HOUSE DOCKET, NO. 1034 FILED ON: 1/15/2013

HOUSE . . . . . No. 651

The Commonwealth of Massachusetts

PRESENTED BY:

Martha M. Walz and Cory Atkins

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:

An Act strengthening campaign finance.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Martha M. Walz	*8th Suffolk*
Cory Atkins	*14th Middlesex*
Denise Provost	*27th Middlesex*
William N. Brownsberger	*Second Suffolk and Middlesex*
Ruth B. Balser	*12th Middlesex*
Frank I. Smizik	*15th Norfolk*
Kenneth I. Gordon	*21st Middlesex*
William Smitty Pignatelli	*4th Berkshire*
Sarah K. Peake	*4th Barnstable*
Cleon H. Turner	*1st Barnstable*
Jason M. Lewis	*31st Middlesex*
Robert M. Koczera	*11th Bristol*
Timothy J. Toomey, Jr.	*26th Middlesex*
Tricia Farley-Bouvier	*3rd Berkshire*
Chris Walsh	*6th Middlesex*
Gailanne M. Cariddi	*1st Berkshire*
Paul W. Mark	*2nd Berkshire*
Paul Brodeur	*32nd Middlesex*

David Paul Linsky	*5th Middlesex*
Denise Andrews	*2nd Franklin*
Sean Garballey	*23rd Middlesex*
Jennifer E. Benson	*37th Middlesex*
Kay Khan	*11th Middlesex*
Linda Campbell	*15th Essex*
James J. Dwyer	*30th Middlesex*
Daniel A. Wolf	*Cape and Islands*
Peter V. Kocot	*1st Hampshire*
Jay R. Kaufman	*15th Middlesex*
Jonathan Hecht	*29th Middlesex*
John J. Lawn, Jr.	*10th Middlesex*
Mark J. Cusack	*5th Norfolk*
James M. Cantwell	*4th Plymouth*
Thomas P. Conroy	*13th Middlesex*
John W. Scibak	*2nd Hampshire*
Louis L. Kafka	*8th Norfolk*
William M. Straus	*10th Bristol*
Stephen Kulik	*1st Franklin*
Elizabeth A. Malia	*11th Suffolk*
Ann-Margaret Ferrante	*5th Essex*
Lori A. Ehrlich	*8th Essex*
Christopher G. Fallon	*33rd Middlesex*
William C. Galvin	*6th Norfolk*
Carl M. Sciortino, Jr.	*34th Middlesex*
Michael D. Brady	*9th Plymouth*
Paul McMurtry	*11th Norfolk*
Kate Hogan	*3rd Middlesex*
Garrett J. Bradley	*3rd Plymouth*
James Arciero	*2nd Middlesex*
Ellen Story	*3rd Hampshire*
David M. Rogers	*24th Middlesex*
Timothy R. Madden	*Barnstable, Dukes and Nantucket*
Carolyn C. Dykema	*8th Middlesex*
Patricia A. Haddad	*5th Bristol*
Brian M. Ashe	*2nd Hampden*
Antonio F. D. Cabral	*13th Bristol*
Denise C. Garlick	*13th Norfolk*
Benjamin Swan	*11th Hampden*

Thomas A. Golden, Jr. | *16th Middlesex*

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HOUSE . . . . . No. 651

By Representatives Walz of Boston and Atkins of Concord, a petition (accompanied by bill, House, No. 651) of Martha M. Walz and others for legislation to further regulate the financing of political campaigns. Election Laws.

The Commonwealth of Massachusetts

An Act strengthening campaign finance.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to strengthen campaign finance, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

SECTION 1. The definition of "Electioneering communication" in section 1 of chapter 55 of the General Laws, as appearing in the 2010 official edition, is hereby amended by striking out, in line 89, the words "and (7) internet or email communications" and inserting in place thereof the following words:- (7) email communications; and (8) internet communications which are not paid advertisements.

SECTION 2. Said section 1 of said chapter 55, as so appearing, is hereby further amended by inserting after the definition of "Electioneering communication" the following definition:-

"Electioneering communication expenditure", any expenditure made or liability incurred by an individual, group, association, corporation, labor union or other entity as payment for an electioneering communication including any transfer of money or anything of value to another individual, group, association, corporation, labor union or other entity for the purpose of making an electioneering communication by the recipient or some other individual, group, association, corporation, labor union or other entity.

SECTION 3. Said section 1 of said chapter 55, as so appearing, is hereby further amended by striking out the definition of "Independent expenditure" and inserting in place thereof the following definition:-

18 "Independent expenditure", an expenditure made or liability incurred by an individual,
19 group, association, corporation, labor union or other entity as payment for goods or services
20 including any transfer of money or anything of value to another individual, group, association,
21 corporation, labor union or other entity expressly advocating the election or defeat of a clearly
22 identified candidate, which is made or incurred without cooperation or consultation with a
23 candidate, a nonelected political committee organized on behalf of a candidate or an agent of a
24 candidate and which is not made or incurred in concert with, or at the request or suggestion of, a
25 candidate, a nonelected political committee organized on behalf of a candidate or agent of such
26 candidate.

27 SECTION 4. Section 3 of said chapter 55, as so appearing, is hereby amended by adding
28 the following paragraph:-

29 The director shall adopt regulations regarding electioneering communication
30 expenditures and independent expenditure that involves the transfer of money or anything of
31 value from 1 individual, group, association, corporation, labor union or other entity to another
32 individual, group, association, corporation, labor union or other entity for the purpose of making
33 an electioneering expenditure or independent expenditure to ensure that the true origin of that
34 expenditure is disclosed in the manner and on the schedule for reports of such expenditures
35 provided for by this chapter.

36 SECTION 5. Section 8 of said chapter 55, as so appearing, is hereby amended by striking
37 out, in line 22, the words “Any corporation violating any provision of this section” and inserting
38 in place thereof the following words:- Any such corporation violating this chapter.

39 SECTION 6. Chapter 55 of the General Laws is hereby amended by inserting after
40 section 8A the following section:-

41 Section 8B. Nothing in this chapter shall be construed as authorizing an electioneering
42 communication, electioneering communication expenditure or an independent expenditure by a
43 corporation, including any requirement to report such communication or expenditure, unless
44 such communication or expenditure is protected by the Constitution of the United States or the
45 commonwealth.

46 SECTION 7. Subsection (a) of section 18A of said chapter 55, as appearing in the 2010
47 Official Edition, is hereby amended by striking out, in lines 1 and 9, the words “or association”
48 and inserting in place thereof, in each instance, the following words:- association, corporation,
49 labor union or other entity.

50 SECTION 8. Said section 18A of said chapter 55, as so appearing, is hereby amended by
51 inserting after the word “association”, in lines 16, 20 and 21 and 25, each time it appears, the
52 following words:- , corporation, labor union, other entity.

53 SECTION 9. Paragraph (7) of subsection (b) of section 18C of said chapter 55, as so
54 appearing, is hereby amended by inserting after the word “association”, in line 36, the following
55 words:- , corporation, labor union, other entity.

56 SECTION 10. Paragraph (9) of said subsection (b) of said section 18C of said chapter 55,
57 as so appearing, is hereby amended by striking out, in line 44, the words “or association” and
58 inserting in place thereof the following words:- association, corporation, labor union or other
59 entity.

60 SECTION 11. Said chapter 55 of the General Laws is hereby further amended by striking
61 out section 18F, as so appearing, and inserting in place thereof the following section:-

62 Section 18F. Every individual, group, association, corporation, labor union or other entity
63 not defined as a political committee who makes an electioneering communication expenditure, in
64 an aggregate amount exceeding $250 during a calendar year, shall electronically file with the
65 director, within 7 days after making that expenditure, a report stating the name and address of the
66 individual, group, association, corporation, labor union or other entity making the electioneering
67 communication, the name of any candidate clearly identified in the communication, the total
68 amount or value of the communication, the name and address of the vendor to whom the
69 payments were made and the purpose and date of any such expenditure. In addition, any
70 individual, group, association, corporation, labor union or other entity not defined as a political
71 committee who makes electioneering communication expenditures, in an aggregate amount
72 exceeding $250 during a calendar year, who receives funds for the purpose of making such
73 electioneering communications shall include in the electronic filing the date the funds were
74 received and the name and address of the provider of any such funds in excess of $250, if any,
75 and the value of the funds received. Reports required under this section shall be filed with the
76 director, as provided in section 18C, if electioneering communications refer to any candidate
77 who files with the director. Reports required under this section shall be filed with the city or
78 town clerk if the electioneering communications refer to any candidate seeking public office in a
79 city or town election who does not otherwise file with the director.

80 Any person, group, association, corporation, labor union or other entity that makes or
81 contracts to make electioneering communications aggregating $1,000 or more within 7 days
82 before the date of an election shall file a report containing the information required under this
83 section within 48 hours after making such expenditure.

84 A violation of this section shall be punished by a fine of not more than $5,000 or by
85 imprisonment in the house of correction for not more than 1 year.

86 SECTION 12. Section 18G of said chapter 55, as so appearing, is hereby amended by
87 inserting after the first paragraph the following 2 paragraphs:-

88 If the independent expenditure or electioneering communication is paid for by an entity
89 that is not an individual, the advertisement or communication shall contain the words “Top
90 Contributors” and a written statement listing the 5 persons or entities, or if less than 5 persons or
91 entities then the total of all such persons or entities, making the largest contributions to that
92 entity for the purpose of making an independent expenditure or electioneering communication;
93 provided, that such contributions shall be in excess of $5,000 reportable under this chapter
94 during the 12-month period before the date of the advertisement or communication. If no such
95 contribution is received by the entity making an independent expenditure or electioneering
96 communication, then the advertisement or communication may exclude such a statement.

97 An individual, corporation, group, association or other entity that makes an independent
98 expenditure or electioneering communication shall not engage or retain an advertising firm,
99 campaign staff member or consultant that has also been engaged or retained within the prior 6
100 months by the candidate or candidate's committee that is benefited by the independent
101 expenditure or electioneering communication.