

# HOUSE . . . . . No. 874

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## The Commonwealth of Massachusetts

PRESENTED BY:

***John W. Scibak***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to solicitation disclosures.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

DATE ADDED:

# HOUSE . . . . . No. 874

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By Mr. Scibak of South Hadley, a petition (accompanied by bill, House, No. 874) of John W. Scibak for legislation to further regulate the solicitation of contributions. Telecommunications, Utilities and Energy.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 3119 OF 2009-2010.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven  
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An Act relative to solicitation disclosures.

*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 23 of Chapter 68 of the General Laws, as appearing in the 2006  
2   Official Edition, is hereby amended by striking out section 23 and inserting in place thereof the  
3   following section :-

4           Section 23. (a) All solicitations by professional solicitors and all solicitations by  
5   commercial co-venturers must, prior to orally requesting a contribution, and at the same time at  
6   which a written request for a contribution is made, clearly and conspicuously disclose the  
7   following information to the person being solicited: (1) the true name of the individual making  
8   the solicitation; (2) the statement that the solicitation is being conducted by a “paid fund-raiser”;  
9   (3) the true name of the person who is employing and compensating the individual making the  
10   solicitation if the individual is employed for compensation to make the solicitation; (4) the true

11 name, address and telephone number of the charitable organization for whom the solicitation is  
12 being made; (5) a description of how the contributions raised by the solicitation will be utilized  
13 for charitable purposes, or if there is no charitable organization, the name, address and telephone  
14 number of the professional solicitor or commercial co-venturer and a description of how the  
15 contributions raised by the solicitation will be utilized for charitable purposes; (6) the non-tax-  
16 exempt status of the organization or fund, if the organization or fund for which the money or  
17 funds are being solicited does not have a charitable tax exemption under both federal and state  
18 law; (7) the guaranteed minimum percentage of the gross receipts from fund-raising that will be  
19 utilized exclusively for the charitable purposes described in the solicitation; and such other  
20 disclosures as required by relevant rules and regulations promulgated under section twenty-nine.  
21 If the solicitation is for advertising, the disclosure shall also include the geographic distribution  
22 and the circulation of the publication in which the advertising will appear. (b) For purposes of  
23 this section, the guaranteed minimum percentage required to be disclosed by clause (3) of  
24 subsection (a) shall be the percentage stated in the contract or written agreement between the  
25 professional solicitor or commercial co-venturer and the charitable organization. (c) A  
26 professional solicitor may not represent that: (1) any part of the contributions received will be  
27 given or donated to any charitable organization unless such organization has consented in writing  
28 to the use of its name, symbol or statement prior to the solicitation. Such written consent must  
29 be signed by two authorized officers, directors or trustees of the charitable organization; (2)  
30 tickets to an event are to be donated for use by another, unless the professional solicitor has first  
31 obtained a commitment, in writing, from a charitable organization stating that it will accept  
32 donated tickets and specifying the number of tickets which it is willing to accept and provided no

- 33 more contributions for donated tickets must be solicited than the number of ticket commitments
- 34 received from the charitable organization.