

SENATE No. 404

The Commonwealth of Massachusetts

PRESENTED BY:

Cindy F. Friedman

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>Cindy F. Friedman</i>	<i>Fourth Middlesex</i>	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/22/2019</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>1/24/2019</i>
<i>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>	<i>1/25/2019</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/25/2019</i>
<i>James T. Welch</i>	<i>Hampden</i>	<i>1/25/2019</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>	<i>1/28/2019</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>1/30/2019</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/30/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/30/2019</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>1/30/2019</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>	<i>1/30/2019</i>
<i>Michael J. Finn</i>	<i>6th Hampden</i>	<i>1/30/2019</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>1/31/2019</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>	<i>1/31/2019</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>1/31/2019</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>1/31/2019</i>

<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>1/31/2019</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>1/31/2019</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>1/31/2019</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/1/2019</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>2/1/2019</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/1/2019</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>2/1/2019</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>2/1/2019</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>2/1/2019</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>2/1/2019</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>2/1/2019</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>2/1/2019</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	<i>2/1/2019</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>2/1/2019</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>2/7/2019</i>
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	<i>2/13/2019</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>2/14/2019</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	<i>2/19/2019</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>2/21/2019</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>	<i>3/8/2019</i>
<i>Diana DiZoglio</i>	<i>First Essex</i>	<i>3/15/2019</i>
<i>Edward J. Kennedy</i>	<i>First Middlesex</i>	<i>3/21/2019</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>3/27/2019</i>
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	<i>6/4/2019</i>

SENATE No. 404

By Ms. Friedman, a petition (accompanied by bill, Senate, No. 404) of Cindy F. Friedman, Jason M. Lewis, Jack Patrick Lewis, Sean Garballey and other members of the General Court for legislation to promote political participation. Election Laws.

The Commonwealth of Massachusetts

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

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 1 through 7, inclusive, of this chapter, the following words shall have
24 the 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. sections 501(c)(4) and certified by the attorney general
27 pursuant to this chapter or any political action committee or other committee that is organized in
28 accordance with chapter 55 of the General Laws and regulations of the Massachusetts Office of
29 Campaign and Political Finance and certified by the attorney general pursuant to this chapter;
30 provided, however, that the not-for-profit organization or political action committee has obtained
31 authorization pursuant to section 3 of this chapter from 10 or more residents of the
32 commonwealth, provided further that each such authorization shall be valid for a period of 6
33 months from when it was dated and signed.

34 “Employee" shall mean any person employed by an employer, including any person
35 considered to be an employee under section 148B of chapter 149 of the General Laws and any
36 person covered by the definition of “employee” in the Fair Labor Standards Act, 29 U.S.C.
37 section 203(e).

38 “Employee organization” shall mean an organization as defined in section 1 of chapter
39 150E of the General Laws.

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

47 “Labor organization” shall mean an organization as defined in the National Labor
48 Relations Act, 29 U.S.C. section 152(5) or as defined in section 2 of chapter 150A of the General
49 Laws.

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

53 “In writing” or “written” denotes a tangible or electronic record of a communication or
54 representation, including handwriting, typewriting, printing, photo-stating, photography, audio or

55 video recording, and any “electronic signature,” as defined by section 2 of chapter 110G of the
56 General Laws.

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

59 (a) An employer shall, upon written authorization of an employee, deduct voluntary
60 contributions from the employee’s pay and remit them to a covered organization designated by
61 the employee, minus a reasonable administrative fee for processing such deduction and
62 remittance determined pursuant to regulations adopted by the attorney general except as
63 precluded by subsection (g) of this section; provided, however, that the employee or covered
64 organization has provided to the employer documentation that the attorney general has certified
65 the covered organization pursuant to subsection (b) of section 4 of this chapter.

66 (b) The employee’s written authorization shall include:

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

68 (ii) the name and address of the employer;

69 (iii) the occupation of any contributing employee who has authorized deduction of a
70 contribution of \$200 or more or of periodic contributions that in the aggregate exceed or may
71 exceed \$200 within any one calendar year;

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

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

76 (vi) a statement that the contributing employee's authorization may be revoked by the
77 employee at any time by written notice from the employee to the employer; and

78 (vii) the date upon which such authorization was signed.

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

81 (d) The employer shall provide a copy of any written authorization or revocation that it
82 receives to the not-for-profit organization or political action committee to which it pertains
83 within 5 business days of receipt.

84 (e) The employer shall commence deductions no later than the first pay period that begins
85 15 or more business days after receipt of the authorization and shall remit the deductions to the
86 covered organization no later than 15 business days after deduction.

87 (f) An employee may authorize contributions to no more than 2 covered organizations at
88 one time.

89 (g) Nothing in this chapter is intended to or shall be construed to affect or modify in any
90 way the terms of any collective bargaining agreement.

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

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

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

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

101 (iii) Proof that the not-for-profit organization or political action committee has obtained
102 payroll deduction authorization pursuant to subsection (b) of section 3 of this chapter from 10 or
103 more residents of the commonwealth.

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

108 Section 5. No dues or fees to employee organizations or labor organizations.

109 Nothing herein shall be construed to require remittances of dues or fees to an employee
110 organization or labor organization.

111 Section 6. Enforcement.

112 (a) It shall be unlawful for any employer to interfere with, restrain, or deny the exercise
113 of, or the attempt to exercise, any right provided under or in connection with this chapter,
114 including, but not limited to, threatening, intimidating, disciplining, discharging, demoting,
115 harassing, reducing an employee's hours or pay, informing another employer that an employee
116 has engaged in activities protected by this chapter, or discriminating or retaliating against an

117 employee, and or engaging in any other such action that penalizes an employee for, or is
118 reasonably likely to deter an employee from, exercising or attempting to exercise any right
119 protected under this chapter.

120 (b) The attorney general shall enforce this chapter, and may obtain injunctive or
121 declaratory relief for this purpose. Violation of this chapter shall be subject to paragraphs (1),
122 (2), (4), (6) and (7) of subsection (b) of section 27C of chapter 149 of the General Laws. An
123 employer who has failed to remit an employee's deduction to a covered organization shall not be
124 entitled to make a subsequent deduction from such employee for the amount of any deduction it
125 has failed to remit.

126 Section 7. Attorney General's adoption of rules and regulations.

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

129 Section 8. Severability.

130 If any provision of this act or application thereof to any person or circumstances is judged
131 invalid, the invalidity shall not affect other provisions or applications of this act which can be
132 given effect without the invalid provision or application, and to this end the provisions of this act
133 are declared severable.

134 SECTION 2. Section 150 of chapter 149 of the General Laws, as appearing in the 2016
135 Official Edition, is hereby amended by striking out, in lines 22 and 23, the words "190 or" and
136 inserting in place thereof the following words:- 190, section 19 of chapter 151 or chapter 180B.

137 SECTION 3. Section 150A of said chapter 149 of the General Laws, as so appearing, is
138 hereby amended by inserting after the word “check-off,” in line 4, the following words:- ,
139 voluntary contributions to social welfare organizations or political actions committees pursuant
140 to chapter 180B.

141 SECTION 4. Section 8 of chapter 154 of the General Laws, as appearing in the 2016
142 Official Edition, is hereby amended by inserting after the word “plan,” in line 15, the following
143 words:- or voluntary contributions to social welfare organizations or political action committees
144 pursuant to chapter 180B,

145 SECTION 5. This act shall take effect on January 1, 2020.