

SENATE No. 375

The Commonwealth of Massachusetts

PRESENTED BY:

Sal N. DiDomenico

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 promoting political participation.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/25/2017</i>
<i>Byron Rushing</i>	<i>9th Suffolk</i>	<i>1/25/2017</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/30/2017</i>
<i>Kenneth J. Donnelly</i>	<i>Fourth Middlesex</i>	<i>1/30/2017</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/31/2017</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/31/2017</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/31/2017</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>	<i>2/1/2017</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>2/2/2017</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>2/2/2017</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	<i>2/2/2017</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>2/2/2017</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>2/2/2017</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>2/2/2017</i>
<i>Thomas M. McGee</i>	<i>Third Essex</i>	<i>2/2/2017</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/3/2017</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>2/3/2017</i>

Linda Dorcena Forry
Cindy F. Friedman

First Suffolk
Fourth Middlesex

2/3/2017
10/3/2017

SENATE No. 375

By Mr. DiDomenico, a petition (accompanied by bill, Senate, No. 375) of Sal N. DiDomenico, Jason M. Lewis, Byron Rushing, Denise Provost and other members of the General Court for legislation to promote political participation through voluntary contributions . Election Laws.

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act promoting political participation.

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 adding after chapter 180A the
2 following chapter:-

3 CHAPTER 180B. PAYROLL DEDUCTIONS TO PROMOTE POLITICAL
4 PARTICIPATION THROUGH VOLUNTARY CONTRIBUTIONS TO NOT-FOR-PROFIT
5 SOCIAL WELFARE ORGANIZATIONS AND POLITICAL ACTION COMMITTEES

6 Section 1. Findings and public policy

7 The general court hereby finds that many low-income residents of Massachusetts face
8 substantial obstacles to participating fully in the public and political life of their communities;
9 that financial barriers, including lack of access to credit cards and banking services, often prevent
10 these residents from contributing financially to not-for-profit social welfare organizations and
11 political action committees that engage in the political process and help shape the policies that
12 affect residents’ lives; and that a payroll deduction mechanism would promote political

13 participation by enabling individuals to authorize small, regular deductions from their pay at
14 levels they can afford to contribute to political and advocacy organizations, eliminating
15 transaction costs for such contributions and permitting greater numbers of Massachusetts
16 residents to engage in the political process and to participate in community and civic life.

17 It is therefore declared to be the policy of the commonwealth to create a payroll
18 deduction mechanism for enabling voluntary contributions to not-for-profit social welfare
19 organizations and political action committees, available to any individual employed by an
20 employer with a system of payroll deduction and without cost to the individual or to the
21 employer.

22 Section 2. Definitions

23 As used in sections one through seven of this chapter, the following words shall have the
24 following meanings:

25 “Covered organization” shall mean any not-for-profit organization that is organized under
26 the Internal Revenue Code, 26 U.S.C. section 501(c)(4), and certified by the attorney general
27 pursuant to this chapter or any political action committee that is organized in accordance with
28 chapter 55 of the General Laws and regulations of the Massachusetts Office of Campaign and
29 Political Finance and certified by the attorney general pursuant to this chapter; provided,
30 however, that the not-for-profit organization or political action committee has obtained
31 authorization pursuant to section 3 of this chapter from 250 or more residents of the
32 commonwealth.

33 “Employee” shall mean any person employed by an employer, including any person
34 considered to be an employee under section 148B of chapter 149 of the General Laws and any

35 person covered by the definition of “employee” in the Fair Labor Standards Act, 29 U.S.C.
36 section 203(e), but shall not include any person employed by the commonwealth or by any body
37 of the commonwealth, including the legislature, judiciary, any boards, departments, and
38 commissions thereof or authorities, and all political subdivisions of the commonwealth.

39 “Employer” shall mean any individual, company, corporation, partnership, labor
40 organization, unincorporated association or any other private legal business or other private
41 entity, whether organized on a profit or not-for-profit basis, including any person acting directly
42 or indirectly in the interest of an employer. The term “employer” shall not include the
43 commonwealth or any body of the commonwealth, including the legislature, judiciary, any
44 boards, departments, and commissions thereof or authorities, and all political subdivisions of the
45 commonwealth.

46 “Remittance” shall mean a voluntary contribution duly authorized in writing by an
47 employee, to be deducted from the employee's pay and remitted to a covered organization
48 pursuant to this chapter.

49 “In writing” or “written” denotes a tangible or electronic record of a communication or
50 representation, including handwriting, typewriting, printing, photo-stating, photography, audio or
51 video recording, and any “electronic signature,” as defined by section 2 of chapter 110G of the
52 General Laws.

53 Section 3. Requirement to deduct and remit voluntary contributions to covered
54 organizations; standards for valid authorization; revocation of authorization, timely remittance

55 (a) An employer shall, upon written authorization of an employee, deduct voluntary
56 contributions from the employee’s pay and remit them to a covered organization designated by

57 the employee, minus a reasonable administrative fee for processing such deduction and
58 remittance determined pursuant to regulations adopted by the attorney general; provided,
59 however, that the employee or covered organization has provided to the employer documentation
60 that the attorney general has certified the covered organization pursuant to subsection (b) of
61 section 4 of this chapter.

62 (b) The employee's written authorization shall include:

63 (i) The name and residential address of the contributing employee;

64 (ii) The name and address of the employer;

65 (iii) The occupation of any contributing employee who has authorized deduction of a
66 contribution of two hundred dollars or more or of periodic contributions that in the aggregate
67 exceed or may exceed two hundred dollars within any one calendar year;

68 (iv) The name and address of the not-for-profit organization or political action
69 committee to which the employee wishes to contribute;

70 (v) The amount of the contribution to be deducted in each pay period; provided,
71 however, that the minimum amount of such contribution shall be \$2.00; and

72 (vi) A statement that the contributing employee's authorization may be revoked by the
73 employee at any time by written notice from the employee to the employer.

74 (c) An authorization is valid for each subsequent pay period until the employee
75 revokes the authorization in writing and transmits the revocation to the employer.

76 (d) The employer shall provide a copy of any written authorization or revocation that
77 it receives to the not-for-profit organization or political action committee to which it pertains
78 within five business days of receipt.

79 (e) The employer shall commence deductions no later than the first pay period that
80 begins 15 or more business days after receipt of the authorization and shall remit the deductions
81 to the covered organization no later than 15 business days after deduction.

82 (f) An employee may authorize contributions to no more than two covered
83 organizations at one time.

84 Section 4. Certification of a not-for-profit organization or political action committee
85 as a covered organization.

86 (a) A not-for-profit organization or political action committee seeking to be certified
87 as a covered organization pursuant to this chapter must provide the attorney general with the
88 following:

89 (i) The name, address, email address, and phone number of the not-for-profit
90 organization or political action committee;

91 (ii) Proof of current status as a not-for-profit organized under 26 U.S.C. section
92 501(c)(4) and incorporated under the laws of the state of its incorporation or as a political action
93 committee registered with the Massachusetts Office of Campaign and Political Finance; and

94 (iii) Proof that the not-for-profit organization or political action committee has
95 obtained payroll deduction authorization pursuant to subsection (b) of section 3 of this chapter
96 from 250 or more residents of the commonwealth.

97 (b) The attorney general shall provide written notice to the not-for-profit organization
98 or political action committee that it has been certified as a covered organization within 15
99 business days of the date that the not-for-profit organization or political action committee has
100 met the requirements of subsection (a) of this section to the satisfaction of the attorney general.

101 Section 5. No dues to labor organizations

102 Nothing herein shall be construed to require remittances to a “labor organization” as
103 defined in the National Labor Relations Act, 29 U.S.C. section 152(5).

104 Section 6. Enforcement

105 (a) It shall be unlawful for any employer to interfere with, restrain, or deny the
106 exercise of, or the attempt to exercise, any right provided under or in connection with this
107 chapter, including, but not limited to, threatening, intimidating, disciplining, discharging,
108 demoting, harassing, reducing an employee’s hours or pay, informing another employer that an
109 employee has engaged in activities protected by this chapter, or discriminating or retaliating
110 against an employee, and or engaging in any other such action that penalizes an employee for,
111 or is reasonably likely to deter an employee from, exercising or attempting to exercise any right
112 protected under this chapter.

113 (b) The attorney general shall enforce this chapter, and may obtain injunctive or
114 declaratory relief for this purpose. Violation of this chapter shall be subject to paragraphs (1),
115 (2), (4), (6) and (7) of subsection (b) of section 27C of chapter 149 of the General Laws.

116 Section 7. Attorney General’s adoption of rules and regulations

117 The attorney general shall adopt rules and regulations necessary to carry out the purpose
118 and provisions of this chapter.

119 Section 8. Severability

120 If any provision of this act or application thereof to any person or circumstances is judged
121 invalid, the invalidity shall not affected other provisions or applications of this act which can be
122 given effect without the invalid provision or application, and to this end the provisions of this act
123 are declared severable.

124 SECTION 2. Section 150 of chapter 149 of the General Laws, as appearing in the 2014
125 Official Edition, is hereby amended by striking out, in line 22, the word “or” following the word
126 “190,” by inserting, in line 22, a “,” preceding the words “section 19 of chapter 151” and by
127 inserting, in line 23, after the word “151”, the following words:- or chapter 180B.

128 SECTION 3. Section 150A of chapter 149 of the General Laws, as appearing in the
129 2014 Official Edition, is hereby amended by inserting, in line 4, following the word “check-off,”
130 the following words:-

131 , voluntary contributions to social welfare organizations or political actions committees
132 pursuant to chapter 180B,

133 SECTION 4. Section 8 of chapter 154 of the General Laws, as appearing in the 2014
134 Official Edition, is hereby amended by inserting, in line 15, following the word “plan,” the
135 following words:-

136 or voluntary contributions to social welfare organizations or political actions committees
137 pursuant to chapter 180B,

SECTION 5. This act shall take effect on January 1, 2018.