

SENATE No. 418

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 campaign finance reform.

PETITION OF:

NAME:

Barry R. Finegold

DISTRICT/ADDRESS:

Second Essex and Middlesex

SENATE No. 418

By Mr. Finegold, a petition (accompanied by bill, Senate, No. 418) of Barry R. Finegold for legislation relative to campaign finance reform. Election Laws.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to campaign finance reform.

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 2020
2 Official Edition, is hereby amended by inserting after the definition of “candidate’s committee”
3 the following definition:-

4 “Child care services”, care services provided to a candidate’s child, including, but not
5 limited to, baby-sitting services by non-profit or for-profit organizations that provide such
6 services and any other costs directly related to such services that occur as a result of campaign
7 activities; provided, however, that expenses related to child-care services shall not include
8 payments to a family member, as defined in section 1 of chapter 50, of a child, unless the family
9 member owns, operates or is employed by a professional daycare or babysitting service and the
10 cost of the service is no greater than the family member would otherwise charge.

11 SECTION 2. Said section 1 of said chapter 55, as so appearing, is hereby further
12 amended by inserting after the definition of “independent expenditure” the following definition:-

13 “In-kind contribution”, anything of value that is provided to a committee or candidate in
14 a non-monetary form, including, but not limited to: (i) the value of goods or services provided
15 free of charge; (ii) the difference between the cost charged and the usual market value charged;
16 or (iii) the amount paid by a person or entity on behalf of the committee or candidate.

17 SECTION 3. Said section 1 of chapter 55, as so appearing, is hereby further amended by
18 inserting after the definition of “state office” the following definition:-

19 “Two-year election cycle”, the period beginning on the January 1st immediately
20 following the last biennial state election and ending on the December 31st immediately
21 following the next biennial state election; provided, however, that for a special election, “two-
22 year election cycle” shall mean the period beginning the day a special general election is called
23 and ending after the certification of the results of the special general election pursuant to section
24 116 of chapter 54.

25 SECTION 4. Section 5 of said chapter 55, as so appearing, is hereby amended by striking
26 out the word “address” in line 10 and inserting in place thereof the following:-

27 business address.

28 SECTION 5. Said section 5 of said chapter 55, as so appearing, is hereby further
29 amended by striking out the phrase “the name and residential address” in lines 17 and 18 and
30 inserting in place thereof the following:-

31 the name and business or residential address.

32 SECTION 6. Said section 5 of said chapter 55, as so appearing, is hereby further
33 amended by striking out the phrase “residential address” in line 19 and inserting in place thereof
34 the following:-

35 business or residential address.

36 SECTION 7. Said section 5 of said chapter 55, as so appearing, is hereby further
37 amended by striking out the phrase “name and address” in line 21 and inserting in place thereof
38 the following:-

39 name and residential address.

40 SECTION 8. Said section 5 of said chapter 55, as so appearing, is hereby further
41 amended by striking out the word “addresses” in line 62 and inserting in place thereof the
42 following:-

43 residential addresses.

44 SECTON 9. Section 6 of said chapter 55, as so appearing, is hereby further amended by
45 striking out the first paragraph and inserting in place thereof the following paragraph:-

46 A political committee, duly organized, may receive, pay or expend money or other things
47 of value for the enhancement of the political future of the candidate or the principle for which the
48 committee was organized; provided, however, that the expenditure shall not be primarily for the
49 candidate’s or any other person’s personal use. The director shall establish reasonable rules and
50 regulations concerning the expenditures.

51 SECTION 10. Said section 6 of said chapter 55, as so appearing, is hereby further
52 amended by inserting, after the word “to” in line 64, the following:-

53 the provision of child care services that would not otherwise exist but for the existence of
54 the campaign, to.

55 SECTION 11. Said section 6 of said chapter 55, as so appearing, is hereby further
56 amended by inserting after the sixth paragraph the following paragraph:-

57 For the purposes of this section the term “personal use” shall not include expenses related
58 to:

59 (i) the installation and monitoring of hardware, software or services related to the
60 cybersecurity of the electronic devices of a candidate or campaign worker; provided, however,
61 that such expenses: (1) would not otherwise exist but for the existence of the campaign; (2) are
62 not primarily made to support cybersecurity measures for the personal accounts of a candidate or
63 campaign worker; and (3) are not otherwise paid, provided or reimbursed by the commonwealth
64 or any governmental body; or

65 (ii) the purchase or rental of personal protective equipment, including bullet-proof vests,
66 body armor, pepper spray or gas masks for a candidate, campaign worker or staff member;
67 provided, however, that: (1) the expenses would not otherwise exist but for the existence of the
68 campaign; (2) the expenses are not otherwise paid, provided or reimbursed by the
69 commonwealth or any governmental body; and (3) if an individual is no longer a candidate, or a
70 staff member or campaign worker is no longer employed or engaged by the candidate or
71 committee, such equipment shall be retained as an asset of the committee.

72 SECTION 12. The first paragraph of section 7A of said chapter 55, as so appearing, is
73 hereby amended by striking out all words after the word “exceed” in line 4 and inserting in place
74 thereof the following:-

75 the sum of \$2,000 per two-year election cycle, regardless of whether such candidate has
76 appeared or will appear on an election ballot at any point during the given two-year election
77 cycle; provided, however, that the aggregate of contributions by an individual for the benefit of
78 any 1 candidate and the committee of that candidate if such candidate is seeking election to an
79 office with a term of one year shall not exceed the sum of \$1,000 in a calendar year.

80 SECTION 13. Said chapter 55, as so appearing, is hereby amended by inserting after
81 section 7A the following section:-

82 Section 7B. Using the federal consumer price index for the Boston statistical area, the
83 director shall biennially index for inflation the contribution and aggregate amount limits referred
84 to in sections 6 and 7A of this chapter. Not later than December 31st of each even numbered year
85 beginning with 2024, the director shall calculate and publish such indexed limits, rounded down
86 to the nearest \$50; provided, however, that the director shall use the unrounded limits when
87 indexing the limits for inflation in the subsequent even numbered year.

88 SECTION 14. Section 14 of said chapter 55, as so appearing, is hereby amended by
89 striking out the first paragraph and inserting in place thereof the following:

90 Section 14. No person shall in any building or part thereof occupied for state, county or
91 municipal purposes demand, solicit or receive any payment or gift of money or other
92 thing of value for the purposes set forth in section 13 of this chapter; provided, however, that this
93 section shall not apply to an individual, candidate, political committee or a person acting on
94 behalf of such individual, candidate or political committee, that rents or leases a portion of a
95 building occupied for state, county or municipal purposes, other than the state house or a city or
96 town hall, for the purpose of holding a meeting, fundraiser or similar event on the same terms

97 and conditions as offered to a member of the public; and provided further, that no government
98 business is conducted in that portion of the building during the meeting, fundraiser, or event.

99 SECTION 15. Section 18A of said chapter 55, as so appearing, is hereby amended by
100 striking out the phrase “after the tenth day, but more than 24 hours before the date of any
101 election,” and inserting in place thereof the following:-

102 after the tenth day before the date of the election and up through the date of the election.

103 SECTION 16. Said section 18A of said chapter 55, as so appearing, is hereby further
104 amended by striking out subsection (d) and inserting in place thereof the following:-

105 (d) For the purposes of this section, an "independent expenditure PAC" shall be a political
106 committee or other entity that receives contributions to make independent expenditures. An
107 independent expenditure PAC shall organize in accordance with section 5 of this chapter and
108 shall, if organized with the director, appoint a depository bank in accordance with section 19 of
109 this chapter. An independent expenditure PAC that organizes and files reports with the director
110 shall file reports in accordance with the schedule set forth in section 19(b)(2) of this chapter. An
111 independent expenditure PAC that organizes and files reports with a city or town clerk shall file
112 reports in accordance with the schedule set forth in section 18(a)(1) of this chapter.

113 In addition to any reports required by sections 18 or 19 of this chapter, the independent
114 expenditure PAC shall file reports as required by subsections (a) and (b) of this section. Such
115 reports shall be filed with the director if the independent expenditure PAC is organized with the
116 office of campaign and political finance, or with the city or town clerk if organized with the
117 clerk. Reports filed pursuant to subsections (a) and (b) of this section shall disclose contributions
118 received, expenditures made and liabilities incurred during the reporting period. The reporting

119 period for the first report filed by an independent expenditure PAC pursuant to subsections (a) or
120 (b) of this section shall commence on the day the independent expenditure PAC was organized
121 and shall be complete through the date of the latest expenditure disclosed in the report. The
122 reporting period for the next report shall commence on the date following the last date included
123 in the previous report filed pursuant to subsections (a) or (b) of this section and shall be complete
124 through the date of the latest expenditures disclosed in the report. An independent expenditure
125 PAC shall also file a year-end report by January 20 of each year the independent expenditure
126 PAC remains in existence and shall file a final report upon dissolution. The reporting period for
127 the year-end report shall be cumulative for the calendar year, commencing on January 1 and
128 ending on December 31 of each calendar year. The director shall adopt regulations regarding
129 independent expenditure PACs.

130 SECTION 17. Section 19 of said chapter 55, as so appearing, is hereby amended by
131 striking out the phrase “7 days of receipt” in line 34 and inserting in place thereof:-

132 14 days of receipt.

133 SECTION 18. Said section 19 of said chapter 55, as so appearing, is hereby further
134 amended by striking out the word “and” in line 47 and inserting after the word “report” in line 48
135 the following:-

136 ; (iv) a list of all in-kind contributions of more than \$50 received as of the last day of the
137 preceding month and since the last statement, including an alphabetical list of names and
138 addresses of each person making such contribution, the date received, the type of in-kind
139 contribution and the value of the in-kind contribution; and (v) a list of new liabilities incurred as

140 of the last day of the preceding month, including the name and address of the person to whom
141 the liability exists, together with a clear statement of purpose for which it was incurred.

142 SECTION 19. Section 19 of said chapter 55, as so appearing, is hereby further amended
143 by striking out subsection (c) and inserting in place thereof the following subsection:-

144 (c) Except as otherwise provided in this section, all payments for campaign purposes
145 made by or for the benefit of a candidate or by the treasurer of a political committee which are in
146 excess of \$100 shall be made only from funds on deposit in the depository through checks drawn
147 on the depository and indicating that the checks are drawn on the campaign account of the
148 candidate or the political committee involved, or in another form as permitted by this section. All
149 checks drawn on the campaign account shall be payable to the order of a named payee. The
150 memo line of the check shall be used by the political committee issuing the check to indicate the
151 specific purpose of the expenditure. A political action committee or political party committee
152 making an expenditure to support or oppose a candidate shall identify the candidate on the check.

153 Notwithstanding the restrictions in the paragraph above, a committee may reimburse
154 individuals, including the candidate or treasurer, in amounts greater than \$100; provided,
155 however, that the reimbursement amounts shall not be more than \$1,000 in the aggregate in a
156 calendar year; and provided further, that the committee complies with the following
157 requirements: (i) reimbursements shall be made to individuals not later than thirty days after the
158 date of the first reimbursed expenditure; (ii) reimbursement reports shall be filed within three
159 days of the reimbursement check being issued to disclose underlying expenditures; (iii) no
160 person who is authorized to make expenditures for a committee may write a check payable to
161 himself; (iv) detailed records including receipts for reimbursed expenditures shall be

162 maintained; and (v) if a reimbursement is not made consistent with this paragraph the
163 expenditure shall be deemed an in-kind contribution or loan by the individual and subject to all
164 contribution restrictions.

165 A candidate or treasurer of a political committee required to designate a depository may
166 make expenditures by wire transfer, electronic fund transfer or other electronic means, credit
167 card or debit card; provided, however, that a candidate or treasurer making an expenditure shall
168 ensure that the date, amount and specific purpose of the expenditure is disclosed in accordance
169 with regulations established by the director; and provided further, that a candidate or a treasurer
170 of a candidate's committee for nomination or election to the state senate or house of
171 representatives shall provide such disclosures on the same schedule as set forth in paragraph (3)
172 of subsection (b).

173 SECTION 20. Section 25 of said chapter 55, as so appearing, is hereby amended by
174 striking out the first paragraph and inserting in place thereof the following:-

175 The director shall retain all statements and reports filed with the office under the
176 provisions of this chapter by candidates and their committees until December 31st of the
177 fifteenth year following the relevant election.

178 SECTION 21. The director of campaign and political finance shall promulgate additional
179 rules and regulations to implement sections 1, 10, and 11 of this act not later than three months
180 after the effective date of this act.