

HOUSE No. 560

The Commonwealth of Massachusetts

In the Year Two Thousand 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
2 Official Edition, is hereby amended by striking out, in lines 21 and 22 and in line 25, the words
3 “fifty-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
5 Official Edition, is hereby amended by inserting after the definition of “Candidate’s committee”
6 the 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
11 after the definition of “contribution” the following definition:-

12 “Designated contribution committee”, a political committee established for the primary
13 purpose 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
25 after the 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,
33 group, or association for goods or services expressly advocating the election or defeat of a
34 clearly identified candidate which is made or incurred without cooperation or consultation with
35 any candidate, or a nonelected political committee organized on behalf of a candidate, or any

36 agent of a candidate and which is not made or incurred in concert with, or at the request or
37 suggestion of, any candidate, or any nonelected political committee organized on behalf of a
38 candidate or 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
53 inserting 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
60 hereby amended by adding the following two sentences:- The name of a candidate who fails to
61 file any statement or report after receiving notice under this section of such failure and who
62 continues to fail to file such statement or report after the institution of civil proceedings under
63 this section to compel such filing shall not appear on a state ballot after the initiation of such civil
64 proceedings, until such time as the statement or report is filed, and the director shall inform the
65 state secretary of such failure prior to the deadline for filing nomination papers with the state
66 secretary for such candidate pursuant to chapter 53. Any candidate who files such statement or
67 report with the director after the deadline for filing nomination papers with the secretary shall not
68 be allowed on the state ballot.

69 SECTION 9. The eleventh paragraph of said section 3 of chapter 55, as so appearing, is
70 hereby further amended by striking the last sentence and inserting in place thereof the following
71 three 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
83 appearing, is hereby further amended by striking out the second sentence and inserting in place
84 thereof the following sentence:- Said civil penalty shall be in the amount of \$25 per day;
85 provided, however, that the maximum penalty the director may assess shall be no greater than
86 \$5,000 for any one 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,
88 and inserting in place thereof the following section:-

89 Section 6. A political committee organized or operating on behalf of a candidate for the
90 office of governor, lieutenant governor, attorney general, state secretary, treasurer and receiver
91 general, or auditor may receive, pay and expend money or other things of value for reasonable
92 and 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
102 other things of value for the enhancement of the political future of the candidate or the principle,
103 for 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 Except as otherwise provided in section 6A or 6B, a political committee not organized on
114 behalf of an individual candidate may contribute to another political committee not organized on
115 behalf of an individual candidate; provided, however, that the aggregate of all such contributions
116 for the benefit of the political committees of any one political party shall not exceed in any 1
117 calendar year the sum of \$7,350; and provided, further, that the aggregate of all such
118 contributions for the benefit of any one such political committee other than a political party
119 committee shall not exceed in any 1 calendar year the sum of \$750. A political committee not
120 organized on behalf of an individual candidate, other than a political party committee, may
121 contribute to the campaign fund of a candidate; provided, however, that the aggregate of all such
122 contributions for the benefit of any one candidate and such candidate's committee shall not
123 exceed the sum of \$750 in any 1 calendar year. The political committee of a political party may

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

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

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

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

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

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

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

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

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

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

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

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

160 (e) a candidate for state senator, county commissioner, governor's councillor, district
161 attorney, clerk of courts, register of probate, registrar of deeds or any other county officer--
162 \$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
165 by the director, who, not later than December thirty-first of each even numbered year beginning
166 with 2010, shall calculate and publish such indexed amount, using the federal consumer price
167 index for the Boston statistical area. Such contribution limit, after being calculated as above,
168 shall be rounded to the nearest \$50; provided, that, if such resulting amount is less than \$50, the
169 director shall retain a record of the resulting amount, when added to the resulting amount
170 calculated in each even numbered year since the last adjustment was made equals or exceeds
171 \$50.

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

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

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

183 (3) An individual may in addition make campaign contributions to any political
184 committee not specified in paragraph (1), (2) or (4); provided, however, that the aggregate of

185 such campaign contributions to any one such political committee shall not exceed in any one
186 calendar year the sum of \$750.

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

189 (5) Notwithstanding any other provision of this subsection, the aggregate of all
190 contributions from any one individual to all candidates and candidate's committees shall not
191 exceed the sum of \$18,400 in any one calendar year;

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

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

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

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

211 No group or association not defined as a political committee, that is funded in whole
212 or in part by such corporation, shall make any gift, payment, expenditure, contribution or
213 promise to give, pay, expend or contribute for use for an electioneering communication or
214 communications, nor shall such corporation directly or indirectly give, pay, expend or contribute,
215 or promise to give, pay, expend or contribute, any money or other valuable thing for the purpose
216 of making an electioneering communication except for a voter guide or questionnaire where all
217 candidates running for the same office are asked the same question or questions and where all
218 such candidates are given an equal opportunity to respond to each question or questions,
219 provided that said questionnaire or guide does not contain additional language, images, or
220 symbols, conveying support or opposition to the opinions of the candidates.

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

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

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

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

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

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

249 special election, and, as a final report, the twentieth day of January in the following year
250 complete as to the thirty-first day of December of the prior year.

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

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

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

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

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

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

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

292 they were separate individual payments and shall indicate the name of the initial contributor of
293 each.

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

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

302 Section 18A. (a) Every individual, group or association not defined as a political
303 committee, who makes an independent expenditure or expenditures in an aggregate amount
304 exceeding \$250 during any calendar year for the express purpose of promoting the election or
305 defeat of any candidate or candidates shall file with the director, except as provided in subsection
306 (c), within 7 business days after the goods and services for which the independent expenditure
307 was made are utilized to advocate the election or defeat of a clearly identified candidate, on a
308 form prescribed by the director, a report stating: the name and address of the individual, group or
309 association making the independent expenditure or expenditures; the name of the candidate or
310 candidates whose election or defeat the expenditure promoted; the name and address of the
311 person or persons to whom the expenditure or expenditures were made; the total amount or
312 value; and the purpose and the date of the independent expenditure or expenditures.

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

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

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

333 SECTION 24. Subsection (b) of section 18C of said chapter 55, as so appearing, is
334 hereby amended by inserting after the figure \$10,000, in line 19, the following words:- ; or (4)

335 every individual, group, or association who makes an independent expenditure or electioneering
336 communication expenditure in an aggregate amount exceeding \$250 during any calendar year.

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

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

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

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

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

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

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

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

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

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

367 "Subvendor", a person or entity that provides goods or services to a vendor or who
368 contracts with a vendor to provide goods or services to a committee.

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

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

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

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

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

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

391 Section 18E. Every individual, group or association not defined as a political committee,
392 who makes an electioneering communication expenditure or expenditures, in an aggregate
393 amount exceeding \$250, shall electronically file with the director, within 7 business days after
394 making such an expenditure, a report stating the name and address of the individual, group or
395 association making the electioneering communication; the name of the candidate or candidates

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

408 Any person, group or association that makes or contracts to make electioneering
409 communications aggregating \$250 or more within 10 days prior to the date of an election shall
410 file a report containing the information required by this section within 48 hours of making such
411 expenditure.

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

414 SECTION 29. Section 22 of said chapter 55, as appearing in the 2008 Official Edition, is
415 amended by striking out, in line 1, the word "The" and inserting in place thereof the following:-

416 Any person or the.

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

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

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

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

428 (b) The governing body of a city, town or district which accepts this section in the
429 manner provided in section 4 of chapter 4 shall print information relating to each question that
430 will appear on the city, town or district ballot. The information shall include: (1) the full text of
431 each question; (2) a fair and concise summary of each question, including a 1-sentence statement
432 describing the effect of a yes or no vote, which shall be prepared by the city solicitor, town
433 counsel or counsel for the city, town or district; and (3) arguments for and against each question
434 as provided in subsections (d) and (e). Not later than 7 days before an election at which the
435 question will be submitted to the voters in a city, town or district, the information in this
436 subsection shall be sent to each household wherein a person whose name appears on the current
437 voting list for the city, town or district resides.

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

454 (e) In determining the principal proponents and opponents of a ballot question, the
455 solicitor or counsel shall contact each ballot question committee, if any, as defined in section 1.
456 The principal proponents or opponents of a ballot question may include officers of a ballot
457 question committee or officers of a city, town or district office or committee including, but not
458 limited to, a finance committee or a school committee. In addition, the principal proponents or
459 opponents may include the first 10 signers or a majority of the first 10 signers of any petition
460 initiating the placement of such question on the ballot. The solicitor or counsel shall determine,

461 based on a review of arguments received, the person or group best able to present arguments for
462 and against a question. If no argument is received by the solicitor or counsel within the time
463 specified by the solicitor or counsel, the solicitor or counsel shall prepare an argument and
464 submit the argument to the governing body and to the city or town clerk or, in a district, to the
465 clerk of each city and town within the district, within the time specified in subsection (d).

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

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

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

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

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

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

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

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

507 On or before the last day for filing that candidate's nomination papers with the state
508 secretary pursuant to chapter 53, every candidate for statewide elective office shall file with the
509 director a statement, in a form prescribed by the director, that the candidate does or does not
510 agree:(1) in the case of primary candidates, to abide by the following limits on expenditures for
511 the following elective offices in the campaign for the state primary:

512 Governor \$2,205,000;

513 Lieutenant Governor 918,750;

514 Attorney General 918,750;

515 Secretary 551,250;

516 Treasurer and Receiver General 551,250;

517 Auditor 551,250; and

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

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

521 Attorney General 918,750;

522 Secretary 551,250;

523 Treasurer and Receiver General 551,250; and
524 Auditor 551,250.

525 The amounts referenced in this subsection shall be indexed on a quadrennial basis for
526 inflation by the director, who, not later than December thirty-first of every fourth year beginning
527 with 2012 shall calculate and publish such indexed amount, using the federal consumer price
528 index for the Boston statistical area. Such limits, after being calculated as above, shall be
529 rounded to the nearest \$50; provided, that, if such resulting amount is less than \$50, the director
530 shall retain a record of the resulting amount, when added to the resulting amount calculated in
531 each even numbered year since the last adjustment was made equals or exceeds \$50.

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

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

543 SECTION 39. The second paragraph of section 6 of said chapter 55C, as so appearing, is
544 amended by striking out the last sentence and inserting in place thereof the following two

545 sentences:- Determination and certification of the eligibility of candidates shall be made by the
546 director on the fourth Tuesday before the state election and shall be based solely upon
547 information contained in such statements as have been filed by candidates. Candidates for
548 governor and lieutenant governor seeking public financing must file the statement on or before
549 the Friday that is 11 days preceding said fourth Tuesday and other candidates seeking public
550 financing must file said statements on or before the Friday next preceding said fourth Tuesday.

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