

SENATE No. 2052

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act Text of the Senate amendment 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

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

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

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

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

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

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

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

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

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

76 SECTION 4. Chapter 3 of the General Laws is hereby amended by striking out section 41
77 to 49, inclusive, as appearing in the 2006 Official Edition, and inserting in place thereof the
78 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:

- 144 (1) all campaign contributions as defined in section 1 of chapter 55;
- 145 (2) all expenditures, and the total amount thereof, incurred, contributed or paid during the
146 reporting period in the course of the lobbyist or specialist's employment as an executive or
147 legislative lobbyist or specialist;
- 148 (3) all expenditures made for or on behalf of:
- 149 (A) statewide constitutional officers, officers and employees of such offices;
- 150 (B) members of the general court;
- 151 (C) officers and employees of the general court;
- 152 (D) officers and employees of the executive branch; and
- 153 (E) officers and employees of an authority, incurred or paid during the reporting period,
154 except that the executive or legislative lobbyist and specialist shall not be required to report such
155 expenditures not in the course of the lobbyist or specialist's employment made for or on behalf
156 of the immediate family of such executive or legislative lobbyist or specialist or a relative within
157 the third degree of consanguinity of the executive or legislative lobbyist or specialist or of the
158 lobbyists or specialist's spouse or the spouse of any such relative.
- 159 (b) The executive or legislative lobbyist or specialist shall not be required to itemize the
160 expenditures of any 1 day in which the amount incurred or paid did not total \$35 or more.
- 161 (c) The itemized accounting shall include, but not be limited to, specific expenditures for
162 meals, gifts, transportation, entertainment, advertising, public relations, printing, mailing and
163 telephone; and shall also include the names of the payees and the amount paid to each payee and

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

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

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

179 (f) The state secretary shall assess a penalty for any statement which is filed by an
180 executive or legislative lobbyist or an executive or legislative specialist later than the prescribed
181 date; or, if such statement has been filed by mailing, where the postmark on such mailing is later
182 than the prescribed date. That penalty shall be \$50 for the first 20 days that such statement is past
183 due and \$100 per day for every day after the twentieth day until the statement is filed. The state
184 secretary may waive these penalties for good cause. A waiver for good cause shall not be granted
185 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

339 (2) all expenditures for or on behalf of:

340 (A) the statewide constitutional officers;

341 (B) officers and employees of those offices;

342 (C) members of the general court;

343 (D) officers and employees of the general court;

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

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

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

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

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

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

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

368 (f) The state secretary shall assess a penalty for any statement which is filed by an
369 employer later than the prescribed date; or, if that statement has been filed by mailing, where the
370 postmark on the mailing shall determine the timeliness of the filing. The penalty shall be \$50 per
371 for the first 20 days that such statement is past due and \$100 per day for every day after the
372 twentieth day until the statement is filed. The state secretary may waive these penalties for good
373 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

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

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

415 Section 50. Sections 39 to 49, inclusive, shall not apply to an employee or agent of the
416 commonwealth or of an authority city, town, district or regional school district acting in such
417 capacity or to a person requested to appear before a committee or commission of the general
418 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.

460 “Public body”, a multiple-member board, commission, committee or subcommittee
461 within the executive or legislative branch or within any county, district, city, region or town,
462 however created, elected, appointed or otherwise constituted, established to serve a public
463 purpose; provided, however, that the governing board of a local housing, redevelopment or other
464 similar authority shall be deemed a local public body; provided, further, that the governing board
465 or body of any other authority established by the general court to serve a public purpose in the
466 commonwealth or any part thereof shall be deemed a state public body; provided, further, that
467 “public body” shall not include the general court or the committees or recess commissions
468 thereof, bodies of the judicial branch or bodies appointed by a constitutional officer solely for the
469 purpose of advising a constitutional officer and shall not include the board of bank incorporation
470 or the policyholders protective board; and provided further, that a subcommittee shall include
471 any multiple-member body created to advise or make recommendations to a public body.
472 “Quorum”, a simple majority of the members of the public body, unless otherwise provided in a
473 general or special law, executive order or other authorizing provision.

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

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

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

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

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

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

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

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

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

500 (d) The attorney general shall, not later than January 31, file annually with the
501 commission a report providing information on the enforcement of the open meeting law during
502 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.

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

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

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

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

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

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

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

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

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

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

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

581 The individual to be discussed in such executive session shall be notified in writing by the public
582 body at least 48 hours prior to the proposed executive session; provided, however, that
583 notification may be waived upon written agreement of the parties. A public body shall hold an
584 open session if the individual involved requests that the session be open. If a executive session is
585 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 (10) to discuss trade secrets or confidential, competitively-sensitive or other proprietary
625 information provided in the course of activities conducted by a governmental body as an energy
626 supplier under a license granted by the department of public utilities pursuant to section 1F of
627 chapter 164, in the course of activities conducted as a municipal aggregator under section 134 of

628 said chapter 164 or in the course of activities conducted by a cooperative consisting of
629 governmental entities organized pursuant to section 136 of said chapter 164, when such
630 governmental body, municipal aggregator or cooperative determines that such disclosure will
631 adversely affect its ability to conduct business in relation to other entities making, selling or
632 distributing electric power and energy.

633 Section 22. (a) A public body shall create and maintain accurate minutes of all meetings,
634 including executive sessions, setting forth the date, time and place, the members present or
635 absent, a summary of the discussions on each subject, a list of documents and other exhibits used
636 at the meeting, the decisions made and the actions taken at each meeting, including the record of
637 all votes.

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

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

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

646 (e) The minutes of any open session, the notes, recordings or other materials used in the
647 preparation of such minutes and all documents and exhibits used at the session, shall be public
648 records in their entirety and not exempt from disclosure pursuant to any of the exemptions under
649 clause Twenty-sixth of section 7 of chapter 4. Notwithstanding this paragraph, the following

650 materials shall be exempt from disclosure to the public as personnel information: (1) materials
651 used in a performance evaluation of an individual bearing on his professional competence,
652 provided they were not created by the members of the body for the purposes of the evaluation;
653 and (2) materials used in deliberations about employment or appointment of individuals,
654 including applications and supporting materials; provided, however, that any resume submitted
655 by an applicant shall not be exempt.

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

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

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

676 (2) Upon request by any person to inspect or copy the minutes of a executive session or
677 any portion thereof, the body shall respond to the request within 10 days following receipt and
678 shall release any such minutes not covered by an exemption under subsection (f); provided,
679 however, that if the body has not performed a review pursuant to paragraph (1) of this
680 subsection, the public body shall perform the review and release the non-exempt minutes, or any
681 portion thereof, not later than the body's next meeting or 30 days, whichever first occurs. A
682 public body shall not assess a fee for the time spent in its review.

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

685 (b) At least 30 days prior to the filing of a complaint with the attorney general, the
686 complainant shall file a written complaint with the public body, setting forth the circumstances
687 which constitute the alleged violation and giving the body an opportunity to remedy the alleged
688 violation; provided, however, that such complaint shall be filed within 30 days of the date of the
689 alleged violation,. The public body shall, within 14 business days of receipt of a complaint, send
690 a copy of the complaint to the attorney general and notify the attorney general of any remedial
691 action taken. Any remedial action taken by the public body in response to a complaint under this
692 subsection shall not be admissible as evidence against the public body that a violation occurred
693 in any later administrative or judicial proceeding relating to such alleged violation. The attorney

694 general may authorize an extension of time to the public body for the purpose of taking remedial
695 action upon the written request of the public body and a showing of good cause to grant the
696 extension.

697 (c) Upon the receipt of a complaint by any person, the attorney general shall determine,
698 in a timely manner, whether there has been a violation of the open meeting law. The attorney
699 general may, and before imposing any civil penalty on a public body shall, hold a hearing on any
700 such complaint. Following a determination that a violation has occurred, the attorney general
701 shall determine whether the public body, 1 or more of the members, or both, are responsible and
702 whether the violation was intentional or unintentional. Upon the finding of a violation, the
703 attorney general may issue an order to:

- 704 (1) compel immediate and future compliance with the open meeting law;
- 705 (2) compel attendance at a training session authorized by the attorney general;
- 706 (3) nullify in whole or in part any action taken at the meeting;
- 707 (4) impose a civil penalty upon the public body of not more than \$1,000 for each
708 intentional violation;
- 709 (5) reinstate an employee without loss of compensation, seniority, tenure or other
710 benefits;
- 711 (6) compel that minutes, records or other materials be made public; or
- 712 (7) prescribe other appropriate action.

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

720 (e) If any public body or member thereof shall fail to comply with the requirements set
721 forth in any order issued by the attorney general hereunder, or shall fail to pay any civil penalty
722 imposed thereby within 21 days of the date of issuance of such order or within 30 days following
723 the decision of the superior court if judicial review of such order has been timely sought, the
724 attorney general may file an action to compel compliance. Such action shall be filed in Suffolk
725 superior court with respect to state public bodies and, with respect to all other public bodies, in
726 the superior court in any county in which the public body acts or meets. If such body or member
727 has not timely sought judicial review of the order, such order shall not be open to review in an
728 action to compel compliance.

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

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

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

737 In any action filed pursuant to this subsection, the order of notice on the complaint shall
738 be returnable not later than 10 days after the filing thereof and the complaint shall be heard and
739 determined on the return day or on such day thereafter as the court shall fix, having regard to the
740 speediest possible determination of the cause consistent with the rights of the parties; provided,
741 however, that orders may be issued at any time on or after the filing of the complaint without
742 notice when such order is necessary to fulfill the purposes of the open meeting law. In the
743 hearing of any action under this subsection, the burden shall be on the respondent to show by a
744 preponderance of the evidence that the action complained of in such complaint was in
745 accordance with and authorized by the provisions of the open meeting law; provided, however,
746 that no civil penalty may be imposed on an individual absent proof that the action complained of
747 violated the open meeting law.

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

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

752 Section 24. (a) Whenever the attorney general has reasonable cause to believe that a
753 person, including any public body and any other state, regional, county, municipal or other
754 governmental official or entity, has violated the open meeting law, may conduct an investigation
755 to ascertain whether in fact such person has violated the open meeting law. Upon notification of

756 an investigation, any person, public body or any other state, regional, county, municipal or other
757 governmental official or entity who is the subject of an investigation, shall make all information
758 necessary to conduct such investigation available to the attorney general. In the event that the
759 person, public body or any other state, regional, county, municipal or other governmental official
760 or entity being investigated does not voluntarily provide relevant information to the attorney
761 general within 30 days of receiving notice of the investigation, the attorney general may: (1) take
762 testimony under oath concerning such alleged violation of the open meeting law; (2) examine or
763 cause to be examined any documentary material of whatever nature relevant to such alleged
764 violation of the open meeting law; and (3) require attendance during such examination of
765 documentary material of any person having knowledge of the documentary material and take
766 testimony under oath or acknowledgment in respect of any such documentary material. Such
767 testimony and examination shall take place in the county where such person resides or has a
768 place of business or, if the parties consent or such person is a nonresident or has no place of
769 business within the commonwealth, in Suffolk county.

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

773 (c) Service of any such notice may be made by: (1) delivering a duly-executed copy
774 thereof to the person to be served or to a partner or to any officer or agent authorized by
775 appointment or by law to receive service of process on behalf of such person; (2) delivering a
776 duly-executed copy thereof to the principal place of business in the commonwealth of the person
777 to be served; or (3) mailing by registered or certified mail a duly-executed copy thereof
778 addressed to the person to be served at the principal place of business in the commonwealth or, if

779 said person has no place of business in the commonwealth, to his principal office or place of
780 business.

781 (d) Each such notice shall: (1) state the time and place for the taking of testimony or the
782 examination and the name and address of each person to be examined, if known and, if the name
783 is not known, a general description sufficient to identify him or the particular class or group to
784 which he belongs; (2) state the statute and section thereof, the alleged violation of which is under
785 investigation and the general subject matter of the investigation; (3) describe the class or classes
786 of documentary material to be produced thereunder with reasonable specificity, so as fairly to
787 indicate the material demanded; (4) prescribe a return date within which the documentary
788 material is to be produced; and (5) identify the members of the attorney general's staff to whom
789 such documentary material is to be made available for inspection and copying.

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

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

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

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

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

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

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

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

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

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

825 “Clearly identified candidate”, a candidate whose name, photo or image appears in a
826 communication or a candidate whose identity is apparent by unambiguous reference in a
827 communication.

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

830 “Electioneering communication”, any broadcast, cable, mail, satellite or print
831 communication that fulfills each of the following conditions: (1) the communication refers to a
832 clearly identified candidate; and (2) the communication is publicly distributed within 90 days
833 before an election in which the candidate is seeking election or reelection; provided, however,
834 that the definition of “electioneering communication” shall not include the following
835 communications: (1) a communication that is disseminated through a means other than a
836 broadcast station, radio station, cable television system or satellite system, newspaper, magazine,
837 periodical, billboard advertisement, or mail; (2) a communication to less than 100 recipients; (3)
838 a news story, commentary, letter to the editor, news release, column, op-ed or editorial broadcast
839 by a television station, radio station, cable television system or satellite system, or printed in a
840 newspaper, magazine, or other periodical in general circulation; (4) expenditures or independent
841 expenditures or contributions that must otherwise be reported under this chapter; (5) a

842 communication from a membership organization exclusively to its members and their families,
843 otherwise known as a membership communication; (6) bonafide candidate debates or forums and
844 advertising or promotion of the same; and (7) internet or email communications.

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

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

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

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

869 SECTION 16. The eleventh paragraph of said section 3 of said chapter 55, as so
870 appearing, is hereby amended by striking out the last sentence and inserting in place thereof the
871 following sentence:- Evidence of any such violation of this chapter which has come to the
872 director’s attention shall be presented by the director to the attorney general not later than 120
873 days before or 3 years after the relevant election or, if the evidence does not relate to an
874 identifiable election, not later than 3 years after the violation.

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

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

882 The director shall not disclose publicly any correspondence or communication to a
883 candidate, political committee, or ballot question committee which contains a deadline for
884 response until the deadline has passed or until the director has received a response, whichever is

885 earlier. Notwithstanding the forgoing notices of future filing requirements and notices of failure
886 to file a required report shall be public records when issued.

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

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

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

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

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

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

904 (b) Notwithstanding any other provision of this chapter; no executive or legislative
905 lobbyist shall contribute to a candidate, a candidate's committee or any other political
906 committee, other than a ballot question committee.

907 SECTION 23. Section 8 of said chapter 55, as so appearing, is hereby amended by
908 striking out, in lines 7 and 8, the words "business corporation incorporated", and inserting in
909 place thereof the following words:- business or professional corporation , partnership, limited
910 liability company, limited liability or trust.

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

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

925 election or for use in a city or town at a state election. Reports of contributions received and
926 expenditures made shall be filed using forms prescribed by the director.

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

933 SECTION 27. The third paragraph of said section 18 of said chapter 55, as so appearing,
934 is hereby amended by striking out the last sentence and inserting in place thereof the following 2
935 sentences:- For all candidates and all political committees, if the report is not an initial report,
936 the reporting period of such reports required to be filed on or before July 20 in each odd-
937 numbered year shall commence on January 1 of that year, or on the day following the end of the
938 reporting period of the last report filed, if any, whichever period is shorter, and shall end as of
939 June 30 of that year. The reporting period for the report required to be filed on or before January
940 20 in each year shall commence on the day following the end of the reporting period of the last
941 report filed and shall end as of December 31 of the prior year.

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

944 In addition, each year-end campaign finance report filed by a candidate or non-elected
945 political committee required to designate a depository by section 19, who also maintains or who
946 has maintained a savings account or money market account, shall disclose, for each reporting

947 period, all activity in any such account. Nothing in this section shall authorize a transfer made
948 from any such savings or money market accounts to an account other than the depository account
949 established by a candidate or committee in accordance with said section 19.

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

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

959 SECTION 29A. Said section 18 of said chapter 55, as so appearing, is hereby
960 amended by inserting after the seventeenth paragraph the following paragraph:-

961 Any person nominated by the governor for a position that requires confirmation by the
962 executive council shall, within 6 months of the date of confirmation, dissolve any political
963 committee organized on behalf of such person and disperse all funds remaining in such
964 committee’s account in accordance with this section.

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

967 Section 18A. (a) Every individual, group or association not defined as a political
968 committee who makes independent expenditures in an aggregate amount exceeding \$250 during
969 any calendar year for the express purpose of promoting the election or defeat of a candidate shall
970 file with the director, except as provided in subsection (c), within 7 business days after the
971 goods or services for which the independent expenditure was made are utilized to advocate for
972 the election or defeat of a clearly identified candidate, on a form prescribed by the director, a
973 report stating:

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

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

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

978 (4) the total amount or value; and

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

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

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

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

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

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

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

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

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

1000 SECTION 31. Subsection (b) of section 18C of said chapter 55, as so appearing, is
1001 hereby amended by adding the following 6 clauses:-

1002 (4) every political committee organized on behalf of a candidate that files with the
1003 director, including committees required to designate a depository on behalf of a candidate and
1004 every ballot question committee that files with the director, which receives and deposits a
1005 contribution of \$500 or more after the eighteenth day, but more than 72 hours, before the date of

1006 a special, preliminary, primary or general election within 72 hours of depositing such
1007 contribution.

1008 (5) every state committee referred to in section 1 of chapter 52 required to designate a
1009 depository by section 19, which receives a contribution of \$500 or more after the eighteenth day,
1010 but more than 24 hours, before the date of a special, preliminary, primary or general election,
1011 within 72 hours of depositing such contribution;

1012 (6) for every political committee required to file campaign finance reports electronically
1013 with the director, any reports filed pursuant to section 18D made to disclose expenditures by
1014 vendors of the committee to subvendors;

1015 (7) an individual, group, association or political committee that is required to file a report
1016 of independent expenditures with the director in accordance with subsections (a) or (b) of section
1017 18A;

1018 (8) each candidate's committee organized on behalf of a candidate for mayor in a
1019 municipality with a total population, as determined by the most recent federal decennial census,
1020 of 40,000 to 100,000 persons, if the committee, during the election cycle, can reasonably expect
1021 to raise or spend more than \$5,000; and

1022 (9) Every individual, group or association who makes an independent expenditure or
1023 electioneering communication expenditure in an aggregate amount exceeding \$250 during any
1024 calendar year.

1025 SECTION 32. Said chapter 55 is hereby further amended by inserting after section 18C
1026 the following 3 sections:-

1027 Section 18D. (a) For the purpose of this section the following words shall have the
1028 following meanings unless the context clearly requires otherwise:

1029 “Expenditure”, a payment made or liability incurred by a vendor on behalf of a political
1030 committee.

1031 “Person”, a natural person, corporation, association, partnership or other legal entity.

1032 “Subvendor”, a person providing goods or services to a vendor or who contracts with a
1033 vendor to provide goods or services to a committee, but excluding administrative or clerical
1034 employees.

1035 “Vendor”, a person including, but not limited to, a consultant, who provides goods or
1036 services to a political committee that files with the director and either receives or is promised
1037 \$5,000 or more in the aggregate during a calendar year by the committee for such goods or
1038 services, or contracts with another on behalf of the committee for such goods or services valued
1039 at \$5,000 or more in the aggregate to be provided to the committee.

1040 (b) A vendor that makes an expenditure on behalf of a political committee shall, within 5
1041 days after making such expenditure, provide the political committee with a detailed account of
1042 the expenditure including, but not limited to, the date of the expenditure, the person who
1043 received payment, the full name and address of the subvendor, the purpose of the expenditure
1044 and the amount of the expenditure.

1045 (c) A political committee that makes a payment to a vendor or incurs a liability to a
1046 vendor shall file reports with the director disclosing the full name and address, listed
1047 alphabetically, of each subvendor receiving payments of more than \$500 in the aggregate during

1048 a calendar year from the vendor, and of each subvendor to whom a liability of more than \$500
1049 was incurred. The contents of such report shall include the information required by section 18
1050 and shall be disclosed on a form prescribed by the director. For committees required to designate
1051 a depository account under section 19, the reports shall be filed on or before the fifth day of each
1052 month covering the preceding month; provided, however, that for other committees, the report
1053 shall be filed in accordance with the schedule established in section 18.

1054 (d) Vendors shall keep detailed accounts of all expenditures made on behalf of political
1055 committees.

1056 Section 18E. (a) Legal defense funds may be created by a candidate or the candidate's
1057 political committee to defend against a criminal prosecution or to pay costs associated with a
1058 civil matter that is not primarily personal in nature. Inauguration funds may be created by a
1059 candidate or the candidate's political committee to pay for the costs associated with an inaugural
1060 event. Recount funds may be created by a candidate or candidate's political committee to pay
1061 for the legal and other costs associated with a recount. Legal defense, inauguration, or recount
1062 funds may be created separately from the candidate's campaign account or committee and shall
1063 be subject to the following conditions: (1) assets of a political committee shall not be used by
1064 the fund; (2) donations received by the fund shall not be deposited into the candidate's campaign
1065 account or a committee account; and (3) donations to such fund shall not be used to benefit a
1066 political committee.

1067 (b) Donations to a legal defense, recount or inauguration fund, if not contributions, shall
1068 be disclosed to the director or, if made by a candidate or committee that does not file with the
1069 director, the city or town clerk, on or before the fifth day of the month following the month in

1070 which the donations were received, complete as of the last day of the preceding month, on forms
1071 to be prescribed by the director. The report shall disclose the name and address of all persons
1072 donating more than \$50 during the reporting period, listed alphabetically, the amount of each
1073 such donation and the total amount of donations received in the reporting period not otherwise
1074 reported.

1075 (c) For purposes of this section, “donations” shall include donations in money or in-kind
1076 and loans provided to a legal defense, recount or inauguration fund.

1077 Section 18F. Every individual, group or association not defined as a political committee
1078 who makes any electioneering communication expenditures, in an aggregate amount exceeding
1079 \$250, shall electronically file with the director, within 7 days after making such an expenditure, a
1080 report stating the name and address of the individual, group or association making the
1081 electioneering communication, the name of any candidate clearly identified in the
1082 communication, the total amount or value of the communication, the name and address of the
1083 vendor to whom the payments were made and the purpose and date of any such expenditure. In
1084 addition, any individual, group or association not defined as a political committee who makes
1085 any electioneering communication expenditures, in an aggregate amount exceeding \$250 during
1086 a calendar year, who receives funds for the purpose of making such electioneering
1087 communications shall include in the electronic filing the date the funds were received and the
1088 name and address of the provider of any such funds in excess of \$200, if any. Reports required
1089 by this section shall be filed with the director as provided in section 18C if communications were
1090 made to promote the election or defeat of any candidate who files with the director. Reports
1091 required by this section shall be filed with the city or town clerk if the communications were

1092 made to promote the election or defeat of any candidate seeking public office at a city or town
1093 election who does not otherwise file with the director.

1094 Any person, group or association that makes or contracts to make electioneering
1095 communications aggregating \$1,000 or more within 7 days before the date of an election shall
1096 file a report containing the information required by this section within 48 hours after making
1097 such expenditure.

1098 A violation of this section shall be punished by a fine of not more than \$5,000 or by
1099 imprisonment in the house of correction for not more than 1 year.

1100 SECTION 33. Section 19 of said chapter 55, as appearing in the 2006 Official Edition, is
1101 hereby amended by striking out, in lines 5 and 6, the words “or other citywide office, except for
1102 the office of school committee” and inserting in place thereof the following words:- , city council
1103 or aldermen.

1104 SECTION 34. Said section 19 of said chapter 55, as so appearing, is hereby further
1105 amended by striking out, in lines 101 and 102, the words “mayor or other citywide office except
1106 for school committee” and inserting in place thereof the following words:- city council,
1107 aldermen or mayor.

1108 SECTION 35. Said section 19 of said chapter 55, as so appearing, is hereby further
1109 amended by adding the following subsection:-

1110 (g) Each committee required to designate a depository on behalf of a candidate that files
1111 with the director in accordance with this section and which receives and deposits a contribution
1112 of \$500 or more after the eighteenth day but more than 72 hours before the date of a special,

1113 preliminary, primary or general election shall file a report to disclose the information required by
1114 this section within 72 hours of depositing such contribution. In addition, each state committee
1115 referred to in section 1 of chapter 52 that is required to designate a depository pursuant to this
1116 section and which receives a contribution of \$500 or more after the eighteenth day, but more
1117 than 24 hours, before the date of a special, preliminary, primary or general election, shall file a
1118 report to disclose the information required by this section, within 72 hours of depositing such
1119 contribution.

1120 SECTION 36. Section 22 of said chapter 55, as so appearing, is hereby amended by
1121 striking out, in line 1, the word “The” and inserting in place thereof the following words:- Any
1122 person or the.

1123 SECTION 37. Said section 22 of said chapter 55, as so appearing, is hereby further
1124 amended by inserting after the first paragraph the following paragraph:-

1125 Any person who makes an expenditure of \$250 or more other than a contribution to a
1126 ballot question committee or incurs a liability of \$250 or more to influence or affect the vote on
1127 any question submitted to the voters shall file reports setting forth the amount or value of the
1128 expenditure or liability, together with the date, purpose and full name of the person to whom the
1129 expenditure was made or the liability incurred.

1130 SECTION 38. Said section 22 of said chapter 55, as so appearing, is hereby further
1131 amended by inserting after the word “such”, in lines 17, 31 and 41, each time it appears, the
1132 following words:- person or.

1133 SECTION 39. Said section 22 of said chapter 55, as so appearing, is hereby further
1134 amended by inserting after the word “Any”, in line 38, the following words:- person or.

1135 SECTION 40. Section 24 of said chapter 55, as so appearing, is hereby amended by
1136 inserting after the word “statement”, in lines 1, 4, 5, 8, 9 and 12, each time it appears, the
1137 following words:- or report.

1138 SECTION 41. Said section 24 of said chapter 55, as so appearing, is hereby further
1139 amended by inserting after the word “office”, in line 3, the following words:- , other than a
1140 municipal office for which a candidate is required to file with the director in accordance with
1141 section 18C or 19.

1142 SECTION 42. Said section 24 of said chapter 55, as so appearing, is hereby further
1143 amended by inserting after the word “statements”, in lines 13 and 14, the following words:- and
1144 reports.

1145 SECTION 43. Section 26 of said chapter 55, as so appearing, is hereby amended by
1146 striking out the first 2 sentences and inserting in place thereof the following 2 sentences:- The
1147 city or town clerk shall retain all statements and reports required to be filed with him until
1148 December 31 of the sixth year following the relevant election. In the case of committees other
1149 than those authorized by a candidate, the city or town clerk shall retain all required statements
1150 and reports filed with him until December 31 of the sixth year following the date that the
1151 statement or report was filed.

1152 SECTION 44. Said section 26 of said chapter 55, as so appearing, is hereby further
1153 amended by adding the following sentence:- Within 30 days after the filing deadline, all
1154 campaign finance reports required to be filed with the city or town clerk under section 18 shall
1155 be made available for viewing on the internet website of the municipality if such municipality
1156 has such a website, if the report discloses that a candidate or committee filing a report has

1157 received contributions or made expenditures in excess of \$1,000 during a reporting period or
1158 incurred liabilities or acquired or disposed of assets in excess of \$1,000 during a reporting
1159 period.

1160 SECTION 45. Said chapter 55 is hereby further amended by striking out section 29, as
1161 so appearing, and inserting in place thereof the following section:-

1162 Section 29. Upon failure to file a statement, report or affidavit within 10 days after
1163 receiving notice under section 28, the city or town clerk, as the case may be, shall notify the
1164 director and shall furnish him with copies of all papers related thereto and the director, if
1165 satisfied there is cause, shall assess a penalty and may refer the person or committee to the
1166 attorney general pursuant to section 3. If any statement filed with the city or town clerk, as the
1167 case may be, discloses a violation of this chapter, such city or town clerk shall notify the director
1168 and shall furnish him with copies of all papers relating thereto. The director shall examine every
1169 such case referred to him by such clerk and may refer such cases to the attorney general in
1170 accordance with section 3. If satisfied that there is cause, the attorney general shall, in the name
1171 of the commonwealth, institute appropriate criminal or civil proceedings or refer the case to the
1172 proper district attorney for such action as may be appropriate. Any city or town clerk shall at
1173 any time upon the request of the attorney general or the director forward any evidence or
1174 information received by the clerk to the attorney general or director for whatever action the
1175 attorney general or the director deems appropriate pursuant to law.

1176 SECTION 46. The last paragraph of section 4 of chapter 55C of the General Laws, as so
1177 appearing, is hereby amended by striking out the last sentence and inserting in place thereof the
1178 following 2 sentences:- Determination and certification of the eligibility of candidates shall be

1179 made by the director on the eighth Tuesday before the primary and shall be based solely upon
1180 information contained in such statements as have been filed by candidates. Candidates for
1181 governor seeking public financing shall file the statement on or before the Friday that is 11 days
1182 preceding said eighth Tuesday and other candidates seeking public financing shall file those
1183 statements on or before the Friday next preceding said eighth Tuesday.

1184 SECTION 47. The second paragraph of section 6 of said chapter 55C, as so appearing, is
1185 hereby amended by striking out the last sentence and inserting in place thereof the following 2
1186 sentences:- Determination and certification of the eligibility of candidates shall be made by the
1187 director on the fourth Tuesday before the state election and shall be based solely upon
1188 information contained in such statements as have been filed by candidates. Candidates for
1189 governor and lieutenant governor seeking public financing shall file the statement on or before
1190 the Friday that is 11 days preceding said fourth Tuesday and other candidates seeking public
1191 financing shall file those statements on or before the Friday next preceding said fourth Tuesday.

1192 SECTION 48. Section 2 of chapter 62 of the General Laws is hereby amended by
1193 inserting after the word "income", in line 229, as so appearing, the following words:- ; provided,
1194 however, that Part B gross income shall include bribes, corrupt gifts and any income gained
1195 through illegal activities.

1196 SECTION 49. Chapter 268 of the General Laws is hereby amended by inserting after
1197 section 13D the following section:-

1198 Section 13E. (a) Whoever alters, destroys, mutilates or conceals a record, document or
1199 other object, or attempts to do so, with the intent to impair the record, document or object's
1200 integrity or availability for use in an official proceeding, whether or not the proceeding is

1201 pending at that time, shall be punished by a fine of not more than \$10,000 or by imprisonment in
1202 the state prison for not more than 5 years, or in a jail or house of correction for not more than 2
1203 1/2 years, or both such fine and imprisonment; provided, however, that if the official proceeding
1204 involves a violation of a criminal law, it shall be punished by a fine of not more than \$25,000, or
1205 by imprisonment in the state prison for not more than 10 years, or in a jail or house of correction
1206 for not more than 2 1/2 years, or both such fine and imprisonment.

1207 (b) For a prosecution under this section, the record, document or other object shall not be
1208 required to be admissible in evidence or free of a claim of privilege.

1209 (c) For the purposes of this section “official proceeding” shall mean a proceeding before
1210 a court or a grand jury, or a proceeding before a state agency or commission, which proceeding
1211 is authorized by law and relates to an alleged violation of a criminal law or the laws and
1212 regulations enforced by the state ethics commission, the state secretary, the office of the
1213 inspector general or the office of campaign and political finance, for which the attorney general
1214 may issue a civil investigative demand.

1215 (d) A prosecution under this section shall be brought in the county where the official
1216 proceeding was or would have been convened or where the alleged conduct constituting an
1217 offense occurred.

1218 SECTION 50. The General Laws are hereby further amended by striking out chapter
1219 268A and inserting in place thereof the following chapter:-

1220 CHAPTER 268A

1221 CONDUCT OF PUBLIC OFFICIALS AND EMPLOYEES.

1222 Section 1. As used in this chapter, the following words shall have the following meanings
1223 unless the context clearly requires otherwise:—

1224 “Compensation”, any money, thing of value or economic benefit conferred on or received
1225 by any person in return for services rendered or to be rendered by such person or another.

1226 “Competitive bidding”, all bidding, where the same may be prescribed by applicable
1227 sections of the General Laws or otherwise, given and tendered to a state, county or municipal
1228 agency in response to an open solicitation for bids from the general public by public
1229 announcement or public advertising, where the contract is awarded to the lowest responsible
1230 bidder.

1231 “County agency”, a department or office of county government and a division, board,
1232 bureau, commission, institution, tribunal or other instrumentality under the county government.

1233 “County employee”, a person performing services for or holding an office, position,
1234 employment or membership in a county agency, whether by election, appointment, contract of
1235 hire or engagement, whether serving with or without compensation, on a full, regular, part-time,
1236 intermittent or consultant basis.

1237 “Immediate family”, the employee and his spouse and their parents, children, brothers
1238 and sisters.

1239 “Municipal agency”, a department or office of a city or town government and a council,
1240 division, board, bureau, commission, institution, tribunal or other instrumentality under a city or
1241 town government.

1242 “Municipal employee,” a person performing services for or holding an office, position,
1243 employment or membership in a municipal agency, whether by election, appointment, contract
1244 of hire or engagement, whether serving with or without compensation, on a full, regular, part-
1245 time, intermittent or consultant basis, but excluding: (1) elected members of a town meeting; and
1246 (2) members of a charter commission established under Article LXXXIX of the Amendments to
1247 the Constitution.

1248 “Official act”, a decision or action in a particular matter or in the enactment of
1249 legislation.

1250 “Official responsibility”, the direct administrative or operating authority, whether
1251 intermediate or final, either exercisable alone or with others, and whether personal or through
1252 subordinates, to approve, disapprove or otherwise direct agency action.

1253 “Participate”, engage in agency action or in a particular matter personally and
1254 substantially as a state, county or municipal employee, through approval, disapproval, decision,
1255 recommendation, the rendering of advice, investigation or otherwise.

1256 “Particular matter”, a judicial or other proceeding, application, submission, request for a
1257 ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision,
1258 determination or finding; provided, however, that “particular matter” shall not include enactment
1259 of general legislation by the general court and petitions of cities, towns, counties and districts for
1260 special laws related to their governmental organizations, powers, duties, finances and property.

1261 “Person who has been selected”, a person who has been nominated or appointed to be a
1262 state, county or municipal employee or has been officially informed that he will be so nominated
1263 or appointed.

1264 “Special county employee”, a county employee who is performing services or holding an
1265 office, position, employment or membership for which no compensation is provided, or who is
1266 not an elected official and: (1) occupies a position which, by its classification in the county
1267 agency involved or by the terms of the contract or conditions of employment, permits personal or
1268 private employment during normal working hours, provided that disclosure of such classification
1269 or permission is filed in writing with the bureau of ethics and the office of the county
1270 commissioners prior to the commencement of any personal or private employment; or (2) in fact
1271 does not earn compensation as a county employee for an aggregate of more than 800 hours
1272 during the preceding 365 days. For this purpose, compensation by the day shall be considered as
1273 equivalent to compensation for 7 hours per day. A special county employee shall be in such a
1274 status on days for which he is not compensated as well as on days on which he earns
1275 compensation.

1276 “Special municipal employee”, a municipal employee who is not a mayor, a member of
1277 the board of aldermen, a member of the city council, or a member of the board of selectmen in a
1278 town with a population in excess of 10,000 persons and whose position has been expressly
1279 classified by the city council, or board of aldermen if there is no city council, or board of
1280 selectmen, as that of a special employee under this chapter; provided, however, that a selectman
1281 in a town with a population of 10,000 or fewer persons shall be a special municipal employee
1282 without being expressly so classified. All employees who hold equivalent offices, positions,
1283 employment or membership in the same municipal agency shall have the same classification;
1284 provided, however, no municipal employee shall be classified as a special municipal employee
1285 unless the municipal employee occupies a position for which no compensation is provided or
1286 which, by its classification in the municipal agency involved or by the terms of the contract or

1287 conditions of employment, permits personal or private employment during normal working
1288 hours, or unless the municipal employee does not earn compensation as a municipal employee
1289 for an aggregate of more than 800 hours during the preceding 365 days. For this purpose,
1290 compensation by the day shall be considered as equivalent to compensation for 7 hours per day.
1291 A special municipal employee shall be in such status on days for which the special municipal
1292 employee is not compensated as well as on days on which the special municipal employee earns
1293 compensation. All employees of a city or town wherein no such classification has been made
1294 shall be deemed to be “municipal employees” and shall be subject to all of this chapter with
1295 respect thereto without exception.

1296 “Special state employee”, a state employee who:

1297 (1) is performing services or holding an office, position, employment or membership for
1298 which no compensation is provided; or

1299 (2) who is not an elected official and

1300 (a) occupies a position which, by its classification in the state agency involved or by the
1301 terms of the contract or conditions of employment, permits personal or private employment
1302 during normal working hours, provided that disclosure of such classification or permission is
1303 filed in writing with the bureau of ethics prior to the commencement of any personal or private
1304 employment; or

1305 (b) in fact does not earn compensation as a state employee for an aggregate of more than
1306 800 hours during the preceding 365 days; provided, however, that for this purpose, compensation
1307 by the day shall be considered as equivalent to compensation for 7 hours per day. A special state

1308 employee shall be in such a status on days for which the special state employee is not
1309 compensated as well as on days on which the special state employee earns compensation.

1310 “State agency”, a department of state government, including the executive, legislative or
1311 judicial, and all councils thereof and thereunder, and any division, board, bureau, commission,
1312 institution, tribunal or other instrumentality within such department, and any independent state
1313 authority, district, commission, instrumentality or agency, but not an agency of a county, city or
1314 town.

1315 “State employee”, a person performing services for or holding an office, position,
1316 employment, or membership in a state agency, whether by election, appointment, contract of hire
1317 or engagement, whether serving with or without compensation, on a full, regular, part-time,
1318 intermittent or consultant basis, including members of the general court and executive council;
1319 provided, however, that no construction contractor or construction contractor’s personnel shall
1320 be deemed to be a state employee or special state employee for the purposes of this chapter as a
1321 result of participation in the engineering and environmental analysis for major construction
1322 projects either as a consultant or as part of a consultant group for the commonwealth; provided
1323 further, that such contractors or personnel may be awarded construction contracts by the
1324 commonwealth and may continue with outstanding construction contracts with the
1325 commonwealth during the period of such participation; and provided further, that no such
1326 contractor or personnel shall directly or indirectly bid on or be awarded a contract for any
1327 construction project if such contractor or personnel has participated in the engineering or
1328 environmental analysis thereof.

1329 Section 2. (a) No person shall, directly or indirectly, corruptly give, offer or promise
1330 anything of value to a person who is or has been selected to be a state, county or municipal
1331 employee or a member of the judiciary nor shall any person, offer or promise a person who has
1332 been selected to be such an employee or member of the judiciary to give anything of value to any
1333 other person or entity with intent to:

1334 (i) influence an official act or an act within the official responsibility of such employee or
1335 member of the judiciary or person who has been selected to be such employee or member of the
1336 judiciary;

1337 (ii) influence any such employee or member of the judiciary or person who has been
1338 selected to be such employee or member of the judiciary to commit or aid in committing, or
1339 collude in or allow any fraud or make opportunity for the commission of any fraud on the
1340 commonwealth or a state, county or municipal agency; or

1341 (iii) induce any such employee or member of the judiciary or person who has been
1342 selected to be such an employee or member of the judiciary to do or omit to do any act in
1343 violation of such person's lawful duty.

1344 (b) No person who is or has been selected to be a state, county or municipal employee or
1345 a member of the judiciary shall directly or indirectly corruptly ask, demand, exact, solicit, seek,
1346 accept, receive or agree to receive anything of value for such person or for any other person or
1347 entity, in return for;

1348 (i) being influenced in such person's performance of any official act or any act within
1349 such person's official responsibility;

1350 (ii) being influenced to commit or aid in committing, or to collude in or allow any fraud
1351 or make opportunity for the commission of any fraud on the commonwealth or on a state, county
1352 or municipal agency;

1353 (iii) being induced to do or omit to do any acts in violation of such person's official
1354 duties.

1355 (c) No person shall directly or indirectly corruptly give, offer or promise anything of
1356 value to any other person with intent to influence the testimony under oath or affirmation of
1357 such other person as a witness upon a trial, or other proceeding, before any court, any committee
1358 of either house or both houses of the general court, or any agency, commission or officer
1359 authorized by the laws of the commonwealth to hear evidence or take testimony, or with intent to
1360 influence such witness to fail to testify at such trial or other proceeding.

1361 (d) No person shall directly or indirectly corruptly ask, demand, exact, solicit, seek,
1362 accept, receive or agree to receive anything of value personally or for any other person or entity
1363 in return for influence upon the testimony under oath or affirmation of such person or any other
1364 person as a witness upon any such trial, hearing or other proceeding or in return for the failure of
1365 such witness to testify at such trial or proceeding.

1366 (e) Subsections (c) and (d) shall not be construed to prohibit the payment or receipt of
1367 witness fees provided by law or the payment by the party upon whose behalf a witness is called
1368 and receipt by a witness of the reasonable cost of travel and subsistence incurred and the
1369 reasonable value of time lost in attendance at any such trial, hearing or proceeding or, in the case
1370 of expert witnesses involving a technical or professional opinion a reasonable fee for time spent
1371 in the preparation of such opinion, in appearing or testifying.

1372 (f) Any person who knowingly violates this section shall be punished by a fine of not
1373 more than \$100,000, or by imprisonment in the state prison for not more than 10 years, or in a
1374 jail or house of correction for not more than 2 1/2 years, or both such fine and imprisonment and,
1375 in the event of final conviction, shall be incapable of holding any office of honor, trust or profit
1376 under the commonwealth or under any state, county or municipal agency.

1377 (g) In addition to the penalties under subsection (f), anyone who is the subject of a final
1378 conviction under subsections (a) to (d), inclusive, shall be incapable of holding any office of
1379 honor, trust or profit under the commonwealth or under any state, county or municipal agency.

1380 Section 3. (a) No person shall, other than as provided by law for the proper discharge of
1381 official duty, directly or indirectly, give, offer or promise anything of substantial value to any
1382 present or former state, county or municipal employee or a member of the judiciary nor to any
1383 person who has been selected to be such an employee or member of the judiciary:

1384 (i) for or because of any official act performed or to be performed by such an employee
1385 or member of the judiciary or person selected to be such an employee or member of the
1386 judiciary; or

1387 (ii) to influence, or attempt to influence, an official action of the state, county or
1388 municipal employee or to any member of the judiciary.

1389 (b) No present, or former state, county or municipal employee or member of the
1390 judiciary, nor any person who has been selected to be such an employee or member of the
1391 judiciary otherwise than as provided by law for the proper discharge of official duty, shall
1392 directly or indirectly, ask, demand, exact, solicit, seek, accept, receive or agree to receive
1393 anything of substantial value:

1394 (i) for such employee or member of the judiciary for or because of any official act or act
1395 within such employee's or member of the judiciary's official responsibility performed or to be
1396 performed by such employee or member of the judiciary; or

1397 (ii) to influence, or attempt to influence, such employee or member of the judiciary in an
1398 official act taken.

1399 (c) No person shall directly or indirectly, give, offer or promise anything of substantial
1400 value to any other person, for or because of testimony under oath or affirmation given or to be
1401 given by such other person or any third person as a witness upon a trial, hearing or other
1402 proceeding, before any court, any committee of either house or both houses of the general court,
1403 or any agency, commission or officer authorized by the laws of the commonwealth to hear
1404 evidence or take testimony or for or because of such other person's or third person's failure to
1405 testify at such trial, hearing or other proceeding.

1406 (d) No person shall directly or indirectly, ask, demand, exact, solicit, seek, accept,
1407 receive or agree to receive anything of substantial value for such person for or because of the
1408 testimony under oath or affirmation given or to be given by such person or any other person as a
1409 witness upon any such trial, hearing or other proceeding, or for or because of such person's
1410 failure to testify at such trial, hearing, or other proceeding.

1411 (e) Subsections (c) and (d) shall not prohibit the payment or receipt of witness fees
1412 provided by law or the payment by the party upon whose behalf a witness is called and receipt by
1413 a witness of the reasonable cost of travel and subsistence incurred and the reasonable value of
1414 time lost in attendance at any such trial, hearing or proceeding, or, in the case of expert

1415 witnesses, involving a technical or professional opinion, a reasonable fee for time spent in the
1416 preparation of such opinion, in appearing or testifying.

1417 (f) Any person who knowingly violates any provision of this section shall be punished by
1418 a fine of not more than \$25,000 or by imprisonment in the state prison for not more than 5 years,
1419 or in a jail or house of correction for not more than 2 ½ years, or both.

1420 Section 4. (a) No state employee shall otherwise than as provided by law for the proper
1421 discharge of such employee's official duties, directly or indirectly receive or request
1422 compensation from anyone other than the commonwealth or a state agency, in relation to any
1423 particular matter in which the commonwealth or a state agency is a party or has a direct and
1424 substantial interest.

1425 (b) No person shall, otherwise than as provided by law for the proper discharge of the
1426 person's official duties, directly or indirectly give, promise or offer such compensation.

1427 (c) No state employee shall, otherwise than in the proper discharge of such employee's
1428 official duties, act as agent or attorney for;

1429 (i) anyone other than the commonwealth or a state agency for prosecuting any claim
1430 against the commonwealth or a state agency; or

1431 (ii) anyone in connection with any particular matter in which the commonwealth or a
1432 state agency is a party or has a direct and substantial interest.

1433 (d) Whoever knowingly violates this section shall be punished by a fine of not more than
1434 \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of
1435 correction for not more than 2 1/2 years, or both.

1436 (e) Neither a member of the general court nor a member of the executive council shall be
1437 subject to subsections (a) or (c). However, no member of the general court or executive council
1438 shall personally appear for any compensation other than such member's legislative or executive
1439 council salary before any state agency, unless:

1440 (1) the particular matter before the state agency is ministerial in nature; or

1441 (2) the appearance is before a court of the commonwealth; or

1442 (3) the appearance is in a quasi-judicial proceeding.

1443 (f) For the purposes of this subsection (e), ministerial functions include, but are not
1444 limited to, the filing or amendment of: tax returns, applications for permits or licenses,
1445 incorporation papers, or other documents. For the purposes of subsection (e), a proceeding shall
1446 be considered quasi-judicial if:

1447 (1) the action of the state agency is adjudicatory in nature; and

1448 (2) the action of the state agency is appealable to the courts; and

1449 (3) both sides are entitled to representation by counsel and such counsel is neither
1450 the attorney general nor the counsel for the state agency conducting the proceeding.

1451 (g) A special state employee shall be subject to subsections (a) and (c) only in relation to
1452 a particular matter;

1453 (1) in which such employee has at any time participated as a state employee, or

1454 (2) which is or within 1 year has been a subject of such employee's official responsibility,

1455 or

1456 (3) which is pending in the state agency in which such employee is serving, provided that
1457 this clause shall not apply in the case of a special state employee who serves as a special state
1458 employee for not more than 60 days during any period of 365 consecutive days.

1459 (h) This section shall not prevent a state employee from taking uncompensated action, not
1460 inconsistent with the faithful performance of his duties, to aid or assist any person who is the
1461 subject of disciplinary or other personnel administration proceedings with respect to those
1462 proceedings.

1463 (i) This section shall not prevent a state employee, including a special state employee,
1464 from acting, with or without compensation, as agent or attorney for or otherwise aiding or
1465 assisting members of such employee's immediate family or any person for whom such employee
1466 is serving as guardian, executor, administrator, trustee or other personal fiduciary except in those
1467 matters in which such employee has participated or which are the subject of such employee's
1468 official responsibility; provided, however, that the state official responsible for appointment to
1469 the employee's position approves.

1470 (j) This section shall not prevent a present or former special state employee from aiding
1471 or assisting another person for compensation in the performance of work under a contract with or
1472 for the benefit of the commonwealth; provided, however, that the head of the special state
1473 employee's department or agency has certified in writing that the interest of the commonwealth
1474 requires such aid or assistance and the certification has been filed with the state ethics
1475 commission.

1476 (k) This section shall not prevent a state employee from giving testimony under oath or
1477 making statements required to be made under penalty for perjury or contempt.

1478 (l) This section shall not prohibit a state employee from holding an elective or appointive
1479 office in a city, town or district, nor in any way prohibit such an employee from performing the
1480 duties of or receiving the compensation provided for such office. No such elected or appointed
1481 official may vote or act on any matter which is within the purview of the agency by which such
1482 official is employed or over which such employee has official responsibility.

1483 (m) This section shall not prevent a state employee, other than an employee in the
1484 department of revenue, from requesting or receiving compensation from anyone other than the
1485 commonwealth in relation to the filing or amending of state tax returns.

1486 Section 5. (a) A former state employee who knowingly acts as agent or attorney for, or
1487 receives compensation directly or indirectly from anyone other than the commonwealth or a state
1488 agency, in connection with any particular matter in which the commonwealth or a state agency is
1489 a party or has a direct and substantial interest and in which the former state employee
1490 participated as a state employee while so employed shall be punished by a fine of not more than
1491 \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of
1492 correction for not more than 2 1/2 years, or both.

1493 (b) A former state employee who, within 1 year after such employee's last employment
1494 with the state has ceased, appears personally before any court or agency of the commonwealth as
1495 agent or attorney for anyone other than the commonwealth in connection with any particular
1496 matter in which the commonwealth or a state agency is a party or has a direct and substantial
1497 interest and which was under the former state employee's official responsibility as a state
1498 employee at any time within a period of 2 years prior to the termination of the former state
1499 employee's employment shall be punished by a fine of not more than \$10,000, or by

1500 imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for
1501 not more than 2 1/2 years, or both.

1502 (c) A partner of a former state employee who knowingly engages, during a period of 1
1503 year following the termination of the latter's employment by the commonwealth, in any activity
1504 in which the former state employee is prohibited from engaging by subsection (a) shall be
1505 punished by a fine of not more than \$10,000, or by imprisonment in the state prison for not more
1506 than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or both.

1507 (d) A partner of a state employee who knowingly acts as agent or attorney for anyone
1508 other than the commonwealth in connection with any particular matter in which the
1509 commonwealth or a state agency is a party or has a direct and substantial interest and in which
1510 the state employee participates or has participated as a state employee or which is the subject of
1511 the state employee's official responsibility shall be punished by a fine of not more than \$10,000,
1512 or by imprisonment in the state prison for not more than 5 years, or in a jail or house of
1513 correction for not more than 2 1/2 years, or both.

1514 (e) A former state employee or elected official, including a former member of the general
1515 court, who acts as legislative or executive lobbyist, as defined in section 39 of chapter 3, for
1516 anyone other than the commonwealth or a state agency before the governmental body, as defined
1517 by the state ethics commission, with which the former state employee has been associated,
1518 within 1 year after the former state employee leaves that body shall be punished by a fine of not
1519 more than \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail
1520 or house of correction for not more than 2 1/2 years, or both.

1521 (f) A former state employee whose salary was not less than that in step 1 of job group M-
1522 VII in the management salary schedule in section 46C of chapter 30, and who becomes an officer
1523 or employee of a business organization which is or was a party to any privatization contract as
1524 defined in section 53 of chapter 7 in which contract the state employee participated as such state
1525 employee, if the state employee becomes such officer or employee while the business
1526 organization is such a party or within 1 year after the state employee terminates such employee's
1527 state employment, unless before the termination of the employee's state employment the
1528 governor determines, in a writing filed with the state ethics commission, that such participation
1529 did not significantly affect the terms or implementation of such contract, shall be punished by a
1530 fine of not more than \$10,000, or by imprisonment in the state prison for not more than 5 years,
1531 or in a jail or house of correction for not more than 2 1/2 years, or both.

1532 (g) If a partner of a member of the general court, a special state employee or of a former
1533 state employee is also a member of another partnership in which the member of the general
1534 court, special state employee or former employee has no interest, the activities of the latter
1535 partnership in which the member of the general court or special state employee or former state
1536 employee takes no part shall not be subject to subsections (c) or (d).

1537 (h) This section shall not prevent a present or former special state employee from aiding
1538 or assisting another person for compensation in the performance of work under a contract with or
1539 for the benefit of the commonwealth; provided, however, that the head of the special state
1540 employee's department or agency has certified in writing that the interest of the commonwealth
1541 requires such aid or assistance and the certification has been filed with the state ethics
1542 commission.

1543 Section 6. Except as permitted by this section, any state employee who participates as an
1544 employee in a particular matter in which to the employee's knowledge the employee, the
1545 employee's immediate family or partner, a business organization in which the employee is
1546 serving as officer, director, trustee, partner or employee, or any person or organization with
1547 whom the employee is negotiating or has any arrangement concerning prospective employment,
1548 has a financial interest, shall be punished by a fine of not more than \$10,000, or by imprisonment
1549 in the state prison for not more than 5 years, or in a jail or house of correction for not more than
1550 2 1/2 years, or both.

1551 Any state employee whose duties would otherwise require that employee to participate in
1552 such a particular matter shall advise the official responsible for appointment to the employee's
1553 position and the state ethics commission of the nature and circumstances of the particular matter
1554 and shall make a full disclosure of such financial interest, and the appointing official shall
1555 thereupon either:

1556 (1) assign the particular matter to another employee; or

1557 (2) assume responsibility for the particular matter; or

1558 (3) make a written determination that the interest is not so substantial as to be deemed
1559 likely to affect the integrity of the services which the commonwealth may expect from the
1560 employee, in which case it shall not be a violation for the employee to participate in the
1561 particular matter. Copies of such written determination shall be forwarded to the state employee
1562 and filed with the state ethics commission by the person who made the determination. Such copy
1563 shall be retained by the commission for a period of 6 years.

1564 Section 6A. Any public official, as defined by section 1 of chapter 268B, who in the
1565 discharge of the public official's official duties would be required to knowingly take an action
1566 which would substantially affect such official's financial interests, shall file a written description
1567 of the required action and the potential conflict of interest with the state ethics commission
1568 established by chapter 268B unless the effect on such an official is no greater than the effect on
1569 the general public.

1570 Section 7. (a) A state employee who has a financial interest, directly or indirectly, in a
1571 contract made by a state agency, in which the commonwealth or a state agency is an interested
1572 party, of which interest the state employee knows or has reason to know, shall be punished by a
1573 fine of not more than \$10,000, or by imprisonment in the state prison for not more than 5 years,
1574 or in a jail or house of correction for not more than 2 1/2 years, or both

1575 (b) This section shall not apply if such financial interest consists of the ownership of less
1576 than 1 per cent of the stock of a corporation.

1577 (c) This section shall not apply to;

1578 (1) a state employee who in good faith and within 30 days after the employee learns of an
1579 actual or prospective violation of this section makes a full disclosure of the employee's financial
1580 interest to the contracting agency and terminates or disposes of the interest;

1581 (2) a state employee other than a member of the general court who is not employed by the
1582 contracting agency or an agency which regulates the activities of the contracting agency and who
1583 does not participate in or have official responsibility for any of the activities of the contracting
1584 agency, if the contract is made after public notice or through competitive bidding, where
1585 applicable, and if the state employee files with the state ethics commission a statement making

1586 full disclosure of the employee's interest and the interests of the employee's immediate family in
1587 the contract, and if in the case of a contract for personal services;

1588 (A) the services will be provided outside the normal working hours of the state employee;

1589 (B) the services are not required as part of the state employee's regular duties, the
1590 employee is compensated for not more than 500 hours during a calendar year; and

1591 (C) the head of the contracting agency makes and files with the state ethics commission a
1592 written certification that no employee of that agency is available to perform those services as a
1593 part of the employee's regular duties;

1594 (3) the interest of a member of the general court in a contract made by an agency other
1595 than the general court or either branch thereof, if;

1596 (A) the member's direct and indirect interests and those of the member's immediate
1597 family in the corporation or other commercial entity with which the contract is made do not in
1598 the aggregate amount to 10 per cent of the total proprietary interests therein;

1599 (B) the contract is made through competitive bidding; and

1600 (C) the member files with the state ethics commission a statement making full disclosure
1601 of the member's interest and the interests of the member's immediate family;

1602 (4) to a special state employee who does not participate in or have official responsibility
1603 for any of the activities of the contracting agency and who files with the state ethics commission
1604 a statement making full disclosure of the special state employee's interest and the interests of the
1605 special state employee's immediate family in the contract; or

1606 (5) to a special state employee who files with the bureau of ethics a statement making full
1607 disclosure of the special state employee's interest and the interests of the special state
1608 employee's immediate family in the contract, if the governor with the advice and consent of the
1609 executive council exempts the special state employee.

1610 (d) This section shall not apply to a state employee who provides services or furnishes
1611 supplies, goods and materials to a recipient of public assistance; provided, however, that such
1612 services or such supplies, goods and materials are provided in accordance with a schedule of
1613 charges promulgated by the department of transitional assistance or the division of health care
1614 policy and finance; and provided further, that such recipient has the right under law to choose
1615 and in fact does choose the person or firm that will provide such services or furnish such
1616 supplies, goods and materials.

1617 (e) This section shall not prohibit a state employee from teaching or performing other
1618 related duties in an educational institution of the commonwealth; provided, however, that such
1619 employee does not participate in, or have official responsibility for, the financial management of
1620 such educational institution; and provided, further, that such employee is so employed on a part-
1621 time basis. Such employee may be compensated for such services, notwithstanding the
1622 provisions of section 21 of chapter 30.

1623 (f) This section shall not prohibit a state employee from being employed on a part-time
1624 basis by a facility operated or designed for the care of mentally ill or developmentally disabled
1625 persons, public health, correctional facility or any other facility principally funded by the state
1626 which provides similar services and which operates on an uninterrupted and continuous basis;
1627 provided, however, that such employee does not participate in, or have official responsibility for,

1628 the financial management of such facility, that the employee is compensated for such part-time
1629 employment for not more than 4 hours in any day in which the employee is otherwise
1630 compensated by the commonwealth, and at a rate which does not exceed that of a state employee
1631 classified in step 1 of job group XX of the general salary schedule contained in section 46 of
1632 chapter 30 and that the head of the facility makes and files with the state ethics commission a
1633 written certification that there is a critical need for the services of the employee. Such employee
1634 may be compensated for such services, notwithstanding the provisions of section 21 of chapter
1635 30.

1636 (g) This section shall not preclude an officer or employee of the Massachusetts Port
1637 Authority from eligibility for any residential sound insulation program administered by that
1638 Authority; provided, however, that any such officer or employee has no responsibility for the
1639 administration of the program.

1640 Section 8. (a) No state, county or municipal employee and no person acting or purporting
1641 to act on behalf of such employee, or any state, county or municipal agency, shall with respect to
1642 any public building or construction contract which is about to be competitively bid or which has
1643 been competitively bid, require the bidder to make application to or furnish financial data to, or
1644 to obtain, or procure, any of the surety bonds or insurance specified in connection with such
1645 contract or specified by any law from any particular insurance or surety company, agent, or
1646 broker. This section shall not prevent the exercise by such employee on behalf of a state, county,
1647 or municipal agency of its right to approve the form, sufficiency or manner of execution of the
1648 surety bonds and insurance furnished by the insurance or surety company selected by the bidder
1649 to underwrite the insurance and bonds. Any provisions in any invitation for bids or in any of the

1650 contract documents, in conflict with this section are hereby declared to be contrary to the public
1651 policy of this commonwealth.

1652 (b) Whoever knowingly violates any provision of this section shall be punished by a fine
1653 of not more than \$10,000, or by imprisonment in the state prison for not more than 5 years, or in
1654 a jail or house of correction for not more than 2 1/2 years, or both

1655 Section 8A. No member of a state commission or board shall be eligible for appointment
1656 or election by the members of such commission or board to any office or position under the
1657 supervision of such commission or board. No former member of such commission or board shall
1658 be so eligible until the expiration of 30 days from the termination of his service as a member of
1659 such commission or board.

1660 Section 8B. No member of the commonwealth utilities commission, appointed pursuant
1661 to section 2 of chapter 25, or the commissioner of telecommunications and cable shall, within 1
1662 year after the member's service has ceased or terminated on said commission, be employed by,
1663 or lobby said commission on behalf of, any company or regulated industry over which said
1664 commission had jurisdiction during the tenure of such member of the commission.

1665 Section 9. (a) In addition to any other remedies provided by law, any violation of
1666 sections 2 to 8, inclusive, or section 23, which has substantially influenced the action taken by
1667 any state agency in any particular matter, shall be grounds for avoiding, rescinding or canceling
1668 the action on such terms as the interests of the commonwealth and innocent third persons require.

1669 (b) In addition to the remedies set forth in subsection (a), the state ethics commission
1670 upon a finding pursuant to an adjudicatory proceeding that a person has acted to such person's
1671 economic advantage in violation of sections 2 to 8, inclusive, or section 23 may issue an order;

1672 (1) requiring the violator to pay the commission on behalf of the commonwealth damages
1673 in the amount of the economic advantage or \$500, whichever is greater; and

1674 (2) requiring the violator to make restitution to an injured third party.

1675 If there has been no final criminal judgment of conviction or acquittal of the same
1676 violation, upon receipt of the written approval of the attorney general, the state ethics
1677 commission may order payment of additional damages in an amount not exceeding twice the
1678 amount of the economic advantage or \$500, and payment of such additional damages shall bar
1679 any criminal prosecution for the same violation.

1680 The maximum damages that the commission may order a violator to pay under this
1681 section shall be \$25,000. If the commission determines that the damages authorized by this
1682 section exceed \$25,000, it may bring a civil action against the violator to recover such damages.

1683 (c) The remedies authorized by this section shall be in addition to any civil penalty
1684 imposed by the state ethics commission in accordance with clause (3) of subsection (i) of section
1685 4 of chapter 268B.

1686 Section 10. The state ethics commission shall issue opinions interpreting the requirements
1687 of this chapter in accordance with subsection (g) of section 3 of chapter 268B.

1688 Section 11. (a) No county employee shall, otherwise than as provided for the proper
1689 discharge of official duties, directly or indirectly receive or request compensation from anyone
1690 other than a county or a county agency in relation to any particular matter in which a county
1691 agency is a party or has a direct and substantial interest.

1692 (b) No person shall, otherwise than as provided by law for the proper discharge of official
1693 duties, directly or indirectly give, promise or offer such compensation.

1694 (c) No county employee shall, otherwise than as provided by law for the proper discharge
1695 of official duties, act as agent or attorney for;

1696 (1) anyone other than a county or a county agency in prosecuting any claim against a
1697 county or county agency; or

1698 (2) for anyone in connection with any particular matter in which a county or county
1699 agency is a party or has a direct and substantial interest.

1700 (d) Whoever knowingly violates any provision of this section shall be punished by a fine
1701 of not more than \$10,000, or by imprisonment in the state prison for not more than 5 years, or in
1702 a jail or house of correction for not more than 2 1/2 years, or both.

1703 (e) A county employee shall be subject to subsections (a) and (c) only in relation to the
1704 county of which the county employee is an employee. A special county employee shall be
1705 subject to said subsections (a) and (c) only in relation to a particular matter;

1706 (1) in which the county employee has at any time participated as a county employee;

1707 (2) which is or within 1 year has been a subject of the county employee's official
1708 responsibility; or

1709 (3) which is pending in the county agency in which the county employee is serving,
1710 provided that this clause shall not apply in the case of a county employee who serves for not
1711 more than 60 days during any period of 365 consecutive days.

1712 (f) This section shall not prevent a county employee from taking uncompensated action,
1713 not inconsistent with the faithful performance of the county employee's duties, to aid or assist
1714 any person who is the subject of disciplinary or other personnel administration proceedings with
1715 respect to those proceedings.

1716 (g) This section shall not prevent a county employee, including a special county
1717 employee, from acting, with or without compensation, as agent or attorney for or otherwise
1718 aiding or assisting members of the employee's immediate family or any person for whom the
1719 employee is serving as guardian, executor, administrator, trustee or other personal fiduciary
1720 except in those matters in which the employee has participated or which are the subject of the
1721 employee's official responsibility; provided, however, that the state or county official
1722 responsible for appointment to the employee's position approves.

1723 (h) This section shall not prevent a present or former special county employee from
1724 aiding or assisting another person for compensation in the performance of work under a contract
1725 with or for the benefit of the county; provided, however, that the head of the special county
1726 employee's department or agency has certified in writing that the interest of the county requires
1727 such aid or assistance and the certification has been filed with the state ethics commission. The
1728 certification shall be open to public inspection.

1729 (i) This section shall not prevent a county employee from giving testimony under oath or
1730 making statements required to be made under penalty for perjury or contempt.

1731 (j) This section shall not prohibit a county employee from holding an elective or
1732 appointive office in a city, town or district nor in any way prohibit such an employee from
1733 performing the duties or receiving the compensation provided for such office. No such elected or

1734 appointed official may vote or act on any matter which is within the purview of the agency by
1735 which the employee is employed or over which such employee has official responsibility.

1736 Section 12. (a) No former county employee shall act as agent or attorney for, or receive
1737 compensation directly or indirectly from, anyone other than a county or a county agency in
1738 connection with any particular matter in which the county or a county agency of the same county
1739 is a party or has a direct and substantial interest and in which the former county employee
1740 participated as a county employee while so employed.

1741 (b) No former county employee shall, within 1 year after the employee's last county
1742 employment has ceased, appear personally before any agency of the county as agent or attorney
1743 for anyone other than the county in connection with any particular matter in which the county or
1744 a county agency of the same county is a party or has a direct and substantial interest and which
1745 was under the employee's official responsibility as a county employee at any time within a
1746 period of 2 years prior to the termination of the employee's employment.

1747 (c) No partner of a former county employee shall engages, during a period of 1 year
1748 following the termination of the latter's employment by the county, in any activity in which the
1749 former county employee is prohibited from engaging by subsection (a).

1750 (d) No partner of a county employee shall act as agent or attorney for anyone other than
1751 the county in connection with any particular matter in which the county or a county agency of
1752 the same county is a party or has a direct and substantial interest and in which the county
1753 employee participates or has participated as a county employee or which is the subject of the
1754 county employee's official responsibility.

1755 (e) Anyone who knowingly violates this section shall be punished by a fine of not more
1756 than \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or
1757 house of correction for not more than 2 1/2 years, or both.

1758 (f) If a partner of a special county employee or of a former county employee is also a
1759 member of another partnership in which the special or former employee has no interest, activities
1760 of the latter partnership in which the special or former employee takes no part shall not thereby
1761 be subject to subsections (c) or (d).

1762 (g) This section shall not prevent a present or former special county employee from
1763 aiding or assisting another person for compensation in the performance of work under a contract
1764 with or for the benefit of the county; provided, however, that the head of the special county
1765 employee's department or agency has certified in writing that the interest of the county requires
1766 such aid or assistance and the certification has been filed with the state ethics commission. The
1767 certification shall be open to public inspection.

1768 Section 13. (a) Except as permitted by subsection (b), a county employee who
1769 participates as such an employee in a particular matter in which, to the employee's knowledge,
1770 the employee, the employee's immediate family or partner, a business organization which the
1771 employee is serving as officer, director, trustee, partner or employee or any person or
1772 organization with whom the employee is negotiating or has any arrangement concerning
1773 prospective employment, has a financial interest, shall be punished by a fine of not more than
1774 \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of
1775 correction for not more than 2 1/2 years, or both.

1776 (b) Any county employee whose duties would otherwise require such employee to
1777 participate in such a particular matter shall advise the official responsible for appointment to the
1778 employee's position and the state ethics commission of the nature and circumstances of the
1779 particular matter and make full disclosure of such financial interest, and the appointing official
1780 shall thereupon either:

1781 (1) assign the particular matter to another employee;

1782 (2) assume responsibility for the particular matter; or

1783 (3) make a written determination that the interest is not so substantial as to be deemed
1784 likely to affect the integrity of the services which the county may expect from the employee, in
1785 which case it shall not be a violation for the employee to participate in the particular matter.

1786 Copies of such written determination shall be forwarded to the county employee and filed with
1787 the state ethics commission by the person who made the determination. Such copy shall be
1788 retained by the commission for a period of 6 years.

1789 Section 14. A county employee who has a financial interest, directly or indirectly, in a
1790 contract made by a county agency of the same county, in which the county or a county agency is
1791 an interested party of which financial interest the county employee has knowledge or has reason
1792 to know, shall be punished by a fine of not more than \$10,000, or by imprisonment in the state
1793 prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years,
1794 or both.

1795 This section shall not apply if such financial interest consists of the ownership of less
1796 than 1 per cent of the stock of a corporation.

1797 This section shall not apply to a:

1798 (a) county employee who in good faith and within 30 days after the employee learns of an
1799 actual or prospective violation of this section makes full disclosure of the employee's financial
1800 interest to the contracting agency and terminates or disposes of the interest;

1801 (b) county employee who does not participate in or have official responsibility for any of
1802 the activities of the contracting agency, if the contract is made through competitive bidding and
1803 the county employee's direct and indirect interests and those of the county employee's
1804 immediate family in the corporation or other commercial entity with which the contract is made
1805 do not in the aggregate amount to 10 per cent of the total proprietary interests therein; or

1806 (c) special county employee who does not participate in or have official responsibility for
1807 any of the activities of the contracting agency and who files with the state ethics commission a
1808 statement making full disclosure of the special county employee's interest and the interests of the
1809 special county employee's immediate family in the contract, if the county commissioners
1810 approve the exemption of the special county employee's interest from this section.

1811 Section 15. (a) In addition to any other remedies provided by law, a violation of section
1812 2, 3, 8, or sections 11 to 14, inclusive, or section 23, which has substantially influenced the
1813 action taken by any county agency in any particular matter, shall be grounds for avoiding,
1814 rescinding, or canceling the action on such terms as the interests of the county and innocent third
1815 persons require.

1816 (b) In addition to the remedies set forth in subsection (a), the state ethics commission,
1817 upon a finding pursuant to an adjudicatory proceeding that a person has acted to such person's

1818 economic advantage in violation of section 2, 3, 8, or sections 11 to 14, inclusive, or section 23
1819 may issue an order;

1820 (1) requiring the violator to pay the commission on behalf of the county damages in the
1821 amount of the economic advantage or \$500, whichever is greater; and

1822 (2) requiring the violator to make restitution to an injured third party.

1823 If there has been no final criminal judgment of conviction or acquittal of the same
1824 violation, upon receipt of the written approval of the attorney general and the district attorney,
1825 the state ethics commission may order payment of additional damages in an amount not
1826 exceeding twice the amount of the economic advantage or \$500, and payment of such additional
1827 damages shall bar any criminal prosecution for the same violation.

1828 The maximum damages that the commission may order a violator to pay under this
1829 section shall be \$25,000. If the commission determines that the damages authorized by this
1830 section exceed \$25,000, it may bring a civil action against the violator to recover such damages.

1831 (c) The remedies authorized by this section shall be in addition to any civil penalty
1832 imposed by the commission under clause (3) of subsection (i) of section 4 of chapter 268B.

1833 Section 15A. No member of a county commission or board shall be eligible for
1834 appointment or election by the members of such commission or board to any office or position
1835 under the supervision of such commission or board. No former member of such commission or
1836 board shall be so eligible until the expiration of 30 days from the termination of such member's
1837 service as a member of such commission or board.

1838 Section 17. (a) No municipal employee shall, otherwise than as provided by law for the
1839 proper discharge of official duties, directly or indirectly receive or request compensation from
1840 anyone other than the city or town or municipal agency in relation to any particular matter in
1841 which the same city or town is a party or has a direct and substantial interest.

1842 (b) No person shall, otherwise than as provided by law for the proper discharge of official
1843 duties, directly or indirectly give, promise or offer such compensation.

1844 (c) No municipal employee shall, otherwise than in the proper discharge of the
1845 employee's official duties, act as agent or attorney for anyone;

1846 (1) other than the city or town or municipal agency in prosecuting any claim against the
1847 same city or town; or

1848 (2) in connection with any particular matter in which the same city or town is a party or
1849 has a direct and substantial interest.

1850 Anyone who knowingly violates any provision of this section shall be punished by a fine
1851 of not more than \$10,000, or by imprisonment in the state prison for not more than 5 years, or in
1852 a jail or house of correction for not more than 2 1/2 years, or both.

1853 (d) A special municipal employee shall be subject to subsections (a) and (c) only in
1854 relation to a particular matter;

1855 (1) in which the special municipal employee has at any time participated as a municipal
1856 employee;

1857 (2) which is or within 1 year has been a subject of the special municipal employee's
1858 official responsibility; or

1859 (3) which is pending in the municipal agency in which the special municipal employee is
1860 serving. However, this clause shall not apply in the case of a special municipal employee who
1861 serves for not more than 60 days during any period of 365 consecutive days.

1862 (e) This section shall not prevent a municipal employee from taking uncompensated
1863 action, not inconsistent with the faithful performance of his duties, to aid or assist any person
1864 who is the subject of disciplinary or other personnel administration proceedings with respect to
1865 those proceedings.

1866 (f) This section shall not prevent a municipal employee, including a special municipal
1867 employee, from acting, with or without compensation, as agent or attorney for or otherwise
1868 aiding or assisting members of the employee's immediate family or any person for whom the
1869 employee is serving as guardian, executor, administrator, trustee or other personal fiduciary
1870 except in those matters in which the employee has participated or which are the subject of the
1871 employee's official responsibility; provided, however, that the official responsible for
1872 appointment to the employee's position approves.

1873 (g) This section shall not prevent a present or former special municipal employee from
1874 aiding or assisting another person for compensation in the performance of work under a contract
1875 with or for the benefit of the city or town; provided, however, that the head of the special
1876 municipal employee's department or agency has certified in writing that the interest of the city or
1877 town requires such aid or assistance and the certification has been filed with the clerk of the city
1878 or town. The certification shall be open to public inspection.

1879 (h) This section shall not prevent a municipal employee from giving testimony under oath
1880 or making statements required to be made under penalty for perjury or contempt.

1881 (i) This section shall not prevent a municipal employee from applying on behalf of
1882 anyone for a building, electrical, wiring, plumbing, gas fitting or septic system permit, nor from
1883 receiving compensation in relation to any such permit, unless such employee is employed by or
1884 provides services to the permit-granting agency or an agency that regulates the activities of the
1885 permit-granting agency.

1886 Section 18. (a) No former municipal employee shall act as agent or attorney for, or
1887 receives compensation, directly or indirectly from anyone other than the same city or town in
1888 connection with any particular matter in which the city or town is a party or has a direct and
1889 substantial interest and in which the former municipal employee participated as a municipal
1890 employee while so employed.

1891 (b) No former municipal employee shall, within 1 year after the former municipal
1892 employee's last municipal employment has ceased, appear personally before any agency of the
1893 city or town as agent or attorney for anyone other than the city or town in connection with any
1894 particular matter in which the same city or town is a party or has a direct and substantial interest
1895 and which was under the former municipal employee's official responsibility as a municipal
1896 employee at any time within a period of 2 years prior to the termination of the former municipal
1897 employee's employment.

1898 (c) No partner of a former municipal employee who shall engage, during a period of 1
1899 year following the termination of the latter's employment by the city or town, in any activity in
1900 which the former municipal employee is prohibited from engaging by subsection (a).

1901 (d) No partner of a municipal employee shall act as agent or attorney for anyone other
1902 than the city or town in connection with any particular matter in which the same city or town is a

1903 party or has a direct and substantial interest and in which the municipal employee participates or
1904 has participated as a municipal employee or which is the subject of the municipal employee's
1905 official responsibility.

1906 (e) Anyone who knowingly violates any provision of this section shall be punished by a
1907 fine of not more than \$10,000, or by imprisonment in the state prison for not more than 5 years,
1908 or in a jail or house of correction for not more than 2 1/2 years, or both

1909 (f) If a partner of a former municipal employee or of a special municipal employee is also
1910 a member of another partnership in which the former or special employee has no interest, the
1911 activities of the latter partnership in which the former or special employee takes no part shall not
1912 thereby be subject to subsection (c) or (d).

1913 (g) Notwithstanding subsection (b), a former town counsel who acted in such capacity on
1914 a salary or retainer of less than \$2,000 per year shall be prohibited from appearing personally
1915 before any agency of the city or town as agent or attorney for anyone other than the city or town
1916 only in connection with any particular matter in which the same city or town is a party or has a
1917 direct and substantial interest and in which the former town counsel participated while so
1918 employed.

1919 (h) This section shall not prevent a present or former special municipal employee from
1920 aiding or assisting another person for compensation in the performance of work under a contract
1921 with or for the benefit of the city or town; provided, that the head of the special municipal
1922 employee's department or agency has certified in writing that the interest of the city or town
1923 requires such aid or assistance and the certification has been filed with the clerk of the city or
1924 town. The certification shall be open to public inspection.

1925 Section 19. (a) Except as permitted by subsection (b), a municipal employee who
1926 participates as such an employee in a particular matter in which to the municipal employee's
1927 knowledge the municipal employee, the municipal employee's immediate family or partner, a
1928 business organization in which the municipal employee is serving as officer, director, trustee,
1929 partner or employee, or any person or organization with whom the municipal employee is
1930 negotiating or has any arrangement concerning prospective employment, has a financial interest,
1931 shall be punished by a fine of not more than \$10,000, or by imprisonment in the state prison for
1932 not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or both.

1933 (b) It shall not be a violation of this section if:

1934 (1) the municipal employee first advises the official responsible for appointment to the
1935 municipal employee's position of the nature and circumstances of the particular matter and
1936 makes full disclosure of such financial interest, and receives in advance a written determination
1937 made by that official that the interest is not so substantial as to be deemed likely to affect the
1938 integrity of the services which the municipality may expect from the employee;

1939 (2) in the case of an elected municipal official making demand bank deposits of
1940 municipal funds, said official first files, with the clerk of the city or town, a statement making
1941 full disclosure of such financial interest; or

1942 (3) the particular matter involves a determination of general policy and the interest of the
1943 municipal employee or members of the municipal employee's immediate family is shared with a
1944 substantial segment of the population of the municipality.

1945 Section 20. (a) A municipal employee who has a financial interest, directly or indirectly,
1946 in a contract made by a municipal agency of the same city or town, in which the city or town is

1947 an interested party of which financial interest the municipal employee has knowledge or has
1948 reason to know, shall be punished by a fine of not more than \$10,000, or by imprisonment in the
1949 state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2
1950 years, or both.

1951 (b) This section shall not apply if such financial interest consists of the ownership of less
1952 than 1 per cent of the stock of a corporation.

1953 (c) This section shall not apply to:

1954 (1) a municipal employee who in good faith and within 30 days after the municipal
1955 employee learns of an actual or prospective violation of this section makes full disclosure of the
1956 municipal employee's financial interest to the contracting agency and terminates or disposes of
1957 the interest;

1958 (2) a municipal employee who is not employed by the contracting agency or an agency
1959 which regulates the activities of the contracting agency and who does not participate in or have
1960 official responsibility for any of the activities of the contracting agency, if the contract is made
1961 after public notice or through competitive bidding, where applicable, and if the municipal
1962 employee files with the clerk of the city or town a statement making full disclosure of the
1963 municipal employee's interest and the interest of the municipal employee's immediate family in
1964 the contract, and if in the case of a contract for personal services;

1965 (A) the services will be provided outside the normal working hours of the municipal
1966 employee;

1967 (B) the services are not required as part of the municipal employee's regular duties, the
1968 employee is compensated for not more than 500 hours during a calendar year;

1969 (C) the head of the contracting agency makes and files with the clerk of the city or town a
1970 written certification that no employee of that agency is available to perform those services as part
1971 of the employee's regular duties; and

1972 (D) the city council, board of selectmen or board of aldermen approve the exemption of
1973 the municipal employee's interest from this section;

1974 (3) a special municipal employee who does not participate in or have official
1975 responsibility for any of the activities of the contracting agency and who files with the clerk of
1976 the city or town a statement making full disclosure of the special municipal employee's interest
1977 and the interests of the special municipal employee's immediate family in the contract;

1978 (4) a special municipal employee who files with the clerk of the city, town or district a
1979 statement making full disclosure of the special municipal employee's interest and the interests of
1980 the special municipal employee's immediate family in the contract, if the city council or board of
1981 aldermen, if there is no city council, board of selectmen or the district prudential committee,
1982 approve the exemption of the special municipal employee's interest from this section;

1983 (5) a municipal employee who receives benefits from programs funded by the United
1984 States or any other source in connection with the rental, improvement, or rehabilitation of the
1985 municipal employee's residence to the extent permitted by the funding agency;

1986 (6) a municipal employee if the contract is for personal services in a part-time, call or
1987 volunteer capacity with the police, fire, rescue or ambulance department of a fire district, town or

1988 any city with a population of less than 35,000 inhabitants; provided, however, that the head of
1989 the contracting agency makes and files with the clerk of the city, district or town a written
1990 certification that no employee of said agency is available to perform such services as part of the
1991 employee's regular duties, and the city council, board of selectmen, board of aldermen or district
1992 prudential committee approve the exemption of the municipal employee's interest from this
1993 section;

1994 (7) a municipal employee who has applied in the usual course and is otherwise eligible
1995 for a housing subsidy program administered by a local housing authority, unless the employee is
1996 employed by the local housing authority in a capacity in which the municipal employee has
1997 responsibility for the administration of such subsidy programs; or

1998 (8) a municipal employee who is the owner of residential rental property and rents such
1999 property to a tenant receiving a rental subsidy administered by a local housing authority, unless
2000 such employee is employed by such local housing authority in a capacity in which the municipal
2001 employee has responsibility for the administration of such subsidy programs.

2002 (d) This section shall not prohibit an employee or an official of a town from holding the
2003 position of selectman in such town nor in any way prohibit such employee from performing the
2004 duties of or receiving the compensation provided for such office; provided, however, that such
2005 selectman shall not, except as hereinafter provided,

2006 (1) receive compensation for more than 1 office or position held in a town, but shall have
2007 the right to choose which compensation the employee shall receive;

2008 (2) vote or act on any matter which is within the purview of the agency by which the
2009 employee is employed or over which the employee has official responsibility; or

2010 (3) be eligible for appointment to any such additional position while the selectman is still
2011 a member of the board of selectmen or for 6 months thereafter.

2012 (4) Any violation of this subsection (d) which has substantially influenced the action
2013 taken by any municipal agency in any matter shall be grounds for avoiding, rescinding or
2014 canceling the action on such terms as the interest of the municipality and innocent third parties
2015 may require.

2016 (e) This section shall not prohibit any elected official in a town, whether compensated or
2017 uncompensated for such elected position, from holding 1 or more additional elected positions, in
2018 such town, whether such additional elected positions are compensated or uncompensated.

2019 (f) This section shall not prohibit an employee of a municipality with a city or town
2020 council form of government from holding the elected office of councillor in such municipality,
2021 nor in any way prohibit such an employee from performing the duties of or receiving the
2022 compensation provided for such office; provided, however, that no such councillor;

2023 (1) shall receive compensation for more than 1 office or position held in a municipality,
2024 but shall have the right to choose which compensation such councillor shall receive;

2025 (2) may vote or act on any matter which is within the purview of the agency by which the
2026 councillor is employed or over which the councillor has official responsibility; or

2027 (3) shall be eligible for appointment to such additional position while a member of said
2028 council or for 6 months thereafter.

2029 (4) Any violation of subsection (f) which has substantially influenced the action taken by
2030 a municipal agency in any matter shall be grounds for avoiding, rescinding or cancelling such
2031 action on such terms as the interest of the municipality and innocent third parties require. .

2032 (g) This section shall not prohibit an employee of a housing authority in a municipality
2033 from holding any elective office, other than the office of mayor, in such municipality nor in any
2034 way prohibit such employee from performing the duties of or receiving the compensation
2035 provided for such office; provided, however, that such elected officer shall not, except as
2036 otherwise expressly provided;

2037 (1) receive compensation for more than 1 office or position held in a municipality, but
2038 shall have the right to choose which compensation such elected officer shall receive;

2039 (2) vote or act on any matter which is within the purview of the housing authority by
2040 which the elected official is employed;

2041 (3) be eligible for appointment to any such additional position while the elected official is
2042 still serving in such elective office or for 6 months thereafter.

2043 (4) Any violation of subsection (g) which has substantially influenced the action taken by
2044 the housing authority in any matter shall be grounds for avoiding, rescinding or cancelling the
2045 action on such terms as the interest of the municipality and innocent third parties may require.

2046 (h) This section shall not prohibit an employee in a town having a population of less than
2047 3,500 persons from holding more than 1 appointed position with said town; provided, however
2048 that the board of selectmen of said town approves the exemption of the employee's interest from
2049 this section.

2050 Section 21. (a) In addition to any other remedies provided by law, a finding by the
2051 commission pursuant to an adjudicatory proceeding that there has been any violation of section
2052 2, 3, 8, or sections 17 to 20, inclusive, which has substantially influenced the action taken by any
2053 municipal agency in any particular matter, shall be grounds for avoiding, rescinding, or canceling
2054 the action of said municipal agency upon request by said municipal agency on such terms as the
2055 interests of the municipality and innocent third persons require.

2056 (b) In addition to the remedies set forth in subsection (a) , the commission may, upon a
2057 finding pursuant to an adjudicatory proceeding that a person has acted to his economic advantage
2058 in violation of section 2, 3, 8, sections 17 to 20, inclusive, or section 23, may issue an order;

2059 (1) requiring the violator to pay the commission on behalf of the municipality damages in
2060 the amount of the economic advantage or \$500, whichever is greater; and

2061 (2) requiring the violator to make restitution to an injured third party.

2062 If there has been no final criminal judgment of conviction or acquittal of the same
2063 violation, upon receipt of the written approval of the district attorney, the commission may order
2064 payment of additional damages in an amount not exceeding twice the amount of the economic
2065 advantage or \$500, and payment of such additional damages shall bar any criminal prosecution
2066 for the same violation.

2067 The maximum damages that the commission may order a violator to pay under this
2068 section shall be \$25,000. If the commission determines that the damages authorized by this
2069 section exceed \$25,000, it may bring a civil action against the violator to recover such damages.

2070 (c) The remedies authorized by this section shall be in addition to any civil penalty
2071 imposed by the commission in accordance with clause (3) of subsection (i) of section 4 of
2072 chapter 268B.

2073 Section 21A. Except as hereinafter provided, no member of a municipal commission or
2074 board shall be eligible for appointment or election by the members of such commission or board
2075 to any office or position under the supervision of such commission or board. No former member
2076 of such commission or board shall be so eligible until the expiration of 30 days from the
2077 termination of the member's service as a member of such commission or board.

2078 This section shall not apply to a member of a town commission or board, if such
2079 appointment or election has first been approved at an annual town meeting of the town.

2080 Section 21B. No mayor, city manager or town manager shall require a prospective
2081 appointee to a board, commission or position under such mayor or manager's jurisdiction to
2082 submit as a condition precedent to the appointment an undated resignation from said board,
2083 commission or position. Whoever violates this section shall be punished by a fine of not more
2084 than \$500.

2085 Section 22. Any municipal employee shall be entitled to the opinion of the corporation
2086 counsel, city solicitor or town counsel upon any question arising under this chapter relating to the
2087 duties, responsibilities and interests of such employee. All requests for such opinions by a
2088 subordinate municipal employee shall be made in confidence directly to the chief officer of the
2089 municipal agency in which the employee is employed, who shall in turn request in confidence
2090 such opinion of the corporation counsel, city solicitor or town counsel on behalf of such
2091 subordinate municipal employee, and all constitutional officers and chief officers or heads of

2092 municipal agencies may make direct confidential requests for such opinions on their own
2093 account. The town counsel or city solicitor shall file such opinion in writing with the city or town
2094 clerk and such opinion shall be a matter of public record; provided, however, no opinion shall be
2095 rendered by the town counsel or city solicitor except upon the submission of detailed existing
2096 facts which raise a question of actual or prospective violation of any provision of this chapter.

2097 Section 23. (a) In addition and in supplement to this chapter, standards of conduct, as
2098 hereinafter set forth, are hereby established for all state, county, and municipal employees.

2099 (b) No current officer or employee of a state, county or municipal agency shall
2100 knowingly, or with reason to know:

2101 (1) accept other employment involving compensation of substantial value, the
2102 responsibilities of which are inherently incompatible with the responsibilities of the current
2103 officer or employee's public office or position;

2104 (2) solicit or receive anything of substantial value for such officer or employee, for or
2105 because of, the officer or employee's official position which is not properly available to
2106 individuals in other positions or affirmatively use or attempt to use such official position to
2107 secure for such officer, employee or others unwarranted privileges or exemptions which are of
2108 substantial value and which are not properly available to similarly situated individuals;

2109 (3) act in a manner which would cause a reasonable person, having knowledge of the
2110 relevant circumstances, to conclude that any person can improperly influence or unduly enjoy the
2111 officer or employee's favor in the performance of the officer or employee's official duties or that
2112 the officer or employee is likely to act or fail to act as a result of kinship, rank, position or undue
2113 influence of any party or person. It shall be unreasonable to so conclude if such officer or

2114 employee has disclosed in writing to the officer or employee's appointing authority or, if no
2115 appointing authority exists, has disclosed in a manner which is public in nature, the facts which
2116 would otherwise lead to such a conclusion; or

2117 (4) present a false or fraudulent claim to his employer for any payment or benefit of
2118 substantial value.

2119 (c) No current or former officer or employee of a state, county or municipal agency shall
2120 knowingly, or with reason to know:

2121 (1) accept employment or engage in any business or professional activity which will
2122 require the officer or employee to disclose confidential information which the officer or
2123 employee has gained by reason of such officer or employee's official position or authority; or

2124 (2) improperly disclose materials or data within the exemptions to the definition of public
2125 records as defined by section 7 of chapter 4, and were acquired by the officer or employee in the
2126 course of the officer or employee's official duties nor use such information to further the officer
2127 or employee's personal interest.

2128 (d) Any activity specifically exempted from any of the prohibitions of this chapter shall
2129 be exempt from the provisions of this section. The bureau of ethics, established by chapter 12C,
2130 shall not enforce this section with respect to any such exempted activity.

2131 (e) Where a current employee is found to have violated the provisions of this section,
2132 appropriate administrative action as is warranted may also be taken by the appropriate
2133 constitutional officer, by the head of a state, county or municipal agency. Nothing in this section

2134 shall preclude any such constitutional officer or head of such agency from establishing and
2135 enforcing additional standards of conduct.

2136 Section 23A. (a) No trustee, other than an elected student trustee, of any public institution
2137 of higher education operated by the commonwealth shall be eligible to be appointed to or hold
2138 any other office or position with that institution for a period of 3 years after the termination of
2139 the trustee's services as such trustee.

2140 (b) No elected student trustee of any public institution of higher education operated by
2141 the commonwealth, shall be eligible to be appointed to or hold any other office or position with
2142 that institution for a period of 1 year after the termination of the student trustee's services as such
2143 trustee; provided, however, that any such elected student trustee may accept and hold part-time
2144 employment at that institution while a student thereat.

2145 (c) Notwithstanding subsection (a) and (b), a trustee may be appointed to or hold an
2146 unpaid office or position with the trustee's former institution after the trustee's services as such
2147 trustee.

2148 Section 24. All disclosures and certifications provided for and made in accordance with
2149 this chapter shall be made in writing and, unless otherwise specifically provided in this chapter,
2150 shall be kept open to inspection by the public by the official with whom such disclosure has been
2151 filed.

2152 Section 25. (a) An officer or employee of a county, city, town or district, however
2153 formed, including, but not limited to, regional school districts and regional planning districts, or
2154 of any department, board, commission or agency thereof may, during any period such officer or
2155 employee is under indictment for misconduct in such office or employment or for misconduct in

2156 any elective or appointive public office, trust or employment at any time held by the officer or
2157 employee, be suspended by the appointing authority, whether or not such appointment was
2158 subject to approval in any manner.

2159 (b) Notice of said suspension shall be given in writing and delivered in hand to person or
2160 the person's attorney, or sent by registered mail to the officer or employee at the person's:

2161 (1) residence,

2162 (2) place of business; or

2163 (3) the office or place of employment from which the officer or employee is being
2164 suspended. Such notice so given, delivered or sent shall automatically suspend the authority of
2165 such person to perform the duties of the person's office or employment until such person is
2166 notified in like manner that the person's suspension is removed.

2167 (c) A copy of any such notice together with an affidavit of service shall be filed as
2168 follows:

2169 (1) in the case of a county, with the clerk of the superior court of the county in which the
2170 officer or employee is employed;

2171 (2) in the case of a city, with the city clerk;

2172 (3) in the case of a town, with the town clerk;

2173 (4) in the case of a regional school district, with the secretary of the regional school
2174 district; and

2175 (5) in the case of all other districts, with the clerk of the district.

2176 (d) Any person suspended under this section shall not receive any compensation or salary
2177 during the period of suspension, nor shall the period of such person's suspension be counted in
2178 computing such person's sick leave or vacation benefits or seniority rights, nor shall any person
2179 who retires from service while under such suspension be entitled to any pension or retirement
2180 benefits, notwithstanding any contrary provisions of law, but all contributions paid by such
2181 person into a retirement fund, if any, shall be returned to the person, subject to section 15 of
2182 chapter 32.

2183 (e) The employer of a person so suspended shall immediately notify the retirement
2184 system of which the person is a member of the suspension and shall notify the retirement board
2185 of the outcome of any charges brought against the individual.

2186 (f) A suspension under this section shall not be used to prejudice the rights of the
2187 suspended person either civilly or criminally.

2188 (g) During the period of any such suspension, the appointing authority may fill the
2189 position of the suspended officer or employee on a temporary basis and the temporary officer or
2190 employee shall have all the powers and duties of the officer or employee suspended.

2191 (h) Any such temporary officer or employee who is appointed as a member of a board,
2192 commission or agency may be designated as chairman.

2193 (i) If the criminal proceedings against the person suspended are terminated without a
2194 finding or verdict of guilty on any of the charges on which such person was indicted, such
2195 person's suspension shall be forthwith removed and such person shall receive all compensation
2196 or salary due to the person for the period of such person's suspension and the time of such

2197 person's suspension shall count in determining sick leave, vacation, seniority and other rights,
2198 and shall be counted as creditable service for purposes of retirement.

2199 Section 26. (a) The commission shall prepare, and update as necessary, summaries of
2200 this chapter for state, county, and municipal employees, respectively, which the commission
2201 shall publish on its official website.

2202 (b) Every state, county, and municipal employee shall, within 30 days of becoming such
2203 an employee, and on an annual basis thereafter, be furnished with a summary of this chapter
2204 prepared by the commission and shall sign a written acknowledgment that the employee has been
2205 provided with such a summary.

2206 (c) Municipal employees shall be furnished with the summary by, and file an
2207 acknowledgment with, the city or town clerk.

2208 (d) Appointed state and county employees shall be furnished with the summary by, and
2209 file an acknowledgment with, the employee's appointing authority or the appointing authority's
2210 designee.

2211 (e) Elected state and county employees shall be furnished with the summary by, and file
2212 an acknowledgment with, the commission.

2213 (f) The commission shall establish procedures for implementing this section and ensuring
2214 compliance.

2215 Section 27. (a) The state ethics commission shall prepare and update from time to time
2216 the following online training programs, which the commission shall publish on its official
2217 website:

2218 (1) a program which shall provide a general introduction to the requirements of this
2219 chapter; and

2220 (2) a program which shall provide information on the requirements of this chapter
2221 applicable to former state, county, and municipal employees.

2222 (b) Every state, county, and municipal employee shall, within 30 days after becoming
2223 such an employee, and every 2 years thereafter, complete the online training program established
2224 under clause (1) of subsection (a). Upon completion of the online training program, the employee
2225 shall provide notice of such completion to be retained for 6 years by the appropriate employer.

2226 (c) For the purposes of subsection (b), the appropriate employer shall be:

2227 (1) the city or town clerk for municipal employees;

2228 (2) the appointing authority or such authority's designee for appointed state and county
2229 employees; or

2230 (3) the state ethics commission for elected state and county employees.

2231 (d) The commission shall establish procedures for implementing this section and ensuring
2232 compliance.

2233 Section 28. Each municipality, acting through its city council, board of selectmen, or
2234 board of aldermen, shall designate a senior level employee of the municipality as its liaison to
2235 the state ethics commission. The municipality shall notify the commission in writing of any
2236 change to such designation within 30 days of a change. The commission shall disseminate
2237 information to the designated liaisons and conduct educational seminars for designated liaisons

2238 on a regular basis on a schedule to be determined by the commission in consultation with the
2239 municipalities.

2240 SECTION 51. The General Laws are hereby further amended by striking out chapter
2241 268B and inserting in place thereof the following chapter:-

2242 Chapter 268B

2243 FINANCIAL DISCLOSURE BY CERTAIN PUBLIC OFFICIALS AND EMPLOYEES

2244 Section 1. As used in this chapter, the following words shall have the following
2245 meanings, unless the context clearly requires otherwise:—

2246 “Amount”, a category of value, rather than an exact dollar figure, as follows: greater than
2247 \$1,000 but not more than \$5,000; greater than \$5,000 but not more than \$10,000; greater than
2248 \$10,000 but not more than \$20,000; greater than \$20,000 but not more than \$40,000; greater than
2249 \$40,000 but not more than \$60,000; greater than \$60,000 but not more than \$100,000; greater
2250 than \$100,000. “Business”, any corporation, partnership, sole proprietorship, firm, franchise,
2251 association, organization, holding company, joint stock company, receivership, business or real
2252 estate trust or any other legal entity organized for profit or charitable purposes.

2253 “Business with which he is associated” any business in which the reporting person or a
2254 member of his immediate family is a general partner, proprietor, officer or other employee,
2255 including one who is self-employed or serves as a director, trustee or in any similar managerial
2256 capacity and any business more than 1 per cent of any class of the outstanding equity of which is
2257 beneficially owned in the aggregate by the reporting person and members of his immediate
2258 family.

2259 “Candidate for public office” any individual who seeks nomination or election to public
2260 office. For the purposes of this chapter, an individual shall be deemed to be seeking nomination
2261 or election to public office if he has: (1) received a political contribution or made an expenditure,
2262 or has given his consent for any other person or committee to receive a political contribution or
2263 make an expenditure, for the purpose of influencing his nomination or election to such office,
2264 whether or not the specific public office for which he will seek nomination or election is known
2265 at the time the political contribution is received or the expenditure is made; or (2) taken the
2266 action necessary under the laws of the commonwealth to qualify himself for nomination or
2267 election to such office.

2268 “Commission” the state ethics commission established by section 2;

2269 “Equity”, any stock or similar ownership interest in a business.

2270 “Executive lobbyist”, an executive lobbyist as defined in section 39 of chapter 3.

2271 “Governmental body” a state or county agency, authority, board, bureau, commission,
2272 council, department, division or other entity, including the general court and the courts of the
2273 commonwealth.

2274 “Immediate family” a spouse and any dependent children residing in the reporting
2275 person’s household.

2276 “Income” income from whatever source derived, whether in the form of a fee, salary,
2277 allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain or any other
2278 form of recompense or any combination thereof; provided, however, that interest from savings
2279 accounts or from government obligations other than those of the commonwealth or any political

2280 subdivision thereof or any public agency or authority created by the general court, alimony and
2281 support payments, proceeds from a life insurance policy, retirement or disability benefits and
2282 social security payments shall not be considered income for the purposes of this chapter.

2283 “Legislative lobbyist”, legislative lobbyist as defined in section 39 of chapter 3.

2284 “Major policy making position” the executive or administrative head of a governmental
2285 body, all members of the judiciary, any person whose salary equals or exceeds that of a state
2286 employee classified in step 1 of job group XXV of the general salary schedule contained in
2287 section 46 of chapter 30 and who reports directly to said executive or administrative head, the
2288 head of each division, bureau or other major administrative unit within such governmental body
2289 and persons exercising similar authority.

2290 “Person” a business, individual, corporation, union, association, firm, partnership,
2291 committee or other organization or group of persons.

2292 “Political contribution” a contribution of money or anything of value to an individual,
2293 candidate, political committee or person acting on behalf of an individual, candidate or political
2294 committee, for the purpose of influencing the nomination or election of the individual or
2295 candidate or for the purpose of promoting or opposing a charter change, referendum question,
2296 constitutional amendment or other question submitted to the voters and shall include any: (1)
2297 gift, subscription, loan, advance, deposit of money, or thing of value, except a loan of money to a
2298 candidate by a national or state bank made in accordance with the applicable banking laws and
2299 regulations and in the ordinary course of business; (2) transfer of money or anything of value
2300 between political committees; (3) payment, by any person other than a candidate or political
2301 committee, or compensation for the personal services of another person which are rendered to

2302 such candidate or committee; (4) purchase from an individual, candidate or political committee,
2303 or person acting on behalf of an individual, candidate or political committee, whether through the
2304 device of tickets, advertisements, or otherwise, for fund-raising activities, including testimonials,
2305 held on behalf of said individual, candidate or political committee, to the extent that the purchase
2306 price exceeds the actual cost of the goods sold or services rendered; (5) discount or rebate not
2307 available to other candidates for the same office and to the general public; and (6) forgiveness of
2308 indebtedness or payment of indebtedness by another person; provided, however, that it shall not
2309 include the rendering of services by speakers, editors, writers, poll watchers, poll checkers or
2310 others, nor the payment by those rendering such services of such personal expenses as may be
2311 incidental thereto, nor the exercise of ordinary hospitality.

2312 “Public employee” a person who holds a major policymaking position in a governmental
2313 body; provided, however, that a person who receives no compensation other than
2314 reimbursements for expenses, or any person serving on a governmental body that has no
2315 authority to expend public funds other than to approve reimbursements for expenses shall not be
2316 considered a public employee for the purposes of this chapter; provided, further, that the
2317 members of the board of bar examiners shall not be considered public employees for the
2318 purposes of this chapter.

2319 “Public office” a position for which one is nominated at a state primary or chosen at a
2320 state election, excluding the positions of senator and representative in congress and the office of
2321 regional district school committee member elected district-wide.

2322 “Public official” anyone who holds a public office.

2323 “Reporting person” a person required to file a statement of financial interest pursuant to
2324 section 5.

2325 Section 2. (a) There is established a state ethics commission composed of 5 members. At
2326 no time shall more than 3 members be from the same political party.

2327 (b) Three members of the commission shall be appointed by the governor, 1 of whom
2328 shall be designated as chairman, 1 member shall be appointed by the state secretary and 1
2329 member shall be appointed by the attorney general. At no time shall more than 2 of the members
2330 to be appointed by the governor be from the same political party.

2331 (c) Members of the commission shall serve for terms of 5 years.

2332 (d) No person shall be appointed to more than 1 full 5 year term.

2333 (e) Not less than 30 days prior to making an appointment to the commission, the
2334 appointing official shall give public notice that a vacancy on the commission exists.

2335 (f) No member or employee of the commission shall:

2336 (1) hold or be a candidate for any other public office while a member or employee or for
2337 1 year thereafter;

2338 (2) hold office in any political party or political committee;

2339 (3) participate in, or contribute to, the political campaign of any candidate for public
2340 office.

2341 (g) Members of the commission may be removed by a majority vote of the governor,
2342 state secretary and attorney general for substantial neglect of duty, inability to discharge the

2343 powers and duties of office, violation of subsection (f), gross misconduct, or conviction of a
2344 felony.

2345 (h) Any vacancy occurring on the commission shall be filled within 90 days by the
2346 original appointing authority. A person appointed to fill a vacancy occurring other than by
2347 expiration of a term of office shall be appointed for the unexpired term of the member such
2348 person succeeds and shall be eligible for appointment to 1 full 5 year term.

2349 (i) The commission shall elect a vice chairman. The vice chairman shall act as chairman
2350 in the absence of the chairman or in the event of a vacancy in that position.

2351 (j) Three members of the commission shall constitute a quorum and 3 affirmative votes
2352 shall be required for any action or recommendation of the commission. The chairman or any 3
2353 members of the commission may call a meeting. Advance notice of all meetings shall be given
2354 to each member of the commission and to any other person who requests such notice.

2355 (k) Members of the commission shall be compensated for work performed for the
2356 commission at such rate as the secretary of administration and finance shall determine and shall
2357 be reimbursed for their expenses.

2358 (l) The commission shall annually report to the general court and the governor
2359 concerning the action it has taken including the names, salaries and duties of all individuals in its
2360 employ and the money it has disbursed and shall make such further reports on matters within its
2361 jurisdiction as may appear necessary.

2362 (m) The commission shall employ an executive director, a general counsel, and, subject
2363 to appropriation, such other staff, including, but not limited to, clerks, accountants and

2364 investigators, as are necessary to carry out its duties pursuant to this chapter and chapter 268A.
2365 The staff shall serve at the pleasure of the commission and shall not be subject to the provisions
2366 of chapter 31 or section 9A of chapter 30. The executive director shall be responsible for the
2367 administrative operation of the commission and shall perform such other tasks as the commission
2368 shall determine. The general counsel shall be the chief legal officer of the commission. The
2369 commission may employ, subject to appropriation, the services of experts and consultants
2370 necessary to carry out its duties. The colonel of state police, the state auditor, the comptroller, the
2371 attorney general and the director of the office of campaign and political finance may make
2372 available to the commission personnel and other assistance as the commission may request.

2373 Section 3. The commission shall:

2374 (a) prescribe and publish, pursuant to chapter 30A, rules and regulations to: (1) carry out
2375 this chapter, including rules governing the conduct of proceedings hereunder; and (2) carry out
2376 chapter 268A; provided, however, that the rules and regulations shall be limited to providing
2377 exemptions from sections 3 to 7, inclusive, sections 11 to 14, inclusive, sections 17 to 20,
2378 inclusive, and section 23 of said chapter 268A;

2379 (b) prepare and publish, after giving the public an opportunity to comment, forms for the
2380 statements and reports required to be filed by this chapter and make such forms available to any
2381 and all persons required to file statements and reports pursuant to this chapter;

2382 (c) prepare and publish, pursuant to chapter 30A, methods of accounting and reporting to
2383 be used by persons required to file statements and reports by this chapter;

2384 (d) make statements and reports filed with the commission available for public inspection
2385 and copying during regular office hours upon the written request of any individual who provides

2386 identification acceptable to the commission, including the individual's affiliation, if any, at a
2387 charge not to exceed the actual administrative and material costs required in reproducing said
2388 statements and reports; provided, however, that the commission shall be authorized, in its
2389 discretion, to exempt from public disclosure those portions of a statement of financial interest
2390 filed pursuant to section 5 which contain the home address of the filer; and, provided further, that
2391 the commission shall forward a copy of said request to the person whose statement has been
2392 examined;

2393 (e) compile and maintain an index of all reports and statements filed with the commission
2394 to facilitate public access to such reports and statements;

2395 (f) inspect all statements of financial interests filed with the commission in order to
2396 ascertain whether any reporting person has failed to file such a statement or has filed a deficient
2397 statement. If, upon inspection, it is ascertained that a reporting person has failed to file a
2398 statement of financial interests, or if it is ascertained that any such statement filed with the
2399 commission fails to conform with the requirements of section 5, then the commission shall, in
2400 writing, notify the delinquent; such notice shall state in detail the deficiency and the penalties for
2401 failure to file a statement of financial interests;

2402 (g) upon written request from a person who is or may be subject to this chapter or chapter
2403 268A, render advisory opinions on the requirements of said chapters. An opinion rendered by the
2404 commission, until and unless amended or revoked, shall be a defense in a criminal action brought
2405 under chapter 268A and shall be binding on the commission, and the division of administrative
2406 law appeals, in any subsequent proceedings concerning the person who requested the opinion
2407 and who acted in good faith, unless material facts were omitted or misstated by the person in the

2408 request for an opinion. Such requests shall be confidential; provided, however, that the
2409 commission may publish such opinions, but the name of the requesting person and any other
2410 identifying information shall not be included in such publication unless the requesting person
2411 consents to such inclusion;

2412 (h) preserve all statements and reports filed with the commission for a period of 6 years
2413 from the date of receipt;

2414 (i) act as the primary civil enforcement agency for violations of all sections of chapter
2415 268A and of this chapter.

2416 (j) annually by February 1 the executive director of the commission shall request a list of
2417 all major policymaking positions for the governmental bodies below from the persons listed
2418 below:

2419 (1) the house of representatives, the speaker of the house;

2420 (2) the senate, the president of the senate;

2421 (3) the state secretary's office, the state secretary;

2422 (4) the attorney general's office, the attorney general;

2423 (5) the state auditor's office, the state auditor;

2424 (6) the treasurer and receiver general's office, the state treasurer;

2425 (7) for each court of the commonwealth, the chief judge of such court;

2426 (8) for each executive office in the commonwealth and all governmental bodies within
2427 such executive office, the secretary for such executive office;

2428 (9) the governor's office, the governor;

2429 (10) the lieutenant governor's office, the lieutenant governor;

2430 (11) for each county, the chairman of the county commissioners;

2431 (12) for each authority or other governmental body not covered by clauses 1 through 11,
2432 inclusive, the executive or administrative head of such authority or governmental body; and such
2433 persons shall furnish such lists within 60 days. The executive director may add any position that
2434 he determines to be a major policymaking position in such governmental body to such list. Any
2435 person aggrieved by such action of the executive director may appeal such action to the
2436 commission.

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

2447 such inquiry and the general nature of the alleged violation within 30 days of the commencement
2448 of the inquiry.

2449 (b) If a preliminary inquiry fails to indicate reasonable cause for belief that there has
2450 been a violation of this chapter or chapter 268A, the commission shall immediately terminate the
2451 inquiry and shall within 10 days so notify, in writing, the complainant, if any, and the person
2452 who had been the subject of the inquiry. All commission records and proceedings from any such
2453 preliminary inquiry, or from any initial staff review to determine whether to initiate an inquiry,
2454 shall be confidential, subject to the provisions of subsection (c).

2455 (c) If a preliminary inquiry indicates reasonable cause for belief that there has been a
2456 violation of this chapter or chapter 268A, the commission may upon a majority vote, initiate an
2457 adjudicatory proceeding to determine whether there has been such a violation. Promptly after
2458 the commission's determination to seek an adjudicatory proceeding and before an order to show
2459 cause is filed, the general counsel shall provide to the subject of the investigation copies of all
2460 materials the commission considered in its decision to initiate a preliminary inquiry or authorize
2461 an adjudicatory proceeding provided, however, the commission may redact from such materials
2462 the name and address of the sworn complainant, and any other identifying information if any, or
2463 other person whose complaint led to the initiation of the preliminary inquiry.

2464 (d) The commission may require by summons the attendance and testimony of witnesses
2465 and the production of books, papers and other records relating to any matter being investigated
2466 by it pursuant to this chapter or said chapter 268A. Such summons may be issued by the
2467 commission only upon a majority vote of the commission and shall be served in the same manner
2468 as summonses for witnesses in civil cases, and all provisions of law relative to summonses issued

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

2475 (e) The commission may request any person to attend a conference at any time prior to
2476 the commencement of an adjudicatory proceeding. The notice shall be timely and shall include
2477 either a reference to the complaint or a statement of the issues to be discussed. If, after the
2478 conference, the commission is satisfied that there is not reasonable cause for belief that there has
2479 been a violation of chapters 268A or 268B, the inquiry shall be terminated subject to subsection
2480 (b).

2481 (f) If the commission initiates an adjudicatory proceeding, such proceeding shall be
2482 conducted by impartial hearing officers from the division of administrative law appeals of the
2483 executive office for administration and finance, in accordance with section 4H of chapter 7. The
2484 commission shall make a request pursuant to section 4H of chapter 7 asking the division of
2485 administrative law appeals to conduct these adjudicatory procedures and shall enter into a
2486 memorandum of understanding or other agreement as necessary. All proceedings of said division
2487 pursuant to this section shall be conducted in accordance with chapter 30A except where this
2488 section expressly provides a different rule, power or procedure.

2489 (g) The decision of the division of administrative law appeals on each matter referred
2490 from the commission shall be accompanied by a statement of reasons for the decision, including

2491 determination of each issue of fact or law necessary to the decision. The decision of the division
2492 of administrative law appeals, with respect to each matter so referred shall be treated as a
2493 preliminary recommendation.

2494 (h) Within 30 days of receipt of the finding of fact and preliminary recommendation from
2495 the division of administrative law appeals after an adjudicatory proceeding, the commission shall
2496 issue an order identifying the violations found, if any, and the remedy or sanction to be imposed.
2497 If the commission does not accept the whole of the preliminary recommendation, it shall state, in
2498 the order, its reason for rejecting those portions of the preliminary recommendation it does not
2499 affirm and adopt. However, the commission may not reject a hearing officer's determination of
2500 credibility of witnesses personally appearing.

2501 (i) The commission, upon a finding pursuant to an adjudicatory proceeding that there has
2502 been a violation of chapter 268A or a violation of this chapter or in the case where a subject of a
2503 commission investigation agrees that such a violation has occurred , may issue an order
2504 requiring the violator to:

2505 (1) cease and desist such violation of said chapter 268A or this chapter;

2506 (2) file any report, statement or other information as required by said chapter 268A or this
2507 chapter; or

2508 (3) pay a civil penalty of not more than \$10,000 for each violation of this chapter or
2509 chapter 268A, with the exception of a violation of section 2 of chapter 268A, which shall be
2510 subject to a civil penalty of not more than \$25,000.

2511 The commission may file a civil action in superior court to enforce such order.

2512 (j) The order of the commission described in subsection (h) above shall be a final action
2513 subject to review by the superior court upon petition of any party in interest filed within 30 days
2514 after the order of which review is sought. The court shall enter a judgment enforcing, modifying
2515 or setting aside the order of the commission or it may remand the proceedings to the commission
2516 for such further action as the court may direct. If the court modifies or sets aside the commission
2517 order or remands the proceedings to the commission, the court shall determine whether such
2518 modification, set aside or remand is substantial. If the court does find such modification, set
2519 aside or remand to be substantial, the employee shall be entitled to be reimbursed from the
2520 treasury of the commonwealth for reasonable attorneys' fees and all court costs incurred by the
2521 employee in the defense of the charges contained in said proceedings. The amount of such
2522 reimbursement shall be awarded by the court, but shall not exceed \$20,000 per person, per case.
2523 Reimbursement of such costs shall be applicable to state, county or municipal employees whose
2524 conduct is so regulated by the provisions of chapter 268A.

2525 (k) Any person who violates the confidentiality of an inquiry under this section shall be
2526 punished by a fine of not more than \$1,000 or by imprisonment for not more than 1 year, or both.

2527 (l) All proceedings resulting from inquiries under this section shall commence within 3
2528 years from the date the commission learns of the alleged violation, but not more than 4 years
2529 from the date of the last conduct giving rise to the alleged violation.

2530 Section 5. (a) Every candidate for public office shall file a statement of financial interests
2531 for the preceding calendar year with the commission by the date on which a certificate of
2532 nomination or nomination papers for such candidate are submitted to the state secretary. Every
2533 candidate for public office who has not filed nomination papers with the state secretary, but on

2534 whose behalf a statement of organization of a political committee has been filed with the director
2535 of campaign and political finance under section 5 of chapter 55, and who is seeking public office
2536 by the so-called “write in” or “sticker” method, shall within 3 days after such filing file a
2537 statement of financial interest with the commission.

2538 (b) Every public official shall file a statement of financial interests for the preceding
2539 calendar year with the commission by the last Tuesday in May of the year in which such public
2540 official first enters such public office and of each year that such public official holds such office,
2541 and by May 1 of the year after such public official leaves such office; provided, however, that no
2542 public official shall be required to file a statement of financial interests for the year in which he
2543 ceased to be a public official if he served for less than 30 days in such year.

2544 (c) Every public employee shall file a statement of financial interests for the preceding
2545 calendar year with the commission within 30 days after becoming a public employee, annually
2546 by May 1 thereafter that such person is a public employee and by May 1 of the year after such
2547 person ceases to be a public employee; provided, however, that no public employee shall be
2548 required to file a statement of financial interests for the year in which the employee ceased to be
2549 a public employee if the employee served less than 30 days in such year.

2550 (d) The commission shall, upon receipt of a statement of financial interests pursuant to
2551 this section, issue to the person filing such statement a receipt verifying the fact that a statement
2552 of financial interests has been filed and a receipted copy of such statement.

2553 (e) No public employee shall be allowed to continue in the employee’s duties or to
2554 receive compensation from public funds unless the employee has filed a statement of financial
2555 interests with the commission as required by this chapter.

2556 (f) The statement of financial interests filed pursuant to this section shall be on a form
2557 prescribed by the commission and shall be signed under penalty of perjury by the reporting
2558 person.

2559 (g) Reporting persons shall disclose, to the best of their knowledge, the following
2560 information for the preceding calendar year, or as of the last day of said year with respect to the
2561 information required by clauses (2), (3) and (6); such persons shall also disclose the same
2562 information with respect to the person's immediate family; provided, however, that no amount
2563 need be given for such information with regard to the reporting person's immediate family:

2564 (1) the name and address of, the nature of association with, the share of equity in, if
2565 applicable, and the amount of income if greater than \$1,000 derived from each business with
2566 which the person is associated;

2567 (2) the identity of all securities and other investments with a fair market value of greater
2568 than \$1,000 which were beneficially owned, not otherwise reportable hereunder; and the amount
2569 of income if over \$1,000 from any such security which is issued by the commonwealth or any
2570 political subdivision thereof or any public agency or authority created by the general court;

2571 (3) the name and address of each creditor to whom more than \$1,000 was owed and the
2572 original amount, the amount outstanding, the terms of repayment, and the general nature of the
2573 security pledged for each such obligation except that the original amount and the amount
2574 outstanding need not be reported for a mortgage on the reporting person's primary residence;
2575 provided, however, that obligations arising out of retail installment transactions, educational
2576 loans, medical and dental expenses, debts incurred in the ordinary course of business, and any
2577 obligation to make alimony or support payments, shall not be reported; and provided, further,

2578 that such information need not be reported if the creditor is a relative of the reporting person
2579 within the third degree of consanguinity or affinity;

2580 (4) the name and address of the source, and the cash value of any reimbursement for
2581 expenses aggregating more than \$100 in the calendar year if the source of such reimbursement is
2582 a legislative or executive lobbyist or specialist; or if the recipient is a public official and the
2583 source of such reimbursement is a person having a direct interest in legislation, legislative action,
2584 or a matter before a governmental body; or if the recipient is a public employee and the source of
2585 such reimbursement is person having a direct interest in a matter before the governmental body
2586 by which the recipient is employed;

2587 (5) the name and address of the donor, and the fair market value, if determinable, of any
2588 gifts aggregating more than \$100 in the calendar year, if the recipient is a public official and the
2589 source of such gift or gifts is a person having a direct interest in legislation, legislative action, or
2590 a matter before a governmental body; or if the recipient is a public employee and the source of
2591 such gift or gifts is a person having a direct interest in a matter before the governmental body by
2592 which the recipient is employed;

2593 (6) the description, as appearing on the most recent tax bill, and the amount of assessed
2594 value of all real property located within the commonwealth, in which a direct or indirect
2595 financial interest was held, which has an assessed value greater than \$1,000; and, if the property
2596 was transferred during the year, the name and address of the person furnishing consideration to
2597 the reporting person or receiving it from him in respect to such transfer;

2598 (7) the name and address of the source, and the fair market value, of any honoraria
2599 aggregating more than \$100 if the source of such honoraria is a legislative or executive lobbyist

2600 or specialist; or if the recipient is a public official and the source of such honoraria is a person
2601 having a direct interest in legislation, legislative action, or a matter before a governmental body;
2602 or if the recipient is a public employee and the source of such honoraria is a person having a
2603 direct interest in a matter before the governmental body by which the recipient is employed;

2604 (8) the name and address of any creditor who has forgiven an indebtedness of over
2605 \$1,000, and the amount forgiven; provided, however, that no such information need be reported
2606 if the creditor is a relative within the third degree of consanguinity or affinity of the reporting
2607 person, or the spouse of such a relative;

2608 (9) the name and address of any business from which the reporting person is taking a
2609 leave of absence;

2610 (10) the identity of any equity in a business with which the reporting person is associated
2611 which has been transferred to a member of the reporting person's immediate family; provided,
2612 however, that a member of the reporting person's family need not report any such transfer to the
2613 reporting person.

2614 Nothing in this section shall be construed to require the disclosure of information which
2615 is privileged by law.

2616 Failure of a reporting person to file a statement of financial interests within 10 days after
2617 receiving notice as provided in clause (f) of section 3, or the filing of an incomplete statement of
2618 financial interests after receipt of such a notice, is a violation of this chapter and the commission
2619 may initiate appropriate proceedings pursuant section 4.

2620 Section 6. No executive or legislative lobbyist shall knowingly and willfully offer or
2621 give to any public official or public employee or a member of such public official's or public
2622 employee's immediate family and no public official or public employee or member of such
2623 person's immediate family shall knowingly and willfully solicit or accept from any executive or
2624 legislative lobbyist, gifts with an aggregate value of \$100 or more in a calendar year; provided,
2625 however, that these prohibitions shall not apply to gifts given by an executive or legislative
2626 lobbyist to a public official or public employee or the immediate family of such public official or
2627 public employee who is a member of his immediate family or a relative within the third degree
2628 of consanguinity or of such lobbyist's spouse or the spouse of any such relative.

2629 Section 7. Any person who violates the confidentiality of a commission inquiry
2630 paragraph (a) of section 4 of this chapter shall be punished by a fine of not more than \$1,000 or
2631 by imprisonment for not more than 1 year, or both.

2632 Any person who willfully affirms or swears falsely in regard to any material matter
2633 before a commission proceeding under paragraph (c) of section 4, or who willfully files a
2634 materially false statement of financial interests under section 5 of this chapter shall be punished
2635 by a fine of not more than \$10,000, or by imprisonment in the state prison for not more than 5
2636 years, or in a jail or house of correction for not more than 2 1/2 years, or both.

2637 Section 8. No officer or employee of the commonwealth or of any county, city or town
2638 shall discharge an officer or employee, or change his official rank, grade or compensation, or
2639 deny him a promotion, or threaten so to do, for filing a complaint with or providing information
2640 to the commission or testifying in any commission proceeding.

2641 SECTION 52. The General Laws are hereby further amended by inserting after chapter
2642 277 the following chapter:-

2643 CHAPTER 277A

2644 Statewide Grand Jury

2645 Section 1. Upon written application of the attorney general to the chief justice of the
2646 superior court department, with good cause stated therein, the chief justice may authorize the
2647 convening of a statewide grand jury with jurisdiction extending throughout the commonwealth.

2648 Section 2. The chief justice of the superior court department shall, upon granting an
2649 application, receive recommendations from the attorney general as to the county in which the
2650 statewide grand jury shall sit. Upon receiving the attorney general's recommendations, the chief
2651 justice shall choose 1 of those recommended locations as the site where the grand jury shall sit.
2652 Once a county has been selected, the chief justice of the superior court shall direct the regional
2653 administrative judge from the county selected to appoint, and reappoint as necessary, a superior
2654 court judge to preside over the statewide grand jury.

2655 Section 3. The superior court judge presiding over the grand jury shall consult with the
2656 attorney general and district attorney for the relevant district about the nature and scope of the
2657 investigation and shall thereafter designate and authorize an existing county grand jury to serve
2658 as a statewide grand jury for purposes of the investigation specified in the written application, or,
2659 alternatively, convene and preside over a specially empaneled statewide grand jury.

2660 Section 4. A specially empaneled statewide grand jury shall be drawn and selected in the
2661 same manner as the county grand jury in the county in which the specially empaneled statewide

2662 grand jury sits. A specially empaneled statewide grand jury may, at the discretion of the
2663 presiding superior court judge, draw jurors from counties adjoining the one in which the
2664 statewide grand jury is to sit.

2665 Section 5. A specially empaneled statewide grand jury convened pursuant to this chapter
2666 shall sit for a period not to exceed 18 months. The superior court judge presiding over the grand
2667 jury may extend this period if, in accordance with section 1A of chapter 277 and section 41 of
2668 chapter 234A, public necessity requires further time by the grand jury to complete an
2669 investigation then in progress.

2670 Section 6. The attorney general or an assistant attorney general shall attend each session
2671 of a statewide grand jury and may prosecute any indictment returned by it. The attorney general
2672 or assistant attorney general shall have the same powers and duties in relation to a statewide
2673 grand jury that he has in relation to a county grand jury, except as otherwise provided by law.

2674 Section 7. Indictments shall be returned in the county where the statewide grand jury sits
2675 and shall thereafter be transferred to the county specified by the grand jury on the indictment.
2676 Venue for purposes of trial of offenses indicted by a statewide grand jury shall be in any county
2677 where venue would otherwise be proper.

2678 Section 8. No provision of this chapter shall be construed as limiting the jurisdiction of
2679 county grand juries or district attorneys in the commonwealth. Except as otherwise provided by
2680 law, an investigation by a statewide grand jury shall not preempt an investigation by any other
2681 grand jury or agency having jurisdiction over the same subject matter.

2682 SECTION 53. Notwithstanding any general or special law to the contrary, every
2683 legislative lobbyist or executive lobbyist as defined by section 39 of chapter 3 of the General

2684 Laws shall, within 90 days after the effective date of this act, and every year thereafter, complete
2685 an in-person or online seminar offered by the state secretary in accordance with section 41 of
2686 said chapter 3.

2687 SECTION 54. Notwithstanding any general or special law to the contrary, in accordance
2688 with section 26 of chapter 268A of the General Laws within 90 days after the effective date of
2689 this act every state, county, and municipal employee shall be provided a summary of chapter
2690 268A prepared by the state ethics commission and shall file a written acknowledgment as
2691 required by that section.

2692 SECTION 55. Notwithstanding any general or special law to the contrary, within 120
2693 days after the effective date of this act, each municipality shall provide written notification to the
2694 state ethics commission of the liaison designated under section 28 of chapter 268A of the
2695 General Laws.

2696 SECTION 56. Notwithstanding any general or special law to the contrary, any person
2697 who has previously received confirmation by the executive council, and who is, on the effective
2698 date of this act, still a member of the judiciary shall, within 6 months of the effective date of this
2699 act, dissolve any political committee organized on behalf of such person and disperse any funds
2700 remaining in such committee's account in accordance with section 18 of chapter 55 of the
2701 General Laws. SECTION 57. There shall be a special commission to study the creation of a new
2702 independent office of public accountability which would function as the single state entity for the
2703 administration and enforcement of the provisions of law currently administered and enforced by
2704 the state ethics commission, the office of campaign and political finance and the lobbyist
2705 division of the office of the secretary of state.

2706 The commission shall consider factors, including but not limited to:

2707 (1) the cost of establishing such an office and the potential cost savings from efficiencies;

2708 (2) whether efficiencies would be created, and money saved, by consolidating

2709 rulemaking, and civil investigation functions in the new office;

2710 (3) whether it would be most effective to have the new office structure include an

2711 executive director, an advisory commission, or both;

2712 (4) what personnel would be required in such an office and who would set the salaries for

2713 those individuals;

2714 (5) the optimal method for selecting an executive director of the office and whether there

2715 should be a limit on the number of terms for which an individual can serve as the executive

2716 director;

2717 (6) whether the civil service laws would apply to such an office;

2718 (7) of the new office structure is to include an advisory commission, the optimal

2719 composition of that advisory commission to preserve the impartiality and integrity of the office,

2720 including the question of whether no more than a certain number of commission members shall

2721 be members of a single political party and whether elected officials should participate in the

2722 process including appointing the commission or executive director;

2723 (8) who should be responsible for the removal of an executive director or commission

2724 member and how to fill such a vacancy;

2725 (9) whether any reasons for removal shall be stated in writing and submitted to the house
2726 of representatives, the senate, and the governor;

2727 (10) whether the executive director or members of the commission may simultaneously
2728 be employed elsewhere and who should set the salaries for the various positions within the
2729 office;

2730 (11) whether the executive director or members of the commission may participate in
2731 political activities, including consultation with the executive and legislative branch and
2732 sponsoring and advocating for legislation;

2733 (12) whether rulemaking functions should be handled by an executive director or an
2734 advisory commission, and whether that rulemaking should be limited so as to not designate any
2735 act to be a violation of the chapters under its control;

2736 (13) whether the establishment of 3 separate bureaus; the bureau of ethics, the bureau of
2737 lobbyists affairs, and the bureau of campaign finance, within the office would be the appropriate
2738 way to handle the functions of the new office;

2739 (14) whether there should be a revolving door provision for the executive director,
2740 commission members and employees of the office and its bureaus;

2741 (15) whether there should be restrictions on the executive director, commission members
2742 or employees running for elected office during or following service in such an office;

2743 (16) whether jurisdiction for criminal prosecutions of violations of laws within the
2744 purview of the office should be limited to the attorney general or should include the relevant
2745 district attorney;

2746 (17) who should be responsible for civil enforcement of violations of laws within the
2747 purview of the office;

2748 (18) the optimal method for handling civil and criminal investigations while preserving
2749 the due process rights of an individual accused of committing a violation;

2750 (19) subpoena powers to be vested in the new office and whether a judicial order should
2751 be required for enforcement;

2752 (20) whether the new office should be authorized to share information with any and all
2753 other enforcement agencies or what limitations are required for any particular type of inquiry,
2754 and whether information sharing within the office itself should be limited in any way;

2755 (21) whether the confidentiality provisions under chapters 268A and 268B would be
2756 jeopardized by consolidation of operations of the state ethics commission with other agencies;

2757 (22) whether the office should hold a mandatory pre-adjudicatory hearing conference to
2758 discuss the charges with the subject of an inquiry;

2759 (23) whether it is most efficient to have all civil adjudicatory hearings handled within the
2760 division of administrative law of appeals; and

2761 (24) what the appropriate penalties would be for violations of the confidentiality of any
2762 proceedings under the new office.

2763 The special commission shall consist of: the secretary of the commonwealth, or his
2764 designee; the director of the office of campaign and political finance, or his designee; the
2765 executive director of the state ethics commission, or his designee; 3 members of the senate 1 of
2766 which shall be appointed by the minority leader of the senate; 3 members of the house of

2767 representatives 1 of which shall be appointed by the minority leader of the house of
2768 representatives; and 2 members to be appointed by the attorney general. The special commission
2769 shall report to the general court the results of its investigation and study, together with
2770 recommendations and drafts of legislation necessary to carry out any recommendations, if any,
2771 by filing a report with the clerks of the senate and the house of representatives on or before July
2772 31, 2010.

2773 SECTION 57A. Section 4 of chapter 268A of the General Laws, as appearing in the 2006
2774 Official Edition, is hereby amended by adding the following sentence: -

2775 “No member of the executive council shall make an appearance in a representative
2776 capacity, for compensation, before a court of the commonwealth.”

2777 SECTION 57B. There shall be a special commission to study civic engagement
2778 and active engagement in the legislative process and electoral system. The commission shall
2779 consider, but not be limited to:

2780 the ability to attract candidates for legislative and constitutional offices, including
2781 residency requirements and length of membership in political parties;

2782 the impact of campaign finance law on civic engagement, including campaign finance
2783 limits and public financing of candidates;

2784 the attributes of the current legislative session calendar and a comparative analysis of
2785 other states’ legislative calendar; and

2786 the laws, rules and regulations of voting and elections requirements and a comparative
2787 analysis of other states’ voting and election requirements.

2788 The special commission shall consist of the secretary of the commonwealth, or his
2789 designee; the director of the office of campaign and political finance, or his designee, or his
2790 designee; 2 persons to be appointed by the president of the senate; 1 person to be appointed by
2791 the minority leader of the senate; 2 persons to be appointed by the speaker of the house of
2792 representatives; 1 person to be appointed by the minority leader of the house of representatives;
2793 and 2 persons to be appointed by the attorney general. The special commission shall report to the
2794 general court the results of its investigation a study, together with recommendations and drafts of
2795 legislation necessary to carry out any recommendations, if any, by filing a report with the clerks
2796 of the senate and the house of representatives on or before January 1, 2010.

2797 SECTION 58. Notwithstanding any provisions of this act, the state ethics commission
2798 shall continue to administer adjudicatory hearings under chapter 268B, with all existing rules and
2799 regulations, until July 1, 2010.

2800 SECTION 59. Section 5 to 8, inclusive, shall take effect on July 1, 2010.

2801 SECTION 60. Sections 11 to 49, inclusive, shall take effect on January 1, 2010.