

**SENATE . . . . . No. 380**

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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 fair election in Massachusetts.

PETITION OF:

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

**SENATE . . . . . No. 380**

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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.

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[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:*

1 SECTION 1. The General Laws are hereby amended by inserting after chapter 55C the  
2 following chapter:-

3 CHAPTER 55D.

4 VOLUNTARY PUBLIC MATCHING FUNDS FOR QUALIFIED LEGISLATIVE  
5 CANDIDATES.

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

8 "Allowable contribution", a monetary contribution made to a participant by an individual  
9 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 11(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.