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## The Commonwealth of Massachusetts

#### PRESENTED BY:

#### James B. Eldridge

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 accountability for corporate political spending.

#### PETITION OF:

NAME:	DISTRICT/ADDRESS:
James B. Eldridge	Middlesex and Worcester
Robert M. Koczera	11th Bristol
Timothy R. Madden	Barnstable, Dukes and Nantucket
Denise Andrews	2nd Franklin
Peter V. Kocot	1st Hampshire
Sal N. DiDomenico	Middlesex and Suffolk
Mark C. Montigny	Second Bristol and Plymouth
Kate Hogan	3rd Middlesex
Carolyn C. Dykema	8th Middlesex
James Arciero	2nd Middlesex
Cory Atkins	14th Middlesex
James M. Cantwell	4th Plymouth
Jennifer E. Benson	37th Middlesex
Kay Khan	11th Middlesex

# SENATE DOCKET, NO. 1079 FILED ON: 1/17/2013

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By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 320) of James B. Eldridge, Robert M. Koczera, Timothy R. Madden, Denise Andrews and other members of the General Court for legislation relative to accountability for corporate political spending. Election Laws.

# [SIMILAR MATTER FILED IN PREVIOUS SESSION SEE SENATE, NO. *305* OF 2011-2012.]

## The Commonwealth of Alassachusetts

In the Year Two Thousand Thirteen

An Act relative to accountability for corporate political spending.

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

SECTION 1. This Act may be cited as the "Massachusetts Corporate Accountability Act
 of 2013".

3 SECTION 2. Chapter 156B of the General Laws is hereby amended by inserting after
 4 section 8 the following section:-

5 Section 8A. (a) In this section: (1) "political activity" shall mean any contribution, 6 expenditure, independent expenditure, or electioneering communication, as defined by section 1 7 of chapter 55; but "political activity" does not include: (i) activity defined as lobbying under any 8 local, state or federal law; (ii) communication by a corporation to its stockholders and executive 9 or administrative personnel and their families; or (iii) any nonpartisan registration and get-out-10 the-vote campaign by a corporation aimed at its stockholders and executive or administrative 11 personnel and their families; (2) "filing date" shall mean January 1, April 1, July 1, and October 1; (3) In this section, "reporting period" shall mean the period between the prior filing date and 12 15 days before the next filing date. 13

(b) Any corporation which is subject to the requirements of this chapter and is not
defined as a political committee by section 1 of chapter 55 that engages in political activity
during the reporting period shall file a written report to its shareholders on the first filing date

17 following the end of the reporting period during which the corporation engaged in political

- 18 activity. A copy of such written report shall be provided to the Office of Campaign and Political
- 19 Finance in a form prescribed by the director. The director shall develop and distribute a form for
- 20 filing such written reports. A report made pursuant to this subsection shall: (1) require an
- electronic signature from the treasurer at the time of the filing of the campaign finance report; (2)
  be made subject to the penalties for perjury; and (3) include (i) the date, amount and purpose of
- be made subject to the penalties for perjury; and (3) include (i) the date, amount and purpose of any political activity engaged in by the corporation or a separate segregated fund affiliated with
- 24 the corporation and (ii) the identity of any candidate for state or local office referred to in any
- 25 independent expenditure or electioneering communication made by the corporation or a separate

26 segregated fund affiliated with the corporation. If this subsection requires a corporation to file

- 27 more than one written report during a one-year period, such reports shall be cumulative during
- 28 the calendar year to which they relate.
- (c) Any corporation subject to the requirements of this chapter which is defined as a
  political committee by section 1 of chapter 55 must file with its shareholders the report filed
  under section 18 of chapter 55. These reports shall be filed with the shareholders on the first
  filing date after the report is filed with the Office of Campaign and Political Finance.
- (d) A copy of the reports filed under this section shall be posted immediately on the
   corporation's website, if any, and kept available for at least one year.
- 35 SECTION 3. Chapter 156B of the General Laws is hereby further amended by inserting
   36 after section 54 the following section:-
- Section. 54A. (a) Notwithstanding any general or special law to the contrary, no
  corporation, or trade, business, or professional association nor any other entity under this title
  shall make any campaign contribution or expenditure or combination of contributions or
  expenditures totaling an excess of \$5,000 unless specifically authorized to do so by the
  affirmative authorization of a majority of the board of directors of the corporation, of the
  executive committee of the trade, business, or professional association or similar body at a
- 43 regular or special meeting thereof.
- (b) Any corporation or trade, business, or professional association violating any provision
  of this section shall be punished by a fine of not more than one \$1,000 and any officer, director
  or agent of the corporation violating any provision thereof or authorizing such violation of any
  provision thereof, or any person who violates or in any way knowingly aids or abets the violation
  thereof, shall be punished by a fine of not more than \$1,000 or by imprisonment for not more
  than one year, or both.