

SENATE No. 312

The Commonwealth of Massachusetts

PRESENTED BY:

Richard T. Moore

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 to promote fair campaign practices.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Richard T. Moore</i>	
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Jason M. Lewis</i>	<i>31st Middlesex</i>

SENATE No. 312

By Mr. Moore, a petition (accompanied by bill, Senate, No. 312) of Richard T. Moore, Carolyn C. Dykema and Jason M. Lewis for legislation to promote fair campaign practices. Election Laws.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to promote fair campaign practices.

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. The general laws, as appearing in the 2008 official edition, is
2 hereby amended by inserting after chapter 55C, the following new chapter:-

3 Chapter 55D. Fair Campaign Practices

4 Section 1. This chapter may be cited as the Fair Campaign Practices Act.

5 Section 2. (a) The purpose of this chapter is to encourage every candidate and
6 political committee to subscribe to the Code of Fair Campaign Practices.

7 (b) It is the intent of the general court that every candidate and political action
8 committee that subscribes to the Code of Fair Campaign practices will follow the basic principles
9 of decency, honesty, and fair play to encourage healthy competition and open discussion of
10 issues and candidate qualifications and to discourage practices that cloud the issues or unfairly
11 attack opponents.

12 Section 3. (a) When a candidate or political committee files its statement of
13 organization, the office of campaign and political finance with whom the statement is filed, and
14 at the beginning of any subsequent campaign cycle, shall give the candidate or political
15 committee a blank form of the Code of Fair Campaign Practices and a copy of this chapter.

16 (b) The director of the office of campaign and political finance shall inform
17 each candidate or political committee that the candidate or committee may subscribe to and file
18 the code with said office, further, that the signed code, if submitted, shall become a public
19 record, and that subscription to the code is voluntary. The candidate or committee that
20 voluntarily signs said code shall submit a signed copy of the code at the time of filing
21 nomination papers or papers for certification of a ballot question petition. The director shall
22 make available to the public the names of candidates and committees that have subscribed to the
23 code.

24 Section 4. The Massachusetts Code of Fair Campaign Practices, which if
25 signed and notarized, shall be as follows:

26 MASSACHUSETTS CODE OF FAIR CAMPAIGN PRACTICES

27 There are basic principles of decency, honesty, and fair play that every candidate and
28 political committee in this state has a moral obligation to observe and uphold, in order that, after
29 vigorously contested but fairly conducted campaigns, our citizens may exercise their
30 constitutional rights to a free and untrammelled choice and the will of the people may be fully
31 and clearly expressed on the issues.

32 THEREFORE:

(1) I will conduct the campaign openly and publicly and limit attacks on my opponent to legitimate challenges to my opponent's record and state positions on issues.

(2) I will not use or permit the use of character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or the candidate's personal or family life.

(3) I will not use or permit any appeal to negative prejudice based on race, sex, age, sexual preference, religion, or national origin.

(4) I will not use campaign material of any sort that misrepresents, distorts, or otherwise falsifies the facts, nor will I use malicious or unfounded accusations that aim at creating or exploiting doubts, without justification, as to the personal integrity or patriotism of my opponent.

(5) I will not undertake or condone any dishonest or unethical practice that tends to corrupt or undermine our system of free elections or that hampers or prevents the full and free expression of the will of the voters, including any activity aimed at intimidating voters or discouraging them from voting.

(6) I will defend and uphold the right of every qualified voters to full and equal participation in the electoral process, and will not engage in any activity aimed at intimidating voters or discouraging them from voting.

(7) I will immediately and publicly repudiate methods and tactics that may come from others that I have pledged not use or condone. I shall take firm action against any subordinate who violates any provision of this code or the laws governing elections.

I, the undersigned, candidate for election to public office in the Commonwealth of Massachusetts or campaign treasurer of a political committee advocating approval or disapproval of a ballot question or in support or opposition to the election of a candidate, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct the campaign in accordance with the above principles and practices.

A copy of the pledge if signed and attested by a Notary Public or other official legally authorized to attest to the signing of legal documents shall be submitted to the Office of Campaign and Political Finance and become a part of the official public record. Said oath shall be initially filed at the time of registration of the candidate or committee and shall be renewed for each election cycle during which the candidate or ballot question shall be on the ballot.

Section 5. Complaints regarding allegations of violations of the code shall be submitted to the Office of Campaign and Political Finance in writing signed by the complainant, including the address of the complainant, and shall become part of the official record of the candidate or committee, provided, however, that the candidate or committee shall be permitted to file a written response to such complaint prior to the date by which the complaint, together with any response received, shall become public record. Prior to that date, the Office of Campaign and Political Finance shall neither confirm nor deny the receipt of such complaint.