

SENATE No. 420

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>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>1/30/2023</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>1/31/2023</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/6/2023</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>2/6/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/15/2023</i>

SENATE No. 420

By Ms. Friedman, a petition (accompanied by bill, Senate, No. 420) of Cindy F. Friedman, Sal N. DiDomenico, Michael J. Barrett, Jason M. Lewis and other members of the Senate for legislation to promote political participation. Election Laws.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 471 OF 2021-2022.]

The Commonwealth of Massachusetts

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

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. Section 150 of chapter 149 of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by striking out, in lines 22 to 23, inclusive, the words “or
3 section 19 of chapter 151” and inserting in place thereof the following words:- , section 19 of
4 chapter 151, or chapter 180B

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

8 SECTION 3. Section 8 of chapter 154 of the General Laws, as appearing in the 2020
9 Official Edition, is hereby amended by inserting after the word “plan,”, in line 15, the following

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

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

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

18 Section 1. Findings and public policy.

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

29 It is therefore declared to be the policy of the commonwealth to create a payroll
30 deduction mechanism for enabling voluntary contributions to not-for-profit social welfare
31 organizations or candidate or other political committees, available to any individual employed by

32 an employer with a system of payroll deduction and without cost to the individual or to the
33 employer.

34 Section 2. Definitions.

35 As used in sections 1 through 7, inclusive, of this chapter, unless the context otherwise
36 requires, the following words shall have the following meanings:

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

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

50 “Employee organization” shall mean an organization as defined in section 1 of chapter
51 150E of the General Laws.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

96 (e) The employer shall commence deductions no later than the first pay period that begins
97 15 or more business days after receipt of the authorization and shall remit the deductions to the
98 covered organization no later than 15 business days after deduction.

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

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

103 (h) An employer's processing of these contributions does not violate section 8 of chapter
104 55 of the General Laws.

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

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

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

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

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

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

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

122 (b) The attorney general shall provide written notice to the not-for-profit organization or
123 candidate or other political committee that it has been certified as a covered organization within
124 15 business days of the date that the not-for-profit organization or candidate or other political
125 committee has met the requirements of subsection (a) of this section to the satisfaction of the
126 attorney general.

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

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

130 Section 6. Enforcement.

131 (a) It shall be unlawful for any employer to interfere with, restrain, or deny the exercise
132 of, or the attempt to exercise, any right provided under or in connection with this chapter,
133 including, but not limited to, threatening, intimidating, disciplining, discharging, demoting,
134 harassing, reducing an employee's hours or pay, informing another employer that an employee

135 has engaged in activities protected by this chapter, or discriminating or retaliating against an
136 employee, and or engaging in any other such action that penalizes an employee for, or is
137 reasonably likely to deter an employee from, exercising or attempting to exercise any right
138 protected under this chapter.

139 (b) The attorney general shall enforce this chapter, and may obtain injunctive or
140 declaratory relief for this purpose. Violation of this chapter shall be subject to paragraphs (1),
141 (2), (4), (6) and (7) of subsection (b) of section 27C of chapter 149 of the General Laws. An
142 employer who has failed to remit an employee's deduction to a covered organization shall not be
143 entitled to make a subsequent deduction from such employee for the amount of any deduction it
144 has failed to remit.

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

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

148 Section 8. Severability.

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

153 SECTION 5. This act shall take effect January 1, 2025.