

**SENATE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Mr. Brown**

*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:
Mr. Brown	Norfolk, Bristol and Middlesex
Michael R. Knapik	Second Hampden and Hampshire
Bruce E. Tarr	First Essex and Middlesex
Richard R. Tisei	Middlesex and Essex
Todd M. Smola	1st Hampden

# The Commonwealth of Massachusetts

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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 1 of chapter 55 of the General Laws, is hereby amended by

2 inserting the following definition:-

3 "Independent expenditure" an expenditure by an individual, group, or association not  
4 defined as a political committee made for the purpose of promoting the election or defeat of any  
5 candidate or candidates or otherwise designed to aid, injure, or defeat any candidate for public  
6 office which is made without cooperation or consultation with any candidate, or a non-elected  
7 political committee organized on behalf of a candidate, or any agent of a candidate and which is  
8 not made in concert with, or at the request or suggestion of, any candidate, or any non-elected  
9 political committee organized on behalf of a candidate or agent of such candidate.

10 SECTION 2. Said chapter 55 of the General Laws is further amended by inserting after

11 Section 2 the following new section:-

12           Section 2A. (a) The funds in any account maintained by a candidate under this chapter  
13 shall not exceed the following aggregate amounts, in any calendar year when there is not an  
14 election for said candidate's office:

15           (1) \$150,000 for the office of governor

16           (2) \$100,000 for the offices of lieutenant governor, state secretary, attorney general, state  
17 treasurer and receiver general, or auditor

18           (3) \$35,000 for the office of state senator

19           (4) \$20,000 for the office of state representative

20           (5) \$12,500 for the office of councilor

21 (b) Each candidate or candidate's committee shall disperse or return committee funds no later  
22 than 90 days after a general election. Such expenditures shall be done in accordance with the  
23 provisions of this chapter

24 (c) Said candidate or candidate's committee shall file a report, pursuant to the provisions of this  
25 chapter, detailing the distribution of said campaign funds, not later than ten days after the final  
26 dispersal of any funds from said fund

27 (c) Violation of any provision of this section shall be punished by a fine of not more than one  
28 thousand dollars.

29           SECTION 3. Section 7A of said chapter is hereby amended by striking out, in line 5, the  
30 words "in any calendar year" and inserting in place thereof the words:- per election cycle. For

31 the purposes of this section the term election cycle shall mean the period of time leading up  
32 to and including the date of any election as defined in section 1 of this chapter.

33 SECTION 4. Said chapter 55 is hereby further amended by striking out section 18A and  
34 inserting the following in place thereof the following section:-

35 Section 18A. (a) Every individual, group or association not defined as a political  
36 committee, who makes an independent expenditure or expenditures in an aggregate amount  
37 exceeding one hundred dollars during any calendar year for the purpose of promoting the  
38 election or defeat of any candidate or candidates shall file with the director, as outlined in section  
39 18C, or with the city or town clerk if such candidate or candidates seek public office at a city or  
40 town election, within seven business days after making such independent expenditure or  
41 expenditures, on a form prescribed by the director, a report stating the name and address of the  
42 individual, group or association making the expenditure or expenditures; the name of the  
43 candidate or candidates whose election or defeat the expenditure promoted; the name and  
44 address of the person or persons to whom the expenditure or expenditures were made; and the  
45 total amount or value; the purpose and the date of the expenditure or expenditures.

46 (b) The aggregate amount of any independent expenditure for the purpose of promoting the  
47 election or defeat of any one candidate shall not exceed the amount of:

48 (1) \$5,000 for any candidate seeking the office of governor, lieutenant governor, state  
49 secretary, attorney general, state treasurer and receiver general, or auditor

50 (2) \$2,000 for any candidate seeking the office of councilor, state senator, or state  
51 representative

52 (c) Any person, group or association that makes or contracts to make independent expenditures  
53 aggregating \$1,000 or more after the twentieth day, but more than 24 hours, before the date of an  
54 election shall file a report describing the expenditures within 24 hours. Said person, group or  
55 association shall file an additional report within 24 hours after each time the person makes or  
56 contracts to make independent expenditures aggregating an additional \$1,000 with respect to the  
57 same election as that to which the initial report relates.

58 SECTION 5. Subsection (b) of section 18C of said chapter 55, as so appearing, is hereby  
59 amended by adding the following 3 paragraphs:-

60 (4) Every individual, group, or association who makes an independent expenditure or  
61 expenditures in an aggregate amount exceeding two hundred and fifty dollars during any  
62 calendar year for the purpose of promoting the election or defeat of any candidate or  
63 candidates.

64 (5) Any person, group, or association that makes or contracts to make independent expenditures  
65 aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the date of an  
66 election shall file a report describing the expenditures within 24 hours.

67 (6) After a person files a report as outlined in (a), the person shall file an additional report within  
68 24 hours after each time the person makes or contracts to make independent expenditures  
69 aggregating an additional \$1,000 with respect to the same election as that to which the initial  
70 report relates.

71 SECTION 6. Section 18C of said chapter 55 is hereby amended by striking out subsection  
72 (c) and inserting in place thereof the following subsection:-

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74 (c) Every individual and committee required to file electronically under subsection (b) shall file  
75 each contribution within 1 week of receiving said contribution, the contents of which shall be the  
76 same as that required for a candidate or political committee under section 18 of this chapter. The  
77 filings required under section 19 of chapter 55 for candidates listed in subsection (b) of this  
78 section shall be filed electronically. Filers specified in subsection (b) shall continue to file all  
79 paper-generated reports at the dates required in section 18 as a form of backup until such time as  
80 the director determines that the electronic filing system meets all pertinent filing and disclosure  
81 requirements the date of which shall not exceed December 31, 2010.

82 Violation of any provision of this section or section 18C shall be punished by imprisonment for  
83 not more than one year or by a fine of not more than ten thousand dollars.

84 SECTION 7. Chapter 56 of the General Laws is amended by striking out section 39, as  
85 so appearing, and inserting in place thereof the following section:-

86 Section 39. No person, group, organization or association shall publish or broadcast or  
87 cause to be published or broadcast in a newspaper, periodical, radio broadcast, television  
88 broadcast, including cable or other means of electronic dissemination, any paid advertisement  
89 designed or tending to aid, injure, or defeat any candidate for public office or any question  
90 submitted to the voters, unless the name of the chairman or secretary or the names of two officers  
91 of the political or other organization advertising the same, or the name of one or more persons  
92 eighteen years of age or older who are responsible therefore, with the residence and the street  
93 and number thereof, of each such person eighteen years of age or older appears therein in the  
94 case of any of the aforementioned visual media in a clearly visible and prominent typeface and in

95 the case of a radio broadcast clearly audible statement; provided, however, that each such person  
96 eighteen years of age or older has signed his name in the presence of a witness to the following  
97 statement authorizing the insertion or broadcast of such advertisement. The statement shall be  
98 retained by the newspaper, periodical, radio broadcast, television broadcast, including cable, for  
99 not less than one year, shall be available to any person upon request, and shall be in substantially  
100 the following form:

101 I hereby authorize the affixing of my name to the attached political advertisement on  
102 behalf of or in opposition to , candidate for in the election to be held in the current  
103 year, or on behalf of or in opposition to a question being submitted to the voters in the election in  
104 the current year.