

SENATE No. 336

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to campaign finance..

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

1 SECTION 1. Section 1 of chapter 55 of the General Laws, is hereby amended by
2 inserting the following definition:- "Independent expenditure" an expenditure by an individual,
3 group, or association not defined as a political committee made for the purpose of promoting the
4 election or defeat of any candidate or candidates or otherwise designed to aid, injure, or defeat
5 any candidate for public office which is made without cooperation or consultation with any
6 candidate, or a non-elected political committee organized on behalf of a candidate, or any agent
7 of a candidate and which is not made in concert with, or at the request or suggestion of, any
8 candidate, or any non-elected political committee organized on behalf of a candidate or agent of
9 such candidate.

10 SECTION 2. Said chapter 55 of the General Laws is further amended by inserting after
11 Section 2 the following new section:-

12 Section 2A. (a) The funds in any account maintained by a candidate under this chapter
13 shall not exceed the following aggregate amounts, in any calendar year when there is not an
14 election for said candidate's office:

15 \$150,000 for the office of governor

16 \$100,000 for the offices of lieutenant governor, state secretary, attorney general, state
17 treasurer and receiver general, or auditor

18 \$35,000 for the office of state senator

19 \$20,000 for the office of state representative

20 \$12,500 for the office of councilor

21 (b) Each candidate or candidate's committee shall disperse or return committee funds no
22 later than 90 days after a general election. Such expenditures shall be done in accordance with
23 the provisions of this chapter

24 (c) Said candidate or candidate's committee shall file a report, pursuant to the provisions
25 of this chapter, detailing the distribution of said campaign funds, not later than ten days after the
26 final dispersal of any funds from said fund

27 (c) Violation of any provision of this section shall be punished by a fine of not more than
28 one thousand dollars.

29 SECTION 3. Section 7A of said chapter is hereby amended by striking out, in line 5, the
30 words "in any calendar year" and inserting in place thereof the words:- per election cycle. For
31 the purposes of this section the term election cycle shall mean the period of time leading up
32 to and including the date of any election as defined in section 1 of this chapter.

33 SECTION 4. Said chapter 55 is hereby further amended by striking out section 18A and
34 inserting the following in place thereof the following section:-

35 Section 18A. (a) Every individual, group or association not defined as a political
36 committee, who makes an independent expenditure or expenditures in an aggregate amount
37 exceeding one hundred dollars during any calendar year for the purpose of promoting the
38 election or defeat of any candidate or candidates shall file with the director, as outlined in section
39 18C, or with the city or town clerk if such candidate or candidates seek public office at a city or
40 town election, within seven business days after making such independent expenditure or
41 expenditures, on a form prescribed by the director, a report stating the name and address of the
42 individual, group or association making the expenditure or expenditures; the name of the
43 candidate or candidates whose election or defeat the expenditure promoted; the name and
44 address of the person or persons to whom the expenditure or expenditures were made; and the
45 total amount or value; the purpose and the date of the expenditure or expenditures.

46 (b) The aggregate amount of any independent expenditure for the purpose of promoting
47 the election or defeat of any one candidate shall not exceed the amount of:

48 \$5,000 for any candidate seeking the office of governor, lieutenant governor, state
49 secretary, attorney general, state treasurer and receiver general, or auditor

50 \$2,000 for any candidate seeking the office of councilor, state senator, or state
51 representative

52 (c) Any person, group or association that makes or contracts to make independent
53 expenditures aggregating \$1,000 or more after the twentieth day, but more than 24 hours, before
54 the date of an election shall file a report describing the expenditures within 24 hours. Said
55 person, group or association shall file an additional report within 24 hours after each time the

56 person makes or contracts to make independent expenditures aggregating an additional \$1,000
57 with respect to the same election as that to which the initial report relates.

58 SECTION 5. Subsection (b) of section 18C of said chapter 55, as so appearing, is hereby
59 amended by adding the following 3 paragraphs:-

60 Every individual, group, or association who makes an independent expenditure or
61 expenditures in an aggregate amount exceeding two hundred and fifty dollars during any
62 calendar year for the purpose of promoting the election or defeat of any candidate or candidates.

63 Any person, group, or association that makes or contracts to make independent
64 expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the
65 date of an election shall file a report describing the expenditures within 24 hours.

66 After a person files a report as outlined in (a), the person shall file an additional report
67 within 24 hours after each time the person makes or contracts to make independent expenditures
68 aggregating an additional \$1,000 with respect to the same election as that to which the initial
69 report relates.

70 SECTION 6. Section 18C of said chapter 55 is hereby amended by striking out
71 subsection (c) and inserting in place thereof the following subsection:-

72 (c) Every individual and committee required to file electronically under subsection (b)
73 shall file each contribution within 1 week of receiving said contribution, the contents of which
74 shall be the same as that required for a candidate or political committee under section 18 of this
75 chapter. The filings required under section 19 of chapter 55 for candidates listed in subsection
76 (b) of this section shall be filed electronically. Filers specified in subsection (b) shall continue to

77 file all paper-generated reports at the dates required in section 18 as a form of backup until such
78 time as the director determines that the electronic filing system meets all pertinent filing and
79 disclosure requirements the date of which shall not exceed December 31, 2010.

80 Violation of any provision of this section or section 18C shall be punished by
81 imprisonment for not more than one year or by a fine of not more than ten thousand dollars.

82 SECTION 7. Chapter 56 of the General Laws is amended by striking out section 39, as
83 so appearing, and inserting in place thereof the following section:-

84 Section 39. No person, group, organization or association shall publish or broadcast or
85 cause to be published or broadcast in a newspaper, periodical, radio broadcast, television
86 broadcast, including cable or other means of electronic dissemination, any paid advertisement
87 designed or tending to aid, injure, or defeat any candidate for public office or any question
88 submitted to the voters, unless the name of the chairman or secretary or the names of two officers
89 of the political or other organization advertising the same, or the name of one or more persons
90 eighteen years of age or older who are responsible therefore, with the residence and the street
91 and number thereof, of each such person eighteen years of age or older appears therein in the
92 case of any of the aforementioned visual media in a clearly visible and prominent typeface and in
93 the case of a radio broadcast clearly audible statement; provided, however, that each such person
94 eighteen years of age or older has signed his name in the presence of a witness to the following
95 statement authorizing the insertion or broadcast of such advertisement. The statement shall be
96 retained by the newspaper, periodical, radio broadcast, television broadcast, including cable, for
97 not less than one year, shall be available to any person upon request, and shall be in substantially
98 the following form:

99 I hereby authorize the affixing of my name to the attached political advertisement on
100 behalf of or in opposition to , candidate for in the election to be held in the current
101 year, or on behalf of or in opposition to a question being submitted to the voters in the election in
102 the current year.