

HOUSE No. 4223

Text of further amendments (Mr. Lawn of Watertown) to the Senate amendment of the House Bill relative to campaign finance (House, No. 4087). November 20, 2019.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

By striking out all after the enacting clause (inserted by amendment by the Senate) and inserting in place thereof the following:—

1 “SECTION 1. Section 1 of chapter 55 of General Laws, as appearing in the 2018 Official
2 Edition, is hereby amended by inserting after the definition of ‘Contribution’ the following
3 definition:-

4 ‘County office’, offices of a district attorney, clerk of court, register of probate, registrar
5 of deeds, county commissioner, county treasurer or sheriff.

6 SECTION 2. Said section 1 of said chapter 55, as so appearing, is hereby further
7 amended by inserting after the definition of ‘Political party committee’ the following definition:-

8 ‘State office’, the offices of governor, lieutenant governor, state secretary, attorney
9 general, state treasurer and receiver general, state auditor, state senate, house of representatives
10 or governor’s council.

11 SECTION 3. Said chapter 55 is hereby further amended by striking out section 18, as so
12 appearing, and inserting in place thereof the following section:-

13 Section 18. (a) Each candidate and each treasurer of a political committee shall, except as
14 provided in this section and section 24, file with the director reports of contributions received
15 and expenditures made. A candidate and a committee organized on behalf of a candidate seeking
16 public office at a municipal election shall file such reports with the director, if the candidate is
17 seeking the office of mayor in a municipality or if the committee is required to file such reports
18 with the director pursuant to section 19. All other candidates seeking public office at a city or
19 town election shall file reports with the city or town clerk. A committee organized under section
20 5 to favor or oppose a question submitted to the voters shall file its reports with the director if the
21 question appears on ballots at a state election, or with the city or town clerk if the question
22 appears on ballots at a city or town election or for use in a city or town at a state election.
23 Reports of contributions received and expenditures made shall be filed using forms prescribed by
24 the director. Reports required pursuant to this section shall be filed as follows:

25 (1) by each candidate for nomination or election to city or town office, and by the non-
26 elected political committee organized on behalf of such candidate, except a candidate required to
27 designate a depository by section 19 or a candidate seeking election as a member of a
28 representative town meeting or of a town or city ward committee, and any non-elected political
29 committee organized on behalf of such candidate, on or before: (i) the 8th day preceding a city or
30 town preliminary or primary, including a caucus, the 8th day preceding a city or town election,
31 and if a city election, as a final report, January 20th in the following year complete as to
32 December 31st of the prior year, and if a town election, as a final report, the 30th day following
33 said election; (ii) the 8th day preceding a special primary, including a caucus, the 8th day
34 preceding a special election, and, as a final report, the 30th day following a special election;

35 (2) by each candidate and each non-elected political committee required to designate a
36 depository by section 19, on or before: (i) the 3rd business day following the designation of such
37 depository, and (ii) as a final report, January 20th of the year following the election, complete as
38 to December 31st of the prior year.

39 The reporting period of the initial report shall commence on the day following the
40 preceding election for the office sought by the candidate, or on the day following the end of the
41 reporting period of the last report filed, if any, whichever period is shorter, and shall end as of
42 the day such depository is designated.

43 The reporting period of the second report shall commence on the day following the
44 designation of the depository and shall end as of December 31st of the year of the election;

45 (3) by the treasurer of each state committee referred to in section 1 of chapter 52 and
46 required to designate a depository by section 19, on or before: (i) the 3rd business day following
47 the designation of such depository; and (ii) as a final report, January 20th of the year following
48 the election complete as to December 31st of the prior year.

49 The reporting period of the initial report shall commence on the day following the
50 preceding biennial state election, or on the day following the end of the reporting period of the
51 last report filed, if any, whichever period is shorter, and shall end as of the day such depository is
52 designated.

53 The reporting period of the second report shall commence on the day following the
54 designation of the depository and shall end as of December 31st of the year of the election;

55 (4) by all other non-elected and elected political committees which are not required to file
56 reports as aforesaid other than political action committees and people's committees as defined in
57 section 1, independent expenditure PACs organized pursuant to section 18A and political
58 committees organized under the provisions of section 5 to favor or oppose a question submitted
59 to the voters, if the question appears on the ballot at the state election, on or before: (i) the same
60 days and in accordance with the same schedule as set forth in paragraph (3) of subsection (b) of
61 section 19, if the political committee is aiding or promoting the success or defeat of 1 or more
62 candidates in a state primary, special or general election; or (ii) the same days and in accordance
63 with the same schedule as set forth in clause (1), if the political committee is aiding or promoting
64 the success or defeat of 1 or more candidates, or is favoring or opposing a question submitted to
65 the voters, in a city or town preliminary, primary, general or special election or for use on ballots
66 in a city or town at a state election;

67 (5) by each political committee organized under the provisions of said section 5 to favor
68 or oppose a question submitted to the voters, if the question appears on the ballot at the state
69 election on (i) the day of the organization; and (ii) the 60th day prior to the election complete as
70 of the preceding 5th day; on or before (iii) the 5th and 20th day of each month complete as of the
71 preceding 1st and 15th day of the month, until the election, and thereafter; (iv) November 20th
72 following such election complete as of November 15th; and (v) January 20th of each year
73 complete as of December 31st of the prior year until all declared liabilities of such committee
74 have been discharged.

75 The reporting period of the initial report shall commence on the day following the
76 preceding biennial state election, or on the day following the end of the reporting period of the
77 last report filed, if any, whichever period is shorter, and shall end as of the day of organization.

78 The reporting period of the second report shall commence on the day following said day
79 of organization and shall end as of the 60th day prior to the election.

80 The reporting period of all subsequent reports shall commence on the day following the
81 end of the reporting period of the last report filed and shall end as of the 1st or 15th day of each
82 month, as the case may be;

83 (6) by all candidates and all political committees, except those candidates seeking
84 election as members of a representative town meeting, or of a city ward or town committee, and
85 non-elected political committees organized on behalf of such candidates, on or before January
86 20th in each year in which they are not otherwise required to file a report on or before January
87 20th.

88 (b) For candidates, and non-elected political committees organized on behalf of such
89 candidates for whom the report required pursuant to clause (6) of subsection (a) would be an
90 initial report, the reporting period shall commence on the day following the preceding election
91 for the office sought by such candidate and shall end as of December 31st of the year prior to the
92 last day for filing; and for all other political committees for which said report would be an initial
93 report, the reporting period shall commence on the day following the preceding state, city or
94 town election, as the case may be, and in accordance with the provisions of this section
95 governing said initial report of such committees, and shall end as of December 31st of the year
96 prior to the last day for filing said report. The reporting period for the report required to be filed
97 on or before January 20th in each odd-numbered year shall commence on the day following the
98 end of the reporting period of the last report filed and shall end as of December 31st of the prior
99 year.

100 The reports required to be filed in accordance with the provisions of clause (1) of
101 subsection (a), except for the report to be filed in accordance with said provisions on or before
102 January 20th of the year following the election, shall not be required of a candidate, or of the
103 non-elected political committee organized on behalf of said candidate, if the candidate is not a
104 candidate as defined in clause (2) of the definition of candidate in section 1.

105 Notwithstanding the provisions of clauses (1), (2) and (3) of subsection (a) for those
106 contributions received subsequent to the end of the reporting period of the last report filed, which
107 was identified in said clauses as a final report, by a candidate or political committee, and
108 intended for application to the preceding election of said candidate or of said reporting political
109 committee, an additional report, which shall be the final report for such candidates and
110 committees shall be required. This report shall be filed on or before January 20th following the
111 last day for filing said final report of clauses (1), (2) and (3) of subsection (a) and shall be
112 complete as of December 31st of the prior year. The reporting period of said report shall
113 commence on the day following the end of the reporting period of the last report, or final report
114 required to be filed by said clauses.

115 (c) Except as otherwise provided, each candidate and the non-elected political committee
116 organized on behalf of said candidate, shall, within the filing of the initial report, include all
117 contributions received and expenditures made since the day of the preceding election for the
118 office sought by the candidate, or since the end of the reporting period of the last report filed, if
119 any, whichever reporting period is shorter, and all other political committees shall, within the
120 filing of their initial report, include all contributions received and expenditures made since: (1)
121 the day of the preceding biennial state election, or the end of the reporting period of the last
122 report filed, if any, whichever period is shorter, if the political committee is either aiding or

123 promoting the success or defeat of 1 or more candidates, or is favoring or opposing the adoption
124 or rejection of a question submitted to the voters, at a state primary or election, or (2) the day of
125 the preceding city or town election, or the end of the reporting period of the last report filed, if
126 any, whichever period is shorter, if the political committee is either aiding or promoting the
127 success or defeat of 1 or more candidates, or is favoring or opposing the adoption or rejection of
128 a question submitted to the voters, at a city or town preliminary, primary or election.

129 (d) Except as otherwise provided, the end of the reporting period of each report required
130 to be filed under the provisions of this section shall be as of the 10th day preceding the last day
131 for filing. The beginning of the reporting period for each report subsequent to the initial report
132 shall be the day following the end of the reporting period of the last report filed.

133 The reports required to be filed by this section shall be cumulative during the calendar
134 year to which they relate.

135 Where there has been no change in an item included in a previous report, only the amount
136 of the item need be carried forward.

137 Whether or not a contribution has been received or an expenditure has been made during
138 any reporting period as described in this section, a candidate or political committee shall file the
139 required report for said reporting period.

140 (e) Each report required to be filed pursuant to this section by a candidate or political
141 committee shall disclose:

142 (1) the amount of money on hand at the beginning of the reporting period;

143 (2) the full name and residential address, listed alphabetically, of each person who has
144 made a contribution, except for those contributions identified in clauses (4), (5) and (6) and
145 which shall be reported therein, in an amount or value in excess of \$50 in the reporting period,
146 and such information for each contribution of less than or equal to the sum of \$50, if the
147 aggregate of all contributions received from such contributor within said reporting period is in
148 excess of \$50, as the case may be, and the amount or value and date of the contribution and the
149 total of all contributions listed;

150 (3) the total amount or value of contributions made in the reporting period, and not
151 otherwise reported under clause (2);

152 (4) the name and address, listed alphabetically, of each candidate or political committee
153 from which was received any money or anything of value in a reporting period, together with the
154 amount or value thereof and the date received;

155 (5) the name and address of the principal officers of any trust, foundation and association
156 from which was received a contribution, as provided in section 10;

157 (6) the amount or value and date of each loan to or from any person, in the reporting
158 period, together with the name and residential address of the lender and endorser, if any, listed
159 alphabetically;

160 (7) the total sum of all contributions received, in the reporting period, which is the sum of
161 clauses (2), (3), (4), (5) and (6);

162 (8) the full name and address, listed alphabetically, of each person to whom an
163 expenditure is made, in the reporting period, except for those identified in clause (10), and shall

164 report therein, for each amount or value in excess of \$50, the amount and value, date and purpose
165 of each expenditure and the total of all expenditures listed, and in the case of a political party
166 committee organized in accordance with chapter 52 or a political committee supporting more
167 than 1 candidate, the name and address, the elective office held, if any, and office sought by each
168 candidate on whose behalf the expenditure was made;

169 (9) the total amount or value of expenditures made in the reporting period, and not
170 otherwise reported under clause (8);

171 (10) in the case of a candidate or political committee, the name and address, listed
172 alphabetically, of each candidate or political committee to which was transferred any money or
173 anything of value, in the reporting period, together with the amount or value thereof and the date
174 of such transfer;

175 (11) the total sum of expenditures made, in the reporting period, which is the sum of
176 clauses (8), (9) and (10);

177 (12) the amount and date of each then existing liability remaining unfulfilled and in force
178 when the report is made, the name and address of the person to whom the liability exists, and a
179 clear statement of the purpose for which it was incurred;

180 (13) a listing of all banks or other financial institutions used;

181 (14) in the event of a dissolution of a political committee, a statement of such dissolution
182 detailing the intended or actual disposition of any residual funds; and

183 (15) in the event of a dissolution of a political action committee, a statement that the
184 political action committee has not received contributions pursuant to section 9A or, if it has

185 received such contributions, a statement that the political action committee has given 60 days
186 written notice of its intended dissolution to any contributor and said contributor's bank or other
187 financial institution currently making contributions pursuant to said section 9A.

188 (f) In addition, each report required to be filed under the provisions of this section shall
189 also include the name, residential address, and amount contributed in that reporting period, of
190 each person whose contributions in the aggregate exceed more than \$50 in the calendar year, for
191 those contributions where said information does not otherwise appear on the report.

192 (g) In addition, each report required to be filed under the provisions of this section shall
193 also include the occupation and name of employer or employers for each person whose
194 contribution or contributions in the aggregate equals or exceeds the sum of \$200 within any
195 calendar year; provided, however, that no candidate or political committee shall be required to
196 include such occupation and employer if, upon compliance with the requirements of section 2
197 concerning the inclusion of such occupation and employer, said candidate or political committee
198 has not been able to obtain such information.

199 (h) Each year-end campaign finance report filed by a candidate or non-elected political
200 committee required to designate a depository by section 19 and who also maintains or who has
201 maintained a savings account or money market account, shall disclose, for each reporting period,
202 all activity in any such account. Nothing in this section shall authorize a transfer made from any
203 such savings or money market accounts to an account other than the depository account
204 established by a candidate or committee in accordance with said section 19.

205 (i) Every political committee organized on behalf of a candidate that files with the
206 director, and every ballot question committee that files with the director, which receives and

207 deposits a contribution in the amount of \$500 or more after the 18th day, but more than 72 hours,
208 before the date of a special, preliminary, primary or general election, shall file a report to
209 disclose the information required by this section, within 72 hours of depositing such
210 contribution.

211 (j) In addition, the report required to be filed on or before January 20th shall contain a
212 statement detailing the intended or actual disposition of any residual funds. Such residual funds
213 shall not be converted to the personal use of the candidate or any other person except as provided
214 in this subsection. Such residual funds shall be donated to:

215 (1) the General Fund;

216 (2) an entity subject to chapter 67 or section 8 of chapter 12; provided, however, that the
217 candidate, treasurer or any official of the political committee shall not be related by
218 consanguinity or affinity to any trustee, officer, principal or beneficiary of said entity either at
219 the time of the gift or within 10 years from the date of such gift; provided, further, that no entity
220 may employ as a trustee, officer, principal or beneficiary any person related by consanguinity or
221 affinity to the candidate, treasurer or any official of the political committee either at the time of
222 the gift or within 10 years from the date of such gift;

223 (3) a scholarship fund; provided, however, that the candidate, treasurer or any official of
224 the political committee shall not participate in the selection of the beneficiary of any scholarship
225 awarded from such fund; and, provided further, the beneficiary of any scholarship awarded from
226 such fund shall not be related by consanguinity or affinity to the candidate, treasurer or any
227 official of the political committee; or

228 (4) the general fund of any city or town in the commonwealth.

229 (k) The director may petition the supreme judicial court for the dissolution of a political
230 committee, if (1) such political committee fails to comply for 2 consecutive years with
231 provisions of this section requiring the filing of reports of contributions received and
232 expenditures made; (2) the candidate on whose behalf such political committee has been
233 organized has died; or (3) such political committee was organized for the purpose of favoring or
234 opposing the adoption or rejection of a question submitted to the voters and there has been a final
235 determination made as to the adoption or rejection of such question.

236 By such petition, the director may request the court to authorize the administration of any
237 funds held by such political committee in accordance with the provisions of this section
238 regarding residual funds. The court, after notice by mail or otherwise as it may order, may
239 dissolve such political committee. The director may include more than 1 political committee in a
240 single application.

241 (l) Any person nominated by the governor for a position that requires confirmation by the
242 executive council shall, within 6 months of the date of confirmation, dissolve any political
243 committee organized on behalf of such person and disperse all funds remaining in such
244 committee's account in accordance with this section.

245 (m) Violation of any provision of this section shall be punished by imprisonment for not
246 more than 1 year, or by a fine of not more than \$1,000, or both.

247 (n) The provisions of this section requiring candidates to file reports shall not apply to
248 candidates who during any reporting period have not received contributions, incurred any
249 liabilities, nor made expenditures on their own behalf independent from the political committee
250 organized on their behalf. Said candidates shall sign an affidavit under the pains and penalties of

251 perjury that they have not received any contributions, incurred any liabilities, nor made any
252 expenditures on their own behalf during that reporting period. Said affidavit shall be made on the
253 report filed by the candidate’s political committee for that reporting period.

254 (o) Candidates who have no political committee organized on their behalf and who have
255 not received any campaign contributions, incurred any liabilities, nor expended money on their
256 behalf during any reporting period need only sign an affidavit on a form provided by the director
257 stating that they have not received a campaign contribution, incurred any liabilities, nor made
258 any expenditure on their own behalf. Said statement shall be signed under the pains and penalties
259 of perjury.

260 (p) The provisions of this section requiring city, town and ward committees established
261 under the provisions of chapter 52 to file reports shall not apply to any city, town or ward
262 committee which has not received contributions or made expenditures in excess of \$100 during
263 any reporting period, nor incurred liabilities or acquired or disposed of assets in excess of \$100
264 during any reporting period.

265 SECTION 4. Section 19 of said chapter 55, as so appearing, is hereby amended by
266 striking out, in lines 1 through 6, inclusive, the words “Candidates for nomination or election to
267 the offices of governor, lieutenant governor, state secretary, attorney general, state treasurer and
268 receiver general, state auditor, governor’s council, district attorney, clerk of court, register of
269 probate, registrar of deeds, county commissioner, county treasurer and sheriff, mayor or” and
270 inserting in place thereof the following words:- Candidates for state office or for county office,
271 or mayor, and candidates for.

272 SECTION 5. Said section 19 of said chapter 55, as so appearing, is hereby further
273 amended by striking out subsection (b) and inserting in place thereof the following subsection:-

274 (b) (1) A candidate and the treasurer of a political committee required to designate a
275 depository shall deposit contributions in the form received within 7 days of receipt.

276 (2) Any candidate or treasurer required to designate a depository, except a candidate or a
277 treasurer of a candidate's committee for nomination or election to the state senate or house of
278 representatives, shall file with the director, by the fifth day of each month, the following
279 information: (i) a list of all contributions of more than \$50 deposited as of the last day of the
280 preceding month and since the last statement, including an alphabetical list of names and
281 addresses of each person making a contribution; (ii) for a person who has made a contribution in
282 an amount of or with a value of \$200 or more in any calendar year, the occupation and employer
283 of the contributor and the information for each contribution of less than \$200 if the aggregate of
284 all contributions received from the contributor within any calendar year is \$200 or more; and (iii)
285 a summary of all contributions of \$50 or less deposited that are not itemized on the report.

286 (3) A candidate or a treasurer of a candidate's committee for nomination or election to
287 the state senate or house of representatives shall file with the director the information required
288 pursuant to paragraph (2) according to the following schedule:

289 (i) on or before: (A) in each odd-numbered year: January 20th, complete as to December
290 31st of the previous year; April 20th, complete as to March 31st; July 20th, complete as to June
291 30th; and October 20th, complete as to September 30th; (B) in each even-numbered year:
292 January 20th, complete as to December 31st of the previous year; April 20th, complete as to

293 March 31st; July 20th, complete as to June 30th; the 8th day preceding a primary; and the 8th
294 day preceding a biennial state election.

295 (ii) Each such candidate participating in a special election shall file the following
296 additional reports, on or before: the 8th day preceding a special primary, including a convention
297 or a caucus; the 8th day preceding a special election; the 30th day following a special election;
298 and January 20th of the following year, complete as to the December 31st of the prior year.

299 (iii) Except as otherwise provided, the end of the reporting period of each report required
300 to be filed under the provisions of this paragraph shall be as of the 10th day preceding the last
301 day for filing. The beginning of the reporting period for each report subsequent to the initial
302 report shall be the day following the end of the reporting period of the last report filed.

303 The reports required to be filed by this paragraph shall be cumulative during the calendar
304 year to which they relate.

305 SECTION 6. Said section 19 of said chapter 55, as so appearing, is hereby further
306 amended by inserting, in line 72, after the word 'director' the following:- ; provided further, that
307 a candidate or a treasurer of a candidate's committee for nomination or election to the state
308 senate or house of representatives, shall provide such disclosures on the same schedule as set
309 forth in paragraph (3) of subsection (b).

310 SECTION 7. Said section 19 of said chapter 55, as so appearing, is hereby further
311 amended by striking out, in line 75, the words 'and twentieth day'.

312 SECTION 8. Said section 19 of said chapter 55, as so appearing, is hereby further
313 amended by striking out, in lines 76 to 77, inclusive, the words 'preceding first day or fifteenth

314 day of the month' and inserting in place thereof the following words:- last day of the preceding
315 month.

316 SECTION 9. Notwithstanding any general or special law to the contrary, the office of
317 campaign and political finance shall, pursuant to section 3 of chapter 55 of the General Laws,
318 promulgate regulations, in consultation with the state ethics commission, relative to the
319 appropriate use of websites and social media for campaign purposes; and provided further, that
320 said regulations may provide for exemptions to the prohibition on indirect solicitation in section
321 13 of said chapter 55. These regulations shall be made effective no later than December 31,
322 2019.

323 SECTION 10. Notwithstanding any general or special law to the contrary, the office of
324 campaign and political finance shall promulgate regulations relative to the filing of any reports
325 required to be filed by candidates not subject to section 19 of chapter 55 of General Laws as of
326 July 1, 2019 who, after the effective date of this act, are subject to said section 19 of said chapter
327 55 of the General Laws; and provided further, that said regulations may provide that candidates
328 not subject to section 19 of chapter 55 of General Laws as of July 1, 2019 who, after the
329 effective date of this act, are subject to said section 19 of said chapter 55 of the General Laws
330 may, after the effective date of this act, continue to file in the non-depository system.

331 SECTION 11. (a) There shall be a special legislative commission pursuant to section 2A
332 of chapter 4 of the General Laws to examine the feasibility of authorizing the use of campaign
333 funds to pay for the provision of family care and child care services by candidates for state,
334 county or municipal elected office.

335 (b) The special legislative commission shall consist of: the house and senate chairs of the
336 joint committee on election laws, who shall serve as co-chairs; the house and senate chairs of the
337 caucus of women legislators; 1 member of the house who shall be appointed by the minority
338 leader; 1 member of the senate who shall be appointed by the minority leader; the director of
339 campaign and political finance; the executive director of the commission on the status of women
340 established under section 66 of chapter 3 of the General Laws; the executive director of Common
341 Cause Massachusetts; 1 person appointed by the governor who shall have experience or expertise
342 related to reducing gender, racial and economic disparities in civic engagement; and 1 person to
343 be appointed by the commission on the status of women..

344 (c) The special legislative commission shall: (i) review and evaluate state and federal
345 laws, regulations and legal advisories regarding the use of campaign funds to pay for the
346 provision of family and child care services, by candidates for state, county or municipal elected
347 office; (ii) analyze campaign finance laws in other states regarding the use of campaign funds for
348 family care and child care services; (iii) examine the circumstances under which the expenditure
349 of campaign funds for family care and child care services constitute a personal use of such funds
350 under section 6 of chapter 55 of the General Laws; (iv) recommend definitions for the terms
351 ‘family care’ and ‘child care’, including, but not limited to, allowed and disallowed expenditures
352 for family care and child care services; (v) determine whether family care and child care services
353 expenses, occurring in the normal course of a candidate or elected official’s duties would exist
354 irrespective of an individual running for elected office should be considered an authorized use of
355 campaign funds under section 6 of chapter 55 of the General Laws; and (vii) determine whether
356 the office of campaign and political finance has the capacity to scrutinize expenditures of

357 campaign funds for family care and child care services, to prevent unauthorized or impermissible
358 uses of such funds.

359 (d) The commission shall submit its report together with recommendations for legislation,
360 if any, to the clerks of the house of representatives and the senate not later than June 1, 2020.

361 SECTION 12. Section 10 is hereby repealed.

362 SECTION 13. Section 12 shall take effect on April 30, 2020.”; and by inserting before
363 the enacting clause the following emergency preamble:

364 “Whereas, The deferred operation of this act would tend to defeat its purpose, which is to
365 provide forthwith the updating of campaign finance, therefore it is hereby declared to be an
366 emergency law, necessary for the immediate preservation of the public convenience.”.