

SENATE No. 381

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 elections.

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>2/1/2017</i>
<i>Brian Murray</i>	<i>10th Worcester</i>	<i>2/1/2017</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>	<i>2/3/2017</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>2/3/2017</i>

SENATE No. 381

By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 381) of James B. Eldridge, Paul W. Mark, Brian Murray, Carmine L. Gentile and others for legislation relative to fair elections. Election Laws.

The Commonwealth of Massachusetts

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

An Act relative to fair elections.

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:-

3 CHAPTER 55D.

4 VOLUNTARY PUBLIC MATCHING FUNDS FOR QUALIFIED LEGISLATIVE
5 CANDIDATES.

6 Section 1. As used in this chapter, the following words shall have the following meanings
7 unless the context clearly requires otherwise:

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 \$100 in
11 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 31 days after a regular state election for that office and ending 30 days after the next
30 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 "Legislative office", the offices of state senator, and state representative.

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

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

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

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

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

50 "Participant", a candidate who has voluntarily agreed to participate in Massachusetts Fair
51 Elections, and who has submitted and not withdrawn a declaration of intent, and who has been
52 neither denied certification nor decertified by the director. Unless a contrary intention clearly

53 appears, participant shall refer to the candidate and the candidate's committee, as defined in
54 section 1 chapter 55.

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

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

61 "Qualifying contribution", an allowable contribution to a participant of at least \$5 made
62 during the qualifying period and after submission of a declaration of intent. An allowable
63 contribution is a qualifying contribution only if it is accompanied by a form prescribed by the
64 director pursuant to section 5. A contribution to a participant running for house of representatives
65 is a qualifying contribution only if it is made by a registered voter who is registered in the
66 participant's house district. A contribution to a participant running for senate is a qualifying
67 contribution only if it is made by a registered voter who is registered in the participant's senate
68 district. During any election cycle, only one allowable contribution by a particular voter to a
69 given participant may be considered a qualifying contribution to that 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 "Unexpended fair primary election funds", the money on hand following the end of the
78 primary election campaign period, minus any allowable contributions raised during the election
79 cycle prior to the end of the primary election campaign period, and minus any outstanding
80 obligated expenditures incurred during the election cycle prior to the end of the primary election
81 campaign period.

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

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

92 Section 3. (a) All candidates for legislative office shall continue to be bound by all other
93 applicable election and campaign finance statutes and regulations, unless they clearly conflict
94 with the provisions of this chapter; provided, further, that a participant in Massachusetts Fair
95 Elections shall abide by the following requirements, and no candidate not complying with such
96 requirements at any time during an election cycle shall be eligible to become a participant:

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

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

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

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

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

110 (6) During an election cycle, a participant shall participate in at least:

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

114 (ii) 2 public debates after the primary election but before the general election with other
115 participating candidates and other willing candidates seeking the same office as such candidate.

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

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

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

123 Section 5. (a) To become a certified candidate, a participant shall receive the following:

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

126 State Senator..... 450

127 State Representative.. 200

128 (2) A total dollar amount of qualifying contributions equal to or greater than the
129 following amounts for the following legislative offices:

130 State Senator..... \$2,250

131 State Representative.. \$1,000

132 (b) Each qualifying contribution:

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

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

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

138 (ii) an oath declaring that the contributor:

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

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

142 (C) has made the contribution willingly; and

143 (D) has not received anything of value in return for the contribution; and

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

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

148 (d) No person shall make or give any payment, gift or anything of value in exchange for a
149 contribution, and no such contribution shall be reported or treated as a qualifying contribution.

150 Violation of this provision shall be punishable by a fine of not more than \$2,000.

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

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

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

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

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

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

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

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

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

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

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

173 (e) In no case shall certification or denial of certification be completed more than 7
174 business days after a participant has applied to become a certified candidate and submitted all
175 appropriate supporting documents.

176 (f) The director's certification or denial of certification is subject to judicial review in the
177 superior court of the county where the candidate resides or in the Suffolk County Superior Court
178 or in the supreme judicial court for Suffolk county; provided, however, that any petition for
179 judicial review shall be filed within 14 days after the end of the qualifying period.

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

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

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

188 State Senator \$60,000

189 State Representative.. \$20,000

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

193 State Senator..... \$120,000

194 State Representative.. \$40,000

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

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

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

202 State Senator..... \$48,000

203 State Representative.. \$16,000

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

206 State Senator..... \$96,000

207 State Representative.. \$32,000

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

210 (1) within 5 business days after certification, 20 per cent of the applicable amount
211 provided in section 8(a)(1);

212 (2) within 5 business days after the end of the qualifying period, for certified candidates
213 in a primary with an opponent who will appear on the ballot in the primary, 20 per cent of the
214 applicable amount provided in section 8(a)(1);

215 (3) within 5 business days after the primary election, for certified candidates in the
216 general election with an opponent who will appear on the ballot in the general election, 20 per
217 cent of the applicable amount provided in section 8(a)(2);

218 (4) within 5 business days after the primary election, for certified candidates in a general
219 election without an opponent in the general election, 20 per cent of the applicable amount
220 provided in section 8(a)(2); and

221 (5) within 2 business days of the filing of a contribution report any matching funds as
222 provided in section 10.

223 (b) Within 14 business days after the primary election, a certified candidate shall return
224 all unexpended fair primary election funds to the Massachusetts Fair Elections Fund.

225 (c) Within 45 days after the general election, a certified candidate shall return all fair
226 election funds that were not expended or obligated to be spent during the election cycle to
227 Massachusetts Fair Elections Fund.

228 Section 10. (a) The Special Commission on Fair Elections shall pay to each participating
229 candidate an amount equal to 400 per cent of the amount of qualified small dollar contributions
230 received by the candidate from individuals who are residents of the commonwealth.

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

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

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

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

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

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

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

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

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

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

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

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

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

254 Section 11. (a)

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

258 State Senator\$12,000

259 State Representative....\$4,000

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

263 State Senator.....\$24,000

264 State Representative....\$8,000

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

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

271 by the participant, or not later than three days after notification by the director, whichever is
272 earlier.

273 (d) Each allowable contribution:

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

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

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

279 (ii) an oath declaring the contributor:

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

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

283 (C) has made the contribution willingly; and

284 (D) has not received anything of value in return for the contribution;

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

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

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

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

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

296 State Senator..... \$10,000

297 State Representative.. \$5,000

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

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

306 (b) If the director determines that any portion of fair election funds distributed to a
307 certified candidate under this chapter was used for any purpose other than to defray campaign
308 expenditures in that candidate's campaign, or to repay loans the proceeds of which were used to
309 defray campaign expenditures in that campaign, the director shall so notify the certified

310 candidate and the certified candidate shall, after notice and opportunity for hearing, pay an
311 amount equal to the full amount so used to the Massachusetts Fair Elections Fund.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

369 (c) Any participant decertified pursuant to this chapter, except a candidate who is
370 decertified solely for not winning the party primary who shall return all unexpended fair primary

371 election funds, shall forfeit and return, with interest from date of receipt to date of return at the
372 rate computed as specified in section 6 I of chapter 231, all fair election funds which said
373 candidate has received. Funds forfeited and all applicable interest returned by a decertified
374 candidate shall be deposited in the Massachusetts Fair Elections Fund.

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

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

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

386 (g) Decertification is subject to judicial review in the superior court of the county where
387 the candidate resides or in the Suffolk county superior court or in the supreme judicial court for
388 Suffolk county, provided, however, that any petition for judicial review shall be filed within ten
389 days of receipt of notice of decertification.

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

392 Section 18. (a) There is hereby established a Special Commission on Fair Elections to
393 consist of 3 members of the senate, 1 of whom shall be the chairman of the joint committee on
394 election laws who shall serve as co-chairman, 1 of whom shall be the senate president or his
395 designee, and 1 of whom shall be the minority leader or his designee, and 3 members of the
396 house of representatives, 1 of whom shall be the chairman of the joint committee on election
397 laws who shall serve as co-chairman, 1 of whom shall be the speaker of the house or his
398 designee, and 1 of whom shall be the minority leader or his designee, the governor or his
399 designee, the state secretary or his designee, and 8 Massachusetts citizens representing the public
400 to be appointed by the director of the office of campaign and political finance.

401 (b) The special commission shall investigate and study the workings of the Massachusetts
402 Fair Elections, including, but not limited to, the required number of qualifying contributions, the
403 level of fair election amounts, expenditure limits for participants, adequacy of funding for the
404 Massachusetts Fair Elections, the level and impact of independent expenditures in Massachusetts
405 elections, the cost of implementation, estimated cost of compliance with this chapter by the
406 office of campaign and political finance, and the priority of funding fair elections candidates in
407 the event the legislature appropriates insufficient funds. The office of campaign and political
408 finance shall consult with and provide information and assistance to said commission in the
409 preparation of its report. Said commission shall begin to meet and conduct hearings no later than
410 January 15, 2018 and shall report to the general court the results of its investigation and study,
411 and its recommendations, if any, together with drafts of legislation necessary to carry its
412 recommendations into effect, by filing the same with the clerks of the senate and the house of
413 representatives and the chairmen of the senate and house committees on ways and means no later
414 than October 1, 2018. Said commission shall meet and hold hearings at least every two years and

415 shall report to the general court in the same manner before the first Wednesday of October in
416 every even numbered year beginning in 2018.

417 Section 19. This chapter shall be effective for all election cycles beginning on or after
418 November 1, 2018.