SENATE DOCKET, NO. 451 FILED ON: 1/31/2021

SENATE . . . . . No. 471

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:	
Cindy F. Friedman	*Fourth Middlesex*	
Jack Patrick Lewis	*7th Middlesex*	*2/2/2021*
Mike Connolly	*26th Middlesex*	*2/2/2021*
Jason M. Lewis	*Fifth Middlesex*	*2/2/2021*
James B. Eldridge	*Middlesex and Worcester*	*2/2/2021*
Adam G. Hinds	*Berkshire, Hampshire, Franklin and Hampden*	*2/2/2021*
Maria Duaime Robinson	*6th Middlesex*	*2/4/2021*
Thomas M. Stanley	*9th Middlesex*	*2/9/2021*
Peter Capano	*11th Essex*	*2/9/2021*
Angelo J. Puppolo, Jr.	*12th Hampden*	*2/9/2021*
Michael O. Moore	*Second Worcester*	*2/9/2021*
Diana DiZoglio	*First Essex*	*2/12/2021*
Sal N. DiDomenico	*Middlesex and Suffolk*	*2/23/2021*
Joanne M. Comerford	*Hampshire, Franklin and Worcester*	*2/23/2021*
Harriette L. Chandler	*First Worcester*	*2/25/2021*
Michael J. Barrett	*Third Middlesex*	*2/25/2021*
Christopher Hendricks	*11th Bristol*	*2/26/2021*

Erika Uyterhoeven	*27th Middlesex*	*2/26/2021*
Patricia D. Jehlen	*Second Middlesex*	*3/1/2021*
Brendan P. Crighton	*Third Essex*	*3/3/2021*
Rebecca L. Rausch	*Norfolk, Bristol and Middlesex*	*3/6/2021*
Eric P. Lesser	*First Hampden and Hampshire*	*3/18/2021*
Patrick M. O'Connor	*Plymouth and Norfolk*	*3/18/2021*
Julian Cyr	*Cape and Islands*	*3/19/2021*
John F. Keenan	*Norfolk and Plymouth*	*6/3/2021*

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SENATE . . . . . No. 471

By Ms. Friedman, a petition (accompanied by bill, Senate, No. 471) of Cindy F. Friedman, Jack Patrick Lewis, Mike Connolly, Jason M. Lewis and other members of the General Court for legislation to promote political participation. Election Laws.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *404* OF 2019-2020.]

The Commonwealth of Massachusetts

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

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:

SECTION 1. Section 150 of chapter 149 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after the words “chapter 151”, in line 23, the following words:- or chapter 180B.

SECTION 2. Section 150A of said chapter 149, as so appearing, is hereby amended by inserting after the word “check-off”, in line 4, the following words:- , voluntary contributions to social welfare organizations or political action committees pursuant to chapter 180B.

SECTION 3. Section 8 of chapter 154 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after the word “plan,”, in line 15, the following

words:- or voluntary contributions to social welfare organizations or candidate or other political committees pursuant to chapter 180B,

SECTION 4. The General Laws are hereby amended by adding after chapter 180A the following chapter:-

CHAPTER 180B: PAYROLL DEDUCTIONS TO PROMOTE POLITICAL PARTICIPATION THROUGH VOLUNTARY CONTRIBUTIONS TO NOT-FOR-PROFIT SOCIAL WELFARE ORGANIZATIONS AND CANDIDATE OR OTHER POLITICAL COMMITTEES

Section 1. Findings and public policy.

The general court hereby finds that many low-income residents of Massachusetts face substantial obstacles to participating fully in the public and political life of their communities; that financial barriers, including lack of access to credit cards and banking services, often prevent these residents from contributing financially to not-for-profit social welfare organizations and candidate or other political committees that engage in the political process and help shape the policies that affect residents' lives; and that a payroll deduction mechanism would promote political participation by enabling individuals to authorize small, regular deductions from their pay at levels they can afford to contribute to political and advocacy organizations, eliminating transaction costs for such contributions and permitting greater numbers of Massachusetts residents to engage in the political process and to participate in community and civic life.

It is therefore declared to be the policy of the commonwealth to create a payroll deduction mechanism for enabling voluntary contributions to not-for-profit social welfare

organizations and candidate or other political committees, available to any individual employed by an employer with a system of payroll deduction and without cost to the individual or to the employer.

Section 2. Definitions.

As used in sections 1 through 7, inclusive, of this chapter, the following words shall have the following meanings:

“Covered organization” shall mean any not-for-profit organization that is organized under the Internal Revenue Code, 26 U.S.C. sections 501(c)(4) and certified by the attorney general pursuant to this chapter or any candidate or other political committee that is organized in accordance with chapter 55 of the General Laws and regulations of the Massachusetts Office of Campaign and Political Finance and certified by the attorney general pursuant to this chapter; provided, however, that the not-for-profit organization or candidate or other political committee has obtained authorization pursuant to section 3 of this chapter from 10 or more residents of the commonwealth, provided further that each such authorization shall be valid for a period of 6 months from when it was dated and signed.

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

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

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

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

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

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

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

(a) An employer shall, upon written authorization of an employee, deduct voluntary contributions from the employee’s pay and remit them to a covered organization designated by the employee, minus a reasonable administrative fee for processing such deduction and

remittance determined pursuant to regulations adopted by the attorney general except as precluded by subsection (g) of this section; provided, however, that the employee or covered organization has provided to the employer documentation that the attorney general has certified the covered organization pursuant to subsection (b) of section 4 of this chapter.

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

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

(ii) the name and address of the employer;

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

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

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

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

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

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

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

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

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

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

(h) An employer's processing of these contributions does not violate Section 8 of Chapter 55 of the General Laws.

(i) An employer's processing of these contributions does not make them an intermediary or conduit under Section 10A of Chapter 55 of the General Laws.

(j) The use of authorization cards in this statute is not limited by the specific reference to political action committees in Section 9A of Chapter 55 of the General Laws.

Section 4. Certification of a not-for-profit organization or a candidate or other political committee as a covered organization.

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

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

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

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

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

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

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

Section 6. Enforcement.

(a) It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided under or in connection with this chapter, including, but not limited to, threatening, intimidating, disciplining, discharging, demoting,

harassing, reducing an employee's hours or pay, informing another employer that an employee has engaged in activities protected by this chapter, or discriminating or retaliating against an employee, and or engaging in any other such action that penalizes an employee for, or is reasonably likely to deter an employee from, exercising or attempting to exercise any right protected under this chapter.

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

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

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

Section 8. Severability.

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

SECTION 5. This act shall take effect January 1, 2023.