SENATE DOCKET, NO. 1257 FILED ON: 1/16/2015

SENATE . . . . . No. 380

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 fair election in Massachusetts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James B. Eldridge	*Middlesex and Worcester*
Paul W. Mark	*2nd Berkshire*
Ellen Story	*3rd Hampshire*
Jason M. Lewis	*Fifth Middlesex*
Paul McMurtry	*11th Norfolk*
Paul R. Heroux	*2nd Bristol*
Denise Provost	*27th Middlesex*
Peter V. Kocot	*1st Hampshire*
Chris Walsh	*6th Middlesex*

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SENATE . . . . . No. 380

By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 380) of James B. Eldridge, Paul W. Mark, Ellen Story, Jason M. Lewis and other members of the General Court for legislation relative to fair election in Massachusetts. Election Laws.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *323* OF 2013-2014.]

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to fair election in Massachusetts.

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. The General Laws are hereby amended by inserting after chapter 55C the following chapter:-

CHAPTER 55D.

VOLUNTARY PUBLIC MATCHING FUNDS FOR QUALIFIED LEGISLATIVE CANDIDATES.

Section 1. Unless a contrary intention clearly appears, the words and phrases used in this chapter shall have the following meanings:-

"Allowable contribution", a monetary contribution made to a participant by an individual or political committee pursuant to section 11 during an election cycle. Total allowable

10 contributions from any individual or political committee to a participant shall not exceed one
11 hundred dollars in the aggregate per election cycle.

12 "Certified candidate", a participant who is certified by the director under section 6.
13 Unless a contrary intention clearly appears, certified candidate shall refer to this candidate and
14 this candidate's committee, as defined in section 1 of chapter 55.

15 "Fair election funds", the funds distributed from the Massachusetts Fair Elections Fund
16 by the director to certified candidates pursuant to sections 9 and 10.

17 "Contribution", contribution as defined in section 1 of chapter 55, except that the use by a
18 participant of the participant's home, car, computer, facsimile machine, telephone or similar such
19 equipment shall not be considered a contribution.

20 "Declaration of intent", a form prescribed by the director and signed by a candidate and
21 the candidate's campaign treasurer under the pains and penalties of perjury that states that the
22 candidate has complied with and agrees to continue to comply with allowable and in-kind
23 contribution and expenditure limits set forth in this chapter for participants, and will comply with
24 all other requirements set forth in this chapter and in regulations promulgated by the director
25 pursuant to this chapter.

26 "Director", the director of campaign and political finance as described in section 3 of
27 chapter 55.

28 "Election cycle", as applied to a candidate for a particular state office shall be the period
29 beginning on the thirty-first day following a regular state election for that office and ending on
30 the thirtieth day following the next state election for that office, inclusive.

31 "Election year", as applied to a candidate for a particular state office shall be the calendar
32 year during which a regular state election for that office is held.

33 "Expenditure", an expenditure as defined in section 1 of chapter 55, except that
34 expenditures shall not include in-kind contributions.

35 "General election campaign period", the period beginning the day following the primary
36 election and ending on the day of the general election, inclusive.

37 "In-kind contribution", any contribution other than a monetary contribution.

38 "Massachusetts Fair Elections Fund", the fund established under section 2.

39 "Massachusetts Fair Elections", the optional system of contribution and expenditure
40 limits and public campaign financing established under this chapter.

41 "Monetary contribution", any contribution which is monetary in nature, including without
42 limitation, cash, checks, loans, advances, money orders, or postage.

43 "Non-participating candidate", a candidate who has not been certified pursuant to section
44 6, or who has been decertified pursuant to section 17. Unless a contrary intention clearly appears,
45 non-participating candidate shall refer to this candidate and this candidate's committee, as
46 defined in section 1 of chapter 55.

47 "Obligated expenditure", an expenditure that a candidate has legally obligated to make or
48 otherwise agreed to make, but has not yet made.

49 "Participant", a candidate who has voluntarily agreed to participate in Massachusetts Fair
50 Elections, and who has submitted and not withdrawn a declaration of intent, and who has been

51 neither denied certification nor decertified by the director. Unless a contrary intention clearly
52 appears, participant shall refer to the candidate and the candidate's committee, as defined in
53 section 1 chapter 55.

54 "Political committee", a political committee as defined in section 1 of chapter 55, but not
55 including a committee which receives contributions or makes expenditures for the purpose of
56 opposing or promoting a charter change, referendum question, constitutional amendment, or
57 other question submitted to the voters.

58 "Primary election campaign period", the period beginning the day following the
59 qualifying period and ending the day of the primary election, inclusive.

60 "Qualifying contribution", an allowable contribution to a participant of at least five
61 dollars made during the qualifying period and after submission of a declaration of intent. An
62 allowable contribution is a qualifying contribution only if it is accompanied by a form prescribed
63 by the director pursuant to section 5. A contribution to a participant running for house of
64 representatives is a qualifying contribution only if it is made by a registered voter who is
65 registered in the participant's house district. A contribution to a participant running for senate is a
66 qualifying contribution only if it is made by a registered voter who is registered in the
67 participant's senate district. During any election cycle, only one allowable contribution by a
68 particular voter to a given participant may be considered a qualifying contribution to that
69 participant.

70 "Qualifying period", the period during which a candidate may collect qualifying
71 contributions for the purpose of becoming a certified candidate. For a candidate for statewide
72 office, the period shall begin August 1 of the year preceding an election year and end on the last

73 day that such candidate may file nominating papers with the state secretary pursuant to chapter
74 53. For a candidate for other state office, the period shall begin January 1 of an election year and
75 end on the last day that such candidate may file nominating papers with the state secretary
76 pursuant to chapter 53.

77 "Legislative office", the offices of state senator, and state representative.

78 "Unexpended fair primary election funds", the money on hand following the end of the
79 primary election campaign period, minus any allowable contributions raised during the election
80 cycle prior to the end of the primary election campaign period, and minus any outstanding
81 obligated expenditures incurred during the election cycle prior to the end of the primary election
82 campaign period.

83 Section 2. (a) The Massachusetts Fair Elections Fund, hereinafter referred to as the
84 "fund", is hereby created in the state treasury. Any money donated to the fund, returned to the
85 fund under this chapter or appropriated to the fund by the legislature shall be deposited in the
86 fund. Monies in the fund shall be invested in the same manner as monies in the state general
87 fund. Interest earned on investment of monies in the fund shall be deposited in and credited to
88 the fund. Unexpended and unencumbered monies in the fund shall remain in the fund. Monies in
89 the fund shall be appropriated, administered, and used solely as provided in subsection b of this
90 Section.

91 (b) The director shall make allocations from the fund in the manner and amounts
92 proscribed by this chapter.

93 Section 3. All candidates for legislative office shall continue to be bound by all other
94 applicable election and campaign finance statutes and regulations, unless they clearly conflict

95 with the provisions of this chapter. In addition, a participant in Massachusetts Fair Elections shall
96 abide by the following requirements, and no candidate not complying with such requirements at
97 any time during an election cycle shall be eligible to become a participant.

98 (a) During an election cycle, a participant shall not accept, expend, or obligate to expend
99 any contribution or funds from any source other than: allowable contributions received in
100 accordance with and subject to section 11; in-kind contributions received in accordance with
101 section 12; and fair election funds received pursuant to sections 9 and 10;

102 (b) During an election cycle, contributions and fair election funds received by a
103 participant shall be used only to pay expenses or obligated expenditures incurred during that
104 election cycle;

105 (c) During an election cycle, a participant shall not spend any funds raised or otherwise
106 received in a prior election cycle for the purposes of the current election cycle;

107 (d) A participant shall agree to and abide by the expenditure limits set forth in section 7
108 and the allowable and in-kind contribution limits set forth in sections 11 and 12; and

109 (e) During an election cycle, the financial activity of a participant's candidate's committee
110 shall be conducted from one account kept segregated and separate from any other account.

111 (f) During an election cycle, a participant shall participate in at least—

112 (1) 1 public debate before the primary election with other participating candidates and
113 other willing candidates from the same party and seeking the same nomination as such candidate;
114 and

115 (2) 2 public debates before the general election with other participating candidates and
116 other willing candidates seeking the same office as such candidate.

117 Section 4. (a) Any candidate for legislative office who chooses to become a participant in
118 Massachusetts Fair Elections shall file with the director a declaration of intent to participate as a
119 certified candidate.

120 (b) A declaration of intent shall be filed with the director during the election cycle and
121 prior to the end of the qualifying period.

122 (c) A candidate shall submit a declaration of intent prior to soliciting or collecting any
123 qualifying contributions.

124 Section 5. (a) To become a certified candidate, a participant shall:

125 (1) receive at least the following minimum number of qualifying contributions for the
126 following legislative offices:

127 State Senator……450

128 State Representative…. 200

129 (2) And, a total dollar amount of qualifying contributions equal or greater than the
130 following amounts for the following legislative offices:

131 State Senator…… $2,250

132 State Representative…. $1,000

133 (b) Each qualifying contribution:

134 (1) may be made by means of a personal check, money order, debit card, credit card, or
135 electronic payment account;

136 (2) shall be accompanied by a signed form to be provided by the director containing:

137 (A) the contributor's name and the contributor's address in the commonwealth in which
138 the contributor is registered to vote;

139 (B) an oath declaring the contributor:

140 (i) understands that the purpose of the qualifying contribution is to show support for the
141 candidate so that the candidate may qualify for Fair Elections Financing;

142 (ii) is making the contribution in his or her own name and from his or her own funds;

143 (iii) has made the contribution willingly; and

144 (iv) has not received anything of value in return for the contribution;

145 (3) shall be acknowledged by a receipt that is sent to the contributor with a copy kept by
146 the candidate; and

147 (c) the director shall establish procedures for the auditing and verification of qualifying
148 contributions to ensure that such contributions meet the requirements of this section.

149 (d) No person shall make or give any payment, gift or anything of value in exchange for a
150 contribution, and no such contribution shall be reported or treated as a qualifying contribution.
151 Violation of this provision shall be punishable by a fine of not more than $2,000.

152 Section 6. (a) Application to become a certified candidate in Massachusetts Fair Elections
153 shall be made by a participant during the qualifying period.

154 (b) When making application for certification, a participant shall file an update report.
155 The update report shall cover contributions and expenditures during the period from January 1 of
156 the election year through the third day before application for certification, and shall have the
157 content and format of reports required pursuant to section 18 of chapter 55.

158 (c) A participant's application to become a certified candidate shall be on a form
159 prescribed by the director and shall be signed by the participant and the participant's campaign
160 treasurer.

161 (d) The director shall certify a participant to participate in Massachusetts Fair Elections
162 upon determining that the participant has:

163 (1) signed and filed a declaration of intent;

164 (2) collected the required number of qualifying contributions, collected a total dollar
165 amount of qualifying contributions equal or greater than the amount required by section 5 and
166 submitted supporting forms required pursuant to this section;

167 (3) complied with the expenditure limits set forth in section 7;

168 (4) complied with the allowable and in-kind contribution limits set forth in sections 11
169 and 12;

170 (5) met all other applicable requirements for participation established in this chapter;

171 (6) agreed to continue to abide by all requirements for participants after certification; and

172 (7) met all other applicable requirements concerning candidacy for state office set forth in
173 the constitution and in the general laws.

174 (e) In no case shall certification or denial of certification be completed more than seven
175 business days after a participant has applied to become a certified candidate and submitted all
176 appropriate supporting documents.

177 (f) The director's certification or denial of certification is subject to judicial review in the
178 superior court of the county where the candidate resides or in the Suffolk County Superior Court
179 or in the supreme judicial court for Suffolk county, provided, however, that any petition for
180 judicial review shall be filed within fourteen days after the end of the qualifying period.

181 (g) A participant who fails to become a certified candidate or who is decertified shall no
182 longer be considered a participant and shall no longer be bound by the provisions of this chapter
183 pertaining to participants.

184 Section 7. (a) To become and remain a certified candidate, a participant shall abide by the
185 following expenditure limits, as adjusted in accordance with section 14:

186 (1) For each of the following legislative offices, during an election cycle and before the
187 end of the primary election campaign period, total expenditures and obligated expenditures, not
188 including in-kind contributions, shall not exceed the following amounts:

189 State Senator ……...$60,000

190 State Representative….$20,000

191 (2) For each of the following state offices, total expenditures and obligated expenditures,
192 not including in-kind contributions, shall not exceed the following amounts during a general
193 election campaign period:

194 State Senator……....$120,000

195 State Representative….$40,000

196 (b) Nothing in this section shall be construed to permit a participant who does not have an
197 opponent in the primary or general election and who receives less than the full amounts stated in
198 sections 8(a)(1) or (2) to spend up to the limits stated in this section.

199 Section 8. (a) A certified candidate shall be eligible to receive distributions from the
200 Massachusetts Fair Elections Fund in the following amounts:

201 (1) For each of the following legislative offices, fair primary election funds for a certified
202 candidate shall be limited to:

203 State Senator…….$48,000

204 State Representative….$16,000

205 (2) For each of the following legislative offices, fair general election funds for a certified
206 candidate shall be limited to:

207 State Senator…….$96,000

208 State Representative….$32,000

209 Section 9. (a) Distributions from the Massachusetts Fair Elections Fund to certified
210 candidates by the director shall, subject to appropriation, be made as follows:

211 (1) within five business days after certification, 20 percent of the applicable amount
212 provided in section 8(a)(1);

213 (2) within five business days after the end of the qualifying period, for certified
214 candidates in a primary with an opponent who will appear on the ballot in the primary, 20
215 percent of the applicable amount provided in section 8(a)(1);

216 (3) within five business days after the primary election, for certified candidates in the
217 general election with an opponent who will appear on the ballot in the general election, 20
218 percent of the applicable amount provided in section 8(a)(2);

219 (4) within five business days after the primary election, for certified candidates in a
220 general election without an opponent in the general election, 20 percent of the applicable amount
221 provided in section 8(a)(2); and

222 (5) within two business days of the filing of a contribution report any matching funds as
223 provided in section 10.

224 (b) Within fourteen business days after the primary election, a certified candidate shall
225 return all unexpended fair primary election funds to the Massachusetts Fair Elections Fund.

226 (c) Within forty-five days after the general election, a certified candidate shall return all
227 fair election funds that were not expended or obligated to be spent during the election cycle to
228 Massachusetts Fair Elections Fund.

229 Section 10. (a) The commission shall pay to each participating candidate an amount equal
230 to 400 percent of the amount of qualified small dollar contributions received by the candidate
231 from individuals who are residents of the commonwealth.

232 (b) The maximum payment under this section shall be the amounts in section 7 pursuant
233 to adjustment under section 14.

234 (c) The director shall make payments from the Massachusetts Fair Elections Fund under
235 this section not later than 2 business days after the receipt of a report made under subsection (d).

236 (1) Each participating candidate shall file reports of receipts of allowable contributions at
237 such times and in such manner as the director may by regulations prescribe.

238 (2) Each report under this subsection shall disclose:

239 (A) the amount of each allowable contribution received by the candidate;

240 (B) the amount of each allowable contribution received by the candidate from a resident
241 of the Commonwealth in which the candidate is seeking election; and

242 (C) the name, address, and occupation, when known, of each individual who made an
243 qualified allowable contribution to the candidate.

244 (3) Reports under this subsection shall be made no more frequently than:

245 (A) once every month until the date that is 90 days before the date of the election;

246 (B) once every week after the period described in subparagraph (A) and until the date that
247 is 21 days before the election; and

248 (C) once every day after the period described in subparagraph (B).

249 (4) The director may not prescribe any regulations with respect to reporting under this
250 subsection with respect to any election after the date that is 180 days before the date of such
251 election.

252 (e) The commission shall provide a written explanation with respect to any denial of any
253 payment under this section and shall provide for the opportunity for review and reconsideration
254 within 5 business days of such denial.

255 Section 11. (a)

256 (1) In any election cycle and before the end of the primary election campaign period, the
257 aggregate total of all allowable contributions accepted by a participant, including qualifying
258 contributions, for the following offices shall not exceed:

259 State Senator ……...$12,000

260 State Representative….$4,000

261 (2) In any election cycle, during a general election campaign period, the aggregate total
262 of all allowable contributions accepted by a participant, including qualifying contributions, for
263 the following offices shall not exceed:

264 State Senator……....$24,000

265 State Representative….$8,000

266 (b) Any candidate may return a contribution or any portion thereof, and such returned
267 amount shall be neither counted as part of the contribution, nor counted toward the limit stated in
268 subsection (a).

269 (c) In the event that a participant has accepted allowable contributions which exceed the
270 limit set forth in this section, the participant shall return any such excess funds to the
271 contributors. The refund of excess funds shall be made not later than three days after discovery
272 by the participant, or not later than three days after notification by the director, whichever is
273 earlier.

274 (d) Each allowable contribution:

275 (1) may be made by means of a personal check, money order, debit card, credit card, or
276 electronic payment account;

277 (2) shall be accompanied by a signed form to be provided by the director containing—

278 (A) the contributor's name and the contributor's address in the commonwealth in which
279 the contributor is registered to vote;

280 (B) an oath declaring the contributor:

281 (i) understands that the purpose of the qualifying contribution is to show support for the
282 candidate so that the candidate may receive matching Fair Elections Financing;

283 (ii) is making the contribution in his or her own name and from his or her own funds;

284 (iii) has made the contribution willingly; and

285 (iv) has not received anything of value in return for the contribution;

286 (3) shall be acknowledged by a receipt that is sent to the contributor with a copy kept by
287 the candidate; and

288 (c) the director shall establish procedures for the auditing and verification of allowable
289 contributions to ensure that such contributions meet the requirements of this section.

290 (d) No person shall make or give any payment, gift or anything of value in exchange for
291 an allowable contribution, and no such contribution shall be reported or treated as an allowable
292 contribution. Violation of this provision shall be punishable by a fine of not more than $2,000.

293 Section 12. (a) A participant may accept in-kind contributions only from political
294 committees and individuals.

295 (b) In any election cycle, the total value of all in-kind contributions accepted by a
296 participant for the following offices shall not exceed:

297 State Senator……..$10,000

298 State Representative….$5,000

299 (c) In any election cycle, a participant shall not accept in-kind contributions from an
300 individual or political committee totaling more than $500 in the aggregate and provided that a
301 participant may accept in-kind contributions totaling not more than $1,000 in the aggregate from
302 a political party committee.

303 Section 13. (a) A participant may pay and expend allowable contributions and fair
304 election funds received under this chapter only for reasonable and necessary expenses directly
305 related to the campaign of such participant and shall not make any expenditure that is primarily
306 for the participant's or any other person's personal use.

307 (b) If the director determines that any portion of fair election funds distributed to a
308 certified candidate under this chapter was used for any purpose other than to defray campaign
309 expenditures in that candidate's campaign, or to repay loans the proceeds of which were used to
310 defray campaign expenditures in that campaign, the director shall so notify the certified
311 candidate and the certified candidate shall, after notice and opportunity for hearing, pay an
312 amount equal to the full amount so used to the Massachusetts Fair Elections Fund.

313 Section 14. The dollar amounts in sections 5, 7, 8, 11 and 12 shall be adjusted as
314 provided in this section. By February 1 of the year preceding an election year, the director shall
315 determine the percentage increase in the consumer price index from December of 1998 to the
316 most recent December. The dollar amounts and limits set forth in sections 8(a), 10(a) and l1(b)
317 shall be increased by that percentage, and shall be rounded off to the nearest one hundred dollars.
318 The expenditure limits for each state office set forth in section 7(a)(1) shall be increased by the
319 sum of the corresponding increase in section 8(a)(1) and 60% of the corresponding increase in
320 10(a). The expenditure limits for each state office set forth in section 7(a)(2) shall be increased
321 by the sum of the corresponding increase in section 8(a)(2) and 40% of the corresponding
322 increase in 10(a). The director shall use the revised consumer price index for all urban consumers
323 for the Boston-Lawrence-Salem, Massachusetts-New Hampshire metropolitan area prepared by
324 the United States Department of Labor.

325 Section 15. (a) The director shall promulgate such rules and regulations as are necessary
326 to implement the purposes of this chapter, including but not limited to the following:

327 (1) The director shall promulgate a declaration of intent form pursuant to section 4.

328 (2) The director, in consultation with the state secretary, shall promulgate regulations
329 governing the certification of the registration status of voters making qualifying contributions
330 pursuant to section 5 and allowable contributions pursuant to section 11.

331 (3) The director shall promulgate regulations and forms governing application for
332 certification, the filing of update reports, and the timely certification of participants pursuant to
333 section 6 and section 10.

334 (4) The director shall promulgate regulations governing the disbursement of fair general
335 election funds and the timing of such disbursement in the event that primary election results are
336 subject to a recount or judicial review.

337 (5) The director shall promulgate regulations governing application, certification,
338 expenditure limits, allowable and in-kind contribution limits, and distribution of fair election
339 funds for candidates running in a special election.

340 (6) The director shall promulgate regulations governing the return of allowable
341 contributions by certified candidates pursuant to section 10.

342 (7) The director shall promulgate regulations governing the return of fair election funds
343 in the case of the death of a certified candidate or withdrawal of a certified candidate from a race.

344 (b) The director shall have the same power and authority to investigate the legality,
345 validity, completeness and accuracy of all reports filed and actions taken by candidates pursuant
346 to this chapter as is provided by section 3 of chapter 55 pertaining to campaign contributions and
347 expenditures. Such power shall include, but not be limited to, the issuance of summonses.

348 (c) The director may waive all or part of any civil penalty set forth in this chapter for
349 good cause shown; provided, however, that such findings and the reasons therefore are put in
350 writing.

351 (d) The director shall annually determine the amount of funds required for the full
352 implementation of all provisions of this chapter. Pursuant to section 3 of chapter 29, the director
353 shall annually make a request to the budget director for inclusion of a request in the budget for
354 such funds.

355 Section 16. All reports and statements filed with the director pursuant to this chapter shall
356 be signed under the penalties of perjury.

357 Section 17. (a) In addition to any other penalties which may be imposed under this
358 chapter, the director shall, after notice and opportunity for hearing, decertify any participant who
359 knowingly:

360 (1) exceeds the expenditure limit specified in section 7;

361 (2) accepts any contribution in violation of the allowable or in-kind contribution limits set
362 forth in sections 11 and 12;

363 (3) falsely reports any expenditure or contribution; or

364 (4) fails to disclose any expenditure or contribution as specified in this chapter or in
365 sections 18 or 19 of chapter 55; unless such candidate can establish to the director that such
366 violation was of a trivial or limited character.

367 (b) Any participant who fails to meet the nominating requirements set forth in chapter 53,
368 including but not limited to a candidate who has lost the party primary, and who has exhausted
369 all legal rights to meet such requirements, shall be decertified by the director.

370 (c) Any participant decertified pursuant to this chapter, except a candidate who is
371 decertified solely for not winning the party primary who shall return all unexpended fair primary
372 election funds, shall forfeit and return, with interest from date of receipt to date of return at the
373 rate computed as specified in section 6 I of chapter 231, all fair election funds which said
374 candidate has received. Funds forfeited and all applicable interest returned by a decertified
375 candidate shall be deposited in the Massachusetts Fair Elections Fund.

376 (d) A participant decertified by the director for any violation of this chapter shall, after
377 notice and opportunity for hearing, be fined an amount equal to two times the amount at issue for
378 each violation. Such fine shall not be paid from the campaign account of the certified candidate's
379 committee.

380 (e) A participant decertified by the director for falsely reporting or for failing to report or
381 disclose any contribution or expenditure required to be reported or disclosed pursuant to section
382 18 of chapter 55 or section 5(b) of this chapter shall, after notice and opportunity for hearing, be
383 fined an amount equal to two times the amount at issue for each violation. Such fine shall not be
384 paid from the campaign account of the certified candidate's committee.

385 (f) All fines imposed by the director under this section shall be paid within 120 days of
386 the decertification and shall be deposited in the Massachusetts Fair Elections Fund.

387 (g) Decertification is subject to judicial review in the superior court of the county where
388 the candidate resides or in the Suffolk county superior court or in the supreme judicial court for

389 Suffolk county, provided, however, that any petition for judicial review shall be filed within ten
390 days of receipt of notice of decertification.

391 (h) The director shall provide to the decertified candidate written explanation for the
392 cause of decertification.

393 Section 18. (a) There is hereby established a Special Commission on Fair Elections to
394 consist of three members of the senate, one of whom shall be the chairman of the joint committee
395 on election laws who shall serve as co-chairman, one of whom shall be the senate president or
396 his designee, and one of whom shall be the minority leader or his designee, and three members
397 of the house of representatives, one of whom shall be the chairman of the joint committee on
398 election laws who shall serve as co-chairman, one of whom shall be the speaker of the house or
399 his designee, and one of whom shall be the minority leader or his designee, the governor or his
400 designee, the state secretary or his designee, and eight Massachusetts citizens representing the
401 public to be appointed by the director of the office of campaign and political finance.

402 (b) The special commission shall investigate and study the workings of the Massachusetts
403 Fair Elections, including, but not limited to, the required number of qualifying contributions, the
404 level of fair election amounts, expenditure limits for participants, adequacy of funding for the
405 Massachusetts Fair Elections, the level and impact of independent expenditures in Massachusetts
406 elections, the cost of implementation, estimated cost of compliance with this chapter by the
407 office of campaign and political finance, and the priority of funding fair elections candidates in
408 the event the legislature appropriates insufficient funds. The office of campaign and political
409 finance shall consult with and provide information and assistance to said commission in the
410 preparation of its report. Said commission shall begin to meet and conduct hearings no later than

411 January 15, 2016 and shall report to the general court the results of its investigation and study,
412 and its recommendations, if any, together with drafts of legislation necessary to carry its
413 recommendations into effect, by filing the same with the clerks of the senate and the house of
414 representatives and the chairmen of the senate and house committees on ways and means no later
415 than October 1, 2016. Said commission shall meet and hold hearings at least every two years and
416 shall report to the general court in the same manner before the first Wednesday of October in
417 every even numbered year beginning in 2018.

418 Section 19. This chapter shall be effective for all election cycles beginning on or after
419 November 1, 2016.