

SENATE No. 357

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act expanding financial reporting requirements and information available for voters regarding ballot initiatives..

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. Chapter 9 of the General Laws is hereby amended by inserting after Section
2 9A the following section:- Section 9B. There shall be in the department of the state secretary, but
3 not under his supervision or control, a Ballot Question Title And Summary Statement
4 Commission consisting of the state secretary or his or her designee, who shall serve as it's
5 chairperson, the attorney general or his or her designee, three persons designated by the
6 governor. Persons designated by the governor will serve a term coterminous with the
7 Governor's and be expected to have received training and have experience in developing survey
8 questions of a fair and unbiased nature, or be retired justices from the state court system, and in
9 either instance not currently employees of the Commonwealth. Said Commission will receive
10 draft titles and summaries from the attorney general for use on the state ballot and petition forms
11 and prepare final titles and summaries for use by the state secretary. Upon receipt of said drafts
12 from the attorney general, the Commission will circulate said drafts by electronic and other
13 means within one business day and begin a ten day public comment period in order to solicit
14 public and expert testimony on the merits of the draft and in order to solicit proposals for its

possible improvement. Ten days following the close of the public comment period, the Commission will make available to the state secretary the completed title and summary language for printing on blank petitions by the state secretary to allow filing within the Constitutionally prescribed period. The Ballot Question Title And Summary Statement Commission shall also be responsible for drafting a 500 word explanatory statement describing the consequence of an affirmative and negative decision on the question described and submitting said statement to the state secretary for use in providing information to voters in preparation for the state election in which the question shall appear. As part of the drafting process, the Commission shall hold public hearings and receive public comment on the drafts submitted to the public for their consideration.

SECTION 2. Chapter 9 is further amended by inserting after Section 9B the following section:-

Section 9C. There shall be in the department of the state secretary, but not under his supervision or control, a Ballot Question Fiscal Impact Statement Commission consisting of the state secretary or his or her designee, who shall serve as it's chairperson, the chairpersons and ranking minority members of the House and Senate Committees on Ways and Means or their designees, the state treasurer or his or her designee, the secretary of administration and finance or his or her designee, and a person designated by the Massachusetts Municipal Association. The Ballot Question Fiscal Impact Statement Commission shall be responsible for drafting a 100 word explanatory statement describing the fiscal consequence for state and local government finances of an affirmative decision on the question described and submitting said statement to the state secretary for use in providing information to voters in preparation for the state election in which the question shall appear. As part of the drafting process, the Commission shall hold

public hearings and receive public comment on the drafts submitted to the public for their consideration. If at least five Commission members can not agree on a final fiscal impact statement the following statement will be delivered for use by the state secretary: “The fiscal impact of this measure, if any, can not be reasonably determined at this time”

SECTION 3. Chapter 9 is further amended by inserting after Section 9C the following section:-Section 9D. For the administration and support of activities authorized under Sections 9B and 9C of this Chapter, the state secretary may employ and assign such assistants and other employees as are required.

SECTION 4. Chapter 53 of the General Laws is hereby amended by inserting at the end of Section 7, the following:- Subsection I: The state secretary shall further promulgate regulations governing the conduct of paid signature gatherers for ballot questions, designed to achieve and maintain security from forgery and fraud in the collection of such signatures on petitions for ballot questions and names thereon. Such regulations shall:

(a) prohibit companies paid to collect signatures for ballot petitions from contracting to do so for more than one ballot question in any two year election cycle;

(b) prohibit individual signature gatherers paid for such services from collecting signatures for more than one ballot question during the same twenty-four hour period;

(c) require individual signature gatherers paid for such services to display identification indicating the company or organization that is paying for the service, a phone number for that organization, and the individual collector’s state of residence;

(d) require that individual signature gatherers paid for such services sign a sworn oath upon submitting such signatures to the local registrar declaring that the signatures submitted were signed in their presence, and, to the best of their knowledge, the signatures submitted are names of qualified voters.

SECTION 5. Chapter 54 of the General Laws is hereby amended by inserting after Section 53 the following section:- Section 53A. The secretary of the Commonwealth shall publish the following on its website and in the information for voters material:

(a) the most recent list of the top 10 contributors to committees organized for the purpose of supporting and committees organized for the purpose of defeating a ballot question and all contributors to each committee organized for said purposes contributing above \$5,000 in any one election cycle;

(b) the most recent contribution amount for each listed contributor;

(c) the address, employer, and occupation of each listed contributor;

(d) the most recent total of expenditures for each committee organized for the purpose of supporting or defeating a ballot question;

(e) a graph or chart depicting the percentage of all contributions made to all committees organized for the purpose of supporting and all committees organized for the purpose of defeating a ballot question. Such graph or chart should depict contributions in amounts under \$50, between \$50 and \$199, between \$200 and \$999, between \$1,000 and \$9,999, and those above \$10,000;

(f) the physical address and phone number of the Office of Campaign and Political Finance ("OCPF")

(g) OCPF's website address;

(h) a statement informing voters that they can access more information regarding the financial information of ballot question committees at OCPF's physical location or website.

SECTION 6. Chapter 55 of the General Laws is hereby amended by inserting after Section 5B, subsection (a) ii, the following:-

(iii) whether the committee has been organized in support or in opposition to a specific ballot question

SECTION 7. Chapter 55 is further amended by inserting after Section 18 subsection (h) the following:-

(i) Notwithstanding the provisions of other clauses of this section, all contributions or aggregate contributions made to a ballot question committee in excess of \$2,500 within 45 days of the election on which the ballot question appears, shall be reported to the Office of Campaign and Political Finance within 24 hours of receipt by the ballot question committee.