

# SENATE . . . . . No. 2050

---

## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the Year Two Thousand Nine  
\_\_\_\_\_

An Act Text of the recommended amendment (Ethics and Rules) to the House Bill to improve the laws relating to ethics and lobbying (House, No. 3856).

*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 39 of chapter 3 of the General Laws, as appearing in the 2006  
2   Official Edition, is hereby amended by striking out the definition of “Client” and inserting in  
3   place thereof the following definition:-

4           “Client”, any person, corporation, partnership, association, or other entity that contracts  
5   with another person, corporation, partnership, association or other entity to receive lobbying  
6   services.

7           SECTION 2. Said section 39 of said chapter 3, as so appearing, is hereby further  
8   amended by striking out the definition of “Executive agent” and inserting in place thereof the  
9   following 3 definitions:-

10          “Executive lobbying,” any act to influence or to attempt to influence the decision of any  
11   officer or employee of the executive branch or an authority, including but not limited to,  
12   statewide constitutional officers and employees thereof, where such decision concerns legislation  
13   or the adoption, defeat or postponement of a standard, rate, rule or regulation promulgated

pursuant to any general or special law, or any act to communicate directly with a covered executive official to influence a decision concerning policy or procurement; provided, however, that “executive lobbying” shall include an act to influence or attempt to influence the decision of any officer or employee of a city or town when such an act is intended to carry out a common purpose with executive lobbying at the state level; provided further, that “executive lobbying” shall not include providing information in writing in response to a written request from an officer or employee of the executive branch or an authority for technical advice or factual information regarding a standard, rate, rule or regulation, policy or procurement for the purposes of this chapter; provided, however, that the officer or employee of the executive branch shall make the information provided in writing available to the public contemporaneously and the information shall be included as part of the record of any administrative proceeding.

“Executive lobbyist”, a person who for compensation or reward as paid or provided by a third party engages in executive lobbying including a person who, as part of the person’s regular and usual business or professional activities is paid by a third party to engage in executive lobbying, whether or not any compensation in addition to the salary for such activities is received for such services; provided, however, that “executive lobbyist” shall not include an executive specialist, so long as the executive specialist does not engage in executive lobbying for more than 50 hours during any reporting period.

“Executive specialist”, a person who, in the scope of employment, while working as an employee for an organization, corporation, association or other non-lobbyist entity for compensation or reward engages in executive lobbying including a person who, as part of the person’s regular and usual business or professional activities and not simply incidental thereto, engages in executive lobbying, whether or not any compensation in addition to the salary for

such activities is received for such services; provided, however, that if such person engages in executive lobbying for a total of not more than 15 hours during any reporting period such person shall not be deemed an executive specialist, provided, further, that if a such person engages in executive lobbying for more than 50 hours in any reporting period, that person shall be deemed an executive lobbyist.

SECTION 3. Said section 39 of said chapter 3, as so appearing, is hereby further amended by striking out the definition of “Legislative agent” and inserting in place thereof the following 4 definitions:-

“Legislation”, bills, resolutions and proposals of every kind, character or description considered by the general court or any committee thereof, or the governor.

“Legislative lobbying”, any act to promote, oppose, influence or attempt to influence legislation, or to promote, oppose, influence or attempt to influence the governor’s approval or veto thereof including, without limitation, any action to influence the introduction, sponsorship, consideration, action or nonaction with respect to any legislation and acts to influence or attempt to influence the decision of any officer or employee of a city or town when those acts are intended to carry out a common purpose with legislative lobbying at the state level; provided, however, that “legislative lobbying” shall not include providing any information in writing in response to a written request from any member or staff of the legislative branch for technical advice or factual information regarding any legislation, provided, however that the requesting member shall make the information provided in writing available to the public contemporaneously and the information shall be included as part of a committee hearing record or the record of floor debate.

“Legislative lobbyist”, a person who for compensation or reward as paid or provided by a third party engages in legislative lobbying including a person who, as part of the person’s regular and usual business or professional activities and not simply incidental thereto, is paid by a third party to engage in legislative lobbying, whether or not any compensation in addition to the salary for such activities is received for such services; provided, however, that “legislative lobbyist” shall not include a legislative specialist, so long as the legislative specialist does not engage in legislative lobbying for more than 50 hours during any reporting period.

“Legislative specialist”, a person who, in the course of employment while working as an employee for an organization, corporation, association or non-lobbyist entity for compensation or reward engages in legislative lobbying, including a person who, as part of the person’s regular and usual business or professional activities and not simply incidental thereto, engages in legislative lobbying, whether or not any compensation in addition to the salary for such activities is received for such services, provided, however, that if such person engages in legislative lobbying for a total of not more than 15 hours during any reporting period such person shall not be deemed a legislative specialist; provided, further, that if such person engages in legislative lobbying for more than 50 hours in any reporting period, that person shall be deemed a legislative lobbyist.

SECTION 4. Chapter 3 of the General Laws is hereby amended by striking out section 41 to 49, inclusive, as appearing in the 2006 Official Edition, and inserting in place thereof the following sections 9 sections:-

79           Section 41. (a) The state secretary shall keep a docket which may be in the form of an  
80   electronic database. All information required to be filed under this section shall be organized into  
81   the docket and shall be open and accessible for public inspection during normal business hours.

82           (b) The state secretary shall offer educational seminars on the requirements of sections 39  
83   to 50, inclusive, for all legislative lobbyists, legislative specialists, executive lobbyists and  
84   executive specialists. The seminars shall be conducted in person or offered online through the  
85   state secretary's website. All legislative and executive lobbyists shall: (i) before registering with  
86   the state secretary and annually thereafter, complete an in-person or on-line seminar offered by  
87   the state secretary; and (ii) complete an in person or online seminar offered by state secretary  
88   upon any material change to sections 39 to 50, inclusive, or any regulations promulgated  
89   pursuant thereto. The superintendent of the bureau of state office buildings shall, upon request  
90   of the state secretary, provide at no cost to the state secretary suitable facilities for such seminars.  
91   The state secretary shall adopt regulations for the administration and enforcement of this section.

92           (c) Each legislative lobbyist, legislative specialist, executive lobbyist, and executive  
93   specialist and lobbyist entity and each client retaining the services of a legislative lobbyist,  
94   executive lobbyist or lobbyist entity shall file an annual registration statement with the state  
95   secretary on forms prescribed and provided by the state secretary. The annual registration shall  
96   be completed not later than December 15 of the year preceding the registration year.

97           (d) A client or lobbyist entity hiring, employing or agreeing to employ a lobbyist entity,  
98   legislative lobbyist or executive lobbyist after January 1 of the registration year shall, within 10  
99   days after such employment or agreement, cause the name of the lobbyist entity, legislative  
100   lobbyist or executive lobbyist to be registered with the state secretary as provided in this section.

101 Notice of termination of such employment shall also be filed promptly with the state secretary by  
102 the client or lobbyist entity.

103 (e) The state secretary shall assess;

104 (1) each lobbyist entity an annual filing fee of \$1,000 to register the entity on the docket;

105 (2) each legislative lobbyist and executive lobbyist an annual filing fee of \$100 upon  
106 entering the lobbyist's name on the docket; and

107 (3) each client an annual filing fee of \$100 for each lobbyist entity hired by them upon  
108 entering the name upon the docket.

109 (4) The state secretary shall not assess any fee for the registration of an executive  
110 specialist or legislative specialist.

111 (5) The state secretary may, upon written request, waive the filing fees for a not-for-profit  
112 client or a lobbyist entity which registers to exclusively represent not-for-profit clients.

113 (f) Upon registration, the state secretary shall issue to each legislative lobbyist and  
114 executive lobbyist a license which shall entitle the holder to act as a legislative lobbyist and  
115 executive lobbyist for a client that has filed a registration statement pursuant to this section. A  
116 nontransferable identification card shall evidence this license and shall include the lobbyist's  
117 name and photograph. Each license shall expire on December 31 of each year. Out-of-state  
118 legislative lobbyists and executive lobbyists shall submit 3 passport-sized photographs to the  
119 state secretary upon registration.

120 (g) The state secretary shall, upon written request from a person who is or may be subject  
121 to section 39 to 50, inclusive, render advisory opinions on the requirements of those sections.

122 An opinion rendered by the state secretary, unless amended or revoked, shall be a defense in a  
123 criminal action brought pursuant to sections 39 to 50, inclusive, and shall be binding on the state  
124 secretary, the attorney general the district attorney in any subsequent proceedings concerning the  
125 person who requested the opinion and who acted in good faith, unless material facts were  
126 omitted or misstated by the person in the request for an opinion. Such requests shall be  
127 confidential; provided, however, that the state secretary shall publish such opinions without  
128 including the name of the requesting person and any other identifying information unless the  
129 requesting person consents to such inclusion.

130         Section 42. No person shall make any agreement whereby any compensation or thing of  
131 value is to be paid to any person contingent upon a decision as described in the definition of  
132 “executive lobbying”, or the passage or defeat of any legislation or the approval or veto of any  
133 legislation by the governor. No person shall agree to engage in legislative lobbying for  
134 consideration to be paid upon the contingency of the outcome of the actions described in the  
135 definition of “legislative lobbying” or that any legislation is passed or defeated.

136         Nothing in this section shall prohibit a person whose primary occupation is in marketing  
137 or selling a product or service for the person’s company of employment from engaging in the  
138 sale of that product or service to the commonwealth for a commission or other compensation as  
139 long as the person is a full time employee for said company.

140         Section 43. (a) On or before July 15, complete from January 1 through June 30; and  
141 January 15, complete from July 1 to December 31 of the preceding year, every executive and  
142 legislative lobbyist, and every executive and legislative specialist shall render to the state  
143 secretary an itemized statement, under oath, listing:

(1) all campaign contributions as defined in section 1 of chapter 55;

(2) all expenditures, and the total amount thereof, incurred, contributed or paid during the reporting period in the course of the lobbyist or specialist's employment as an executive or legislative lobbyist or specialist;

(3) all expenditures made for or on behalf of:

(A) statewide constitutional officers, officers and employees of such offices;

(B) members of the general court;

(C) officers and employees of the general court;

(D) officers and employees of the executive branch; and

(E) officers and employees of an authority, incurred or paid during the reporting period, except that the executive or legislative lobbyist and specialist shall not be required to report such expenditures not in the course of the lobbyist or specialist's employment made for or on behalf of the immediate family of such executive or legislative lobbyist or specialist or a relative within the third degree of consanguinity of the executive or legislative lobbyist or specialist or of the lobbyists or specialist's spouse or the spouse of any such relative.

(b) The executive or legislative lobbyist or specialist shall not be required to itemize the expenditures of any 1 day in which the amount incurred or paid did not total \$35 or more.

(c) The itemized accounting shall include, but not be limited to, specific expenditures for meals, gifts, transportation, entertainment, advertising, public relations, printing, mailing and telephone; and shall also include the names of the payees and the amount paid to each payee and



shall further include the names of the candidate or political committee to whom or to which the contribution was made, and the amount and date of each contribution.

(d) When an expenditure is for a meal, entertainment or transportation, that expenditure shall be identified by date, place, amount, and the names of all persons in the group partaking in or of such meal, entertainment or transportation. No expenditure shall be split or divided for the purpose of evading any provision of this section. The state secretary shall, within 30 days of receipt of such accounting, notify persons whose names appear therein as having received campaign contributions, meals, transportation or entertainment, as to the nature of the contribution or expenditure claimed, the date and amount of the contribution or expenditure, and the person or persons who reported the contribution or expenditure.

(e) Every executive and legislative lobbyist shall include in the statement required by this section a list of all bill numbers of legislation the executive or legislative lobbyist acted to promote, oppose or influence during the reporting period in the course of the lobbyists' employment. The disclosure shall only be required if the executive or legislative lobbyist specifically referenced the bill number while acting to promote, oppose or influence legislation.

(f) The state secretary shall assess a penalty for any statement which is filed by an executive or legislative lobbyist or an executive or legislative specialist later than the prescribed date; or, if such statement has been filed by mailing, where the postmark on such mailing is later than the prescribed date. That penalty shall be \$50 for the first 20 days that such statement is past due and \$100 per day for every day after the twentieth day until the statement is filed. The state secretary may waive these penalties for good cause. A waiver for good cause shall not be granted for statements filed more than 60 days late by executive or legislative lobbyists or executive or

186 legislative specialists, or groups and organizations employing executive or legislative lobbyists  
187 or specialists, which have never filed or have never been required to file such statements. In all  
188 other instances no waiver for good cause shall be granted when a statement has been filed more  
189 than 30 days late.

190 (g) The state secretary shall prescribe and make available the appropriate statement forms  
191 which shall be open and accessible for public inspection during normal working hours.

192 (h) Notwithstanding the provisions of any general or special law to the contrary, no  
193 executive or legislative lobbyist shall knowingly offer or knowingly give to any public official or  
194 public employee, as defined in section 1 of chapter 268B, or to a member of such person's  
195 immediate family any gift, as defined in section 1 of chapter 268B, of any kind or nature, nor  
196 knowingly pay for any meal, beverage, or other item to be consumed by such public official or  
197 employee, whether or not such gift or meal, beverage or other item to be consumed is offered,  
198 given or paid for in the course of such lobbyist's business or in connection with a personal or  
199 social event; provided, however, that an executive or legislative lobbyist shall not be prohibited  
200 from offering or giving to a public official or public employee who is a member of the lobbyist's  
201 immediate family or a relative within the third degree of consanguinity or of such lobbyist's  
202 spouse or the spouse of any such relative any such gift or meal, beverage or other item to be  
203 consumed.

204 Section 44. (a) On or before July 15, complete from January 1 through June 30; and  
205 January 15, complete from July 1 to December 31 of the preceding year, any group or  
206 organization, however constituted, not employing an executive or legislative lobbyist or  
207 specialist which as part of an organized effort, expends in excess of \$250 during any calendar

208 year on executive lobbying or legislative lobbying shall register with the state secretary by  
209 rendering a statement, under oath, containing:

210 (1) the names and addresses of the principals of such group or organization;

211 (2) the purposes of the organization;

212 (3) decisions of employees of the executive branch or an authority or legislation which  
213 affects those purposes;

214 (4) the total amount of expenditures, incurred or paid during the reporting period in  
215 furtherance of the executive or legislative lobbying efforts;

216 (5) an itemized statement containing all expenditures made for or on behalf of statewide  
217 constitutional officers, officers and employees of such offices, members of the general court,  
218 officers and employees of the general court, officers and employees of the executive branch and  
219 officers and employees of an authority; and

220 (6) a listing of the names and addresses of every person, group or organization from  
221 whom \$15 or more was contributed during the year for the objectives hereinabove stated. No  
222 expenditure or contribution shall be split or divided for the purpose of evading any provision of  
223 this section.

224 The state secretary shall prescribe and make available the appropriate statement forms  
225 which after being completed and filed with the state secretary shall be organized alphabetically  
226 according to the name of the group and such files shall be open and accessible for public  
227 inspection during normal business hours.

(b) The itemized accounting under clause (5) of subsection (a) shall include, but shall not be limited to:

(1) specific expenditures for meals, transportation, entertainment, advertising, public relations, printing, mailing and telephone and the names of the payees and the amount paid to each payee. Where such expenditure is for meals, entertainment or transportation, the expenditure shall be identified by date, place, amount, and the names of all persons in the group partaking in, or of, such meal, entertainment or transportation;

(2) including any expenditure directly related to strategizing, planning, research and other background work if performed in connection with, or for use in, an actual communication directly with a covered executive official to influence a decision concerning policy or procurement or with an employee of the legislative branch; and

(3) a list of all campaign contributions, as defined in section 1 of chapter 55, made by the group to a political candidate or committee, the name of each candidate or committee, the amount contributed and the date of the contribution.

(c) The state secretary shall assess a penalty for any statement which is filed in accordance with this section later than the prescribed date; or, if such statement has been filed by mailing, where the postmark on such mailing is later than the prescribed date. That penalty shall be \$50 per day for the first 20 days that such statement is past due and \$100 per day for every day after the twentieth day until the statement is filed. The state secretary may waive these penalties for good cause. A waiver for good cause shall not be granted for statements filed more than 60 days late by executive or legislative lobbyists, or groups and organizations employing executive or legislative lobbyists, which have never filed or have never been required to file such

statements. In all other instances no waiver for good cause shall be granted when a statement has been filed more than 30 days late.

(d) This section shall not apply to any group or organization that (i) does not employ an executive or legislative lobbyist; (ii) does not realize a profit; (iii) does not make a contribution, as defined in section 1 of chapter 55, to a political candidate or committee; (iv) does not pay a salary or fee to any member for any activities performed for the benefit of the group or organization; and (v) expends \$2000 or less during any calendar year on executive lobbying or legislative lobbying.

Section 45. (a) Upon receipt of a sworn complaint signed under the penalties of perjury, or upon receipt of evidence which is deemed sufficient by the state secretary, the state secretary shall initiate a preliminary inquiry into any alleged violation of sections 39 to 50, inclusive. At the commencement of a preliminary inquiry into any such alleged violation, the state secretary shall notify the attorney general. All proceedings and records relating to a preliminary inquiry or initial staff review used to determine whether to initiate an inquiry shall be confidential. The state secretary shall notify any person who is the subject of the preliminary inquiry of the existence of such inquiry and the general nature of the alleged violation within 30 days of the commencement of the inquiry.

(b) If a preliminary inquiry fails to indicate reasonable cause for belief that there has been a violation of sections 39 to 50, inclusive, the state secretary shall immediately terminate the inquiry and shall within 10 days so notify, in writing, the complainant, if any, and the person who had been the subject of the inquiry.

(c) If a preliminary inquiry indicates reasonable cause for belief that there has been a violation of sections 39 to 50, inclusive, the state secretary may initiate an adjudicatory proceeding to determine whether there has been such a violation.

(d) The state secretary may require by summons the attendance and testimony of witnesses and the production of books, papers or other financial documents directly relating to any matter being investigated pursuant to sections 39 to 50, inclusive, provided that the state secretary's subpoena power shall be limited to obtaining employment contracts and other contracts or agreements related to services rendered, work performed or compensation received in connection with executive lobbying or legislative lobbying. Any justice of the supreme judicial court or the superior court may, upon application by the state secretary, issue a summons to be served in the same manner as summonses for witnesses in criminal cases, issued on behalf of the commonwealth and all the provisions of law relative to summonses shall apply to summonses issued under this section so far as applicable. Any justice of the supreme judicial court or the superior court may upon application by the state secretary compel the attendance of witnesses summoned as aforesaid and the giving of testimony under oath before the state secretary in furtherance of any investigation in the same manner and to the same extent as before said courts.

(e) The state secretary, or his designee, may administer oaths and may hear testimony or receive other evidence in any proceeding under this chapter.

(f) All testimony in an adjudicatory proceeding shall be under oath. All parties shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine witnesses

who testify, to submit evidence, and to be represented by counsel. Before testifying, all witnesses shall be given a copy of the regulations governing adjudicatory proceedings.

(g) Any person whose name is mentioned during an adjudicatory proceeding of the state secretary and who may be adversely affected thereby may appear personally before the state secretary on his own behalf, with or without counsel, to give a statement in opposition to such adverse mention or file a written statement of such opposition for incorporation into the record of the proceeding.

(h) All adjudicatory proceedings of the state secretary pursuant to this section shall be public and shall be subject to chapter 30A, except as to any rule power or procedure expressly supplied by this section.

(i) Within 30 days after completion of deliberations, the state secretary shall publish a written report of his findings and conclusions.

(j) Upon a finding pursuant to an adjudicatory proceeding that there has been a violation, the state secretary may issue an order for one or more of the following: (1) requiring the violator to cease and desist such violation; (2) requiring the violator to file any report, statement or other information as required by sections 39 to 50, inclusive; (3) suspending for a specified period or revoking the license and registration of the violator; or (4) requiring the violator to pay a civil penalty of not more than \$10,000 for each violation.

The state secretary may file a civil action in superior court to enforce this order.

(k) Final decision in an adjudicatory proceeding conducted by the state secretary under this section shall be subject to review in the superior court division of the appropriate county

upon petition of any aggrieved party in interest filed within 30 days after receipt of notice of the decision of which review is sought. The court shall enter a judgment enforcing, modifying, or setting aside the order of the state secretary, or it may remand the proceedings to the state secretary for such further action as the court may direct. If the court modifies or sets aside the state secretary's order or remands the proceedings to the state secretary, the court shall determine whether such modification, set aside, or remand is substantial. If the court does find such modification, set aside, or remand to be substantial, the petitioner shall be entitled to be reimbursed from the treasury of the commonwealth for reasonable attorneys' fees and all court costs incurred by him in the defense of the charges contained in the proceedings. The amount of such reimbursement shall be awarded by the court but shall not exceed \$20,000 per person, per case.

(l) Any person who violates the confidentiality of an inquiry under this section shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 1 year, or both.

(m) The state secretary shall automatically disqualify any person convicted of a felony in violation of chapter 3, chapter 55 or chapter 268A from acting or registering as an executive lobbyist, legislative lobbyist, executive specialist or legislative specialist for a period of 10 years from the date of conviction.

Section 46. The docket of executive and legislative lobbyists shall be maintained for each legislative year, beginning on the first Wednesday of January and ending at the conclusion of business on the final day before the succeeding legislative session.



Section 47. (a) On or before July 15, complete from January 1 through June 30; and  
January 15, complete from July 1 to December 31 of the preceding year, every employer of an  
executive or legislative lobbyist or specialist shall render to the state secretary the following:

A complete and detailed itemized statement, under oath, listing:

(1) all expenditures incurred or paid separately by such employer during the reporting  
period specifically in connection with executive or legislative lobbying; and

(2) all expenditures for or on behalf of:

(A) the statewide constitutional officers;

(B) officers and employees of those offices;

(C) members of the general court;

(D) officers and employees of the general court;

(E) officers and employees of the executive branch; and

(F) officers and employees of an authority, and the total amount thereof incurred or paid  
separately by such employer during the reporting period;

(b) An employer shall not be required to itemize the expenditures of any 1 day in which  
the amount incurred or paid did not total \$35 or more.

(c) An itemized accounting under subsection (a) shall include, but shall not be limited to,  
specific expenditures for meals, gifts, transportation, entertainment, advertising, public relations,  
printing, mailing, telephone and compensation for any professional services rendered by

executive or legislative lobbyists and executive or legislative specialists, or any other expenditures for goods or services specifically incurred or paid during the reporting period as part of the employer's executive or legislative lobbying activities including any expenditure directly related to strategizing, planning, research and other background work if performed in connection with, or for use in, an actual communication directly with a covered executive official to influence a decision concerning policy or procurement or with an employee of the legislative branch; and the names of the payees and the amount paid to each payee.

(d) Where the expenditure is for meals, entertainment or transportation, the expenditure shall be identified by the date, place, amount, and names of all persons in the group partaking in, or of, the meal, entertainment, or transportation.

(e) When such compensation is included as part of a regular salary or retainer, the statement shall specify the amount of the lobbyist's or specialist's salary or retainer allocable to the lobbyist's or specialist's executive lobbying duties or legislative lobbying duties. If no such apportionment is possible, the statement shall indicate such impossibility and disclose the full salary or retainer. No expenditure shall be split or divided for the purpose of evading any provision of this section.

(f) The state secretary shall assess a penalty for any statement which is filed by an employer later than the prescribed date; or, if that statement has been filed by mailing, where the postmark on the mailing shall determine the timeliness of the filing. The penalty shall be \$50 per for the first 20 days that such statement is past due and \$100 per day for every day after the twentieth day until the statement is filed. The state secretary may waive these penalties for good cause. A waiver for good cause shall not be granted for statements filed more than 60 days late a

374 group or organization employing executive or legislative lobbyists if the group or organization  
375 has never previously filed or has never been required to file such statements. In all other  
376 instances no waiver for good cause shall be granted when a statement has been filed more than  
377 30 days late.

378 (g) The state secretary shall prescribe and make available the appropriate statement forms  
379 which after being completed and filed with the state secretary shall be organized alphabetically,  
380 according to the name of the employer and those files shall be open and accessible for public  
381 inspection during normal business hours.

382 Section 48. A person convicted of a violation of any provision of sections 41 to 44,  
383 inclusive, or section 47 shall be punished by a fine of not less than \$100, nor more than \$10,000,  
384 or by imprisonment in a jail or house of correction for not more than 2 ½ year or by  
385 imprisonment in the state prison for not more than 5 years, or both such fine and imprisonment.  
386 Any person acting as an executive or legislative lobbyist who has been found guilty of violating  
387 any provision of said sections shall in addition to such fine, be disqualified from acting as an  
388 executive or legislative lobbyist until the termination of the third regular session of the general  
389 court after the date of conviction for such offense. The state secretary shall inspect all statements  
390 required by sections 43, 44, and 47 and if it appears to him that a person has failed to file any  
391 such statement or that any such statement does not conform to law, the state secretary shall  
392 within a reasonable time notify the delinquent person, group or organization in writing.

393 Upon failure to file a statement within 14 days after receiving notice under this section, or  
394 if any statement filed after receiving notice indicates a violation of sections 43, 44, or 47, the  
395 state secretary shall within a reasonable time notify the attorney general and shall furnish the

attorney general with copies of all papers relating thereto. The attorney general shall examine every such case and upon investigation and he deems appropriate cause prosecutions to be instituted in the name of the commonwealth or shall institute appropriate civil proceedings pursuant to section 49 or refer the case to the proper district attorney for such action as may be appropriate.

Section 49. The supreme judicial court or superior court may compel a person, group or organization failing to file a statement required by section 43, 44 or 47 or filing a statement not conforming to the requirements of those sections in respect to its truth, sufficiently in detail, or otherwise to file a sufficient statement, upon the application of the attorney general. Proceedings under this section shall be advanced for speedy trial upon the request of either party. The supreme judicial court or superior court may also, upon application of the attorney general, grant equitable or mandamus relief to enforce sections 41 and 42 and the provisions of section 43 prohibiting the offering or giving of or paying for gifts, meals, beverages or other items. Relief under this section may include an order to pay to the commonwealth an amount equal to the value of any compensation or thing paid or received in violation of said section 42, or the value of a gift, meal, beverage or other item given or received in violation of said section 43; provided, however, that a court shall not impose any monetary relief under this section against a person who has previously been ordered to pay a penalty or other monetary relief for the same conduct by the state secretary pursuant to section 45(j).

Section 50. Sections 39 to 49, inclusive, shall not apply to an employee or agent of the commonwealth or of an authority city, town, district or regional school district acting in such capacity or to a person requested to appear before a committee or commission of the general court by a majority of the members of such committee or commission; provided, that such person

419 performs no other act to influence legislation; and provided further, that the name of such person  
420 be recorded in the official records of such committee or commission.

421 SECTION 5. Sections 11A and 11A-1/2 of chapter 30A are hereby repealed.

422 SECTION 6. Said chapter 30A is hereby amended by adding the following 8 sections:-

423 Section 18: As used in this section and sections 19 to 25, inclusive, the following words  
424 shall have the following meanings, unless the context clearly requires otherwise:

425 “Deliberation”, an oral or written communication through any medium, including  
426 electronic mail, between or among a quorum of a public body on any public business within its  
427 jurisdiction; provided, however, that “deliberation” shall not include the distribution of a meeting  
428 agenda, scheduling information or distribution of other procedural meeting or the distribution of  
429 reports or documents that may be discussed at a meeting, provided that no opinion of a member  
430 is expressed.

431 “Emergency”, a sudden, generally unexpected occurrence or set of circumstances  
432 demanding immediate action.

433 “Executive session”, any part of a meeting of a public body closed to the public for  
434 deliberation of certain matters.

435 “Intentional violation”, an act or omission by a public body or a member thereof, in  
436 knowing violation of the open meeting law.

437 “Meeting”, a deliberation by a public body with respect to any matter within the body’s  
438 jurisdiction; provided, however, “meeting” shall not include:

439 (a) an on-site inspection of a project or program, so long as the members do not  
440 deliberate;

441 (b) attendance by a quorum of a public body at a public or private gathering, including a  
442 conference or training program or a media, social or other event, so long as the members do not  
443 deliberate;

444 (c) attendance by a quorum of a public body at a meeting of another public body that has  
445 complied with the notice requirements of the open meeting law, so long as the visiting members  
446 communicate only by open participation in the meeting on those matters under discussion by the  
447 host body do not deliberate;

448 (d) a meeting of a quasi-judicial board or commission held for the sole purpose of making  
449 a decision required in an adjudicatory proceeding brought before it; or

450 (e) a session of a town meeting convened under section 10 of chapter 39 which would  
451 include the attendance by a quorum of a public body at any such session.

452 “Minutes”, the written report of a meeting created by a public body required by  
453 subsection (a) of section 23 and section 5A of chapter 66.

454 “Open meeting law”, sections 18 to 25, inclusive.

455 “Post notice”, to display conspicuously the written announcement of a meeting either in  
456 hard copy or electronic format.

457 “Preliminary screening”, the initial stage of screening applicants conducted by a  
458 committee or subcommittee of a public body solely for the purpose of providing to the public  
459 body a list of those applicants qualified for further consideration or interview.

“Public body”, a multiple-member board, commission, committee or subcommittee within the executive or legislative branch or within any county, district, city, region or town, however created, elected, appointed or otherwise constituted, established to serve a public purpose; provided, however, that the governing board of a local housing, redevelopment or other similar authority shall be deemed a local public body; provided, further, that the governing board or body of any other authority established by the general court to serve a public purpose in the commonwealth or any part thereof shall be deemed a state public body; provided, further, that “public body” shall not include the general court or the committees or recess commissions thereof, bodies of the judicial branch or bodies appointed by a constitutional officer solely for the purpose of advising a constitutional officer and shall not include the board of bank incorporation or the policyholders protective board; and provided further, that a subcommittee shall include any multiple-member body created to advise or make recommendations to a public body.

“Quorum”, a simple majority of the members of the public body, unless otherwise provided in a general or special law, executive order or other authorizing provision.

Section 19. (a) There shall be in the department of the attorney general a division of open government under the direction of a director of open government. The attorney general shall designate an assistant attorney general as the director of the open government division. The director may appoint and remove, subject to the approval of the attorney general, such expert, clerical and other assistants as the work of the division may require. The division shall perform the duties imposed upon the attorney general by the open meeting law, which may include participating, appearing and intervening in any administrative and judicial proceedings pertaining to the enforcement of the open meeting law. For the purpose of such participation,

appearance, intervention and training authorized by this chapter the attorney general may expend such funds as may be appropriated therefor.

(b) The attorney general shall create and distribute educational materials and provide training to public bodies in order to foster awareness and compliance with the open meeting law. Open meeting law training may include, but shall not be limited to, instruction in:

(1) the general background of the legal requirements for the open meeting law;

(2) applicability of this sections 18 to 25, inclusive, to governmental bodies;

(3) the role of the attorney general in enforcing the open meeting law; and

(4) penalties and other consequences for failure to comply with this chapter.

(c) There shall be an open meeting law advisory commission. The commission shall consist of 5 members, 2 of whom shall be the chairmen of the joint committee on state administration and regulatory oversight; 1 of whom shall be the president of the Massachusetts Municipal Association or his designee; 1 of whom shall be the president of the Massachusetts Newspaper Publishers Association or his designee; and 1 of whom shall be the attorney general or his designee.

The commission shall review issues relative to the open meeting law and shall submit to the attorney general recommendations for changes to the regulations, trainings, and educational initiatives relative to the open meeting law as it deems necessary and appropriate.

(d) The attorney general shall, not later than January 31, file annually with the commission a report providing information on the enforcement of the open meeting law during the preceding calendar year. The report shall include, but not be limited to:



503 (1) the number of open meeting law complaints received by the attorney general;

504 (2) the number of hearings convened as the result of open meeting law complaints by the  
505 attorney general;

506 (3) a summary of the determinations of violations made by the attorney general;

507 (4) a summary of the orders issued as the result of the determination of an open meeting  
508 law violation by the attorney general;

509 (5) an accounting of the fines obtained by the attorney general as the result of open  
510 meeting law enforcement actions;

511 (6) the number of actions filed in superior court seeking relief from an order of the  
512 attorney general; and

513 (7) any additional information relevant to the administration and enforcement of the open  
514 meeting law that the attorney general deems appropriate.

515 Section 20. (a) Except as provided in section 21, all meetings of a public body shall be  
516 open to the public.

517 (b) Except in an emergency, in addition to any notice otherwise required by law, a public  
518 body shall post notice of every meeting at least 48 hours prior to such meeting, excluding  
519 Saturdays, Sundays and legal holidays. In an emergency, a public body shall post notice as soon  
520 as reasonably possible prior to such meeting. Notice shall be printed in a legible, easily  
521 understandable format and shall contain the date, time and place of such meeting and a listing of  
522 topics that the chair reasonably anticipates will be discussed at the meeting.

523 (c) For meetings of a local public body, notice shall be filed with the municipal clerk and  
524 posted in a manner conspicuously visible to the public at all hours in or on the municipal  
525 building in which the clerk's office is located.

526 For meetings of a regional or district public body, notice shall be filed and posted in each  
527 city or town within the region or district in the manner prescribed for local public bodies. For  
528 meetings of a regional school district, the secretary of the regional school district committee shall  
529 be considered to be its clerk and shall file notice with the clerk of each city or town within such  
530 district and shall post the notice in the manner prescribed for local public bodies. For meetings  
531 of a county public body, notice shall be filed in the office of the county commissioners and a  
532 copy thereof shall be publicly posted in a manner conspicuously visible to the public at all hours  
533 in such place or places as the county commissioners shall designate for the purpose.

534 For meetings of a state public body, notice shall be filed with the attorney general by  
535 posting on a website in accordance with procedures established for this purpose.

536 The attorney general shall have the authority to prescribe or approve alternative methods  
537 of notice where the attorney general determines such alternative will afford more effective notice  
538 to the public.

539 (d) The attorney general may by regulation or letter ruling, authorize remote participation  
540 by members of a public body not present at the meeting location, provided the absent members  
541 and all persons present at the meeting location are clearly audible to each other, and provided a  
542 quorum of the body, including the chair, are present at the meeting location. Such authorized  
543 members may vote and shall not be deemed absent for the purposes of section 23D of chapter 39.

(e) After notifying the chair of the public body, any person may make a video or audio recording of an open session of a meeting of a public body, or may transmit the meeting through any medium, subject to reasonable requirements of the chair as to the number, placement and operation of equipment used so as not to interfere with the conduct of the meeting. At the beginning of the meeting the chair shall inform other attendees of any such recordings.

(f) No person shall address a meeting of a public body without permission of the chair, and all persons shall, at the request of the chair, be silent. No person shall disrupt the proceedings of a meeting of a public body. If, after clear warning from the chair, a person continues to disrupt the proceedings, the chair may order the person to withdraw from the meeting and if the person does not withdraw, the chair may authorize a constable or other officer to remove the person from the meeting.

(g) Within 2 weeks of qualification for office, all persons serving on a public body shall certify, on a form prescribed by the attorney general, the receipt of a copy of the open meeting law, regulations promulgated pursuant to section 25 and a copy of the educational materials prepared by the attorney general explaining the open meeting law and its application pursuant to section 20. Unless otherwise directed or approved by the attorney general, the appointing authority, city or town clerk or the executive director or other appropriate administrator of a state or regional body, or their designees, shall obtain such certification from each person upon entering service and shall retain it subject to the applicable records retention schedule where the body maintains its official records. The certification shall be evidence that the member of a public body has read and understands the requirements of the open meeting law and the consequences of violating it.

Section 21. (a) A public body may meet in closed session for 1 or more of the purposes enumerated in this section provided that:

the body has first convened in an open session pursuant to section 21;

a majority of members of the body have voted to go into executive session and the vote of each member is recorded by roll call and entered into the minutes;

before the executive session, the chair shall state the purpose for the executive session, stating all subjects that may be revealed without compromising the purpose for which the executive session was called;

the chair shall publicly announce whether the open session will reconvene at the conclusion of the executive session; and

accurate records of the executive session shall be maintained pursuant to section 23.

(b) A public body may meet in executive session only for the following purposes:

To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual.

The individual to be discussed in such executive session shall be notified in writing by the public body at least 48 hours prior to the proposed executive session; provided, however, that notification may be waived upon written agreement of the parties. A public body shall hold an open session if the individual involved requests that the session be open. If a executive session is held, such individual shall have the following rights:

586 to be present at such executive session during deliberations which involve that  
587 individual;

588 to have counsel or a representative of his own choosing present and attending for the  
589 purpose of advising the individual and not for the purpose of active participation in the executive  
590 session;

591 to speak on his own behalf; and

592 to cause an independent record to be created of said executive session by audio-  
593 recording or transcription, at the individual's expense.

594 The rights of an individual set forth in this paragraph are in addition to the rights that he  
595 may have from any other source, including, but not limited to, rights under any laws or collective  
596 bargaining agreements and the exercise or non-exercise of the individual rights under this section  
597 shall not be construed as a waiver of any rights of the individual.

598 To conduct strategy sessions in preparation for negotiations with nonunion personnel or  
599 to conduct collective bargaining sessions or contract negotiations with nonunion personnel.

600 To discuss strategy with respect to collective bargaining or litigation if an open meeting  
601 may have a detrimental effect on the bargaining or litigating position of the public body and the  
602 chair so declares.

603 To discuss the deployment of security personnel or devices, or strategies with respect  
604 thereto.

605 To investigate charges of criminal misconduct or to consider the filing of criminal  
606 complaints.

607 To consider the purchase, exchange, lease or value of real property if the chair declares  
608 that an open meeting may have a detrimental effect on the negotiating position of the public  
609 body.

610 To comply with, or act under the authority of, any general or special law or federal grant-  
611 in-aid requirements.

612 (8) To consider or interview applicants for employment or appointment by a  
613 preliminary screening committee if the chair declares that an open meeting will have a  
614 detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not  
615 apply to any meeting, including meetings of a preliminary screening committee, to consider and  
616 interview applicants who have passed a prior preliminary screening.

617 (9) To meet or confer with a mediator, as defined in section 23C of chapter 233, with  
618 respect to any litigation or decision on any public business within its jurisdiction involving  
619 another party, group or entity, provided that:

620 (i) any decision to participate in mediation shall be made in an open session and the  
621 parties, issues involved and purpose of the mediation shall be disclosed; and

622 (ii) no action shall be taken by any public body with respect to those issues which are the  
623 subject of the mediation without deliberation and approval for such action at an open session.

624 Section 22. (a) A public body shall create and maintain accurate minutes of all meetings,  
625 including executive sessions, setting forth the date, time and place, the members present or  
626 absent, a summary of the discussions on each subject, a list of documents and other exhibits used

627 at the meeting, the decisions made and the actions taken at each meeting, including the record of  
628 all votes.

629 (b) No vote taken at an open session shall be by secret ballot. Any vote taken at an  
630 executive session shall be recorded by roll call and entered into the minutes.

631 (c) Minutes of all open sessions shall be created and approved in a timely manner. The  
632 minutes of an open session, if they exist and whether approved or in draft form, shall be made  
633 available upon request by any person within 10 days.

634 (d) Documents and other exhibits, such as photographs, recordings or maps, used by the  
635 body at an open or executive session shall, along with the minutes, be part of the official record  
636 of the session.

637 (e) The minutes of any open session, the notes, recordings or other materials used in the  
638 preparation of such minutes and all documents and exhibits used at the session, shall be public  
639 records in their entirety and not exempt from disclosure pursuant to any of the exemptions under  
640 clause Twenty-sixth of section 7 of chapter 4. Notwithstanding this paragraph, the following  
641 materials shall be exempt from disclosure to the public as personnel information: (1) materials  
642 used in a performance evaluation of an individual bearing on his professional competence,  
643 provided they were not created by the members of the body for the purposes of the evaluation;  
644 and (2) materials used in deliberations about employment or appointment of individuals,  
645 including applications and supporting materials; provided, however, that any resume submitted  
646 by an applicant shall not be exempt.

647 (f) The minutes of any executive session, the notes, recordings or other materials used in  
648 the preparation of such minutes and all documents and exhibits used at the session, may be

withheld from disclosure to the public in their entirety under exemption (a) of clause Twenty-sixth of section 7 of chapter 4, as long as publication may defeat the lawful purposes of the executive session, but no longer, provided that the executive session was held in compliance with section 21. When the purpose for which a valid executive session was held has been served, the minutes, preparatory materials and documents and exhibits of the session shall be disclosed unless the attorney-client privilege or 1 or more of the exemptions under clause Twenty-sixth of section 7 of chapter 4 apply to withhold these records, or any portion thereof, from disclosure.

For purposes of this subsection, if a executive session is held pursuant to clause (2) or (3) of subsections (b) of section 21, then the minutes, preparatory materials and documents and exhibits used at the session may be withheld from disclosure to the public in their entirety, unless and until such time as a litigating, negotiating or bargaining position is no longer jeopardized by such disclosure, at which time they shall be disclosed unless the attorney-client privilege or 1 or more of the exemptions under clause Twenty-sixth of section 7 of chapter 4 apply to withhold these records, or any portion thereof, from disclosure.

(g)(1) The public body, or its chair or designee, shall, at reasonable intervals, review the minutes of executive sessions to determine if the provisions of this subsection warrant continued non-disclosure. Such determination shall be announced at the body's next meeting and such announcement shall be included in the minutes of that meeting.

(2) Upon request by any person to inspect or copy the minutes of a executive session or any portion thereof, the body shall respond to the request within 10 days following receipt and shall release any such minutes not covered by an exemption under subsection (f); provided, however, that if the body has not performed a review pursuant to paragraph (1) of this



subsection, the public body shall perform the review and release the non-exempt minutes, or any portion thereof, not later than the body's next meeting or 30 days, whichever first occurs. A public body shall not assess a fee for the time spent in its review.

Section 23. (a) Subject to appropriation, the attorney general shall interpret and enforce the open meeting law.

(b) At least 30 days prior to the filing of a complaint with the attorney general, the complainant shall file a written complaint with the public body, setting forth the circumstances which constitute the alleged violation and giving the body an opportunity to remedy the alleged violation; provided, however, that such complaint shall be filed within 30 days of the date of the alleged violation,. The public body shall, within 14 business days of receipt of a complaint, send a copy of the complaint to the attorney general and notify the attorney general of any remedial action taken. Any remedial action taken by the public body in response to a complaint under this subsection shall not be admissible as evidence against the public body that a violation occurred in any later administrative or judicial proceeding relating to such alleged violation. The attorney general may authorize an extension of time to the public body for the purpose of taking remedial action upon the written request of the public body and a showing of good cause to grant the extension.

(c) Upon the receipt of a complaint by any person, the attorney general shall determine, in a timely manner, whether there has been a violation of the open meeting law. The attorney general may, and before imposing any civil penalty on a public body shall, hold a hearing on any such complaint. Following a determination that a violation has occurred, the attorney general shall determine whether the public body, 1 or more of the members, or both, are responsible and

693 whether the violation was intentional or unintentional. Upon the finding of a violation, the  
694 attorney general may issue an order to:

695 (1) compel immediate and future compliance with the open meeting law;

696 (2) compel attendance at a training session authorized by the attorney general;

697 (3) nullify in whole or in part any action taken at the meeting;

698 (4) impose a civil penalty upon the public body of not more than \$1,000 for each  
699 intentional violation;

700 (5) reinstate an employee without loss of compensation, seniority, tenure or other  
701 benefits;

702 (6) compel that minutes, records or other materials be made public; or

703 (7) prescribe other appropriate action.

704 (d) A public body or any member of a body aggrieved by any order issued pursuant to  
705 this section may, notwithstanding any general or special law to the contrary, obtain judicial  
706 review of the order only through an action in superior court seeking relief in the nature of  
707 certiorari, provided that notwithstanding section 4 of chapter 249, any such action shall be  
708 commenced in the court within 21 days of receipt of the order. Any order issued pursuant to this  
709 section shall be stayed pending judicial review; provided, however, that if the order nullifies an  
710 action of the public body, the body shall not implement such action pending judicial review.

711 (e) If any public body or member thereof shall fail to comply with the requirements set  
712 forth in any order issued by the attorney general hereunder, or shall fail to pay any civil penalty

713 imposed thereby within 21 days of the date of issuance of such order or within 30 days following  
714 the decision of the superior court if judicial review of such order has been timely sought, the  
715 attorney general may file an action to compel compliance. Such action shall be filed in Suffolk  
716 superior court with respect to state public bodies and, with respect to all other public bodies, in  
717 the superior court in any county in which the public body acts or meets. If such body or member  
718 has not timely sought judicial review of the order, such order shall not be open to review in an  
719 action to compel compliance.

720 (f) As an alternative to the procedure set forth in subsection (b), the attorney general or 3  
721 or more registered voters may initiate a civil action to enforce the open meeting law.

722 Any action under this subsection shall be filed in Suffolk superior court with respect to  
723 state public bodies and, with respect to all other public bodies, in the superior court in any county  
724 in which the public body acts or meets.

725 In any action filed pursuant to this subsection, in addition to all other remedies available  
726 to the superior court, in law or in equity, the court shall have all of the remedies set forth in  
727 subsection (b).

728 In any action filed pursuant to this subsection, the order of notice on the complaint shall  
729 be returnable not later than 10 days after the filing thereof and the complaint shall be heard and  
730 determined on the return day or on such day thereafter as the court shall fix, having regard to the  
731 speediest possible determination of the cause consistent with the rights of the parties; provided,  
732 however, that orders may be issued at any time on or after the filing of the complaint without  
733 notice when such order is necessary to fulfill the purposes of the open meeting law. In the  
734 hearing of any action under this subsection, the burden shall be on the respondent to show by a

preponderance of the evidence that the action complained of in such complaint was in accordance with and authorized by the provisions of the open meeting law; provided, however, that no civil penalty may be imposed on an individual absent proof that the action complained of violated the open meeting law.

(g) It shall be a defense to the imposition of a penalty that the public body, after full disclosure, acted in good faith compliance with the advice of the public body's legal counsel.

(h) Payment of civil penalties under this section paid to or received by the attorney general shall be paid into the general fund of the commonwealth.

Section 24. (a) Whenever the attorney general has reasonable cause to believe that a person, including any public body and any other state, regional, county, municipal or other governmental official or entity, has violated the open meeting law, may conduct an investigation to ascertain whether in fact such person has violated the open meeting law. Upon notification of an investigation, any person, public body or any other state, regional, county, municipal or other governmental official or entity who is the subject of an investigation, shall make all information necessary to conduct such investigation available to the attorney general. In the event that the person, public body or any other state, regional, county, municipal or other governmental official or entity being investigated does not voluntarily provide relevant information to the attorney general within 30 days of receiving notice of the investigation, the attorney general may: (1) take testimony under oath concerning such alleged violation of the open meeting law; (2) examine or cause to be examined any documentary material of whatever nature relevant to such alleged violation of the open meeting law; and (3) require attendance during such examination of documentary material of any person having knowledge of the documentary material and take

testimony under oath or acknowledgment in respect of any such documentary material. Such testimony and examination shall take place in the county where such person resides or has a place of business or, if the parties consent or such person is a nonresident or has no place of business within the commonwealth, in Suffolk county.

(b) Notice of the time, place and cause of such taking of testimony, examination or attendance shall be given by the attorney general at least 10 days prior to the date of such taking of testimony or examination.

(c) Service of any such notice may be made by: (1) delivering a duly-executed copy thereof to the person to be served or to a partner or to any officer or agent authorized by appointment or by law to receive service of process on behalf of such person; (2) delivering a duly-executed copy thereof to the principal place of business in the commonwealth of the person to be served; or (3) mailing by registered or certified mail a duly-executed copy thereof addressed to the person to be served at the principal place of business in the commonwealth or, if said person has no place of business in the commonwealth, to his principal office or place of business.

(d) Each such notice shall: (1) state the time and place for the taking of testimony or the examination and the name and address of each person to be examined, if known and, if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs; (2) state the statute and section thereof, the alleged violation of which is under investigation and the general subject matter of the investigation; (3) describe the class or classes of documentary material to be produced thereunder with reasonable specificity, so as fairly to indicate the material demanded; (4) prescribe a return date within which the documentary

779 material is to be produced; and (5) identify the members of the attorney general's staff to whom  
780 such documentary material is to be made available for inspection and copying.

781 (e) No such notice shall contain any requirement which would be unreasonable or  
782 improper if contained in a subpoena duces tecum issued by a court of the commonwealth or  
783 require the disclosure of any documentary material which would be privileged, or which for any  
784 other reason would not be required by a subpoena duces tecum issued by a court of the  
785 commonwealth.

786 (f) Any documentary material or other information produced by any person pursuant to  
787 this section shall not, unless otherwise ordered by a court of the commonwealth for good cause  
788 shown, be disclosed to any person other than the authorized agent or representative of the  
789 attorney general, unless with the consent of the person producing the same; provided, however,  
790 that such material or information may be disclosed by the attorney general in court pleadings or  
791 other papers filed in court.

792 (g) At any time prior to the date specified in the notice, or within 21 days after the notice  
793 has been served, whichever period is shorter, the court may, upon motion for good cause shown,  
794 extend such reporting date or modify or set aside such demand or grant a protective order in  
795 accordance with the standards set forth in Rule 26(c) of the Massachusetts Rules of Civil  
796 Procedure. The motion may be filed in the superior court of the county in which the person  
797 served resides or has his usual place of business or in Suffolk county. This section shall not be  
798 applicable to any criminal proceeding nor shall information obtained under the authority of this  
799 section be admissible in evidence in any criminal prosecution for substantially identical  
800 transactions.

801           Section 25. (a) The attorney general shall have the authority to promulgate rules and  
802 regulations to carry out enforcement of the open meeting law.

803           (b) The attorney general shall have the authority to interpret the open meeting law and to  
804 issue written letter rulings or advisory opinions according to rules established under this section.

805           SECTION 7. Sections 9F and 9G of chapter 34 of the General Laws are hereby repealed.

806           SECTION 8. Sections 23A to 23C, inclusive, of chapter 39 of the General Laws are  
807 hereby repealed.

808           SECTION 9. Section 9 of chapter 53 of the General Laws, as appearing in the 2006  
809 Official Edition, is hereby amended by striking out, in lines 21 and 22, the words “, as defined in  
810 section one of chapter fifty-five A,”.

811           SECTION 10. Said section 9 of said chapter 53, as so appearing, is hereby further  
812 amended by striking out, in line 25, the word “one A of said chapter fifty-five A” and inserting in  
813 place thereof the following words:- 1A of chapter 55C.

814           SECTION 11. Section 1 of chapter 55 of the General Laws, as so appearing, is hereby  
815 amended by inserting after the definition of “Candidate’s committee” the following definition:-

816           “Clearly identified candidate”, a candidate whose name, photo or image appears in a  
817 communication or a candidate whose identity is apparent by unambiguous reference in a  
818 communication.

819           SECTION 12. Said section 1 of said chapter 55, as so appearing, is hereby further  
820 amended by inserting after the definition of “Election” the following definition:-

“Electioneering communication”, any broadcast, cable, mail, satellite or print communication that fulfills each of the following conditions: (1) the communication refers to a clearly identified candidate; and (2) the communication is publicly distributed within 90 days before an election in which the candidate is seeking election or reelection; provided, however, that the definition of “electioneering communication” shall not include the following communications: (1) a communication that is disseminated through a means other than a broadcast station, radio station, cable television system or satellite system, newspaper, magazine, periodical, billboard advertisement, or mail; (2) a communication to less than 100 recipients; (3) a news story, commentary, letter to the editor, news release, column, op-ed or editorial broadcast by a television station, radio station, cable television system or satellite system, or printed in a newspaper, magazine, or other periodical in general circulation; (4) expenditures or independent expenditures or contributions that must otherwise be reported under this chapter; (5) a communication from a membership organization exclusively to its members and their families, otherwise known as a membership communication; (6) bonafide candidate debates or forums and advertising or promotion of the same; and (7) internet or email communications.

SECTION 13. Said section 1 of said chapter 55, as so appearing, is hereby further amended by inserting after the definition of “Expenditure” the following definition:-

"Independent expenditure", an expenditure made, or liability incurred, by an individual, group, or association for goods or services expressly advocating the election or defeat of a clearly identified candidate which is made or incurred without cooperation or consultation with any candidate, or a nonelected political committee organized on behalf of a candidate, or any agent of a candidate and which is not made or incurred in concert with, or at the request or



843 suggestion of, any candidate, or any nonelected political committee organized on behalf of a  
844 candidate or agent of such candidate.

845 SECTION 14. The eighth paragraph of section 3 of said chapter 55, as so appearing, is  
846 hereby amended by adding the following 2 sentences:- The name of a candidate who fails to file  
847 any statement or report after receiving notice under this section of such failure and who  
848 continues to fail to file such statement or report after the institution of civil proceedings under  
849 this section to compel such filing shall not appear on a state ballot after the initiation of such civil  
850 proceedings, until such time as the statement or report is filed, and the director shall inform the  
851 state secretary of such failure prior to the deadline for filing nomination papers with the state  
852 secretary for such candidate pursuant to chapter 53. Any candidate who files such statement or  
853 report with the director after the deadline for filing nomination papers with the state secretary  
854 shall not be allowed on the state ballot for the relevant election.

855 SECTION 15. Said section 3 of said chapter 55, as so appearing, is hereby further  
856 amended by inserting, after the word “requested,” in line 111, the following words:- , by  
857 personal delivery, by leaving a copy of the notice at the person’s last and usual place of residence  
858 or by delivering a copy of the notice to an attorney who has appeared on behalf of the alleged  
859 violator.

860 SECTION 16. The eleventh paragraph of said section 3 of said chapter 55, as so  
861 appearing, is hereby amended by striking out the last sentence and inserting in place thereof the  
862 following sentence:- Evidence of any such violation of this chapter which has come to the  
863 director’s attention shall be presented by the director to the attorney general not later than 120

864 days before or 3 years after the relevant election or, if the evidence does not relate to an  
865 identifiable election, not later than 3 years after the violation.

866 SECTION 17. The twelfth paragraph of said section 3 of said chapter 55, as so  
867 appearing, is hereby amended by striking out the second sentence and inserting in place thereof  
868 the following sentence:- The civil penalty shall be \$25 per day; provided, however, that the  
869 maximum penalty to be assessed shall be not greater than \$5,000 for any one report, statement or  
870 affidavit which is filed later than the prescribed date.

871 SECTION 18. Said section 3 of said chapter 55, as so appearing, is hereby amended by  
872 adding the following paragraph:-

873 The director shall not disclose publicly any correspondence or communication to a  
874 candidate, political committee, or ballot question committee which contains a deadline for  
875 response until the deadline has passed or until the director has received a response, whichever is  
876 earlier. Notwithstanding the forgoing notices of future filing requirements and notices of failure  
877 to file a required report shall be public records when issued.

878 SECTION 19. The ninth paragraph of section 5 of said chapter 55, as so appearing, is  
879 hereby amended by adding the following sentence:- No person who is authorized to make such  
880 expenditures shall sign a committee check payable to himself.

881 SECTION 20. Section 6 of said chapter 55, as so appearing, is hereby amended, by  
882 striking out, in lines 38 and 39, the words “five thousand dollars” and inserting in place thereof  
883 the following figure:- \$500

884           SECTION 21. Said section 6 of said chapter 55, as so appearing, is further hereby  
885 amended by adding, after the fifth paragraph, the following paragraph:-

886           For purposes of this section the term “personal use” shall include the payment of fines,  
887 penalties, restitution or damages incurred for a violation of this chapter, chapters 268A and  
888 268B, but shall not include payments made in relation to allegations of violations of such  
889 chapters.

890           SECTION 22. Section 7A of said chapter 55, as so appearing, is hereby amended by  
891 striking out, in line 11, the words “five thousand dollars” and inserting in place thereof the  
892 following figure:- \$500.

893           SECTION 22A. Said section 7A of said chapter 55, as so appearing, is hereby further  
894 amended, by striking out subsection (b) and inserting in place thereof the following new  
895 subsection:-

896           (b) Notwithstanding any other provision of this chapter; no executive or legislative  
897 lobbyist shall contribute to a candidate, a candidate’s committee or any other political  
898 committee, other than a ballot question committee.

899           SECTION 23. Section 8 of said chapter 55, as so appearing, is hereby amended by  
900 striking out, in lines 7 and 8, the words “business corporation incorporated”, and inserting in  
901 place thereof the following words:- business or professional corporation , partnership, limited  
902 liability company, limited liability partnership, trust or other entity incorporated or registered.

903           SECTION 24. Section 18 of said chapter 55, as so appearing, is hereby amended by  
904 striking out the first paragraph and inserting in place thereof the following paragraph:-

Each candidate and each treasurer of a political committee shall, except as provided in this section and section 24, file with the director reports of contributions received and expenditures made. A candidate and a committee organized on behalf of candidates seeking public office at a municipal election shall file such reports with the director, if the candidate is seeking the office of mayor in a municipality with a total population, as determined by the most recent decennial federal census, of 40,000 to 100,000 persons, if the candidate or the candidate's committee, during the election cycle, can reasonably expect to raise or spend more than \$5,000, or if the committee is required to file such reports with the director pursuant to section 19. All other candidates seeking public office at a city or town election shall file such reports with the city or town clerk. A committee organized under section 5 to favor or oppose a question submitted to the voters shall file its reports with the director if the question appears on ballots at a state election, or with the city or town clerk if the question appears on ballots at a city or town election or for use in a city or town at a state election. Reports of contributions received and expenditures made shall be filed using forms prescribed by the director.

SECTION 25. The second paragraph of said section 18 of said chapter 55, as so appearing, is hereby amended by striking out clause (a) and inserting in place thereof the following clause:-

(a) by each candidate for nomination or election to the state senate or house of representatives, and by the non-elected political committee organized on behalf of such candidate, on or before:

(1) July 20 complete as to June 30;

(2) the eighth day preceding a primary, the eighth day preceding a biennial state election, and, as a final report, January 20 in the following year complete as to December 31 of the prior year; and

(3) the eighth day preceding a special primary, including a convention or a caucus, the eighth day preceding a special election, the thirtieth day following a special election, and, as a final report, January 20 in the following year complete as to December 31 of the prior year.

SECTION 26. Said section 18 of said chapter 55, as so appearing, is hereby further amended by inserting after the word “January”, in line 102, the following words:- provided however, that candidates for the state senate and house of representatives, the non-elected political committees organized on behalf of such candidates, and political action committees that file with the director, shall also file mid-year reports on or before July 20 in each odd-numbered year.

SECTION 27. The third paragraph of said section 18 of said chapter 55, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following 2 sentences:- For all candidates and all political committees, if the report is not an initial report, the reporting period of such reports required to be filed on or before July 20 in each odd-numbered year shall commence on January 1 of that year, or on the day following the end of the reporting period of the last report filed, if any, whichever period is shorter, and shall end as of June 30 of that year. The reporting period for the report required to be filed on or before January 20 in each year shall commence on the day following the end of the reporting period of the last report filed and shall end as of December 31 of the prior year.

SECTION 28. Said section 18 of said chapter 55, as so appearing, is hereby further amended by inserting after the thirteenth paragraph the following 2 paragraphs:-

In addition, each year-end campaign finance report filed by a candidate or non-elected political committee required to designate a depository by section 19, who also maintains or who has maintained a savings account or money market account, shall disclose, for each reporting period, all activity in any such account. Nothing in this section shall authorize a transfer made from any such savings or money market accounts to an account other than the depository account established by a candidate or committee in accordance with said section 19.

In addition, every political committee organized on behalf of a candidate that files with the director, and every ballot question committee that files with the director, which receives and deposits a contribution in the amount of \$500 or more after the eighteenth day, but more than 72 hours, before the date of a special, preliminary, primary or general election, shall file a report to disclose the information required by this section, within 72 hours of depositing such contribution.

SECTION 29. Said section 18 of said chapter 55, as so appearing, is hereby further amended by striking out, in line 253, the words "Local Aid" and inserting in place thereof the words:- General.

SECTION 30. Said chapter 55 is hereby further amended by striking out section 18A, as so appearing, and inserting in place thereof the following section:-

Section 18A. (a) Every individual, group or association not defined as a political committee who makes independent expenditures in an aggregate amount exceeding \$250 during any calendar year for the express purpose of promoting the election or defeat of a candidate shall

969 file with the director, except as provided in subsection (c), within 7 business days after the  
970 goods or services for which the independent expenditure was made are utilized to advocate for  
971 the election or defeat of a clearly identified candidate, on a form prescribed by the director, a  
972 report stating:

973 (1) the name and address of the individual, group or association making any such  
974 independent expenditures;

975 (2) the name of the candidate whose election or defeat the expenditure promoted;

976 (3) the name and address of any person to whom the expenditures were made;

977 (4) the total amount or value; and

978 (5) the purpose and the date of each independent expenditure.

979 (b) In addition to any reports required by subsection (a), any individual, group,  
980 association or political committee that makes an independent expenditure in an aggregate amount  
981 exceeding \$250 after the tenth day, but more than 24 hours, before the date of any election, shall  
982 file a preliminary report within 24 hours of making the independent expenditure, disclosing:

983 (1) the name and address of the individual, group or association making the expenditure;

984 (2) the name of the candidate whose election or defeat the expenditure promoted;

985 (3) the name and address of any person to whom the independent expenditures were  
986 made; and

987 (4) the purpose and the date of each expenditure.

(c) The individual, group, association or political committee shall file an additional preliminary report within 24 hours after each time it makes additional independent expenditures equal, in the aggregate, to \$250 with respect to the same election as that to which the initial report relates, and shall also file any report required by subsection (a).

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

(e) A violation of any provision of this section shall be punished by a fine of not more than \$5,000 or by imprisonment in a house of correction for not more than 1 year.

SECTION 31. Subsection (b) of section 18C of said chapter 55, as so appearing, is hereby amended by adding the following 6 clauses:-

(4) every political committee organized on behalf of a candidate that files with the director, including committees required to designate a depository on behalf of a candidate and every ballot question committee that files with the director, which receives and deposits a contribution of \$500 or more after the eighteenth day, but more than 72 hours, before the date of a special, preliminary, primary or general election within 72 hours of depositing such contribution.

(5) every state committee referred to in section 1 of chapter 52 required to designate a depository by section 19, which receives a contribution of \$500 or more after the eighteenth day,



1009 but more than 24 hours, before the date of a special, preliminary, primary or general election,  
1010 within 72 hours of depositing such contribution;

1011 (6) for every political committee required to file campaign finance reports electronically  
1012 with the director, any reports filed pursuant to section 18D made to disclose expenditures by  
1013 vendors of the committee to subvendors;

1014 (7) an individual, group, association or political committee that is required to file a report  
1015 of independent expenditures with the director in accordance with subsections (a) or (b) of section  
1016 18A;

1017 (8) each candidate's committee organized on behalf of a candidate for mayor in a  
1018 municipality with a total population, as determined by the most recent federal decennial census,  
1019 of 40,000 to 100,000 persons, if the committee, during the election cycle, can reasonably expect  
1020 to raise or spend more than \$5,000; and

1021 (9) Every individual, group or association who makes an independent expenditure or  
1022 electioneering communication expenditure in an aggregate amount exceeding \$250 during any  
1023 calendar year.

1024 SECTION 32. Said chapter 55 is hereby further amended by inserting after section 18C  
1025 the following 3 sections:-

1026 Section 18D. (a) For the purpose of this section the following words shall have the  
1027 following meanings unless the context clearly requires otherwise:

1028 "Expenditure", a payment made or liability incurred by a vendor on behalf of a political  
1029 committee.

1030           “Person”, a natural person, corporation, association, partnership or other legal entity.

1031           “Subvendor”, a person providing goods or services to a vendor or who contracts with a  
1032 vendor to provide goods or services to a committee, but excluding administrative or clerical  
1033 employees.

1034           “Vendor”, a person including, but not limited to, a consultant, who provides goods or  
1035 services to a political committee that files with the director and either receives or is promised  
1036 \$5,000 or more in the aggregate during a calendar year by the committee for such goods or  
1037 services, or contracts with another on behalf of the committee for such goods or services valued  
1038 at \$5,000 or more in the aggregate to be provided to the committee.

1039           (b) A vendor that makes an expenditure on behalf of a political committee shall, within 5  
1040 days after making such expenditure, provide the political committee with a detailed account of  
1041 the expenditure including, but not limited to, the date of the expenditure, the person who  
1042 received payment, the full name and address of the subvendor, the purpose of the expenditure  
1043 and the amount of the expenditure.

1044           (c) A political committee that makes a payment to a vendor or incurs a liability to a  
1045 vendor shall file reports with the director disclosing the full name and address, listed  
1046 alphabetically, of each subvendor receiving payments of more than \$500 in the aggregate during  
1047 a calendar year from the vendor, and of each subvendor to whom a liability of more than \$500  
1048 was incurred. The contents of such report shall include the information required by section 18  
1049 and shall be disclosed on a form prescribed by the director. For committees required to designate  
1050 a depository account under section 19, the reports shall be filed on or before the fifth day of each

month covering the preceding month; provided, however, that for other committees, the report shall be filed in accordance with the schedule established in section 18.

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

Section 18E. (a) Legal defense funds may be created by a candidate or the candidate's political committee to defend against a criminal prosecution or to pay costs associated with a civil matter that is not primarily personal in nature. Inauguration funds may be created by a candidate or the candidate's political committee to pay for the costs associated with an inaugural event. Recount funds may be created by a candidate or candidate's political committee to pay for the legal and other costs associated with a recount. Legal defense, inauguration, or recount funds may be created separately from the candidate's campaign account or committee and shall be subject to the following conditions: (1) assets of a political committee shall not be used by the fund; (2) donations received by the fund shall not be deposited into the candidate's campaign account or a committee account; and (3) donations to such fund shall not be used to benefit a political committee.

(b) Donations to a legal defense, recount or inauguration fund, if not contributions, shall be disclosed to the director or, if made by a candidate or committee that does not file with the director, the city or town clerk, on or before the fifth day of the month following the month in which the donations were received, complete as of the last day of the preceding month, on forms to be prescribed by the director. The report shall disclose the name and address of all persons donating more than \$50 during the reporting period, listed alphabetically, the amount of each

such donation and the total amount of donations received in the reporting period not otherwise reported.

(c) For purposes of this section, “donations” shall include donations in money or in-kind and loans provided to a legal defense, recount or inauguration fund.

Section 18F. Every individual, group or association not defined as a political committee who makes any electioneering communication expenditures, in an aggregate amount exceeding \$250, shall electronically file with the director, within 7 days after making such an expenditure, a report stating the name and address of the individual, group or association making the electioneering communication, the name of any candidate clearly identified in the communication, the total amount or value of the communication, the name and address of the vendor to whom the payments were made and the purpose and date of any such expenditure. In addition, any individual, group or association not defined as a political committee who makes any electioneering communication expenditures, in an aggregate amount exceeding \$250 during a calendar year, who receives funds for the purpose of making such electioneering communications shall include in the electronic filing the date the funds were received and the name and address of the provider of any such funds in excess of \$200, if any. Reports required by this section shall be filed with the director as provided in section 18C if communications were made to promote the election or defeat of any candidate who files with the director. Reports required by this section shall be filed with the city or town clerk if the communications were made to promote the election or defeat of any candidate seeking public office at a city or town election who does not otherwise file with the director.

1093 Any person, group or association that makes or contracts to make electioneering  
1094 communications aggregating \$1,000 or more within 7 days before the date of an election shall  
1095 file a report containing the information required by this section within 48 hours after making  
1096 such expenditure.

1097 A violation of this section shall be punished by a fine of not more than \$5,000 or by  
1098 imprisonment in the house of correction for not more than 1 year.

1099 SECTION 33. Section 19 of said chapter 55, as appearing in the 2006 Official Edition, is  
1100 hereby amended by striking out, in lines 5 and 6, the words “or other citywide office, except for  
1101 the office of school committee” and inserting in place thereof the following words:- , city council  
1102 or aldermen.

1103 SECTION 34. Said section 19 of said chapter 55, as so appearing, is hereby further  
1104 amended by striking out, in lines 101 and 102, the words “mayor or other citywide office except  
1105 for school committee” and inserting in place thereof the following words:- city council,  
1106 aldermen or mayor.

1107 SECTION 35. Said section 19 of said chapter 55, as so appearing, is hereby further  
1108 amended by adding the following subsection:-

1109 (g) Each committee required to designate a depository on behalf of a candidate that files  
1110 with the director in accordance with this section and which receives and deposits a contribution  
1111 of \$500 or more after the eighteenth day but more than 72 hours before the date of a special,  
1112 preliminary, primary or general election shall file a report to disclose the information required by  
1113 this section within 72 hours of depositing such contribution. In addition, each state committee  
1114 referred to in section 1 of chapter 52 that is required to designate a depository pursuant to this

1115 section and which receives a contribution of \$500 or more after the eighteenth day, but more  
1116 than 24 hours, before the date of a special, preliminary, primary or general election, shall file a  
1117 report to disclose the information required by this section, within 72 hours of depositing such  
1118 contribution.

1119 SECTION 36. Section 22 of said chapter 55, as so appearing, is hereby amended by  
1120 striking out, in line 1, the word “The” and inserting in place thereof the following words:- Any  
1121 person or the.

1122 SECTION 37. Said section 22 of said chapter 55, as so appearing, is hereby further  
1123 amended by inserting after the first paragraph the following paragraph:-

1124 Any person who makes an expenditure of \$250 or more other than a contribution to a  
1125 ballot question committee or incurs a liability of \$250 or more to influence or affect the vote on  
1126 any question submitted to the voters shall file reports setting forth the amount or value of the  
1127 expenditure or liability, together with the date, purpose and full name of the person to whom the  
1128 expenditure was made or the liability incurred.

1129 SECTION 38. Said section 22 of said chapter 55, as so appearing, is hereby further  
1130 amended by inserting after the word “such”, in lines 17, 31 and 41, each time it appears, the  
1131 following words:- person or.

1132 SECTION 39. Said section 22 of said chapter 55, as so appearing, is hereby further  
1133 amended by inserting after the word “Any”, in line 38, the following words:- person or.

1134           SECTION 40. Section 24 of said chapter 55, as so appearing, is hereby amended by  
1135 inserting after the word “statement”, in lines 1, 4, 5, 8, 9 and 12, each time it appears, the  
1136 following words:- or report.

1137           SECTION 41. Said section 24 of said chapter 55, as so appearing, is hereby further  
1138 amended by inserting after the word “office”, in line 3, the following words:- , other than a  
1139 municipal office for which a candidate is required to file with the director in accordance with  
1140 section 18C or 19.

1141           SECTION 42. Said section 24 of said chapter 55, as so appearing, is hereby further  
1142 amended by inserting after the word “statements”, in lines 13 and 14, the following words:- and  
1143 reports.

1144           SECTION 43. Section 26 of said chapter 55, as so appearing, is hereby amended by  
1145 striking out the first 2 sentences and inserting in place thereof the following 2 sentences:- The  
1146 city or town clerk shall retain all statements and reports required to be filed with him until  
1147 December 31 of the sixth year following the relevant election. In the case of committees other  
1148 than those authorized by a candidate, the city or town clerk shall retain all required statements  
1149 and reports filed with him until December 31 of the sixth year following the date that the  
1150 statement or report was filed.

1151           SECTION 44. Said section 26 of said chapter 55, as so appearing, is hereby further  
1152 amended by adding the following sentence:- Within 30 days after the filing deadline, all  
1153 campaign finance reports required to be filed with the city or town clerk under section 18 shall  
1154 be made available for viewing on the internet website of the municipality if such municipality  
1155 has such a website, if the report discloses that a candidate or committee filing a report has

1156 received contributions or made expenditures in excess of \$1,000 during a reporting period or  
1157 incurred liabilities or acquired or disposed of assets in excess of \$1,000 during a reporting  
1158 period.

1159 SECTION 45. Said chapter 55 is hereby further amended by striking out section 29, as  
1160 so appearing, and inserting in place thereof the following section:-

1161 Section 29. Upon failure to file a statement, report or affidavit within 10 days after  
1162 receiving notice under section 28, the city or town clerk, as the case may be, shall notify the  
1163 director and shall furnish him with copies of all papers related thereto and the director, if  
1164 satisfied there is cause, shall assess a penalty and may refer the person or committee to the  
1165 attorney general pursuant to section 3. If any statement filed with the city or town clerk, as the  
1166 case may be, discloses a violation of this chapter, such city or town clerk shall notify the director  
1167 and shall furnish him with copies of all papers relating thereto. The director shall examine every  
1168 such case referred to him by such clerk and may refer such cases to the attorney general in  
1169 accordance with section 3. If satisfied that there is cause, the attorney general shall, in the name  
1170 of the commonwealth, institute appropriate criminal or civil proceedings or refer the case to the  
1171 proper district attorney for such action as may be appropriate. Any city or town clerk shall at  
1172 any time upon the request of the attorney general or the director forward any evidence or  
1173 information received by the clerk to the attorney general or director for whatever action the  
1174 attorney general or the director deems appropriate pursuant to law.

1175 SECTION 46. The last paragraph of section 4 of chapter 55C of the General Laws, as so  
1176 appearing, is hereby amended by striking out the last sentence and inserting in place thereof the  
1177 following 2 sentences:- Determination and certification of the eligibility of candidates shall be



1178 made by the director on the eighth Tuesday before the primary and shall be based solely upon  
1179 information contained in such statements as have been filed by candidates. Candidates for  
1180 governor seeking public financing shall file the statement on or before the Friday that is 11 days  
1181 preceding said eighth Tuesday and other candidates seeking public financing shall file those  
1182 statements on or before the Friday next preceding said eighth Tuesday.

1183         SECTION 47. The second paragraph of section 6 of said chapter 55C, as so appearing, is  
1184 hereby amended by striking out the last sentence and inserting in place thereof the following 2  
1185 sentences:- Determination and certification of the eligibility of candidates shall be made by the  
1186 director on the fourth Tuesday before the state election and shall be based solely upon  
1187 information contained in such statements as have been filed by candidates. Candidates for  
1188 governor and lieutenant governor seeking public financing shall file the statement on or before  
1189 the Friday that is 11 days preceding said fourth Tuesday and other candidates seeking public  
1190 financing shall file those statements on or before the Friday next preceding said fourth Tuesday.

1191         SECTION 48. Section 2 of chapter 62 of the General Laws is hereby amended by  
1192 inserting after the word “income”, in line 229, as so appearing, the following words:- ; provided,  
1193 however, that Part B gross income shall include bribes, corrupt gifts and any income gained  
1194 through illegal activities.

1195         SECTION 49. Chapter 268 of the General Laws is hereby amended by inserting after  
1196 section 13D the following section:-

1197         Section 13E. (a) Whoever alters, destroys, mutilates or conceals a record, document or  
1198 other object, or attempts to do so, with the intent to impair the record, document or object’s  
1199 integrity or availability for use in an official proceeding, whether or not the proceeding is

1200 pending at that time, shall be punished by a fine of not more than \$10,000 or by imprisonment in  
1201 the state prison for not more than 5 years, or in a jail or house of correction for not more than 2  
1202 1/2 years, or both such fine and imprisonment; provided, however, that if the official proceeding  
1203 involves a violation of a criminal law, it shall be punished by a fine of not more than \$25,000, or  
1204 by imprisonment in the state prison for not more than 10 years, or in a jail or house of correction  
1205 for not more than 2 1/2 years, or both such fine and imprisonment.

1206 (b) For a prosecution under this section, the record, document or other object shall not be  
1207 required to be admissible in evidence or free of a claim of privilege.

1208 (c) For the purposes of this section “official proceeding” shall mean a proceeding before  
1209 a court or a grand jury, or a proceeding before a state agency or commission, which proceeding  
1210 is authorized by law and relates to an alleged violation of a criminal law or the laws and  
1211 regulations enforced by the state ethics commission, the state secretary, the office of the  
1212 inspector general or the office of campaign and political finance, for which the attorney general  
1213 may issue a civil investigative demand.

1214 (d) A prosecution under this section shall be brought in the county where the official  
1215 proceeding was or would have been convened or where the alleged conduct constituting an  
1216 offense occurred.

1217 SECTION 50. The General Laws are hereby further amended by striking out chapter  
1218 268A and inserting in place thereof the following chapter:-

1219 CHAPTER 268A

1220 CONDUCT OF PUBLIC OFFICIALS AND EMPLOYEES.

1221           Section 1. As used in this chapter, the following words shall have the following meanings  
1222 unless the context clearly requires otherwise:—

1223           “Compensation”, any money, thing of value or economic benefit conferred on or received  
1224 by any person in return for services rendered or to be rendered by such person or another.

1225           “Competitive bidding”, all bidding, where the same may be prescribed by applicable  
1226 sections of the General Laws or otherwise, given and tendered to a state, county or municipal  
1227 agency in response to an open solicitation for bids from the general public by public  
1228 announcement or public advertising, where the contract is awarded to the lowest responsible  
1229 bidder.

1230           “County agency”, a department or office of county government and a division, board,  
1231 bureau, commission, institution, tribunal or other instrumentality under the county government.

1232           “County employee”, a person performing services for or holding an office, position,  
1233 employment or membership in a county agency, whether by election, appointment, contract of  
1234 hire or engagement, whether serving with or without compensation, on a full, regular, part-time,  
1235 intermittent or consultant basis.

1236           “Immediate family”, the employee and his spouse and their parents, children, brothers  
1237 and sisters.

1238           “Municipal agency”, a department or office of a city or town government and a council,  
1239 division, board, bureau, commission, institution, tribunal or other instrumentality under a city or  
1240 town government.

1241           “Municipal employee,” a person performing services for or holding an office, position,  
1242 employment or membership in a municipal agency, whether by election, appointment, contract  
1243 of hire or engagement, whether serving with or without compensation, on a full, regular, part-  
1244 time, intermittent or consultant basis, but excluding: (1) elected members of a town meeting; and  
1245 (2) members of a charter commission established under Article LXXXIX of the Amendments to  
1246 the Constitution.

1247           “Official act”, a decision or action in a particular matter or in the enactment of  
1248 legislation.

1249           “Official responsibility”, the direct administrative or operating authority, whether  
1250 intermediate or final, either exercisable alone or with others, and whether personal or through  
1251 subordinates, to approve, disapprove or otherwise direct agency action.

1252           “Participate”, engage in agency action or in a particular matter personally and  
1253 substantially as a state, county or municipal employee, through approval, disapproval, decision,  
1254 recommendation, the rendering of advice, investigation or otherwise.

1255           “Particular matter”, a judicial or other proceeding, application, submission, request for a  
1256 ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision,  
1257 determination or finding; provided, however, that “particular matter” shall not include enactment  
1258 of general legislation by the general court and petitions of cities, towns, counties and districts for  
1259 special laws related to their governmental organizations, powers, duties, finances and property.

1260           “Person who has been selected”, a person who has been nominated or appointed to be a  
1261 state, county or municipal employee or has been officially informed that he will be so nominated  
1262 or appointed.

“Special county employee”, a county employee who is performing services or holding an office, position, employment or membership for which no compensation is provided, or who is not an elected official and: (1) occupies a position which, by its classification in the county agency involved or by the terms of the contract or conditions of employment, permits personal or private employment during normal working hours, provided that disclosure of such classification or permission is filed in writing with the bureau of ethics and the office of the county commissioners prior to the commencement of any personal or private employment; or (2) in fact does not earn compensation as a county employee for an aggregate of more than 800 hours during the preceding 365 days. For this purpose, compensation by the day shall be considered as equivalent to compensation for 7 hours per day. A special county employee shall be in such a status on days for which he is not compensated as well as on days on which he earns compensation.

“Special municipal employee”, a municipal employee who is not a mayor, a member of the board of aldermen, a member of the city council, or a member of the board of selectmen in a town with a population in excess of 10,000 persons and whose position has been expressly classified by the city council, or board of aldermen if there is no city council, or board of selectmen, as that of a special employee under this chapter; provided, however, that a selectman in a town with a population of 10,000 or fewer persons shall be a special municipal employee without being expressly so classified. All employees who hold equivalent offices, positions, employment or membership in the same municipal agency shall have the same classification; provided, however, no municipal employee shall be classified as a special municipal employee unless the municipal employee occupies a position for which no compensation is provided or which, by its classification in the municipal agency involved or by the terms of the contract or

1286 conditions of employment, permits personal or private employment during normal working  
1287 hours, or unless the municipal employee does not earn compensation as a municipal employee  
1288 for an aggregate of more than 800 hours during the preceding 365 days. For this purpose,  
1289 compensation by the day shall be considered as equivalent to compensation for 7 hours per day.  
1290 A special municipal employee shall be in such status on days for which the special municipal  
1291 employee is not compensated as well as on days on which the special municipal employee earns  
1292 compensation. All employees of a city or town wherein no such classification has been made  
1293 shall be deemed to be “municipal employees” and shall be subject to all of this chapter with  
1294 respect thereto without exception.

1295 “Special state employee”, a state employee who:

1296 (1) is performing services or holding an office, position, employment or membership for  
1297 which no compensation is provided; or

1298 (2) who is not an elected official and

1299 (a) occupies a position which, by its classification in the state agency involved or by the  
1300 terms of the contract or conditions of employment, permits personal or private employment  
1301 during normal working hours, provided that disclosure of such classification or permission is  
1302 filed in writing with the bureau of ethics prior to the commencement of any personal or private  
1303 employment; or

1304 (b) in fact does not earn compensation as a state employee for an aggregate of more than  
1305 800 hours during the preceding 365 days; provided, however, that for this purpose, compensation  
1306 by the day shall be considered as equivalent to compensation for 7 hours per day. A special state

1307 employee shall be in such a status on days for which the special state employee is not  
1308 compensated as well as on days on which the special state employee earns compensation.

1309 “State agency”, a department of state government, including the executive, legislative or  
1310 judicial, and all councils thereof and thereunder, and any division, board, bureau, commission,  
1311 institution, tribunal or other instrumentality within such department, and any independent state  
1312 authority, district, commission, instrumentality or agency, but not an agency of a county, city or  
1313 town.

1314 “State employee”, a person performing services for or holding an office, position,  
1315 employment, or membership in a state agency, whether by election, appointment, contract of hire  
1316 or engagement, whether serving with or without compensation, on a full, regular, part-time,  
1317 intermittent or consultant basis, including members of the general court and executive council;  
1318 provided, however, that no construction contractor or construction contractor’s personnel shall  
1319 be deemed to be a state employee or special state employee for the purposes of this chapter as a  
1320 result of participation in the engineering and environmental analysis for major construction  
1321 projects either as a consultant or as part of a consultant group for the commonwealth; provided  
1322 further, that such contractors or personnel may be awarded construction contracts by the  
1323 commonwealth and may continue with outstanding construction contracts with the  
1324 commonwealth during the period of such participation; and provided further, that no such  
1325 contractor or personnel shall directly or indirectly bid on or be awarded a contract for any  
1326 construction project if such contractor or personnel has participated in the engineering or  
1327 environmental analysis thereof.

1328           Section 2. (a) No person shall, directly or indirectly, corruptly give, offer or promise  
1329 anything of value to a person who is or has been selected to be a state, county or municipal  
1330 employee or a member of the judiciary nor shall any person, offer or promise a person who has  
1331 been selected to be such an employee or member of the judiciary to give anything of value to any  
1332 other person or entity with intent to:

1333           (i) influence an official act or an act within the official responsibility of such employee or  
1334 member of the judiciary or person who has been selected to be such employee or member of the  
1335 judiciary;

1336           (ii) influence any such employee or member of the judiciary or person who has been  
1337 selected to be such employee or member of the judiciary to commit or aid in committing, or  
1338 collude in or allow any fraud or make opportunity for the commission of any fraud on the  
1339 commonwealth or a state, county or municipal agency; or

1340           (iii) induce any such employee or member of the judiciary or person who has been  
1341 selected to be such an employee or member of the judiciary to do or omit to do any act in  
1342 violation of such person's lawful duty.

1343           (b) No person who is or has been selected to be a state, county or municipal employee or  
1344 a member of the judiciary shall directly or indirectly corruptly ask, demand, exact, solicit, seek,  
1345 accept, receive or agree to receive anything of value for such person or for any other person or  
1346 entity, in return for;

1347           (i) being influenced in such person's performance of any official act or any act within  
1348 such person's official responsibility;



1349           (ii) being influenced to commit or aid in committing, or to collude in or allow any fraud  
1350 or make opportunity for the commission of any fraud on the commonwealth or on a state, county  
1351 or municipal agency;

1352           (iii) being induced to do or omit to do any acts in violation of such person's official  
1353 duties.

1354           (c) No person shall directly or indirectly corruptly give, offer or promise anything of  
1355 value to any other person with intent to influence the testimony under oath or affirmation of  
1356 such other person as a witness upon a trial, or other proceeding, before any court, any committee  
1357 of either house or both houses of the general court, or any agency, commission or officer  
1358 authorized by the laws of the commonwealth to hear evidence or take testimony, or with intent to  
1359 influence such witness to fail to testify at such trial or other proceeding.

1360           (d) No person shall directly or indirectly corruptly ask, demand, exact, solicit, seek,  
1361 accept, receive or agree to receive anything of value personally or for any other person or entity  
1362 in return for influence upon the testimony under oath or affirmation of such person or any other  
1363 person as a witness upon any such trial, hearing or other proceeding or in return for the failure of  
1364 such witness to testify at such trial or proceeding.

1365           (e) Subsections (c) and (d) shall not be construed to prohibit the payment or receipt of  
1366 witness fees provided by law or the payment by the party upon whose behalf a witness is called  
1367 and receipt by a witness of the reasonable cost of travel and subsistence incurred and the  
1368 reasonable value of time lost in attendance at any such trial, hearing or proceeding or, in the case  
1369 of expert witnesses involving a technical or professional opinion a reasonable fee for time spent  
1370 in the preparation of such opinion, in appearing or testifying.

1371 (f) Any person who knowingly violates this section shall be punished by a fine of not  
1372 more than \$100,000, or by imprisonment in the state prison for not more than 10 years, or in a  
1373 jail or house of correction for not more than 2 1/2 years, or both such fine and imprisonment and,  
1374 in the event of final conviction, shall be incapable of holding any office of honor, trust or profit  
1375 under the commonwealth or under any state, county or municipal agency.

1376 (g) In addition to the penalties under subsection (f), anyone who is the subject of a final  
1377 conviction under subsections (a) to (d), inclusive, shall be incapable of holding any office of  
1378 honor, trust or profit under the commonwealth or under any state, county or municipal agency.

1379 Section 3. (a) No person shall, other than as provided by law for the proper discharge of  
1380 official duty, directly or indirectly, give, offer or promise anything of substantial value to any  
1381 present or former state, county or municipal employee or a member of the judiciary nor to any  
1382 person who has been selected to be such an employee or member of the judiciary:

1383 (i) for or because of any official act performed or to be performed by such an employee  
1384 or member of the judiciary or person selected to be such an employee or member of the  
1385 judiciary; or

1386 (ii) to influence, or attempt to influence, an official action of the state, county or  
1387 municipal employee or to any member of the judiciary.

1388 (b) No present, or former state, county or municipal employee or member of the  
1389 judiciary, nor any person who has been selected to be such an employee or member of the  
1390 judiciary otherwise than as provided by law for the proper discharge of official duty, shall  
1391 directly or indirectly, ask, demand, exact, solicit, seek, accept, receive or agree to receive  
1392 anything of substantial value:

1393 (i) for such employee or member of the judiciary for or because of any official act or act  
1394 within such employee's or member of the judiciary's official responsibility performed or to be  
1395 performed by such employee or member of the judiciary; or

1396 (ii) to influence, or attempt to influence, such employee or member of the judiciary in an  
1397 official act taken.

1398 (c) No person shall directly or indirectly, give, offer or promise anything of substantial  
1399 value to any other person, for or because of testimony under oath or affirmation given or to be  
1400 given by such other person or any third person as a witness upon a trial, hearing or other  
1401 proceeding, before any court, any committee of either house or both houses of the general court,  
1402 or any agency, commission or officer authorized by the laws of the commonwealth to hear  
1403 evidence or take testimony or for or because of such other person's or third person's failure to  
1404 testify at such trial, hearing or other proceeding.

1405 (d) No person shall directly or indirectly, ask, demand, exact, solicit, seek, accept,  
1406 receive or agree to receive anything of substantial value for such person for or because of the  
1407 testimony under oath or affirmation given or to be given by such person or any other person as a  
1408 witness upon any such trial, hearing or other proceeding, or for or because of such person's  
1409 failure to testify at such trial, hearing, or other proceeding.

1410 (e) Subsections (c) and (d) shall not prohibit the payment or receipt of witness fees  
1411 provided by law or the payment by the party upon whose behalf a witness is called and receipt by  
1412 a witness of the reasonable cost of travel and subsistence incurred and the reasonable value of  
1413 time lost in attendance at any such trial, hearing or proceeding, or, in the case of expert

1414 witnesses, involving a technical or professional opinion, a reasonable fee for time spent in the  
1415 preparation of such opinion, in appearing or testifying.

1416 (f) Any person who knowingly violates any provision of this section shall be punished by  
1417 a fine of not more than \$25,000 or by imprisonment in the state prison for not more than 5 years,  
1418 or in a jail or house of correction for not more than 2 ½ years, or both.

1419 Section 4. (a) No state employee shall otherwise than as provided by law for the proper  
1420 discharge of such employee's official duties, directly or indirectly receive or request  
1421 compensation from anyone other than the commonwealth or a state agency, in relation to any  
1422 particular matter in which the commonwealth or a state agency is a party or has a direct and  
1423 substantial interest.

1424 (b) No person shall, otherwise than as provided by law for the proper discharge of the  
1425 person's official duties, directly or indirectly give, promise or offer such compensation.

1426 (c) No state employee shall, otherwise than in the proper discharge of such employee's  
1427 official duties, act as agent or attorney for;

1428 (i) anyone other than the commonwealth or a state agency for prosecuting any claim  
1429 against the commonwealth or a state agency; or

1430 (ii) anyone in connection with any particular matter in which the commonwealth or a  
1431 state agency is a party or has a direct and substantial interest.

1432 (d) Whoever knowingly violates this section shall be punished by a fine of not more than  
1433 \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of  
1434 correction for not more than 2 1/2 years, or both.

1435 (e) Neither a member of the general court nor a member of the executive council shall be  
1436 subject to subsections (a) or (c). However, no member of the general court or executive council  
1437 shall personally appear for any compensation other than such member's legislative or executive  
1438 council salary before any state agency, unless:

1439 (1) the particular matter before the state agency is ministerial in nature; or

1440 (2) the appearance is before a court of the commonwealth; or

1441 (3) the appearance is in a quasi-judicial proceeding.

1442 (f) For the purposes of this subsection (e), ministerial functions include, but are not  
1443 limited to, the filing or amendment of: tax returns, applications for permits or licenses,  
1444 incorporation papers, or other documents. For the purposes of subsection (e), a proceeding shall  
1445 be considered quasi-judicial if:

1446 (1) the action of the state agency is adjudicatory in nature; and

1447 (2) the action of the state agency is appealable to the courts; and

1448 (3) both sides are entitled to representation by counsel and such counsel is neither  
1449 the attorney general nor the counsel for the state agency conducting the proceeding.

1450 (g) A special state employee shall be subject to subsections (a) and (c) only in relation to  
1451 a particular matter;

1452 (1) in which such employee has at any time participated as a state employee, or

1453 (2) which is or within 1 year has been a subject of such employee's official responsibility,

1454 or

1455           (3) which is pending in the state agency in which such employee is serving, provided that  
1456 this clause shall not apply in the case of a special state employee who serves as a special state  
1457 employee for not more than 60 days during any period of 365 consecutive days.

1458           (h) This section shall not prevent a state employee from taking uncompensated action, not  
1459 inconsistent with the faithful performance of his duties, to aid or assist any person who is the  
1460 subject of disciplinary or other personnel administration proceedings with respect to those  
1461 proceedings.

1462           (i) This section shall not prevent a state employee, including a special state employee,  
1463 from acting, with or without compensation, as agent or attorney for or otherwise aiding or  
1464 assisting members of such employee's immediate family or any person for whom such employee  
1465 is serving as guardian, executor, administrator, trustee or other personal fiduciary except in those  
1466 matters in which such employee has participated or which are the subject of such employee's  
1467 official responsibility; provided, however, that the state official responsible for appointment to  
1468 the employee's position approves.

1469           (j) This section shall not prevent a present or former special state employee from aiding  
1470 or assisting another person for compensation in the performance of work under a contract with or  
1471 for the benefit of the commonwealth; provided, however, that the head of the special state  
1472 employee's department or agency has certified in writing that the interest of the commonwealth  
1473 requires such aid or assistance and the certification has been filed with the state ethics  
1474 commission.

1475           (k) This section shall not prevent a state employee from giving testimony under oath or  
1476 making statements required to be made under penalty for perjury or contempt.

(l) This section shall not prohibit a state employee from holding an elective or appointive office in a city, town or district, nor in any way prohibit such an employee from performing the duties of or receiving the compensation provided for such office. No such elected or appointed official may vote or act on any matter which is within the purview of the agency by which such official is employed or over which such employee has official responsibility.

(m) This section shall not prevent a state employee, other than an employee in the department of revenue, from requesting or receiving compensation from anyone other than the commonwealth in relation to the filing or amending of state tax returns.

Section 5. (a) A former state employee who knowingly acts as agent or attorney for, or receives compensation directly or indirectly from anyone other than the commonwealth or a state agency, in connection with any particular matter in which the commonwealth or a state agency is a party or has a direct and substantial interest and in which the former state employee participated as a state employee while so employed shall be punished by a fine of not more than \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or both.

(b) A former state employee who, within 1 year after such employee's last employment with the state has ceased, appears personally before any court or agency of the commonwealth as agent or attorney for anyone other than the commonwealth in connection with any particular matter in which the commonwealth or a state agency is a party or has a direct and substantial interest and which was under the former state employee's official responsibility as a state employee at any time within a period of 2 years prior to the termination of the former state employee's employment shall be punished by a fine of not more than \$10,000, or by

1499 imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for  
1500 not more than 2 1/2 years, or both.

1501 (c) A partner of a former state employee who knowingly engages, during a period of 1  
1502 year following the termination of the latter's employment by the commonwealth, in any activity  
1503 in which the former state employee is prohibited from engaging by subsection (a) shall be  
1504 punished by a fine of not more than \$10,000, or by imprisonment in the state prison for not more  
1505 than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or both.

1506 (d) A partner of a state employee who knowingly acts as agent or attorney for anyone  
1507 other than the commonwealth in connection with any particular matter in which the  
1508 commonwealth or a state agency is a party or has a direct and substantial interest and in which  
1509 the state employee participates or has participated as a state employee or which is the subject of  
1510 the state employee's official responsibility shall be punished by a fine of not more than \$10,000,  
1511 or by imprisonment in the state prison for not more than 5 years, or in a jail or house of  
1512 correction for not more than 2 1/2 years, or both.

1513 (e) A former state employee or elected official, including a former member of the general  
1514 court, who acts as legislative or executive lobbyist, as defined in section 39 of chapter 3, for  
1515 anyone other than the commonwealth or a state agency before the governmental body, as defined  
1516 by the state ethics commission, with which the former state employee has been associated,  
1517 within 1 year after the former state employee leaves that body shall be punished by a fine of not  
1518 more than \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail  
1519 or house of correction for not more than 2 1/2 years, or both.



1520 (f) A former state employee whose salary was not less than that in step 1 of job group M-  
1521 VII in the management salary schedule in section 46C of chapter 30, and who becomes an officer  
1522 or employee of a business organization which is or was a party to any privatization contract as  
1523 defined in section 53 of chapter 7 in which contract the state employee participated as such state  
1524 employee, if the state employee becomes such officer or employee while the business  
1525 organization is such a party or within 1 year after the state employee terminates such employee's  
1526 state employment, unless before the termination of the employee's state employment the  
1527 governor determines, in a writing filed with the state ethics commission, that such participation  
1528 did not significantly affect the terms or implementation of such contract, shall be punished by a  
1529 fine of not more than \$10,000, or by imprisonment in the state prison for not more than 5 years,  
1530 or in a jail or house of correction for not more than 2 1/2 years, or both.

1531 (g) If a partner of a member of the general court, a special state employee or of a former  
1532 state employee is also a member of another partnership in which the member of the general  
1533 court, special state employee or former employee has no interest, the activities of the latter  
1534 partnership in which the member of the general court or special state employee or former state  
1535 employee takes no part shall not be subject to subsections (c) or (d).

1536 (h) This section shall not prevent a present or former special state employee from aiding  
1537 or assisting another person for compensation in the performance of work under a contract with or  
1538 for the benefit of the commonwealth; provided, however, that the head of the special state  
1539 employee's department or agency has certified in writing that the interest of the commonwealth  
1540 requires such aid or assistance and the certification has been filed with the state ethics  
1541 commission.

1542           Section 6. Except as permitted by this section, any state employee who participates as an  
1543 employee in a particular matter in which to the employee's knowledge the employee, the  
1544 employee's immediate family or partner, a business organization in which the employee is  
1545 serving as officer, director, trustee, partner or employee, or any person or organization with  
1546 whom the employee is negotiating or has any arrangement concerning prospective employment,  
1547 has a financial interest, shall be punished by a fine of not more than \$10,000, or by imprisonment  
1548 in the state prison for not more than 5 years, or in a jail or house of correction for not more than  
1549 2 1/2 years, or both.

1550           Any state employee whose duties would otherwise require that employee to participate in  
1551 such a particular matter shall advise the official responsible for appointment to the employee's  
1552 position and the state ethics commission of the nature and circumstances of the particular matter  
1553 and shall make a full disclosure of such financial interest, and the appointing official shall  
1554 thereupon either:

1555           (1) assign the particular matter to another employee; or

1556           (2) assume responsibility for the particular matter; or

1557           (3) make a written determination that the interest is not so substantial as to be deemed  
1558 likely to affect the integrity of the services which the commonwealth may expect from the  
1559 employee, in which case it shall not be a violation for the employee to participate in the  
1560 particular matter. Copies of such written determination shall be forwarded to the state employee  
1561 and filed with the state ethics commission by the person who made the determination. Such copy  
1562 shall be retained by the commission for a period of 6 years.

1563           Section 6A. Any public official, as defined by section 1 of chapter 268B, who in the  
1564 discharge of the public official's official duties would be required to knowingly take an action  
1565 which would substantially affect such official's financial interests, shall file a written description  
1566 of the required action and the potential conflict of interest with the state ethics commission  
1567 established by chapter 268B unless the effect on such an official is no greater than the effect on  
1568 the general public.

1569           Section 7. (a) A state employee who has a financial interest, directly or indirectly, in a  
1570 contract made by a state agency, in which the commonwealth or a state agency is an interested  
1571 party, of which interest the state employee knows or has reason to know, shall be punished by a  
1572 fine of not more than \$10,000, or by imprisonment in the state prison for not more than 5 years,  
1573 or in a jail or house of correction for not more than 2 1/2 years, or both

1574           (b) This section shall not apply if such financial interest consists of the ownership of less  
1575 than 1 per cent of the stock of a corporation.

1576           (c) This section shall not apply to;

1577           (1) a state employee who in good faith and within 30 days after the employee learns of an  
1578 actual or prospective violation of this section makes a full disclosure of the employee's financial  
1579 interest to the contracting agency and terminates or disposes of the interest;

1580           (2) a state employee other than a member of the general court who is not employed by the  
1581 contracting agency or an agency which regulates the activities of the contracting agency and who  
1582 does not participate in or have official responsibility for any of the activities of the contracting  
1583 agency, if the contract is made after public notice or through competitive bidding, where  
1584 applicable, and if the state employee files with the state ethics commission a statement making

1585 full disclosure of the employee's interest and the interests of the employee's immediate family in  
1586 the contract, and if in the case of a contract for personal services;

1587 (A) the services will be provided outside the normal working hours of the state employee;

1588 (B) the services are not required as part of the state employee's regular duties, the  
1589 employee is compensated for not more than 500 hours during a calendar year; and

1590 (C) the head of the contracting agency makes and files with the state ethics commission a  
1591 written certification that no employee of that agency is available to perform those services as a  
1592 part of the employee's regular duties;

1593 (3) the interest of a member of the general court in a contract made by an agency other  
1594 than the general court or either branch thereof, if;

1595 (A) the member's direct and indirect interests and those of the member's immediate  
1596 family in the corporation or other commercial entity with which the contract is made do not in  
1597 the aggregate amount to 10 per cent of the total proprietary interests therein;

1598 (B) the contract is made through competitive bidding; and

1599 (C) the member files with the state ethics commission a statement making full disclosure  
1600 of the member's interest and the interests of the member's immediate family;

1601 (4) to a special state employee who does not participate in or have official responsibility  
1602 for any of the activities of the contracting agency and who files with the state ethics commission  
1603 a statement making full disclosure of the special state employee's interest and the interests of the  
1604 special state employee's immediate family in the contract; or

1605           (5) to a special state employee who files with the bureau of ethics a statement making full  
1606 disclosure of the special state employee's interest and the interests of the special state  
1607 employee's immediate family in the contract, if the governor with the advice and consent of the  
1608 executive council exempts the special state employee.

1609           (d) This section shall not apply to a state employee who provides services or furnishes  
1610 supplies, goods and materials to a recipient of public assistance; provided, however, that such  
1611 services or such supplies, goods and materials are provided in accordance with a schedule of  
1612 charges promulgated by the department of transitional assistance or the division of health care  
1613 policy and finance; and provided further, that such recipient has the right under law to choose  
1614 and in fact does choose the person or firm that will provide such services or furnish such  
1615 supplies, goods and materials.

1616           (e) This section shall not prohibit a state employee from teaching or performing other  
1617 related duties in an educational institution of the commonwealth; provided, however, that such  
1618 employee does not participate in, or have official responsibility for, the financial management of  
1619 such educational institution; and provided, further, that such employee is so employed on a part-  
1620 time basis. Such employee may be compensated for such services, notwithstanding the  
1621 provisions of section 21 of chapter 30.

1622           (f) This section shall not prohibit a state employee from being employed on a part-time  
1623 basis by a facility operated or designed for the care of mentally ill or developmentally disabled  
1624 persons, public health, correctional facility or any other facility principally funded by the state  
1625 which provides similar services and which operates on an uninterrupted and continuous basis;  
1626 provided, however, that such employee does not participate in, or have official responsibility for,

1627 the financial management of such facility, that the employee is compensated for such part-time  
1628 employment for not more than 4 hours in any day in which the employee is otherwise  
1629 compensated by the commonwealth, and at a rate which does not exceed that of a state employee  
1630 classified in step 1 of job group XX of the general salary schedule contained in section 46 of  
1631 chapter 30 and that the head of the facility makes and files with the state ethics commission a  
1632 written certification that there is a critical need for the services of the employee. Such employee  
1633 may be compensated for such services, notwithstanding the provisions of section 21 of chapter  
1634 30.

1635 (g) This section shall not preclude an officer or employee of the Massachusetts Port  
1636 Authority from eligibility for any residential sound insulation program administered by that  
1637 Authority; provided, however, that any such officer or employee has no responsibility for the  
1638 administration of the program.

1639 Section 8. (a) No state, county or municipal employee and no person acting or purporting  
1640 to act on behalf of such employee, or any state, county or municipal agency, shall with respect to  
1641 any public building or construction contract which is about to be competitively bid or which has  
1642 been competitively bid, require the bidder to make application to or furnish financial data to, or  
1643 to obtain, or procure, any of the surety bonds or insurance specified in connection with such  
1644 contract or specified by any law from any particular insurance or surety company, agent, or  
1645 broker. This section shall not prevent the exercise by such employee on behalf of a state, county,  
1646 or municipal agency of its right to approve the form, sufficiency or manner of execution of the  
1647 surety bonds and insurance furnished by the insurance or surety company selected by the bidder  
1648 to underwrite the insurance and bonds. Any provisions in any invitation for bids or in any of the

1649 contract documents, in conflict with this section are hereby declared to be contrary to the public  
1650 policy of this commonwealth.

1651 (b) Whoever knowingly violates any provision of this section shall be punished by a fine  
1652 of not more than \$10,000, or by imprisonment in the state prison for not more than 5 years, or in  
1653 a jail or house of correction for not more than 2 1/2 years, or both

1654 Section 8A. No member of a state commission or board shall be eligible for appointment  
1655 or election by the members of such commission or board to any office or position under the  
1656 supervision of such commission or board. No former member of such commission or board shall  
1657 be so eligible until the expiration of 30 days from the termination of his service as a member of  
1658 such commission or board.

1659 Section 8B. No member of the commonwealth utilities commission, appointed pursuant  
1660 to section 2 of chapter 25, or the commissioner of telecommunications and cable shall, within 1  
1661 year after the member's service has ceased or terminated on said commission, be employed by,  
1662 or lobby said commission on behalf of, any company or regulated industry over which said  
1663 commission had jurisdiction during the tenure of such member of the commission.

1664 Section 9. (a) In addition to any other remedies provided by law, any violation of  
1665 sections 2 to 8, inclusive, or section 23, which has substantially influenced the action taken by  
1666 any state agency in any particular matter, shall be grounds for avoiding, rescinding or canceling  
1667 the action on such terms as the interests of the commonwealth and innocent third persons require.

1668 (b) In addition to the remedies set forth in subsection (a), the state ethics commission  
1669 upon a finding pursuant to an adjudicatory proceeding that a person has acted to such person's  
1670 economic advantage in violation of sections 2 to 8, inclusive, or section 23 may issue an order;

1671 (1) requiring the violator to pay the commission on behalf of the commonwealth damages  
1672 in the amount of the economic advantage or \$500, whichever is greater; and

1673 (2) requiring the violator to make restitution to an injured third party.

1674 If there has been no final criminal judgment of conviction or acquittal of the same  
1675 violation, upon receipt of the written approval of the attorney general, the state ethics  
1676 commission may order payment of additional damages in an amount not exceeding twice the  
1677 amount of the economic advantage or \$500, and payment of such additional damages shall bar  
1678 any criminal prosecution for the same violation.

1679 The maximum damages that the commission may order a violator to pay under this  
1680 section shall be \$25,000. If the commission determines that the damages authorized by this  
1681 section exceed \$25,000, it may bring a civil action against the violator to recover such damages.

1682 (c) The remedies authorized by this section shall be in addition to any civil penalty  
1683 imposed by the state ethics commission in accordance with clause (3) of subsection (i) of section  
1684 4 of chapter 268B.

1685 Section 10. The state ethics commission shall issue opinions interpreting the requirements  
1686 of this chapter in accordance with subsection (g) of section 3 of chapter 268B.

1687 Section 11. (a) No county employee shall, otherwise than as provided for the proper  
1688 discharge of official duties, directly or indirectly receive or request compensation from anyone  
1689 other than a county or a county agency in relation to any particular matter in which a county  
1690 agency is a party or has a direct and substantial interest.



1691 (b) No person shall, otherwise than as provided by law for the proper discharge of official  
1692 duties, directly or indirectly give, promise or offer such compensation.

1693 (c) No county employee shall, otherwise than as provided by law for the proper discharge  
1694 of official duties, act as agent or attorney for;

1695 (1) anyone other than a county or a county agency in prosecuting any claim against a  
1696 county or county agency; or

1697 (2) for anyone in connection with any particular matter in which a county or county  
1698 agency is a party or has a direct and substantial interest.

1699 (d) Whoever knowingly violates any provision of this section shall be punished by a fine  
1700 of not more than \$10,000, or by imprisonment in the state prison for not more than 5 years, or in  
1701 a jail or house of correction for not more than 2 1/2 years, or both.

1702 (e) A county employee shall be subject to subsections (a) and (c) only in relation to the  
1703 county of which the county employee is an employee. A special county employee shall be  
1704 subject to said subsections (a) and (c) only in relation to a particular matter;

1705 (1) in which the county employee has at any time participated as a county employee;

1706 (2) which is or within 1 year has been a subject of the county employee's official  
1707 responsibility; or

1708 (3) which is pending in the county agency in which the county employee is serving,  
1709 provided that this clause shall not apply in the case of a county employee who serves for not  
1710 more than 60 days during any period of 365 consecutive days.

1711 (f) This section shall not prevent a county employee from taking uncompensated action,  
1712 not inconsistent with the faithful performance of the county employee's duties, to aid or assist  
1713 any person who is the subject of disciplinary or other personnel administration proceedings with  
1714 respect to those proceedings.

1715 (g) This section shall not prevent a county employee, including a special county  
1716 employee, from acting, with or without compensation, as agent or attorney for or otherwise  
1717 aiding or assisting members of the employee's immediate family or any person for whom the  
1718 employee is serving as guardian, executor, administrator, trustee or other personal fiduciary  
1719 except in those matters in which the employee has participated or which are the subject of the  
1720 employee's official responsibility; provided, however, that the state or county official  
1721 responsible for appointment to the employee's position approves.

1722 (h) This section shall not prevent a present or former special county employee from  
1723 aiding or assisting another person for compensation in the performance of work under a contract  
1724 with or for the benefit of the county; provided, however, that the head of the special county  
1725 employee's department or agency has certified in writing that the interest of the county requires  
1726 such aid or assistance and the certification has been filed with the state ethics commission. The  
1727 certification shall be open to public inspection.

1728 (i) This section shall not prevent a county employee from giving testimony under oath or  
1729 making statements required to be made under penalty for perjury or contempt.

1730 (j) This section shall not prohibit a county employee from holding an elective or  
1731 appointive office in a city, town or district nor in any way prohibit such an employee from  
1732 performing the duties or receiving the compensation provided for such office. No such elected or

1733 appointed official may vote or act on any matter which is within the purview of the agency by  
1734 which the employee is employed or over which such employee has official responsibility.

1735         Section 12. (a) No former county employee shall act as agent or attorney for, or receive  
1736 compensation directly or indirectly from, anyone other than a county or a county agency in  
1737 connection with any particular matter in which the county or a county agency of the same county  
1738 is a party or has a direct and substantial interest and in which the former county employee  
1739 participated as a county employee while so employed.

1740         (b) No former county employee shall, within 1 year after the employee's last county  
1741 employment has ceased, appear personally before any agency of the county as agent or attorney  
1742 for anyone other than the county in connection with any particular matter in which the county or  
1743 a county agency of the same county is a party or has a direct and substantial interest and which  
1744 was under the employee's official responsibility as a county employee at any time within a  
1745 period of 2 years prior to the termination of the employee's employment.

1746         (c) No partner of a former county employee shall engages, during a period of 1 year  
1747 following the termination of the latter's employment by the county, in any activity in which the  
1748 former county employee is prohibited from engaging by subsection (a).

1749         (d) No partner of a county employee shall act as agent or attorney for anyone other than  
1750 the county in connection with any particular matter in which the county or a county agency of  
1751 the same county is a party or has a direct and substantial interest and in which the county  
1752 employee participates or has participated as a county employee or which is the subject of the  
1753 county employee's official responsibility.

1754 (e) Anyone who knowingly violates this section shall be punished by a fine of not more  
1755 than \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or  
1756 house of correction for not more than 2 1/2 years, or both.

1757 (f) If a partner of a special county employee or of a former county employee is also a  
1758 member of another partnership in which the special or former employee has no interest, activities  
1759 of the latter partnership in which the special or former employee takes no part shall not thereby  
1760 be subject to subsections (c) or (d).

1761 (g) This section shall not prevent a present or former special county employee from  
1762 aiding or assisting another person for compensation in the performance of work under a contract  
1763 with or for the benefit of the county; provided, however, that the head of the special county  
1764 employee's department or agency has certified in writing that the interest of the county requires  
1765 such aid or assistance and the certification has been filed with the state ethics commission. The  
1766 certification shall be open to public inspection.

1767 Section 13. (a) Except as permitted by subsection (b), a county employee who  
1768 participates as such an employee in a particular matter in which, to the employee's knowledge,  
1769 the employee, the employee's immediate family or partner, a business organization which the  
1770 employee is serving as officer, director, trustee, partner or employee or any person or  
1771 organization with whom the employee is negotiating or has any arrangement concerning  
1772 prospective employment, has a financial interest, shall be punished by a fine of not more than  
1773 \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of  
1774 correction for not more than 2 1/2 years, or both.

1775 (b) Any county employee whose duties would otherwise require such employee to  
1776 participate in such a particular matter shall advise the official responsible for appointment to the  
1777 employee's position and the state ethics commission of the nature and circumstances of the  
1778 particular matter and make full disclosure of such financial interest, and the appointing official  
1779 shall thereupon either:

1780 (1) assign the particular matter to another employee;

1781 (2) assume responsibility for the particular matter; or

1782 (3) make a written determination that the interest is not so substantial as to be deemed  
1783 likely to affect the integrity of the services which the county may expect from the employee, in  
1784 which case it shall not be a violation for the employee to participate in the particular matter.

1785 Copies of such written determination shall be forwarded to the county employee and filed with  
1786 the state ethics commission by the person who made the determination. Such copy shall be  
1787 retained by the commission for a period of 6 years.

1788 Section 14. A county employee who has a financial interest, directly or indirectly, in a  
1789 contract made by a county agency of the same county, in which the county or a county agency is  
1790 an interested party of which financial interest the county employee has knowledge or has reason  
1791 to know, shall be punished by a fine of not more than \$10,000, or by imprisonment in the state  
1792 prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years,  
1793 or both.

1794 This section shall not apply if such financial interest consists of the ownership of less  
1795 than 1 per cent of the stock of a corporation.

1796           This section shall not apply to a:

1797           (a) county employee who in good faith and within 30 days after the employee learns of an  
1798 actual or prospective violation of this section makes full disclosure of the employee's financial  
1799 interest to the contracting agency and terminates or disposes of the interest;

1800           (b) county employee who does not participate in or have official responsibility for any of  
1801 the activities of the contracting agency, if the contract is made through competitive bidding and  
1802 the county employee's direct and indirect interests and those of the county employee's  
1803 immediate family in the corporation or other commercial entity with which the contract is made  
1804 do not in the aggregate amount to 10 per cent of the total proprietary interests therein; or

1805           (c) special county employee who does not participate in or have official responsibility for  
1806 any of the activities of the contracting agency and who files with the state ethics commission a  
1807 statement making full disclosure of the special county employee's interest and the interests of the  
1808 special county employee's immediate family in the contract, if the county commissioners  
1809 approve the exemption of the special county employee's interest from this section.

1810           Section 15. (a) In addition to any other remedies provided by law, a violation of section  
1811 2, 3, 8, or sections 11 to 14, inclusive, or section 23, which has substantially influenced the  
1812 action taken by any county agency in any particular matter, shall be grounds for avoiding,  
1813 rescinding, or canceling the action on such terms as the interests of the county and innocent third  
1814 persons require.

1815           (b) In addition to the remedies set forth in subsection (a), the state ethics commission,  
1816 upon a finding pursuant to an adjudicatory proceeding that a person has acted to such person's

1817 economic advantage in violation of section 2, 3, 8, or sections 11 to 14, inclusive, or section 23  
1818 may issue an order;

1819 (1) requiring the violator to pay the commission on behalf of the county damages in the  
1820 amount of the economic advantage or \$500, whichever is greater; and

1821 (2) requiring the violator to make restitution to an injured third party.

1822 If there has been no final criminal judgment of conviction or acquittal of the same  
1823 violation, upon receipt of the written approval of the attorney general and the district attorney,  
1824 the state ethics commission may order payment of additional damages in an amount not  
1825 exceeding twice the amount of the economic advantage or \$500, and payment of such additional  
1826 damages shall bar any criminal prosecution for the same violation.

1827 The maximum damages that the commission may order a violator to pay under this  
1828 section shall be \$25,000. If the commission determines that the damages authorized by this  
1829 section exceed \$25,000, it may bring a civil action against the violator to recover such damages.

1830 (c) The remedies authorized by this section shall be in addition to any civil penalty  
1831 imposed by the commission under clause (3) of subsection (i) of section 4 of chapter 268B.

1832 Section 15A. No member of a county commission or board shall be eligible for  
1833 appointment or election by the members of such commission or board to any office or position  
1834 under the supervision of such commission or board. No former member of such commission or  
1835 board shall be so eligible until the expiration of 30 days from the termination of such member's  
1836 service as a member of such commission or board.

1837           Section 17. (a) No municipal employee shall, otherwise than as provided by law for the  
1838 proper discharge of official duties, directly or indirectly receive or request compensation from  
1839 anyone other than the city or town or municipal agency in relation to any particular matter in  
1840 which the same city or town is a party or has a direct and substantial interest.

1841           (b) No person shall, otherwise than as provided by law for the proper discharge of official  
1842 duties, directly or indirectly give, promise or offer such compensation.

1843           (c) No municipal employee shall, otherwise than in the proper discharge of the  
1844 employee's official duties, act as agent or attorney for anyone;

1845           (1) other than the city or town or municipal agency in prosecuting any claim against the  
1846 same city or town; or

1847           (2) in connection with any particular matter in which the same city or town is a party or  
1848 has a direct and substantial interest.

1849           Anyone who knowingly violates any provision of this section shall be punished by a fine  
1850 of not more than \$10,000, or by imprisonment in the state prison for not more than 5 years, or in  
1851 a jail or house of correction for not more than 2 1/2 years, or both.

1852           (d) A special municipal employee shall be subject to subsections (a) and (c) only in  
1853 relation to a particular matter;

1854           (1) in which the special municipal employee has at any time participated as a municipal  
1855 employee;

1856           (2) which is or within 1 year has been a subject of the special municipal employee's  
1857 official responsibility; or



1858 (3) which is pending in the municipal agency in which the special municipal employee is  
1859 serving. However, this clause shall not apply in the case of a special municipal employee who  
1860 serves for not more than 60 days during any period of 365 consecutive days.

1861 (e) This section shall not prevent a municipal employee from taking uncompensated  
1862 action, not inconsistent with the faithful performance of his duties, to aid or assist any person  
1863 who is the subject of disciplinary or other personnel administration proceedings with respect to  
1864 those proceedings.

1865 (f) This section shall not prevent a municipal employee, including a special municipal  
1866 employee, from acting, with or without compensation, as agent or attorney for or otherwise  
1867 aiding or assisting members of the employee's immediate family or any person for whom the  
1868 employee is serving as guardian, executor, administrator, trustee or other personal fiduciary  
1869 except in those matters in which the employee has participated or which are the subject of the  
1870 employee's official responsibility; provided, however, that the official responsible for  
1871 appointment to the employee's position approves.

1872 (g) This section shall not prevent a present or former special municipal employee from  
1873 aiding or assisting another person for compensation in the performance of work under a contract  
1874 with or for the benefit of the city or town; provided, however, that the head of the special  
1875 municipal employee's department or agency has certified in writing that the interest of the city or  
1876 town requires such aid or assistance and the certification has been filed with the clerk of the city  
1877 or town. The certification shall be open to public inspection.

1878 (h) This section shall not prevent a municipal employee from giving testimony under oath  
1879 or making statements required to be made under penalty for perjury or contempt.

1880 (i) This section shall not prevent a municipal employee from applying on behalf of  
1881 anyone for a building, electrical, wiring, plumbing, gas fitting or septic system permit, nor from  
1882 receiving compensation in relation to any such permit, unless such employee is employed by or  
1883 provides services to the permit-granting agency or an agency that regulates the activities of the  
1884 permit-granting agency.

1885 Section 18. (a) No former municipal employee shall act as agent or attorney for, or  
1886 receives compensation, directly or indirectly from anyone other than the same city or town in  
1887 connection with any particular matter in which the city or town is a party or has a direct and  
1888 substantial interest and in which the former municipal employee participated as a municipal  
1889 employee while so employed.

1890 (b) No former municipal employee shall, within 1 year after the former municipal  
1891 employee's last municipal employment has ceased, appear personally before any agency of the  
1892 city or town as agent or attorney for anyone other than the city or town in connection with any  
1893 particular matter in which the same city or town is a party or has a direct and substantial interest  
1894 and which was under the former municipal employee's official responsibility as a municipal  
1895 employee at any time within a period of 2 years prior to the termination of the former municipal  
1896 employee's employment.

1897 (c) No partner of a former municipal employee who shall engage, during a period of 1  
1898 year following the termination of the latter's employment by the city or town, in any activity in  
1899 which the former municipal employee is prohibited from engaging by subsection (a).

1900 (d) No partner of a municipal employee shall act as agent or attorney for anyone other  
1901 than the city or town in connection with any particular matter in which the same city or town is a

party or has a direct and substantial interest and in which the municipal employee participates or has participated as a municipal employee or which is the subject of the municipal employee's official responsibility.

(e) Anyone who knowingly violates any provision of this section shall be punished by a fine of not more than \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or both

(f) If a partner of a former municipal employee or of a special municipal employee is also a member of another partnership in which the former or special employee has no interest, the activities of the latter partnership in which the former or special employee takes no part shall not thereby be subject to subsection (c) or (d).

(g) Notwithstanding subsection (b), a former town counsel who acted in such capacity on a salary or retainer of less than \$2,000 per year shall be prohibited from appearing personally before any agency of the city or town as agent or attorney for anyone other than the city or town only in connection with any particular matter in which the same city or town is a party or has a direct and substantial interest and in which the former town counsel participated while so employed.

(h) This section shall not prevent a present or former special municipal employee from aiding or assisting another person for compensation in the performance of work under a contract with or for the benefit of the city or town; provided, that the head of the special municipal employee's department or agency has certified in writing that the interest of the city or town requires such aid or assistance and the certification has been filed with the clerk of the city or town. The certification shall be open to public inspection.

1924           Section 19. (a) Except as permitted by subsection (b), a municipal employee who  
1925   participates as such an employee in a particular matter in which to the municipal employee's  
1926   knowledge the municipal employee, the municipal employee's immediate family or partner, a  
1927   business organization in which the municipal employee is serving as officer, director, trustee,  
1928   partner or employee, or any person or organization with whom the municipal employee is  
1929   negotiating or has any arrangement concerning prospective employment, has a financial interest,  
1930   shall be punished by a fine of not more than \$10,000, or by imprisonment in the state prison for  
1931   not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or both.

1932           (b) It shall not be a violation of this section if:

1933           (1) the municipal employee first advises the official responsible for appointment to the  
1934   municipal employee's position of the nature and circumstances of the particular matter and  
1935   makes full disclosure of such financial interest, and receives in advance a written determination  
1936   made by that official that the interest is not so substantial as to be deemed likely to affect the  
1937   integrity of the services which the municipality may expect from the employee;

1938           (2) in the case of an elected municipal official making demand bank deposits of  
1939   municipal funds, said official first files, with the clerk of the city or town, a statement making  
1940   full disclosure of such financial interest; or

1941           (3) the particular matter involves a determination of general policy and the interest of the  
1942   municipal employee or members of the municipal employee's immediate family is shared with a  
1943   substantial segment of the population of the municipality.

1944           Section 20. (a) A municipal employee who has a financial interest, directly or indirectly,  
1945   in a contract made by a municipal agency of the same city or town, in which the city or town is

1946 an interested party of which financial interest the municipal employee has knowledge or has  
1947 reason to know, shall be punished by a fine of not more than \$10,000, or by imprisonment in the  
1948 state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2  
1949 years, or both.

1950 (b) This section shall not apply if such financial interest consists of the ownership of less  
1951 than 1 per cent of the stock of a corporation.

1952 (c) This section shall not apply to:

1953 (1) a municipal employee who in good faith and within 30 days after the municipal  
1954 employee learns of an actual or prospective violation of this section makes full disclosure of the  
1955 municipal employee's financial interest to the contracting agency and terminates or disposes of  
1956 the interest;

1957 (2) a municipal employee who is not employed by the contracting agency or an agency  
1958 which regulates the activities of the contracting agency and who does not participate in or have  
1959 official responsibility for any of the activities of the contracting agency, if the contract is made  
1960 after public notice or through competitive bidding, where applicable, and if the municipal  
1961 employee files with the clerk of the city or town a statement making full disclosure of the  
1962 municipal employee's interest and the interest of the municipal employee's immediate family in  
1963 the contract, and if in the case of a contract for personal services;

1964 (A) the services will be provided outside the normal working hours of the municipal  
1965 employee;

1966 (B) the services are not required as part of the municipal employee's regular duties, the  
1967 employee is compensated for not more than 500 hours during a calendar year;

1968 (C) the head of the contracting agency makes and files with the clerk of the city or town a  
1969 written certification that no employee of that agency is available to perform those services as part  
1970 of the employee's regular duties; and

1971 (D) the city council, board of selectmen or board of aldermen approve the exemption of  
1972 the municipal employee's interest from this section;

1973 (3) a special municipal employee who does not participate in or have official  
1974 responsibility for any of the activities of the contracting agency and who files with the clerk of  
1975 the city or town a statement making full disclosure of the special municipal employee's interest  
1976 and the interests of the special municipal employee's immediate family in the contract;

1977 (4) a special municipal employee who files with the clerk of the city, town or district a  
1978 statement making full disclosure of the special municipal employee's interest and the interests of  
1979 the special municipal employee's immediate family in the contract, if the city council or board of  
1980 aldermen, if there is no city council, board of selectmen or the district prudential committee,  
1981 approve the exemption of the special municipal employee's interest from this section;

1982 (5) a municipal employee who receives benefits from programs funded by the United  
1983 States or any other source in connection with the rental, improvement, or rehabilitation of the  
1984 municipal employee's residence to the extent permitted by the funding agency;

1985 (6) a municipal employee if the contract is for personal services in a part-time, call or  
1986 volunteer capacity with the police, fire, rescue or ambulance department of a fire district, town or

1987 any city with a population of less than 35,000 inhabitants; provided, however, that the head of  
1988 the contracting agency makes and files with the clerk of the city, district or town a written  
1989 certification that no employee of said agency is available to perform such services as part of the  
1990 employee's regular duties, and the city council, board of selectmen, board of aldermen or district  
1991 prudential committee approve the exemption of the municipal employee's interest from this  
1992 section;

1993 (7) a municipal employee who has applied in the usual course and is otherwise eligible  
1994 for a housing subsidy program administered by a local housing authority, unless the employee is  
1995 employed by the local housing authority in a capacity in which the municipal employee has  
1996 responsibility for the administration of such subsidy programs; or

1997 (8) a municipal employee who is the owner of residential rental property and rents such  
1998 property to a tenant receiving a rental subsidy administered by a local housing authority, unless  
1999 such employee is employed by such local housing authority in a capacity in which the municipal  
2000 employee has responsibility for the administration of such subsidy programs.

2001 (d) This section shall not prohibit an employee or an official of a town from holding the  
2002 position of selectman in such town nor in any way prohibit such employee from performing the  
2003 duties of or receiving the compensation provided for such office; provided, however, that such  
2004 selectman shall not, except as hereinafter provided,

2005 (1) receive compensation for more than 1 office or position held in a town, but shall have  
2006 the right to choose which compensation the employee shall receive;

2007 (2) vote or act on any matter which is within the purview of the agency by which the  
2008 employee is employed or over which the employee has official responsibility; or

2009 (3) be eligible for appointment to any such additional position while the selectman is still  
2010 a member of the board of selectmen or for 6 months thereafter.

2011 (4) Any violation of this subsection (d) which has substantially influenced the action  
2012 taken by any municipal agency in any matter shall be grounds for avoiding, rescinding or  
2013 canceling the action on such terms as the interest of the municipality and innocent third parties  
2014 may require.

2015 (e) This section shall not prohibit any elected official in a town, whether compensated or  
2016 uncompensated for such elected position, from holding 1 or more additional elected positions, in  
2017 such town, whether such additional elected positions are compensated or uncompensated.

2018 (f) This section shall not prohibit an employee of a municipality with a city or town  
2019 council form of government from holding the elected office of councillor in such municipality,  
2020 nor in any way prohibit such an employee from performing the duties of or receiving the  
2021 compensation provided for such office; provided, however, that no such councillor;

2022 (1) shall receive compensation for more than 1 office or position held in a municipality,  
2023 but shall have the right to choose which compensation such councillor shall receive;

2024 (2) may vote or act on any matter which is within the purview of the agency by which the  
2025 councillor is employed or over which the councillor has official responsibility; or

2026 (3) shall be eligible for appointment to such additional position while a member of said  
2027 council or for 6 months thereafter.



(4) Any violation of subsection (f) which has substantially influenced the action taken by a municipal agency in any matter shall be grounds for avoiding, rescinding or cancelling such action on such terms as the interest of the municipality and innocent third parties require. .

(g) This section shall not prohibit an employee of a housing authority in a municipality from holding any elective office, other than the office of mayor, in such municipality nor in any way prohibit such employee from performing the duties of or receiving the compensation provided for such office; provided, however, that such elected officer shall not, except as otherwise expressly provided;

(1) receive compensation for more than 1 office or position held in a municipality, but shall have the right to choose which compensation such elected officer shall receive;

(2) vote or act on any matter which is within the purview of the housing authority by which the elected official is employed;

(3) be eligible for appointment to any such additional position while the elected official is still serving in such elective office or for 6 months thereafter.

(4) Any violation of subsection (g) which has substantially influenced the action taken by the housing authority in any matter shall be grounds for avoiding, rescinding or cancelling the action on such terms as the interest of the municipality and innocent third parties may require.

(h) This section shall not prohibit an employee in a town having a population of less than 3,500 persons from holding more than 1 appointed position with said town; provided, however that the board of selectmen of said town approves the exemption of the employee's interest from this section.

2049           Section 21. (a) In addition to any other remedies provided by law, a finding by the  
2050           commission pursuant to an adjudicatory proceeding that there has been any violation of section  
2051           2, 3, 8, or sections 17 to 20, inclusive, which has substantially influenced the action taken by any  
2052           municipal agency in any particular matter, shall be grounds for avoiding, rescinding, or canceling  
2053           the action of said municipal agency upon request by said municipal agency on such terms as the  
2054           interests of the municipality and innocent third persons require.

2055           (b) In addition to the remedies set forth in subsection (a) , the commission may, upon a  
2056           finding pursuant to an adjudicatory proceeding that a person has acted to his economic advantage  
2057           in violation of section 2, 3, 8, sections 17 to 20, inclusive, or section 23, may issue an order;

2058           (1) requiring the violator to pay the commission on behalf of the municipality damages in  
2059           the amount of the economic advantage or \$500, whichever is greater; and

2060           (2) requiring the violator to make restitution to an injured third party.

2061           If there has been no final criminal judgment of conviction or acquittal of the same  
2062           violation, upon receipt of the written approval of the district attorney, the commission may order  
2063           payment of additional damages in an amount not exceeding twice the amount of the economic  
2064           advantage or \$500, and payment of such additional damages shall bar any criminal prosecution  
2065           for the same violation.

2066           The maximum damages that the commission may order a violator to pay under this  
2067           section shall be \$25,000. If the commission determines that the damages authorized by this  
2068           section exceed \$25,000, it may bring a civil action against the violator to recover such damages.

2069           (c) The remedies authorized by this section shall be in addition to any civil penalty  
2070 imposed by the commission in accordance with clause (3) of subsection (i) of section 4 of  
2071 chapter 268B.

2072           Section 21A. Except as hereinafter provided, no member of a municipal commission or  
2073 board shall be eligible for appointment or election by the members of such commission or board  
2074 to any office or position under the supervision of such commission or board. No former member  
2075 of such commission or board shall be so eligible until the expiration of 30 days from the  
2076 termination of the member's service as a member of such commission or board.

2077           This section shall not apply to a member of a town commission or board, if such  
2078 appointment or election has first been approved at an annual town meeting of the town.

2079           Section 21B. No mayor, city manager or town manager shall require a prospective  
2080 appointee to a board, commission or position under such mayor or manager's jurisdiction to  
2081 submit as a condition precedent to the appointment an undated resignation from said board,  
2082 commission or position. Whoever violates this section shall be punished by a fine of not more  
2083 than \$500.

2084           Section 22. Any municipal employee shall be entitled to the opinion of the corporation  
2085 counsel, city solicitor or town counsel upon any question arising under this chapter relating to the  
2086 duties, responsibilities and interests of such employee. All requests for such opinions by a  
2087 subordinate municipal employee shall be made in confidence directly to the chief officer of the  
2088 municipal agency in which the employee is employed, who shall in turn request in confidence  
2089 such opinion of the corporation counsel, city solicitor or town counsel on behalf of such  
2090 subordinate municipal employee, and all constitutional officers and chief officers or heads of

2091 municipal agencies may make direct confidential requests for such opinions on their own  
2092 account. The town counsel or city solicitor shall file such opinion in writing with the city or town  
2093 clerk and such opinion shall be a matter of public record; provided, however, no opinion shall be  
2094 rendered by the town counsel or city solicitor except upon the submission of detailed existing  
2095 facts which raise a question of actual or prospective violation of any provision of this chapter.

2096           Section 23. (a) In addition and in supplement to this chapter, standards of conduct, as  
2097 hereinafter set forth, are hereby established for all state, county, and municipal employees.

2098           (b) No current officer or employee of a state, county or municipal agency shall  
2099 knowingly, or with reason to know:

2100           (1) accept other employment involving compensation of substantial value, the  
2101 responsibilities of which are inherently incompatible with the responsibilities of the current  
2102 officer or employee's public office or position;

2103           (2) solicit or receive anything of substantial value for such officer or employee, for or  
2104 because of, the officer or employee's official position which is not properly available to  
2105 individuals in other positions or affirmatively use or attempt to use such official position to  
2106 secure for such officer, employee or others unwarranted privileges or exemptions which are of  
2107 substantial value and which are not properly available to similarly situated individuals;

2108           (3) act in a manner which would cause a reasonable person, having knowledge of the  
2109 relevant circumstances, to conclude that any person can improperly influence or unduly enjoy the  
2110 officer or employee's favor in the performance of the officer or employee's official duties or that  
2111 the officer or employee is likely to act or fail to act as a result of kinship, rank, position or undue  
2112 influence of any party or person. It shall be unreasonable to so conclude if such officer or

2113 employee has disclosed in writing to the officer or employee's appointing authority or, if no  
2114 appointing authority exists, has disclosed in a manner which is public in nature, the facts which  
2115 would otherwise lead to such a conclusion; or

2116 (4) present a false or fraudulent claim to his employer for any payment or benefit of  
2117 substantial value.

2118 (c) No current or former officer or employee of a state, county or municipal agency shall  
2119 knowingly, or with reason to know:

2120 (1) accept employment or engage in any business or professional activity which will  
2121 require the officer or employee to disclose confidential information which the officer or  
2122 employee has gained by reason of such officer or employee's official position or authority; or

2123 (2) improperly disclose materials or data within the exemptions to the definition of public  
2124 records as defined by section 7 of chapter 4, and were acquired by the officer or employee in the  
2125 course of the officer or employee's official duties nor use such information to further the officer  
2126 or employee's personal interest.

2127 (d) Any activity specifically exempted from any of the prohibitions of this chapter shall  
2128 be exempt from the provisions of this section. The bureau of ethics, established by chapter 12C,  
2129 shall not enforce this section with respect to any such exempted activity.

2130 (e) Where a current employee is found to have violated the provisions of this section,  
2131 appropriate administrative action as is warranted may also be taken by the appropriate  
2132 constitutional officer, by the head of a state, county or municipal agency. Nothing in this section

2133 shall preclude any such constitutional officer or head of such agency from establishing and  
2134 enforcing additional standards of conduct.

2135           Section 23A. (a) No trustee, other than an elected student trustee, of any public institution  
2136 of higher education operated by the commonwealth shall be eligible to be appointed to or hold  
2137 any other office or position with that institution for a period of 3 years after the termination of  
2138 the trustee's services as such trustee.

2139           (b) No elected student trustee of any public institution of higher education operated by  
2140 the commonwealth, shall be eligible to be appointed to or hold any other office or position with  
2141 that institution for a period of 1 year after the termination of the student trustee's services as such  
2142 trustee; provided, however, that any such elected student trustee may accept and hold part-time  
2143 employment at that institution while a student thereat.

2144           (c) Notwithstanding subsection (a) and (b), a trustee may be appointed to or hold an  
2145 unpaid office or position with the trustee's former institution after the trustee's services as such  
2146 trustee.

2147           Section 24. All disclosures and certifications provided for and made in accordance with  
2148 this chapter shall be made in writing and, unless otherwise specifically provided in this chapter,  
2149 shall be kept open to inspection by the public by the official with whom such disclosure has been  
2150 filed.

2151           Section 25. (a) An officer or employee of a county, city, town or district, however  
2152 formed, including, but not limited to, regional school districts and regional planning districts, or  
2153 of any department, board, commission or agency thereof may, during any period such officer or  
2154 employee is under indictment for misconduct in such office or employment or for misconduct in

2155 any elective or appointive public office, trust or employment at any time held by the officer or  
2156 employee, be suspended by the appointing authority, whether or not such appointment was  
2157 subject to approval in any manner.

2158 (b) Notice of said suspension shall be given in writing and delivered in hand to person or  
2159 the person's attorney, or sent by registered mail to the officer or employee at the person's:

2160 (1) residence,

2161 (2) place of business; or

2162 (3) the office or place of employment from which the officer or employee is being  
2163 suspended. Such notice so given, delivered or sent shall automatically suspend the authority of  
2164 such person to perform the duties of the person's office or employment until such person is  
2165 notified in like manner that the person's suspension is removed.

2166 (c) A copy of any such notice together with an affidavit of service shall be filed as  
2167 follows:

2168 (1) in the case of a county, with the clerk of the superior court of the county in which the  
2169 officer or employee is employed;

2170 (2) in the case of a city, with the city clerk;

2171 (3) in the case of a town, with the town clerk;

2172 (4) in the case of a regional school district, with the secretary of the regional school  
2173 district; and

2174 (5) in the case of all other districts, with the clerk of the district.

2175           (d) Any person suspended under this section shall not receive any compensation or salary  
2176 during the period of suspension, nor shall the period of such person's suspension be counted in  
2177 computing such person's sick leave or vacation benefits or seniority rights, nor shall any person  
2178 who retires from service while under such suspension be entitled to any pension or retirement  
2179 benefits, notwithstanding any contrary provisions of law, but all contributions paid by such  
2180 person into a retirement fund, if any, shall be returned to the person, subject to section 15 of  
2181 chapter 32.

2182           (e) The employer of a person so suspended shall immediately notify the retirement  
2183 system of which the person is a member of the suspension and shall notify the retirement board  
2184 of the outcome of any charges brought against the individual.

2185           (f) A suspension under this section shall not be used to prejudice the rights of the  
2186 suspended person either civilly or criminally.

2187           (g) During the period of any such suspension, the appointing authority may fill the  
2188 position of the suspended officer or employee on a temporary basis and the temporary officer or  
2189 employee shall have all the powers and duties of the officer or employee suspended.

2190           (h) Any such temporary officer or employee who is appointed as a member of a board,  
2191 commission or agency may be designated as chairman.

2192           (i) If the criminal proceedings against the person suspended are terminated without a  
2193 finding or verdict of guilty on any of the charges on which such person was indicted, such  
2194 person's suspension shall be forthwith removed and such person shall receive all compensation  
2195 or salary due to the person for the period of such person's suspension and the time of such



2196 person's suspension shall count in determining sick leave, vacation, seniority and other rights,  
2197 and shall be counted as creditable service for purposes of retirement.

2198           Section 26. (a) The commission shall prepare, and update as necessary, summaries of  
2199 this chapter for state, county, and municipal employees, respectively, which the commission  
2200 shall publish on its official website.

2201           (b) Every state, county, and municipal employee shall, within 30 days of becoming such  
2202 an employee, and on an annual basis thereafter, be furnished with a summary of this chapter  
2203 prepared by the commission and shall sign a written acknowledgment that the employee has been  
2204 provided with such a summary.

2205           (c) Municipal employees shall be furnished with the summary by, and file an  
2206 acknowledgment with, the city or town clerk.

2207           (d) Appointed state and county employees shall be furnished with the summary by, and  
2208 file an acknowledgment with, the employee's appointing authority or the appointing authority's  
2209 designee.

2210           (e) Elected state and county employees shall be furnished with the summary by, and file  
2211 an acknowledgment with, the commission.

2212           (f) The commission shall establish procedures for implementing this section and ensuring  
2213 compliance.

2214           Section 27. (a) The state ethics commission shall prepare and update from time to time  
2215 the following online training programs, which the commission shall publish on its official  
2216 website:

2217           (1) a program which shall provide a general introduction to the requirements of this  
2218 chapter; and

2219           (2) a program which shall provide information on the requirements of this chapter  
2220 applicable to former state, county, and municipal employees.

2221           (b) Every state, county, and municipal employee shall, within 30 days after becoming  
2222 such an employee, and every 2 years thereafter, complete the online training program established  
2223 under clause (1) of subsection (a). Upon completion of the online training program, the employee  
2224 shall provide notice of such completion to be retained for 6 years by the appropriate employer.

2225           (c) For the purposes of subsection (b), the appropriate employer shall be:

2226           (1) the city or town clerk for municipal employees;

2227           (2) the appointing authority or such authority's designee for appointed state and county  
2228 employees; or

2229           (3) the state ethics commission for elected state and county employees.

2230           (d) The commission shall establish procedures for implementing this section and ensuring  
2231 compliance.

2232           Section 28. Each municipality, acting through its city council, board of selectmen, or  
2233 board of aldermen, shall designate a senior level employee of the municipality as its liaison to  
2234 the state ethics commission. The municipality shall notify the commission in writing of any  
2235 change to such designation within 30 days of a change. The commission shall disseminate  
2236 information to the designated liaisons and conduct educational seminars for designated liaisons

2237 on a regular basis on a schedule to be determined by the commission in consultation with the  
2238 municipalities.

2239 SECTION 51. The General Laws are hereby further amended by striking out chapter  
2240 268B and inserting in place thereof the following chapter:-

2241 Chapter 268B

2242 FINANCIAL DISCLOSURE BY CERTAIN PUBLIC OFFICIALS AND EMPLOYEES

2243 Section 1. As used in this chapter, the following words shall have the following  
2244 meanings, unless the context clearly requires otherwise:—

2245 “Amount”, a category of value, rather than an exact dollar figure, as follows: greater than  
2246 \$1,000 but not more than \$5,000; greater than \$5,000 but not more than \$10,000; greater than  
2247 \$10,000 but not more than \$20,000; greater than \$20,000 but not more than \$40,000; greater than  
2248 \$40,000 but not more than \$60,000; greater than \$60,000 but not more than \$100,000; greater  
2249 than \$100,000. “Business”, any corporation, partnership, sole proprietorship, firm, franchise,  
2250 association, organization, holding company, joint stock company, receivership, business or real  
2251 estate trust or any other legal entity organized for profit or charitable purposes.

2252 “Business with which he is associated” any business in which the reporting person or a  
2253 member of his immediate family is a general partner, proprietor, officer or other employee,  
2254 including one who is self-employed or serves as a director, trustee or in any similar managerial  
2255 capacity and any business more than 1 per cent of any class of the outstanding equity of which is  
2256 beneficially owned in the aggregate by the reporting person and members of his immediate  
2257 family.

2258           “Candidate for public office” any individual who seeks nomination or election to public  
2259 office. For the purposes of this chapter, an individual shall be deemed to be seeking nomination  
2260 or election to public office if he has: (1) received a political contribution or made an expenditure,  
2261 or has given his consent for any other person or committee to receive a political contribution or  
2262 make an expenditure, for the purpose of influencing his nomination or election to such office,  
2263 whether or not the specific public office for which he will seek nomination or election is known  
2264 at the time the political contribution is received or the expenditure is made; or (2) taken the  
2265 action necessary under the laws of the commonwealth to qualify himself for nomination or  
2266 election to such office.

2267           “Commission” the state ethics commission established by section 2;

2268           “Equity”, any stock or similar ownership interest in a business.

2269           “Executive lobbyist”, an executive lobbyist as defined in section 39 of chapter 3.

2270           “Governmental body” a state or county agency, authority, board, bureau, commission,  
2271 council, department, division or other entity, including the general court and the courts of the  
2272 commonwealth.

2273           “Immediate family” a spouse and any dependent children residing in the reporting  
2274 person’s household.

2275           “Income” income from whatever source derived, whether in the form of a fee, salary,  
2276 allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain or any other  
2277 form of recompense or any combination thereof; provided, however, that interest from savings  
2278 accounts or from government obligations other than those of the commonwealth or any political

2279 subdivision thereof or any public agency or authority created by the general court, alimony and  
2280 support payments, proceeds from a life insurance policy, retirement or disability benefits and  
2281 social security payments shall not be considered income for the purposes of this chapter.

2282 “Legislative lobbyist”, legislative lobbyist as defined in section 39 of chapter 3.

2283 “Major policy making position” the executive or administrative head of a governmental  
2284 body, all members of the judiciary, any person whose salary equals or exceeds that of a state  
2285 employee classified in step 1 of job group XXV of the general salary schedule contained in  
2286 section 46 of chapter 30 and who reports directly to said executive or administrative head, the  
2287 head of each division, bureau or other major administrative unit within such governmental body  
2288 and persons exercising similar authority.

2289 “Person” a business, individual, corporation, union, association, firm, partnership,  
2290 committee or other organization or group of persons.

2291 “Political contribution” a contribution of money or anything of value to an individual,  
2292 candidate, political committee or person acting on behalf of an individual, candidate or political  
2293 committee, for the purpose of influencing the nomination or election of the individual or  
2294 candidate or for the purpose of promoting or opposing a charter change, referendum question,  
2295 constitutional amendment or other question submitted to the voters and shall include any: (1)  
2296 gift, subscription, loan, advance, deposit of money, or thing of value, except a loan of money to a  
2297 candidate by a national or state bank made in accordance with the applicable banking laws and  
2298 regulations and in the ordinary course of business; (2) transfer of money or anything of value  
2299 between political committees; (3) payment, by any person other than a candidate or political  
2300 committee, or compensation for the personal services of another person which are rendered to

2301 such candidate or committee; (4) purchase from an individual, candidate or political committee,  
2302 or person acting on behalf of an individual, candidate or political committee, whether through the  
2303 device of tickets, advertisements, or otherwise, for fund-raising activities, including testimonials,  
2304 held on behalf of said individual, candidate or political committee, to the extent that the purchase  
2305 price exceeds the actual cost of the goods sold or services rendered; (5) discount or rebate not  
2306 available to other candidates for the same office and to the general public; and (6) forgiveness of  
2307 indebtedness or payment of indebtedness by another person; provided, however, that it shall not  
2308 include the rendering of services by speakers, editors, writers, poll watchers, poll checkers or  
2309 others, nor the payment by those rendering such services of such personal expenses as may be  
2310 incidental thereto, nor the exercise of ordinary hospitality.

2311 “Public employee” a person who holds a major policymaking position in a governmental  
2312 body; provided, however, that a person who receives no compensation other than  
2313 reimbursements for expenses, or any person serving on a governmental body that has no  
2314 authority to expend public funds other than to approve reimbursements for expenses shall not be  
2315 considered a public employee for the purposes of this chapter; provided, further, that the  
2316 members of the board of bar examiners shall not be considered public employees for the  
2317 purposes of this chapter.

2318 “Public office” a position for which one is nominated at a state primary or chosen at a  
2319 state election, excluding the positions of senator and representative in congress and the office of  
2320 regional district school committee member elected district-wide.

2321 “Public official” anyone who holds a public office.

2322           “Reporting person” a person required to file a statement of financial interest pursuant to  
2323 section 5.

2324           Section 2. (a) There is established a state ethics commission composed of 5 members. At  
2325 no time shall more than 3 members be from the same political party.

2326           (b) Three members of the commission shall be appointed by the governor, 1 of whom  
2327 shall be designated as chairman, 1 member shall be appointed by the state secretary and 1  
2328 member shall be appointed by the attorney general. At no time shall more than 2 of the members  
2329 to be appointed by the governor be from the same political party.

2330           (c) Members of the commission shall serve for terms of 5 years.

2331           (d) No person shall be appointed to more than 1 full 5 year term.

2332           (e) Not less than 30 days prior to making an appointment to the commission, the  
2333 appointing official shall give public notice that a vacancy on the commission exists.

2334           (f) No member or employee of the commission shall:

2335           (1) hold or be a candidate for any other public office while a member or employee or for  
2336 1 year thereafter;

2337           (2) hold office in any political party or political committee;

2338           (3) participate in, or contribute to, the political campaign of any candidate for public  
2339 office.

2340           (g) Members of the commission may be removed by a majority vote of the governor,  
2341 state secretary and attorney general for substantial neglect of duty, inability to discharge the

2342 powers and duties of office, violation of subsection (f), gross misconduct, or conviction of a  
2343 felony.

2344 (h) Any vacancy occurring on the commission shall be filled within 90 days by the  
2345 original appointing authority. A person appointed to fill a vacancy occurring other than by  
2346 expiration of a term of office shall be appointed for the unexpired term of the member such  
2347 person succeeds and shall be eligible for appointment to 1 full 5 year term.

2348 (i) The commission shall elect a vice chairman. The vice chairman shall act as chairman  
2349 in the absence of the chairman or in the event of a vacancy in that position.

2350 (j) Three members of the commission shall constitute a quorum and 3 affirmative votes  
2351 shall be required for any action or recommendation of the commission. The chairman or any 3  
2352 members of the commission may call a meeting. Advance notice of all meetings shall be given  
2353 to each member of the commission and to any other person who requests such notice.

2354 (k) Members of the commission shall be compensated for work performed for the  
2355 commission at such rate as the secretary of administration and finance shall determine and shall  
2356 be reimbursed for their expenses.

2357 (l) The commission shall annually report to the general court and the governor  
2358 concerning the action it has taken including the names, salaries and duties of all individuals in its  
2359 employ and the money it has disbursed and shall make such further reports on matters within its  
2360 jurisdiction as may appear necessary.

2361 (m) The commission shall employ an executive director, a general counsel, and, subject  
2362 to appropriation, such other staff, including, but not limited to, clerks, accountants and



investigators, as are necessary to carry out its duties pursuant to this chapter and chapter 268A. The staff shall serve at the pleasure of the commission and shall not be subject to the provisions of chapter 31 or section 9A of chapter 30. The executive director shall be responsible for the administrative operation of the commission and shall perform such other tasks as the commission shall determine. The general counsel shall be the chief legal officer of the commission. The commission may employ, subject to appropriation, the services of experts and consultants necessary to carry out its duties. The colonel of state police, the state auditor, the comptroller, the attorney general and the director of the office of campaign and political finance may make available to the commission personnel and other assistance as the commission may request.

Section 3. The commission shall:

(a) prescribe and publish, pursuant to chapter 30A, rules and regulations to: (1) carry out this chapter, including rules governing the conduct of proceedings hereunder; and (2) carry out chapter 268A; provided, however, that the rules and regulations shall be limited to providing exemptions from sections 3 to 7, inclusive, sections 11 to 14, inclusive, sections 17 to 20, inclusive, and section 23 of said chapter 268A;

(b) prepare and publish, after giving the public an opportunity to comment, forms for the statements and reports required to be filed by this chapter and make such forms available to any and all persons required to file statements and reports pursuant to this chapter;

(c) prepare and publish, pursuant to chapter 30A, methods of accounting and reporting to be used by persons required to file statements and reports by this chapter;

(d) make statements and reports filed with the commission available for public inspection and copying during regular office hours upon the written request of any individual who provides

2385 identification acceptable to the commission, including the individual's affiliation, if any, at a  
2386 charge not to exceed the actual administrative and material costs required in reproducing said  
2387 statements and reports; provided, however, that the commission shall be authorized, in its  
2388 discretion, to exempt from public disclosure those portions of a statement of financial interest  
2389 filed pursuant to section 5 which contain the home address of the filer; and, provided further, that  
2390 the commission shall forward a copy of said request to the person whose statement has been  
2391 examined;

2392 (e) compile and maintain an index of all reports and statements filed with the commission  
2393 to facilitate public access to such reports and statements;

2394 (f) inspect all statements of financial interests filed with the commission in order to  
2395 ascertain whether any reporting person has failed to file such a statement or has filed a deficient  
2396 statement. If, upon inspection, it is ascertained that a reporting person has failed to file a  
2397 statement of financial interests, or if it is ascertained that any such statement filed with the  
2398 commission fails to conform with the requirements of section 5, then the commission shall, in  
2399 writing, notify the delinquent; such notice shall state in detail the deficiency and the penalties for  
2400 failure to file a statement of financial interests;

2401 (g) upon written request from a person who is or may be subject to this chapter or chapter  
2402 268A, render advisory opinions on the requirements of said chapters. An opinion rendered by the  
2403 commission, until and unless amended or revoked, shall be a defense in a criminal action brought  
2404 under chapter 268A and shall be binding on the commission, and the division of administrative  
2405 law appeals, in any subsequent proceedings concerning the person who requested the opinion  
2406 and who acted in good faith, unless material facts were omitted or misstated by the person in the

2407 request for an opinion. Such requests shall be confidential; provided, however, that the  
2408 commission may publish such opinions, but the name of the requesting person and any other  
2409 identifying information shall not be included in such publication unless the requesting person  
2410 consents to such inclusion;

2411 (h) preserve all statements and reports filed with the commission for a period of 6 years  
2412 from the date of receipt;

2413 (i) act as the primary civil enforcement agency for violations of all sections of chapter  
2414 268A and of this chapter.

2415 (j) annually by February 1 the executive director of the commission shall request a list of  
2416 all major policymaking positions for the governmental bodies below from the persons listed  
2417 below:

2418 (1) the house of representatives, the speaker of the house;

2419 (2) the senate, the president of the senate;

2420 (3) the state secretary's office, the state secretary;

2421 (4) the attorney general's office, the attorney general;

2422 (5) the state auditor's office, the state auditor;

2423 (6) the treasurer and receiver general's office, the state treasurer;

2424 (7) for each court of the commonwealth, the chief judge of such court;

2425 (8) for each executive office in the commonwealth and all governmental bodies within  
2426 such executive office, the secretary for such executive office;

2427 (9) the governor's office, the governor;

2428 (10) the lieutenant governor's office, the lieutenant governor;

2429 (11) for each county, the chairman of the county commissioners;

2430 (12) for each authority or other governmental body not covered by clauses 1 through 11,  
2431 inclusive, the executive or administrative head of such authority or governmental body; and such  
2432 persons shall furnish such lists within 60 days. The executive director may add any position that  
2433 he determines to be a major policymaking position in such governmental body to such list. Any  
2434 person aggrieved by such action of the executive director may appeal such action to the  
2435 commission.

2436 Section 4. (a) Upon receipt of a sworn complaint signed under the penalties of perjury, or  
2437 upon receipt of evidence which is deemed sufficient by the commission, the commission shall  
2438 initiate a preliminary inquiry into any alleged violation of chapter 268A or 268B. At the  
2439 commencement of a preliminary inquiry into any such alleged violation, the general counsel  
2440 shall notify the attorney general in order to avoid overlapping civil and criminal investigations.  
2441 If the attorney general determines that the matter warrants criminal investigation, the attorney  
2442 general shall notify the commission, which shall immediately suspend its civil investigation until  
2443 the criminal investigation of the matter has concluded. All commission proceedings and records  
2444 relating to a preliminary inquiry or initial staff review used to determine whether to initiate an  
2445 inquiry shall be confidential, except that the general counsel may turn over to the attorney  
2446 general, the United States Attorney or a district attorney of competent jurisdiction evidence

2447 which may be used in a criminal proceeding. Nothing contained in the foregoing sentence or  
2448 elsewhere in this chapter shall be construed to preclude disclosure to the subject of the  
2449 investigation unless a determination is made by the attorney general that criminal investigation is  
2450 warranted. The general counsel shall notify any person who is the subject of the preliminary  
2451 inquiry of the existence of such inquiry and the general nature of the alleged violation within 30  
2452 days of the commencement of the inquiry.

2453 (b) If a preliminary inquiry fails to indicate reasonable cause for belief that there has  
2454 been a violation of this chapter or chapter 268A, the commission shall immediately terminate the  
2455 inquiry and shall within 10 days so notify, in writing, the complainant, if any, and the person  
2456 who had been the subject of the inquiry. All commission records and proceedings from any such  
2457 preliminary inquiry, or from any initial staff review to determine whether to initiate an inquiry,  
2458 shall be confidential, subject to the provisions of subsection (c).

2459 (c) If a preliminary inquiry indicates reasonable cause for belief that there has been a  
2460 violation of this chapter or chapter 268A, the commission may upon a majority vote, initiate an  
2461 adjudicatory proceeding to determine whether there has been such a violation. Promptly after  
2462 the commission's determination to seek an adjudicatory proceeding and before an order to show  
2463 cause is filed, the general counsel shall provide to the subject of the investigation copies of all  
2464 materials the commission considered in its decision to initiate a preliminary inquiry or authorize  
2465 an adjudicatory proceeding.

2466 (d) The commission may require by summons the attendance and testimony of witnesses  
2467 and the production of books, papers and other records relating to any matter being investigated  
2468 by it pursuant to this chapter or said chapter 268A. Such summons may be issued by the

2469 commission only upon a majority vote of the commission and shall be served in the same manner  
2470 as summonses for witnesses in civil cases, and all provisions of law relative to summonses issued  
2471 in such cases, including the compensation of witnesses, shall apply to summonses issued by the  
2472 commission. Any justice of the superior court may, upon application by the commission, in his  
2473 discretion issue an order requiring the attendance of witnesses summoned as aforesaid and the  
2474 giving of testimony or the production of books, papers and other records before the commission  
2475 in furtherance of any investigation pursuant to the provisions of this chapter or said chapter  
2476 268A.

2477 (e) The commission may request any person to attend a conference at any time prior to  
2478 the commencement of an adjudicatory proceeding. The notice shall be timely and shall include  
2479 either a reference to the complaint or a statement of the issues to be discussed. If, after the  
2480 conference, the commission is satisfied that there is not reasonable cause for belief that there has  
2481 been a violation of chapters 268A or 268B, the inquiry shall be terminated subject to subsection  
2482 (b).

2483 (f) If the commission initiates an adjudicatory proceeding, such proceeding shall be  
2484 conducted by impartial hearing officers from the division of administrative law appeals of the  
2485 executive office for administration and finance, in accordance with section 4H of chapter 7. The  
2486 commission shall make a request pursuant to section 4H of chapter 7 asking the division of  
2487 administrative law appeals to conduct these adjudicatory procedures and shall enter into a  
2488 memorandum of understanding or other agreement as necessary. All proceedings of said division  
2489 pursuant to this section shall be conducted in accordance with chapter 30A except where this  
2490 section expressly provides a different rule, power or procedure.

2491 (g) The decision of the division of administrative law appeals on each matter referred  
2492 from the commission shall be accompanied by a statement of reasons for the decision, including  
2493 determination of each issue of fact or law necessary to the decision. The decision of the division  
2494 of administrative law appeals, with respect to each matter so referred shall be treated as a  
2495 preliminary recommendation.

2496 (h) Within 30 days of receipt of the finding of fact and preliminary recommendation from  
2497 the division of administrative law appeals after an adjudicatory proceeding, the commission shall  
2498 issue an order identifying the violations found, if any, and the remedy or sanction to be imposed.  
2499 If the commission does not accept the whole of the preliminary recommendation, it shall provide,  
2500 in writing, an adequate reason for rejecting those portions of the preliminary recommendation it  
2501 does not affirm and adopt. However, the commission may not reject a hearing officer's  
2502 determination of credibility of witnesses personally appearing.

2503 (i) The commission, upon a finding pursuant to an adjudicatory proceeding that there has  
2504 been a violation of chapter 268A or a violation of this chapter or in the case where a subject of a  
2505 commission investigation agrees that such a violation has occurred , may issue an order  
2506 requiring the violator to:

2507 (1) cease and desist such violation of said chapter 268A or this chapter;

2508 (2) file any report, statement or other information as required by said chapter 268A or this  
2509 chapter; or

2510 (3) pay a civil penalty of not more than \$10,000 for each violation of this chapter or  
2511 chapter 268A, with the exception of a violation of section 2 of chapter 268A, which shall be  
2512 subject to a civil penalty of not more than \$25,000.

2513           The commission may file a civil action in superior court to enforce such order.

2514           (j) The order of the commission described in subsection (h) above shall be a final action  
2515   subject to review by the superior court upon petition of any party in interest filed within 30 days  
2516   after the order of which review is sought. The court shall enter a judgment enforcing, modifying  
2517   or setting aside the order of the commission or it may remand the proceedings to the commission  
2518   for such further action as the court may direct. If the court modifies or sets aside the commission  
2519   order or remands the proceedings to the commission, the court shall determine whether such  
2520   modification, set aside or remand is substantial. If the court does find such modification, set  
2521   aside or remand to be substantial, the employee shall be entitled to be reimbursed from the  
2522   treasury of the commonwealth for reasonable attorneys' fees and all court costs incurred by the  
2523   employee in the defense of the charges contained in said proceedings. The amount of such  
2524   reimbursement shall be awarded by the court, but shall not exceed \$20,000 per person, per case.  
2525   Reimbursement of such costs shall be applicable to state, county or municipal employees whose  
2526   conduct is so regulated by the provisions of chapter 268A.

2527           (k) Any person who violates the confidentiality of an inquiry under this section shall be  
2528   punished by a fine of not more than \$1,000 or by imprisonment for not more than 1 year, or both.

2529           (l) All proceedings resulting from inquiries under this section shall commence within 3  
2530   years from the date the commission learns of the alleged violation, but not more than 4 years  
2531   from the date of the last conduct relating to the alleged violation.

2532           Section 5. (a) Every candidate for public office shall file a statement of financial interests  
2533   for the preceding calendar year with the commission by the date on which a certificate of  
2534   nomination or nomination papers for such candidate are submitted to the state secretary. Every



2535 candidate for public office who has not filed nomination papers with the state secretary, but on  
2536 whose behalf a statement of organization of a political committee has been filed with the director  
2537 of campaign and political finance under section 5 of chapter 55, and who is seeking public office  
2538 by the so-called “write in” or “sticker” method, shall within 3 days after such filing file a  
2539 statement of financial interest with the commission.

2540 (b) Every public official shall file a statement of financial interests for the preceding  
2541 calendar year with the commission by the last Tuesday in May of the year in which such public  
2542 official first enters such public office and of each year that such public official holds such office,  
2543 and by May 1 of the year after such public official leaves such office; provided, however, that no  
2544 public official shall be required to file a statement of financial interests for the year in which he  
2545 ceased to be a public official if he served for less than 30 days in such year.

2546 (c) Every public employee shall file a statement of financial interests for the preceding  
2547 calendar year with the commission within 30 days after becoming a public employee, annually  
2548 by May 1 thereafter that such person is a public employee and by May 1 of the year after such  
2549 person ceases to be a public employee; provided, however, that no public employee shall be  
2550 required to file a statement of financial interests for the year in which the employee ceased to be  
2551 a public employee if the employee served less than 30 days in such year.

2552 (d) The commission shall, upon receipt of a statement of financial interests pursuant to  
2553 this section, issue to the person filing such statement a receipt verifying the fact that a statement  
2554 of financial interests has been filed and a receipted copy of such statement.

2555 (e) No public employee shall be allowed to continue in the employee's duties or to  
2556 receive compensation from public funds unless the employee has filed a statement of financial  
2557 interests with the commission as required by this chapter.

2558 (f) The statement of financial interests filed pursuant to this section shall be on a form  
2559 prescribed by the commission and shall be signed under penalty of perjury by the reporting  
2560 person.

2561 (g) Reporting persons shall disclose, to the best of their knowledge, the following  
2562 information for the preceding calendar year, or as of the last day of said year with respect to the  
2563 information required by clauses (2), (3) and (6); such persons shall also disclose the same  
2564 information with respect to the person's immediate family; provided, however, that no amount  
2565 need be given for such information with regard to the reporting person's immediate family:

2566 (1) the name and address of, the nature of association with, the share of equity in, if  
2567 applicable, and the amount of income if greater than \$1,000 derived from each business with  
2568 which the person is associated;

2569 (2) the identity of all securities and other investments with a fair market value of greater  
2570 than \$1,000 which were beneficially owned, not otherwise reportable hereunder; and the amount  
2571 of income if over \$1,000 from any such security which is issued by the commonwealth or any  
2572 political subdivision thereof or any public agency or authority created by the general court;

2573 (3) the name and address of each creditor to whom more than \$1,000 was owed and the  
2574 original amount, the amount outstanding, the terms of repayment, and the general nature of the  
2575 security pledged for each such obligation except that the original amount and the amount  
2576 outstanding need not be reported for a mortgage on the reporting person's primary residence;

2577 provided, however, that obligations arising out of retail installment transactions, educational  
2578 loans, medical and dental expenses, debts incurred in the ordinary course of business, and any  
2579 obligation to make alimony or support payments, shall not be reported; and provided, further,  
2580 that such information need not be reported if the creditor is a relative of the reporting person  
2581 within the third degree of consanguinity or affinity;

2582 (4) the name and address of the source, and the cash value of any reimbursement for  
2583 expenses aggregating more than \$100 in the calendar year if the source of such reimbursement is  
2584 a legislative or executive lobbyist or specialist; or if the recipient is a public official and the  
2585 source of such reimbursement is a person having a direct interest in legislation, legislative action,  
2586 or a matter before a governmental body; or if the recipient is a public employee and the source of  
2587 such reimbursement is person having a direct interest in a matter before the governmental body  
2588 by which the recipient is employed;

2589 (5) the name and address of the donor, and the fair market value, if determinable, of any  
2590 gifts aggregating more than \$100 in the calendar year, if the recipient is a public official and the  
2591 source of such gift or gifts is a person having a direct interest in legislation, legislative action, or  
2592 a matter before a governmental body; or if the recipient is a public employee and the source of  
2593 such gift or gifts is a person having a direct interest in a matter before the governmental body by  
2594 which the recipient is employed;

2595 (6) the description, as appearing on the most recent tax bill, and the amount of assessed  
2596 value of all real property located within the commonwealth, in which a direct or indirect  
2597 financial interest was held, which has an assessed value greater than \$1,000; and, if the property

2598 was transferred during the year, the name and address of the person furnishing consideration to  
2599 the reporting person or receiving it from him in respect to such transfer;

2600 (7) the name and address of the source, and the fair market value, of any honoraria  
2601 aggregating more than \$100 if the source of such honoraria is a legislative or executive lobbyist  
2602 or specialist; or if the recipient is a public official and the source of such honoraria is a person  
2603 having a direct interest in legislation, legislative action, or a matter before a governmental body;  
2604 or if the recipient is a public employee and the source of such honoraria is a person having a  
2605 direct interest in a matter before the governmental body by which the recipient is employed;

2606 (8) the name and address of any creditor who has forgiven an indebtedness of over  
2607 \$1,000, and the amount forgiven; provided, however, that no such information need be reported  
2608 if the creditor is a relative within the third degree of consanguinity or affinity of the reporting  
2609 person, or the spouse of such a relative;

2610 (9) the name and address of any business from which the reporting person is taking a  
2611 leave of absence;

2612 (10) the identity of any equity in a business with which the reporting person is associated  
2613 which has been transferred to a member of the reporting person's immediate family; provided,  
2614 however, that a member of the reporting person's family need not report any such transfer to the  
2615 reporting person.

2616 Nothing in this section shall be construed to require the disclosure of information which  
2617 is privileged by law.

2618 Failure of a reporting person to file a statement of financial interests within 10 days after  
2619 receiving notice as provided in clause (f) of section 3, or the filing of an incomplete statement of  
2620 financial interests after receipt of such a notice, is a violation of this chapter and the commission  
2621 may initiate appropriate proceedings pursuant section 4.

2622 Section 6. No executive or legislative lobbyist shall knowingly and willfully offer or  
2623 give to any public official or public employee or a member of such public official's or public  
2624 employee's immediate family and no public official or public employee or member of such  
2625 person's immediate family shall knowingly and willfully solicit or accept from any executive or  
2626 legislative lobbyist, gifts with an aggregate value of \$100 or more in a calendar year; provided,  
2627 however, that these prohibitions shall not apply to gifts given by an executive or legislative  
2628 lobbyist to a public official or public employee or the immediate family of such public official or  
2629 public employee who is a member of his immediate family or a relative within the third degree  
2630 of consanguinity or of such lobbyist's spouse or the spouse of any such relative.

2631 Section 7. Any person who violates the confidentiality of a commission inquiry  
2632 paragraph (a) of section 4 of this chapter shall be punished by a fine of not more than \$1,000 or  
2633 by imprisonment for not more than 1 year, or both.

2634 Any person who willfully affirms or swears falsely in regard to any material matter  
2635 before a commission proceeding under paragraph (c) of section 4, or who willfully files a  
2636 materially false statement of financial interests under section 5 of this chapter shall be punished  
2637 by a fine of not more than \$10,000, or by imprisonment in the state prison for not more than 5  
2638 years, or in a jail or house of correction for not more than 2 1/2 years, or both.

2639           Section 8. No officer or employee of the commonwealth or of any county, city or town  
2640 shall discharge an officer or employee, or change his official rank, grade or compensation, or  
2641 deny him a promotion, or threaten so to do, for filing a complaint with or providing information  
2642 to the commission or testifying in any commission proceeding.

2643           SECTION 52. The General Laws are hereby further amended by inserting after chapter  
2644 277 the following chapter:-

2645           CHAPTER 277A

2646           Statewide Grand Jury

2647           Section 1. Upon written application of the attorney general to the chief justice of the  
2648 superior court department, with good cause stated therein, the chief justice may authorize the  
2649 convening of a statewide grand jury with jurisdiction extending throughout the commonwealth.

2650           Section 2. The chief justice of the superior court department shall, upon granting an  
2651 application, receive recommendations from the attorney general as to the county in which the  
2652 statewide grand jury shall sit. Upon receiving the attorney general's recommendations, the chief  
2653 justice shall choose 1 of those recommended locations as the site where the grand jury shall sit.  
2654 Once a county has been selected, the chief justice of the superior court shall direct the regional  
2655 administrative judge from the county selected to appoint, and reappoint as necessary, a superior  
2656 court judge to preside over the statewide grand jury.

2657           Section 3. The superior court judge presiding over the grand jury shall consult with the  
2658 attorney general and district attorney for the relevant district about the nature and scope of the  
2659 investigation and shall thereafter designate and authorize an existing county grand jury to serve

2660 as a statewide grand jury for purposes of the investigation specified in the written application, or,  
2661 alternatively, convene and preside over a specially empaneled statewide grand jury.

2662         Section 4. A specially empaneled statewide grand jury shall be drawn and selected in the  
2663 same manner as the county grand jury in the county in which the specially empaneled statewide  
2664 grand jury sits. A specially empaneled statewide grand jury may, at the discretion of the  
2665 presiding superior court judge, draw jurors from counties adjoining the one in which the  
2666 statewide grand jury is to sit.

2667         Section 5. A specially empaneled statewide grand jury convened pursuant to this chapter  
2668 shall sit for a period not to exceed 18 months. The superior court judge presiding over the grand  
2669 jury may extend this period if, in accordance with section 1A of chapter 277 and section 41 of  
2670 chapter 234A, public necessity requires further time by the grand jury to complete an  
2671 investigation then in progress.

2672         Section 6. The attorney general or an assistant attorney general shall attend each session  
2673 of a statewide grand jury and may prosecute any indictment returned by it. The attorney general  
2674 or assistant attorney general shall have the same powers and duties in relation to a statewide  
2675 grand jury that he has in relation to a county grand jury, except as otherwise provided by law.

2676         Section 7. Indictments shall be returned in the county where the statewide grand jury sits  
2677 and shall thereafter be transferred to the county specified by the grand jury on the indictment.  
2678 Venue for purposes of trial of offenses indicted by a statewide grand jury shall be in any county  
2679 where venue would otherwise be proper.

2680         Section 8. No provision of this chapter shall be construed as limiting the jurisdiction of  
2681 county grand juries or district attorneys in the commonwealth. Except as otherwise provided by

2682 law, an investigation by a statewide grand jury shall not preempt an investigation by any other  
2683 grand jury or agency having jurisdiction over the same subject matter.

2684 SECTION 53. Notwithstanding any general or special law to the contrary, every  
2685 legislative lobbyist or executive lobbyist as defined by section 39 of chapter 3 of the General  
2686 Laws shall, within 90 days after the effective date of this act, and every year thereafter, complete  
2687 an in-person or online seminar offered by the state secretary in accordance with section 41 of  
2688 said chapter 3.

2689 SECTION 54. Notwithstanding any general or special law to the contrary, in accordance  
2690 with section 26 of chapter 268A of the General Laws within 90 days after the effective date of  
2691 this act every state, county, and municipal employee shall be provided a summary of chapter  
2692 268A prepared by the state ethics commission and shall file a written acknowledgment as  
2693 required by that section.

2694 SECTION 55. Notwithstanding any general or special law to the contrary, within 120  
2695 days after the effective date of this act, each municipality shall provide written notification to the  
2696 state ethics commission of the liaison designated under section 28 of chapter 268A of the  
2697 General Laws.

2698 SECTION 56. Any person nominated by the governor for a position that requires  
2699 confirmation by the executive council shall, upon the date of confirmation, make any political or  
2700 candidate committee and related campaign bank account or depository bank account inactive  
2701 with the office of campaign and political finance.

2702 SECTION 57. There shall be a special commission to study the creation of a new  
2703 independent office of public accountability which would function as the single state entity for the



2704 administration and enforcement of the provisions of law currently administered and enforced by  
2705 the state ethics commission, the office of campaign and political finance and the lobbyist  
2706 division of the office of the secretary of state.

2707         The commission shall consider factors, including but not limited to:

2708             (1) the cost of establishing such an office and the potential cost savings from efficiencies;

2709             (2) whether efficiencies would be created, and money saved, by consolidating  
2710 rulemaking, and civil investigation functions in the new office;

2711             (3) whether it would be most effective to have the new office structure include an  
2712 executive director, an advisory commission, or both;

2713             (4) what personnel would be required in such an office and who would set the salaries for  
2714 those individuals;

2715             (5) the optimal method for selecting an executive director of the office and whether there  
2716 should be a limit on the number of terms for which an individual can serve as the executive  
2717 director;

2718             (6) whether the civil service laws would apply to such an office;

2719             (7) of the new office structure is to include an advisory commission, the optimal  
2720 composition of that advisory commission to preserve the impartiality and integrity of the office,  
2721 including the question of whether no more than a certain number of commission members shall  
2722 be members of a single political party and whether elected officials should participate in the  
2723 process including appointing the commission or executive director;

2724 (8) who should be responsible for the removal of an executive director or commission  
2725 member and how to fill such a vacancy;

2726 (9) whether any reasons for removal shall be stated in writing and submitted to the house  
2727 of representatives, the senate, and the governor;

2728 (10) whether the executive director or members of the commission may simultaneously  
2729 be employed elsewhere and who should set the salaries for the various positions within the  
2730 office;

2731 (11) whether the executive director or members of the commission may participate in  
2732 political activities, including consultation with the executive and legislative branch and  
2733 sponsoring and advocating for legislation;

2734 (12) whether rulemaking functions should be handled by an executive director or an  
2735 advisory commission, and whether that rulemaking should be limited so as to not designate any  
2736 act to be a violation of the chapters under its control;

2737 (13) whether the establishment of 3 separate bureaus; the bureau of ethics, the bureau of  
2738 lobbyists affairs, and the bureau of campaign finance, within the office would be the appropriate  
2739 way to handle the functions of the new office;

2740 (14) whether there should be a revolving door provision for the executive director,  
2741 commission members and employees of the office and its bureaus;

2742 (15) whether there should be restrictions on the executive director, commission members  
2743 or employees running for elected office during or following service in such an office;

2744 (16) whether jurisdiction for criminal prosecutions of violations of laws within the  
2745 purview of the office should be limited to the attorney general or should include the relevant  
2746 district attorney;

2747 (17) who should be responsible for civil enforcement of violations of laws within the  
2748 purview of the office;

2749 (18) the optimal method for handling civil and criminal investigations while preserving  
2750 the due process rights of an individual accused of committing a violation;

2751 (19) subpoena powers to be vested in the new office and whether a judicial order should  
2752 be required for enforcement;

2753 (20) whether the new office should be authorized to share information with any and all  
2754 other enforcement agencies or what limitations are required for any particular type of inquiry,  
2755 and whether information sharing within the office itself should be limited in any way;

2756 (21) whether the confidentiality provisions under chapters 268A and 268B would be  
2757 jeopardized by consolidation of operations of the state ethics commission with other agencies;

2758 (22) whether the office should hold a mandatory pre-adjudicatory hearing conference to  
2759 discuss the charges with the subject of an inquiry;

2760 (23) whether it is most efficient to have all civil adjudicatory hearings handled within the  
2761 division of administrative law of appeals; and

2762 (24) what the appropriate penalties would be for violations of the confidentiality of any  
2763 proceedings under the new office.

2764           The special commission shall consist of: the secretary of the commonwealth, or his  
2765   designee; the director of the office of campaign and political finance, or his designee; the  
2766   executive director of the state ethics commission, or his designee; 3 members of the senate 1 of  
2767   which shall be appointed by the minority leader of the senate; 3 members of the house of  
2768   representatives 1 of which shall be appointed by the minority leader of the house of  
2769   representatives; and 2 members to be appointed by the attorney general. The special commission  
2770   shall report to the general court the results of its investigation and study, together with  
2771   recommendations and drafts of legislation necessary to carry out any recommendations, if any,  
2772   by filing a report with the clerks of the senate and the house of representatives on or before July  
2773   31, 2010.

2774           SECTION 58. Notwithstanding any provisions of this act, the state ethics commission  
2775   shall continue to administer adjudicatory hearings under chapter 268B, with all existing rules and  
2776   regulations, until July 1, 2010.

2777           SECTION 59. Section 5 to 8, inclusive, shall take effect on July 1, 2010.

2778           SECTION 60. Sections 11 to 49, inclusive, shall take effect on January 1, 2010.