate and such candidate's  
193 committee shall not exceed the sum of \$200 in any one calendar year. Notwithstanding any other  
194 provision of this chapter, the aggregate of all contributions by a legislative or executive agent to  
195 any other political committee, other than a ballot question committee, shall not exceed the sum  
196 of \$200 in any one calendar year.

197 (c) The contribution and aggregate amount limits referred to in this section shall be indexed  
198 biennially for inflation by the director, who, not later than December thirty-first of each even  
199 numbered year beginning with 2010, shall calculate and publish such indexed amount, using the  
200 federal consumer price index for the Boston statistical area. Such limits, after being calculated  
201 as above, shall be rounded to the nearest \$50; provided, that, if such resulting amount is less than  
202 \$50, the director shall retain a record of the resulting amount, when added to the resulting  
203 amount calculated in each even numbered year since the last adjustment was made equals or  
204 exceeds \$50.

205 (d) For purposes of the limitations on contributions, a contribution to a designated contribution  
206 committee which is forwarded to the designated recipient shall be treated in all respects as a  
207 direct contribution from the original contributor to the designated recipient.

208 SECTION 14. Section 8 of said chapter 55, as so appearing, is hereby amended by inserting  
209 after the second paragraph the following new paragraph:-

210 No group or association not defined as a political committee, that is funded in whole or in  
211 part by such corporation, shall make any gift, payment, expenditure, contribution or promise to

212 give, pay, expend or contribute for use for an electioneering communication or communications,  
213 nor shall such corporation directly or indirectly give, pay, expend or contribute, or promise to  
214 give, pay, expend or contribute, any money or other valuable thing for the purpose of making an  
215 electioneering communication except for a voter guide or questionnaire where all candidates  
216 running for the same office are asked the same question or questions and where all such  
217 candidates are given an equal opportunity to respond to each question or questions, provided that  
218 said questionnaire or guide does not contain additional language, images, or symbols, conveying  
219 support or opposition to the opinions of the candidates.

220 SECTION 15. Section 10A of said chapter 55, as so appearing is hereby amended by adding the  
221 following paragraph:-

222 (h) A contribution to a designated contribution committee shall not be considered a  
223 contribution made through an intermediary or conduit.

224 SECTION 16. Section 18 of said chapter 55, as so appearing, is hereby amended by striking out  
225 the first paragraph, and inserting in place thereof the following paragraph:-

226 Each candidate and each treasurer of a political committee shall, except as provided in  
227 this section and section 24, file with the director. Candidate committees organized on behalf of  
228 candidates seeking public office at a municipal election shall file with the director if the  
229 committee is organized on behalf of a candidate for mayor in a municipality with a total  
230 population, as determined by the most recent decennial federal census, of between 50,000 and  
231 100,000 persons, or if the committee is required to file with the director by section 19. All other  
232 committees primarily organized for the purpose of a city or town election shall file reports with  
233 the city or town clerk. A committee organized under section 5 to favor or oppose a question  
234 submitted to the voters shall file its reports with the director if the question appears on ballots at

235 a state election, or with the city or town clerk if the question appears on ballots at a city or town  
236 election or for use in a city or town or at a state election. Reports of contributions received and  
237 expenditures made shall be filed using forms prescribed by the director.

238 SECTION 17. The second paragraph of said section 18 of said chapter 55, as so appearing, is  
239 hereby amended by striking clause (a) and inserting in place thereof the following clause:-

240 (a) by each candidate for nomination or election to the state senate or house of representatives,  
241 and by the non-elected political committee organized on behalf of such candidate, on or before:  
242 (i) the twentieth day of July complete as to the thirtieth day of June; (ii) the eighth day preceding  
243 a primary, the eighth day preceding a biennial state election, and, as a final report, the twentieth  
244 day of January in the following year complete as to the thirty-first day of December of the prior  
245 year; and (iii) the eighth day preceding a special primary, including a convention or a caucus, the  
246 eighth day preceding a special election, the thirtieth day following a special election, and, as a  
247 final report, the twentieth day of January in the following year complete as to the thirty-first day  
248 of December of the prior year.

249 SECTION 18. Clause (h) of said second paragraph of said section 18 of said chapter 55, as so  
250 appearing, is hereby amended by adding the following sentence:- Candidates for the state senate  
251 or house of representatives, the nonelected political committees organized on behalf of such  
252 candidates, and all other political committees that file reports with the director which are not  
253 otherwise required to file reports on the twentieth day of July, with the exception of political  
254 committees that file in accordance with section 19, ballot question committees, political party  
255 committees, and political committees not required to file with the director, shall also file mid-  
256 year reports on or before the twentieth day of July in each year.

257 SECTION 19. The third paragraph of said section 18 of said chapter 55, as so appearing, is  
258 hereby amended by striking out the last sentence and inserting in place thereof the following two  
259 sentences:- For all candidates and all political committees, if said report is not an initial report,  
260 the reporting period of such reports required to be filed on or before the twentieth day of July in  
261 each year shall commence on the first day of January of that year, or on the day following the  
262 end of the reporting period of the last report filed, if any, whichever period is shorter, and shall  
263 end as of the thirtieth day of June of said year. The reporting period for the report required to be  
264 filed on or before the twentieth day of January in each year shall commence on the first day of  
265 July of the prior year, or on the day following the end of the reporting period of the last report  
266 filed, if any, whichever period is shorter, and shall end as of the thirty-first day of December of  
267 said prior year.

268 SECTION 20. Said section 18 of said chapter 55, as so appearing, is hereby further amended by  
269 inserting after the thirteenth paragraph the following paragraph:-

270 In addition, each year-end campaign finance report filed by a candidate or non-elected  
271 political committee required to designate a depository by section 19, who also maintains or who  
272 has maintained a savings account or accounts or a money market account or accounts, shall  
273 include, for each reporting period, the total amount of transfers from the designated depository  
274 account into each such account, interest earned by each such account, transfers from each such  
275 account, if any, held by the candidate or political committee during the reporting period, and the  
276 balance in each such account at the end of the reporting period. Nothing in this section shall  
277 authorize a transfer made from such savings or money market accounts to an account other than  
278 the depository account established by a candidate or committee in accordance with section 19.

279 SECTION 21. Said section 18 of said chapter 55, as so appearing, is hereby further amended by  
280 striking out, in line 253, the words “the Local Aid Fund” and inserting in place thereof the  
281 words:- the General Fund.

282 SECTION 22. Said section 18 of said chapter 55, as so appearing, is hereby further amended by  
283 adding the following two paragraphs:-

284         With respect to contributions received by a designated contribution committee and  
285 forwarded to the intended recipient which are subject to the reporting requirements of this  
286 section, the designated contribution committee shall report the initial contributor’s information  
287 with a notation indicating the name of the candidate or committee designated as the intended  
288 recipient of the contribution. Multiple contributions forwarded to the same designated recipient  
289 in a single aggregated payment shall be reported by the designated contribution committee as if  
290 they were separate individual payments and shall indicate the name of the initial contributor of  
291 each.

292         A candidate or committee receiving contributions from a designated contribution  
293 committee shall also report the initial contributor’s information just as if the contribution were a  
294 direct contribution from the contributor to the candidate. The designated contribution committee  
295 through which the contribution is made shall provide the designated recipient with the  
296 information relating to the initial contributor which is required to be reported pursuant to this  
297 section within 3 business days after receiving the contribution.

298 SECTION 23. Said chapter 55 is hereby further amended by striking out section 18A, as so  
299 appearing, and inserting in place thereof the following section:-

300 Section 18A. (a) Every individual, group or association not defined as a political committee, who  
301 makes an independent expenditure or expenditures in an aggregate amount exceeding \$250

302 during any calendar year for the express purpose of promoting the election or defeat of any  
303 candidate or candidates shall file with the director, except as provided in subsection (c), within 7  
304 business days after the goods and services for which the independent expenditure was made are  
305 utilized to advocate the election or defeat of a clearly identified candidate, on a form prescribed  
306 by the director, a report stating: the name and address of the individual, group or association  
307 making the independent expenditure or expenditures; the name of the candidate or candidates  
308 whose election or defeat the expenditure promoted; the name and address of the person or  
309 persons to whom the expenditure or expenditures were made; the total amount or value; and the  
310 purpose and the date of the independent expenditure or expenditures.

311 (b) In addition to any reports required by subsection (a), any individual, group, association or  
312 political committee that makes an independent expenditure in an aggregate amount exceeding  
313 \$250 after the tenth day, but more than 24 hours, before the date of any election, shall file a  
314 preliminary report within 48 hours of making the independent expenditure or expenditures,  
315 disclosing the name and address of the individual, group or association making the expenditure  
316 or expenditures; the name of the candidate or candidates whose election or defeat the expenditure  
317 promoted; the name and address of the person or persons to whom the independent expenditure  
318 or expenditures were made; and the purpose and the date of the expenditure or expenditures. Said  
319 individual, group, association or political committee shall file an additional preliminary report  
320 within 48 hours after each time the individual, group, association or political committee makes  
321 additional independent expenditures aggregating an additional \$250 with respect to the same  
322 election as that to which the initial report relates, and shall also file any report required by  
323 subsection (a).



324 (c) The reports required by this section shall be filed with the director as outlined in section 18C  
325 if expenditures are made to promote the election or defeat of any candidate who files with the  
326 director. Reports required by this section shall be filed with the city or town clerk if the  
327 expenditures are made to promote the election or defeat of any candidate seeking public office at  
328 a city or town election who does not file with the director.

329 (d) Violation of any provision of this section shall be punished by imprisonment for not more  
330 than 1 year or by a fine of not more than \$5,000.

331 SECTION 24. Subsection (b) of section 18C of said chapter 55, as so appearing, is hereby  
332 amended by inserting after the figure \$10,000, in line 19, the following words:- ; or (4) every  
333 individual, group, or association who makes an independent expenditure or electioneering  
334 communication expenditure in an aggregate amount exceeding \$250 during any calendar year.

335 SECTION 25. Said section 18C of said chapter 55, as so appearing, is hereby amended by  
336 inserting after the word “under”, in line 21, the following words:- clause (1), (2) or (3) of.

337 SECTION 26. Subsection (b) of said section 18C of said chapter 55, as so appearing, is hereby  
338 amended by adding the following five clauses:-

339 (4) Every political committee organized on behalf of a candidate that files with the director, and  
340 every ballot question committee that files with the director, which receives a contribution in the  
341 amount of \$500 or more after the eighteenth day, but more than 24 hours, before the date of a  
342 special, primary or general election, shall file a report to disclose the information required by this  
343 chapter, within 48 hours of receiving such contribution.

344 (5) Every state committee referred to in section 1 of chapter 52 and required to designate a  
345 depository by section 19, which receives a contribution in the amount of \$5,000 or more after the  
346 eighteenth day, but more than 24 hours, before the date of a special, primary or general election,  
347 shall file a report to disclose the information required by this chapter, within 48 hours of  
348 receiving such contribution.

349 (6) For any political committee required to file campaign finance reports electronically with the  
350 director, any reports filed pursuant to section 18D made to disclose expenditures by vendors of  
351 the committee to subvendors.

352 (7) Any individual, group, association or political committee that is required to file a report of  
353 independent expenditures with the director in accordance with subsections (a) or (b) of section  
354 18A.

355 (8) Each candidate's committee organized on behalf of a candidate for mayor in a municipality  
356 with a total population, as determined by the most recent decennial federal census, of between  
357 50,000 and 100,000 persons, if the committee, during the election cycle, can reasonably expect  
358 to raise or spend more than \$5,000.

359 SECTION 27. Said chapter 55 is hereby further amended by inserting after section 18C the  
360 following section:-

361 Section 18D. (a) For the purpose of this section, unless a different meaning clearly appears from  
362 the context, the following words shall have the following meanings:

363 "Expenditure", any payment made or liability incurred by a vendor on behalf of a political  
364 committee.

365 “Subvendor”, a person or entity that provides goods or services to a vendor or who contracts  
366 with a vendor to provide goods or services to a committee.

367 “Vendor”, any person or entity, such as a consultant, who provides goods or services to a  
368 political committee that files with the director and either receives or is promised \$5,000 or more  
369 in the aggregate during a calendar year by the committee for such goods or services, or contracts  
370 with another on behalf of the committee for such goods or services valued at \$5,000 or more in  
371 the aggregate to be provided to the committee.

372 (b) A vendor that makes an expenditure on behalf of a political committee shall provide the  
373 political committee with a detailed account of the expenditure including but not limited to the  
374 date of the expenditure, the payee, the full name and address of the subvendor, the purpose of the  
375 expenditure, and the amount of the expenditure, within 5 days of making such expenditure.

376 (c) A political committee that makes a payment to a vendor or incurs a liability to a vendor shall  
377 file reports with the director disclosing the full name and address, listed alphabetically, of each  
378 subvendor receiving payments of more than \$500 in the aggregate during a calendar year from  
379 the vendor, and of each subvendor to whom a liability of more than \$500 was incurred. The  
380 contents of such report shall include the information required by section 18 and be disclosed on a  
381 form prescribed by the director.

382 For committees required to designate a depository account under section 19, the reports must be  
383 filed on or before the fifth day of each month covering the preceding month; for other  
384 committees, the report must be filed in accordance with the schedule established by section 18.

385 (d) Vendors shall keep detailed accounts of all expenditures made on behalf of political  
386 committees.

387 SECTION 28. Said chapter 55, as so appearing, is hereby amended by inserting after section  
388 18D the following new section:-

389 Section 18E. Every individual, group or association not defined as a political committee,  
390 who makes an electioneering communication expenditure or expenditures, in an aggregate  
391 amount exceeding \$250, shall electronically file with the director, within 7 business days after  
392 making such an expenditure, a report stating the name and address of the individual, group or  
393 association making the electioneering communication; the name of the candidate or candidates  
394 clearly identified in the communication; the total amount or value of the communication; the  
395 name and address of the vendor to whom the payments are made; and the purpose and date of the  
396 expenditure or expenditures. In addition, any individual, group, or association not defined as a  
397 political committee, who makes an electioneering communication expenditure or expenditures,  
398 in an aggregate amount exceeding \$250 during any calendar year, who receives funds for the  
399 purpose of making such electioneering communications shall include in said electronic filing the  
400 date the funds were received and the name and address of the provider of any such funds in  
401 excess of \$200, if any. The reports required by this section shall be filed with the director as  
402 outlined in section 18C if expenditures are made to promote the election or defeat of any  
403 candidate who files with the director. Reports required by this section shall be filed with the city  
404 or town clerk if the expenditures are made to promote the election or defeat of any candidate  
405 seeking public office at a city or town election who does not file with the director.

406 Any person, group or association that makes or contracts to make electioneering  
407 communications aggregating \$250 or more within 10 days prior to the date of an election shall

408 file a report containing the information required by this section within 48 hours of making such  
409 expenditure.

410 Violation of any provision of this section shall be punished by imprisonment for not more  
411 than one year or by a fine of not more than \$5,000.

412 SECTION 29. Section 22 of said chapter 55, as appearing in the 2008 Official Edition, is  
413 amended by striking out, in line 1, the word “The” and inserting in place thereof the following:-  
414 Any person or the.

415 SECTION 30. Said section 22 of said chapter 55, as so appearing, is hereby further amended by  
416 inserting after the word “Any”, in line 38, the following words:- person or.

417 SECTION 31. Section 22 of said chapter 55, as so appearing, is hereby further amended by  
418 inserting, after the word “such” in lines 17, 31 and 41 the following words:- person or.

419 SECTION 32. Chapter 55 of the General Laws is hereby amended by inserting after section 22A  
420 the following section:-

421 Section 22B. (a) As used in this section “governing body” shall mean, in a city, the city council  
422 or board of aldermen acting with the approval of the mayor subject to the charter of the city, in a  
423 town having a town council, the town council, in every other town the board of selectmen, and in  
424 a district as provided in sections 113 to 119, inclusive, of chapter 41, the prudential committee, if  
425 any, otherwise the commissioners of the district.

426 (b) The governing body of a city, town or district which accepts this section in the  
427 manner provided in section 4 of chapter 4 shall print information relating to each question that  
428 will appear on the city, town or district ballot. The information shall include: (1) the full text of  
429 each question; (2) a fair and concise summary of each question, including a 1-sentence statement  
430 describing the effect of a yes or no vote, which shall be prepared by the city solicitor, town

431 counsel or counsel for the city, town or district; and (3) arguments for and against each question  
432 as provided in subsections (d) and (e). Not later than 7 days before an election at which the  
433 question will be submitted to the voters in a city, town or district, the information in this  
434 subsection shall be sent to each household wherein a person whose name appears on the current  
435 voting list for the city, town or district resides.

436 (c) Not later than the day following the date of the determination that a question will  
437 appear on the ballot in an election, the governing body shall provide written notification to the  
438 city solicitor or town or district counsel and to the city or town clerk.

439 (d) Not later than 7 days after the determination that a question shall appear on the ballot,  
440 the city, town or district solicitor or counsel, as applicable, shall seek written arguments from the  
441 principal proponents and opponents of the question. The principal proponents and opponents of a  
442 question shall be those persons determined by the solicitor or counsel to be best able to present  
443 the arguments for and against the question. The solicitor or counsel shall provide not less than 7  
444 days' written notice to the opponents and proponents of the date on which the written arguments  
445 shall be received. Proponents and opponents shall submit their arguments, which shall be not  
446 more than 150 words, to the solicitor or counsel, together with a copy thereof to the city or town  
447 clerk or, in a district, to the clerk of each city and town within the district. The arguments and  
448 summary shall be submitted by the solicitor or counsel to the governing body not more than 20  
449 days before the election for distribution to voters in accordance with subsection (b). A copy of  
450 the arguments and summary shall also be submitted by the solicitor or counsel to the city or town  
451 clerk or, in the case of a district, to the clerk of each city or town within the district.

452 (e) In determining the principal proponents and opponents of a ballot question, the  
453 solicitor or counsel shall contact each ballot question committee, if any, as defined in section 1.

454 The principal proponents or opponents of a ballot question may include officers of a ballot  
455 question committee or officers of a city, town or district office or committee including, but not  
456 limited to, a finance committee or a school committee. In addition, the principal proponents or  
457 opponents may include the first 10 signers or a majority of the first 10 signers of any petition  
458 initiating the placement of such question on the ballot. The solicitor or counsel shall determine,  
459 based on a review of arguments received, the person or group best able to present arguments for  
460 and against a question. If no argument is received by the solicitor or counsel within the time  
461 specified by the solicitor or counsel, the solicitor or counsel shall prepare an argument and  
462 submit the argument to the governing body and to the city or town clerk or, in a district, to the  
463 clerk of each city and town within the district, within the time specified in subsection (d).

464 (f) All arguments filed or prepared pursuant to this section, and the information prepared  
465 pursuant to subsection (b), shall be open to public inspection at the office of city or town clerk  
466 or, in a district, at the office of the clerk of each city and town within the district. In addition,  
467 each city or town clerk shall make such information available to the voters at all polling places  
468 within the city, town or district.

469 (g) No person may use state, municipal or other public resources for the purpose of  
470 aiding, promoting, preventing, antagonizing, influencing or affecting the vote on any question  
471 submitted to the voters unless such person has been authorized under this section or any other  
472 general or special law to so act. Nothing in this section prohibits an elected public official from  
473 speaking, campaigning, or otherwise promoting or opposing any question, provided such official  
474 does not, unless otherwise authorized by a general or special law, use public resources for such  
475 purposes.

476 SECTION 33. Section 24 of said chapter 55, as so appearing, is hereby amended by inserting  
477 after the word “office”, in line 3, the following words:- , other than a municipal office for which  
478 a candidate is required to file with the director in accordance with section 18C or section 19.

479 SECTION 34. Said section 24 of said chapter 55, as so appearing, is hereby further amended by  
480 inserting after the word “statement”, in lines 1, 4, 5, 8, 9, and 12, the following words:- or report.

481 SECTION 35. Said section 24 of said chapter 55, as so appearing, is hereby further amended by  
482 inserting after the word “statements”, in lines 13 and 14, the following words:- and reports.

483 SECTION 36. Said chapter 55 is hereby further amended by striking out section 29, as so  
484 appearing, and inserting in place thereof the following section:-

485 Section 29. Upon failure to file a statement, report or affidavit within 10 days after receiving  
486 notice under section 28, the city or town clerk, as the case may be, shall notify the director  
487 thereof and shall furnish him with copies of all papers related thereto and the director, if satisfied  
488 there is cause, shall assess a penalty and may refer the person or committee to the attorney  
489 general pursuant to section 3. If any statement filed with the city or town clerk, as the case may  
490 be, discloses any violation of this chapter, such city or town clerk shall notify the director thereof  
491 and shall furnish him with copies of all papers relating thereto. The director shall examine every  
492 such case referred to him by such clerk and may refer such cases to the attorney general in  
493 accordance with section 3. If satisfied that there is cause, the attorney general shall, in the name  
494 of the commonwealth, institute appropriate criminal or civil proceedings or refer the case to the  
495 proper district attorney for such actions as may be appropriate. Any city or town clerk shall at  
496 any time upon the request of the attorney general or the director forward any evidence or  
497 information received by such clerk to the attorney general or director for whatever action the  
498 attorney general or director deems appropriate pursuant to law.



499 SECTION 37. Section 1A of chapter 55C of the General Laws, as appearing in the 2008 Official  
500 Edition, is hereby amended by striking out subsection (a) and inserting in place thereof the  
501 following subsection:-

502 (a) On or before the last day for filing that candidate's nomination papers with the state secretary  
503 pursuant to chapter 53, every candidate for statewide elective office shall file with the director a  
504 statement, in a form prescribed by the director, that the candidate does or does not agree:

505 (1) in the case of primary candidates, to abide by the following limits on expenditures for the  
506 following elective offices in the campaign for the state primary:

507 Governor \$2,205,000;

508 Lieutenant Governor 918,750;

509 Attorney General 918,750;

510 Secretary 551,250;

511 Treasurer and Receiver General 551,250;

512 Auditor 551,250; and

513 (2) in the case of all candidates for statewide elective office, to abide by the following limits on  
514 expenditures for the following elective offices in the campaign for the state election:

515 Governor and Lieutenant Governor \$2,205,000;

516 Attorney General 918,750;

517 Secretary 551,250;

518 Treasurer and Receiver General 551,250; and

519 Auditor 551,250.

520 The amounts referenced in this subsection shall be indexed on a quadrennial basis for inflation  
521 by the director, who, not later than December thirty-first of every fourth year beginning with

522 2012 shall calculate and publish such indexed amount, using the federal consumer price index  
523 for the Boston statistical area. Such limits, after being calculated as above, shall be rounded to  
524 the nearest \$50; provided, that, if such resulting amount is less than \$50, the director shall retain  
525 a record of the resulting amount, when added to the resulting amount calculated in each even  
526 numbered year since the last adjustment was made equals or exceeds \$50.

527 The name of a candidate who fails to file any statement within the time required by this  
528 subsection shall not appear on the state primary ballot or on the state election ballot, and the  
529 director shall inform the state secretary of any such failure.

530 SECTION 38. Section 4 of said chapter 55C, as so appearing, is hereby amended by striking out  
531 the last sentence and inserting in place thereof the following two sentences:-Determination and  
532 certification of the eligibility of candidates shall be made by the director on the eighth Tuesday  
533 before the primary and shall be based solely upon information contained in such statements as  
534 have been filed by candidates. Candidates for governor seeking public financing must file the  
535 statement on or before the Friday that is 11 days preceding said eighth Tuesday and other  
536 candidates seeking public financing must file said statements on or before the Friday next  
537 preceding said eighth Tuesday.

538 SECTION 39. The second paragraph of section 6 of said chapter 55C, as so appearing, is  
539 amended by striking out the last sentence and inserting in place thereof the following two  
540 sentences:- Determination and certification of the eligibility of candidates shall be made by the  
541 director on the fourth Tuesday before the state election and shall be based solely upon  
542 information contained in such statements as have been filed by candidates. Candidates for  
543 governor and lieutenant governor seeking public financing must file the statement on or before

544 the Friday that is 11 days preceding said fourth Tuesday and other candidates seeking public  
545 financing must file said statements on or before the Friday next preceding said fourth Tuesday.

546 SECTION 40. This act shall take effect on January 1, 2010.