

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

John W. Scibak

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 solicitation disclosures.

PETITION OF:

NAME:

John W. Scibak

DISTRICT/ADDRESS:

2nd Hampshire

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO SOLICITATION DISCLOSURES.

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 23 of Chapter 68 of the General Laws, as appearing in the 2006 Official
2 Edition, is hereby amended by striking out section 23 and inserting in place thereof the following section
3 :-
4 Section 23. (a) All solicitations by professional solicitors and all solicitations by commercial co-venturers
5 must, prior to orally requesting a contribution, and at the same time at which a written request for a
6 contribution is made, clearly and conspicuously disclose the following information to the person being
7 solicited: (1) the true name of the individual making the solicitation; (2) the statement that the solicitation
8 is being conducted by a “paid fund-raiser”; (3) the true name of the person who is employing and
9 compensating the individual making the solicitation if the individual is employed for compensation to
10 make the solicitation; (4) the true name, address and telephone number of the charitable organization for
11 whom the solicitation is being made; (5) a description of how the contributions raised by the solicitation
12 will be utilized for charitable purposes, or if there is no charitable organization, the name, address and
13 telephone number of the professional solicitor or commercial co-venturer and a description of how the
14 contributions raised by the solicitation will be utilized for charitable purposes; (6) the non-tax-exempt
15 status of the organization or fund, if the organization or fund for which the money or funds are being

16 solicited does not have a charitable tax exemption under both federal and state law; (7) the guaranteed
17 minimum percentage of the gross receipts from fund-raising that will be utilized exclusively for the
18 charitable purposes described in the solicitation; and such other disclosures as required by relevant rules
19 and regulations promulgated under section twenty-nine. If the solicitation is for advertising, the disclosure
20 shall also include the geographic distribution and the circulation of the publication in which the
21 advertising will appear. (b) For purposes of this section, the guaranteed minimum percentage required to
22 be disclosed by clause (3) of subsection (a) shall be the percentage stated in the contract or written
23 agreement between the professional solicitor or commercial co-venturer and the charitable organization.

24 (c) A professional solicitor may not represent that: (1) any part of the contributions received will be given
25 or donated to any charitable organization unless such organization has consented in writing to the use of
26 its name, symbol or statement prior to the solicitation. Such written consent must be signed by two
27 authorized officers, directors or trustees of the charitable organization; (2) tickets to an event are to be
28 donated for use by another, unless the professional solicitor has first obtained a commitment, in writing,
29 from a charitable organization stating that it will accept donated tickets and specifying the number of
30 tickets which it is willing to accept and provided no more contributions for donated tickets must be
31 solicited than the number of ticket commitments received from the charitable organization.