

HOUSE No. 3140

The Commonwealth of Massachusetts

PRESENTED BY:

Michelle M. DuBois

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 adoption of the accompanying bill:

An Act promoting political participation.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|-------------------------------|------------------------------------|------------------|
| <i>Michelle M. DuBois</i> | <i>10th Plymouth</i> | <i>1/20/2017</i> |
| <i>Ruth B. Balse</i> | <i>12th Middlesex</i> | <i>2/1/2017</i> |
| <i>Christine P. Barber</i> | <i>34th Middlesex</i> | <i>2/2/2017</i> |
| <i>Michael D. Brady</i> | <i>Second Plymouth and Bristol</i> | <i>2/2/2017</i> |
| <i>Daniel Cahill</i> | <i>10th Essex</i> | <i>1/25/2017</i> |
| <i>James M. Cantwell</i> | <i>4th Plymouth</i> | <i>2/3/2017</i> |
| <i>Mike Connolly</i> | <i>26th Middlesex</i> | <i>1/30/2017</i> |
| <i>Brendan P. Crighton</i> | <i>Third Essex</i> | <i>2/1/2017</i> |
| <i>Marjorie C. Decker</i> | <i>25th Middlesex</i> | <i>2/2/2017</i> |
| <i>Daniel M. Donahue</i> | <i>16th Worcester</i> | <i>1/25/2017</i> |
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> | <i>1/26/2017</i> |
| <i>Tricia Farley-Bouvier</i> | <i>3rd Berkshire</i> | <i>1/30/2017</i> |
| <i>Linda Dorcena Forry</i> | <i>First Suffolk</i> | <i>2/3/2017</i> |
| <i>Sean Garballey</i> | <i>23rd Middlesex</i> | <i>2/3/2017</i> |
| <i>Carmine L. Gentile</i> | <i>13th Middlesex</i> | <i>2/1/2017</i> |
| <i>Solomon Goldstein-Rose</i> | <i>3rd Hampshire</i> | <i>2/1/2017</i> |
| <i>Carlos González</i> | <i>10th Hampden</i> | <i>2/3/2017</i> |
| <i>Kenneth I. Gordon</i> | <i>21st Middlesex</i> | <i>1/27/2017</i> |

| | | |
|---------------------------------|------------------------|------------------|
| <i>Jonathan Hecht</i> | <i>29th Middlesex</i> | <i>2/3/2017</i> |
| <i>Paul R. Heroux</i> | <i>2nd Bristol</i> | <i>1/31/2017</i> |
| <i>Natalie Higgins</i> | <i>4th Worcester</i> | <i>2/1/2017</i> |
| <i>Mary S. Keefe</i> | <i>15th Worcester</i> | <i>2/2/2017</i> |
| <i>Kay Khan</i> | <i>11th Middlesex</i> | <i>1/31/2017</i> |
| <i>John J. Lawn, Jr.</i> | <i>10th Middlesex</i> | <i>2/3/2017</i> |
| <i>Jack Lewis</i> | <i>7th Middlesex</i> | <i>1/25/2017</i> |
| <i>Jason M. Lewis</i> | <i>Fifth Middlesex</i> | <i>1/24/2017</i> |
| <i>Jay D. Livingstone</i> | <i>8th Suffolk</i> | <i>2/2/2017</i> |
| <i>Elizabeth A. Malia</i> | <i>11th Suffolk</i> | <i>2/3/2017</i> |
| <i>Joseph W. McGonagle, Jr.</i> | <i>28th Middlesex</i> | <i>1/29/2017</i> |
| <i>James R. Miceli</i> | <i>19th Middlesex</i> | <i>1/30/2017</i> |
| <i>Rady Mom</i> | <i>18th Middlesex</i> | <i>2/2/2017</i> |
| <i>Frank A. Moran</i> | <i>17th Essex</i> | <i>2/2/2017</i> |
| <i>James J. O'Day</i> | <i>14th Worcester</i> | <i>1/31/2017</i> |
| <i>Denise Provost</i> | <i>27th Middlesex</i> | <i>1/27/2017</i> |
| <i>Byron Rushing</i> | <i>9th Suffolk</i> | <i>1/25/2017</i> |
| <i>Daniel J. Ryan</i> | <i>2nd Suffolk</i> | <i>2/2/2017</i> |
| <i>Frank I. Smizik</i> | <i>15th Norfolk</i> | <i>1/25/2017</i> |
| <i>Thomas M. Stanley</i> | <i>9th Middlesex</i> | <i>2/3/2017</i> |
| <i>José F. Tosado</i> | <i>9th Hampden</i> | <i>2/1/2017</i> |
| <i>Steven Ultrino</i> | <i>33rd Middlesex</i> | <i>2/3/2017</i> |
| <i>Aaron Vega</i> | <i>5th Hampden</i> | <i>2/3/2017</i> |
| <i>Chris Walsh</i> | <i>6th Middlesex</i> | <i>1/30/2017</i> |
| <i>Bud Williams</i> | <i>11th Hampden</i> | <i>2/1/2017</i> |

HOUSE No. 3140

By Ms. DuBois of Brockton, a petition (accompanied by bill, House, No. 3140) of Michelle M. DuBois and others relative to payroll deductions for voluntary contributions to not-for-profit social welfare organizations and political action committees. Labor and Workforce Development.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act promoting political participation.

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. The General Laws are hereby amended by adding after chapter 180A the
2 following chapter:-

3 CHAPTER 180B

4 PAYROLL DEDUCTIONS TO PROMOTE POLITICAL PARTICIPATION
5 THROUGH VOLUNTARY CONTRIBUTIONS TO NOT-FOR-PROFIT SOCIAL WELFARE
6 ORGANIZATIONS AND POLITICAL ACTION COMMITTEES

7 Section 1. Findings and public policy

8 The general court hereby finds that many low-income residents of Massachusetts face
9 substantial obstacles to participating fully in the public and political life of their communities;
10 that financial barriers, including lack of access to credit cards and banking services, often prevent
11 these residents from contributing financially to not-for-profit social welfare organizations and

12 political action committees that engage in the political process and help shape the policies that
13 affect residents' lives; and that a payroll deduction mechanism would promote political
14 participation by enabling individuals to authorize small, regular deductions from their pay at
15 levels they can afford to contribute to political and advocacy organizations, eliminating
16 transaction costs for such contributions and permitting greater numbers of Massachusetts
17 residents to engage in the political process and to participate in community and civic life.

18 It is therefore declared to be the policy of the commonwealth to create a payroll
19 deduction mechanism for enabling voluntary contributions to not-for-profit social welfare
20 organizations and political action committees, available to any individual employed by an
21 employer with a system of payroll deduction and without cost to the individual or to the
22 employer.

23 Section 2. Definitions

24 As used in sections one through seven of this chapter, the following words shall have the
25 following meanings:

26 "Covered organization" shall mean any not-for-profit organization that is organized under
27 the Internal Revenue Code, 26 U.S.C. section 501(c)(4), and certified by the attorney general
28 pursuant to this chapter or any political action committee that is organized in accordance with
29 chapter 55 of the General Laws and regulations of the Massachusetts Office of Campaign and
30 Political Finance and certified by the attorney general pursuant to this chapter; provided,
31 however, that the not-for-profit organization or political action committee has obtained
32 authorization pursuant to section 3 of this chapter from 250 or more residents of the
33 commonwealth.

34 “Employee” shall mean any person employed by an employer, including any person
35 considered to be an employee under section 148B of chapter 149 of the General Laws and any
36 person covered by the definition of “employee” in the Fair Labor Standards Act, 29 U.S.C.
37 section 203(e), but shall not include any person employed by the commonwealth or by any body
38 of the commonwealth, including the legislature, judiciary, any boards, departments, and
39 commissions thereof or authorities, and all political subdivisions of the commonwealth.

40 “Employer” shall mean any individual, company, corporation, partnership, labor
41 organization, unincorporated association or any other private legal business or other private
42 entity, whether organized on a profit or not-for-profit basis, including any person acting directly
43 or indirectly in the interest of an employer. The term “employer” shall not include the
44 commonwealth or any body of the commonwealth, including the legislature, judiciary, any
45 boards, departments, and commissions thereof or authorities, and all political subdivisions of the
46 commonwealth.

47 “Remittance” shall mean a voluntary contribution duly authorized in writing by an
48 employee, to be deducted from the employee's pay and remitted to a covered organization
49 pursuant to this chapter.

50 “In writing” or “written” denotes a tangible or electronic record of a communication or
51 representation, including handwriting, typewriting, printing, photo-stating, photography, audio or
52 video recording, and any “electronic signature,” as defined by section 2 of chapter 110G of the
53 General Laws.

54 Section 3. Requirement to deduct and remit voluntary contributions to covered
55 organizations; standards for valid authorization; revocation of authorization, timely remittance

56 (a) An employer shall, upon written authorization of an employee, deduct voluntary
57 contributions from the employee's pay and remit them to a covered organization designated by
58 the employee, minus a reasonable administrative fee for processing such deduction and
59 remittance determined pursuant to regulations adopted by the attorney general; provided,
60 however, that the employee or covered organization has provided to the employer documentation
61 that the attorney general has certified the covered organization pursuant to subsection (b) of
62 section 4 of this chapter.

63 (b) The employee's written authorization shall include:

64 (i) The name and residential address of the contributing employee;

65 (ii) The name and address of the employer;

66 (iii) The occupation of any contributing employee who has authorized deduction of a
67 contribution of two hundred dollars or more or of periodic contributions that in the aggregate
68 exceed or may exceed two hundred dollars within any one calendar year;

69 (iv) The name and address of the not-for-profit organization or political action
70 committee to which the employee wishes to contribute;

71 (v) The amount of the contribution to be deducted in each pay period; provided,
72 however, that the minimum amount of such contribution shall be \$2.00; and

73 (vi) A statement that the contributing employee's authorization may be revoked by the
74 employee at any time by written notice from the employee to the employer.

75 (c) An authorization is valid for each subsequent pay period until the employee
76 revokes the authorization in writing and transmits the revocation to the employer.

77 (d) The employer shall provide a copy of any written authorization or revocation that
78 it receives to the not-for-profit organization or political action committee to which it pertains
79 within five business days of receipt.

80 (e) The employer shall commence deductions no later than the first pay period that
81 begins 15 or more business days after receipt of the authorization and shall remit the deductions
82 to the covered organization no later than 15 business days after deduction.

83 (f) An employee may authorize contributions to no more than two covered
84 organizations at one time.

85 Section 4. Certification of a not-for-profit organization or political action committee
86 as a covered organization.

87 (a) A not-for-profit organization or political action committee seeking to be certified
88 as a covered organization pursuant to this chapter must provide the attorney general with the
89 following:

90 (i) The name, address, email address, and phone number of the not-for-profit
91 organization or political action committee;

92 (ii) Proof of current status as a not-for-profit organized under 26 U.S.C. section
93 501(c)(4) and incorporated under the laws of the state of its incorporation or as a political action
94 committee registered with the Massachusetts Office of Campaign and Political Finance; and

95 (iii) Proof that the not-for-profit organization or political action committee has
96 obtained payroll deduction authorization pursuant to subsection (b) of section 3 of this chapter
97 from 250 or more residents of the commonwealth.

98 (b) The attorney general shall provide written notice to the not-for-profit organization
99 or political action committee that it has been certified as a covered organization within 15
100 business days of the date that the not-for-profit organization or political action committee has
101 met the requirements of subsection (a) of this section to the satisfaction of the attorney general.

102 Section 5. No dues to labor organizations

103 Nothing herein shall be construed to require remittances to a “labor organization” as
104 defined in the National Labor Relations Act, 29 U.S.C. section 152(5).

105 Section 6. Enforcement

106 (a) It shall be unlawful for any employer to interfere with, restrain, or deny the
107 exercise of, or the attempt to exercise, any right provided under or in connection with this
108 chapter, including, but not limited to, threatening, intimidating, disciplining, discharging,
109 demoting, harassing, reducing an employee’s hours or pay, informing another employer that an
110 employee has engaged in activities protected by this chapter, or discriminating or retaliating
111 against an employee, and or engaging in any other such action that penalizes an employee for,
112 or is reasonably likely to deter an employee from, exercising or attempting to exercise any right
113 protected under this chapter.

114 (b) The attorney general shall enforce this chapter, and may obtain injunctive or
115 declaratory relief for this purpose. Violation of this chapter shall be subject to paragraphs (1),
116 (2), (4), (6) and (7) of subsection (b) of section 27C of chapter 149 of the General Laws.

117 Section 7. Attorney General’s adoption of rules and regulations

118 The attorney general shall adopt rules and regulations necessary to carry out the purpose
119 and provisions of this chapter.

120 Section 8. Severability

121 If any provision of this act or application thereof to any person or circumstances is judged
122 invalid, the invalidity shall not affected other provisions or applications of this act which can be
123 given effect without the invalid provision or application, and to this end the provisions of this act
124 are declared severable.

125 SECTION 2. Section 150 of chapter 149 of the General Laws, as appearing in the 2014
126 Official Edition, is hereby amended by striking out, in line 22, the word “or” following the word
127 “190,” by inserting, in line 22, a “,” preceding the words “section 19 of chapter 151” and by
128 inserting, in line 23, after the word “151”, the following words:- or chapter 180B.

129 SECTION 3. Section 150A of chapter 149 of the General Laws, as appearing in the
130 2014 Official Edition, is hereby amended by inserting, in line 4, following the word “check-off,”
131 the following words:-

132 , voluntary contributions to social welfare organizations or political actions committees
133 pursuant to chapter 180B,

134 SECTION 4. Section 8 of chapter 154 of the General Laws, as appearing in the 2014
135 Official Edition, is hereby amended by inserting, in line 15, following the word “plan,” the
136 following words:-

137 or voluntary contributions to social welfare organizations or political actions committees
138 pursuant to chapter 180B,

SECTION 5. This act shall take effect on January 1, 2018.