

SENATE No. 470

The Commonwealth of Massachusetts

PRESENTED BY:

Barry R. Finegold

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 improving our campaign finance system.

PETITION OF:

NAME:

Barry R. Finegold

DISTRICT/ADDRESS:

Second Essex and Middlesex

SENATE No. 470

By Mr. Finegold, a petition (accompanied by bill, Senate, No. 470) of Barry R. Finegold for legislation relative to improving our campaign finance system. Election Laws.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to improving our campaign finance system.

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. Section 1 of Chapter 55 of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by inserting the following definition:-

3 “Child care,” care provided to a candidate’s child, including but not limited to,
4 professional or casual baby-sitting services, non-profit or for profit organizations that provide
5 such services, and any other costs directly related to such services that occur as a result of
6 campaign activities. Expenses may not include payments to a relative of a child, unless the
7 relative owns or operates a professional daycare or babysitting service and the cost of the service
8 is no greater than the relative would otherwise charge.

9 SECTION 2. Section 6 of Chapter 55 of the General Laws, as appearing in the 2016
10 Official Edition, is hereby amended by inserting, after the word “office”, in line 66, the
11 following:-

12 or expenses relating to the provision of child care services that would not otherwise exist
13 but for the existence of the campaign and that are incurred within eighteen months prior to an
14 election in which there is reasonable cause to believe that the candidate will appear on the ballot.

15 SECTION 3. Section 6 of Chapter 55 of the General Laws, as appearing in the 2016
16 Official Edition, is hereby further amended by inserting, after the sentence ending with the words
17 “governmental body” the following:-

18 For the purposes of this section the term "personal use" shall not include expenses related
19 to the installation and monitoring of hardware, software, and services related to the cybersecurity
20 of the electronic devices of a candidate or campaign worker. However, such expenses would be
21 considered “personal use” if any one of the following applies: a) the expenses would not have
22 existed but for the existence of the campaign, b) the expenses are primarily made to support
23 cybersecurity measures for the personal accounts of a candidate or campaign worker, or c) the
24 expenses are otherwise paid, provided, or reimbursed by the commonwealth or any governmental
25 body.

26 SECTION 4. The director of the office of campaign and political finance shall
27 promulgate additional rules and regulations to implement Sections 1, 2, and 3 of this Act no later
28 than two months after the effective date of this Act.

29 SECTION 5. Section 1 of Chapter 55 of the General Laws, as appearing in the 2016
30 Official Edition, is hereby amended by inserting the following definition:-

31 “Two-year election cycle,” the period beginning on the January 1st immediately
32 following the last biennial state election and ending on the December 31st immediately
33 following the next biennial state election; provided, however, that for a special election, “two-

34 year election cycle” shall mean the period beginning the day a special general election is called
35 and ending after the certification of the results of the special general election, pursuant to
36 Chapter 54, Section 116 of the General Laws.

37 SECTION 6. The first paragraph of Section 7A of Chapter 55 is hereby amended by
38 striking all words after the first time the word “exceed” appears and inserting in place thereof the
39 following: - the sum of \$2,000 per two-year election cycle, regardless of whether said candidate
40 has appeared or will appear on an election ballot at any point during the given two-year election
41 cycle; provided, however, that the aggregate of contributions by an individual for the benefit of
42 any 1 candidate and the committee of that candidate if said candidate is seeking election to an
43 office with a term of one year shall not exceed the sum of \$1,000 in any calendar year.

44 SECTION 7. Chapter 55 of the General Laws, as appearing in the 2016 Official Edition,
45 is hereby amended by inserting, after Section 7A, the following new section:-

46 Section 7B. The contribution and aggregate amount limits referred to in Sections 6 and
47 7A of this chapter shall be indexed biennially for inflation by the director, who, not later than
48 December thirty-first of each even numbered year beginning with 2022, shall calculate and
49 publish such indexed amount, using the federal consumer price index for the Boston statistical
50 area. Such limits, after being calculated as above, shall be rounded to the nearest \$50; provided,
51 that, if such resulting amount is less than \$50, the director shall retain a record of the resulting
52 amount, when added to the resulting amount calculated in each even numbered year since the last
53 adjustment was made equals or exceeds \$50.

54 SECTION 8. Section 1 of Chapter 55 of the General Laws, as appearing in the 2016
55 Official Edition, is hereby amended by inserting the following definitions:-

56 “Non-elected paid public employee,” any person, other than an elected officer, employed
57 for compensation by the commonwealth or any county, city, or town. This category shall include
58 all officers, directors and employees of state authorities and all trustees and employees of state
59 institutions of higher education.

60 “Political funding,” as used in Section 13 of this chapter: any gift, payment, assessment,
61 contribution as defined in Section 1, donation as defined in Section 18E, subscription or promise
62 of money or other thing of value for the political campaign purposes of any candidate for public
63 office or of any political committee, or for any political purpose whatever.

64 “Subordinate employee,” an employee in a unit that a non-elected paid public employee
65 supervises.

66 SECTION 9. Chapter 55 of the General Laws, as appearing in the 2016 Official Edition,
67 is hereby amended by striking out Section 13 and inserting in place thereof the following
68 section:-

69 Section 13.

70 a) A non-elected paid public employee shall not solicit or receive political funding during
71 the employee’s normal working hours, while engaged in any official duties, or while using public
72 resources. A non-elected paid public employee shall not use their official title, position or
73 authority when soliciting or receiving political funding.

74 Nothing in this section shall prevent non-elected paid public employees from engaging in
75 political activities other than the solicitation or receipt of political funding; such activities shall

76 remain regulated by Chapter 268A of the General Laws. Nothing in this section shall prevent
77 non-elected paid public employees from being members of political organizations or committees.

78 b) A non-elected paid public employee shall not directly or indirectly coerce, attempt to
79 coerce, command, or use their official authority in any other way to compel another non-elected
80 paid public employee to contribute political funding.

81 No officer or employee of the commonwealth or of any county, city or town shall
82 discharge, promote, or degrade an officer or employee, or change his official rank or
83 compensation, or promise or threaten so to do, for giving withholding or neglecting to make a
84 contribution of money or other valuable thing for political purpose.

85 c) A non-elected paid public employee shall not solicit or receive political funding from
86 i) any subordinate employee, ii) from the spouse, parents, children, brothers, and sisters of a
87 subordinate employee, or iii) from a candidate for employment who would become the
88 subordinate employee of such non-elected public employee if hired, provided that such non-
89 elected paid public employee knows or has reason to know that said candidate has submitted a
90 job application and is under consideration for an available position.

91 d) Nothing in this section shall prohibit solicitation or receipt of political funding by such
92 employee from non-subordinate employees for a political committee organized by the exclusive
93 representative of such employee under chapter 150E of the General Laws.

94 e) The solicitation or receipt of political funding by a non-elected political committee
95 organized to promote the candidacy for public office of a non-elected paid public employee shall
96 not be deemed to be a prohibited solicitation or receipt of such contribution by such employee. A
97 non-elected paid public employee may not serve as the treasurer of a political committee.

98 f) A non-elected paid public employee, or a non-elected political committee organized to
99 promote the candidacy for public office of a non-elected paid public employee, shall not solicit
100 or receive political funding from any person or combination of persons if such employee knows
101 or has reason to know that the person or combination of persons: 1) has an interest in any
102 particular matter in which such non-elected paid public employee or a subordinate employee of
103 such employee participates or has participated in during the course of such employee's
104 employment, or which is the subject of such employee's official responsibility, 2) has an interest
105 in any particular matter in which such non-elected paid public employee or a subordinate
106 employee of such employee will participate in within two years of the solicitation or receipt of
107 political funding, whichever is earlier, or 3) has or is seeking to obtain a contract made by the
108 agency in which such non-elected paid public employee is employed. For the purpose of this
109 section, the terms "particular matter," "participate," and "official responsibility" shall carry the
110 same meanings as in Section 1 of Chapter 268A.

111 If a non-elected paid public employee solicits or receives political funding from a person
112 or combination of persons, such employee shall recuse himself or herself from a particular matter
113 if that person or combination of persons subsequently has an interest in said particular matter in
114 which such employee or a subordinate employee of such employee would participate in within
115 two years of the solicitation or receipt of political funding, whichever is earlier. If questions
116 arise, non-elected paid public employees should seek guidance from the director of the office of
117 campaign and political finance.

118 g) A non-elected paid public employee may allow his or her name to be included on a
119 mass communication sent out to solicit political funding, even if the mass communication
120 reaches a person or combination of persons from which such employee could otherwise not

121 solicit political funding under this chapter; provided, however, that such employee does not
122 specifically know that the mass communication would reach a person or combination of persons
123 from which such employee could not otherwise solicit political funding under this chapter. As
124 used in this subsection, “mass communication” shall mean one of the following: i) the mailing of
125 100 or more pieces of substantially identical content, whether mailed at the same or different
126 times, within a 30-day period, ii) an email communication with substantially identical content
127 sent, whether at the same or different times, to more than 100 individual people within a 30-day
128 period; iii) a part of a website that is used to solicit or receive political funding, and iv) a post on
129 “social media,” which is defined for the purposes of this subsection as any interactive Internet-
130 based technology that facilitates the creation or sharing of information, ideas, events, or other
131 forms of expression via virtual communities and networks.

132 h) The director shall have the authority to issue further regulations, in accordance with
133 the legislative intent of Section 13, regarding the solicitation and receipt of political funding by
134 non-elected paid public employees.

135 Any appointed officer or employee convicted of violating any provision of this section
136 may be removed by the appointing authority without a hearing.

137 Violation of any provision of this section shall be punished by imprisonment for not more
138 than one year or by a fine of not more than one thousand dollars.

139 SECTION 10. Chapter 55 of the General Laws, as appearing in the 2016 Official Edition,
140 is hereby amended by striking out Section 17.

141 SECTION 11. Section 19 of Chapter 55 of the General Laws is hereby amended by
142 striking out the words “7 days of receipt” in the second paragraph and inserting in place thereof:-
143 “14 days of receipt.”

144 SECTION 12. Section 1 of Chapter 55 of the General Laws, as appearing in the 2016
145 Official Edition, is hereby amended by inserting the following definition:-

146 “In-kind contribution,” anything of value that is provided to a committee or candidate in
147 a non-monetary form.

148 SECTION 13. Section 19 of Chapter 55 of the General Laws is hereby further amended
149 by striking out in Section 19(b)(2) the word “and” that appears before “(iii)” and inserting after
150 the end of the last sentence of Section 19(b)(2), the following phrase:-

151 (iv) a list of all in-kind contributions of more than \$50 received as of the last day of the
152 preceding month and since the last statement, including an alphabetical list of names and
153 addresses of each person making such contribution, the date received, and the value of the in-
154 kind contribution; and (v) new liabilities incurred as of the last day of the preceding month,
155 including the name and address of the person to whom the liability exists, together with a clear
156 statement of the purpose for which it was incurred.