SENATE DOCKET, NO. 2476 FILED ON: 1/17/2025

SENATE . . . . . No. 523

The Commonwealth of Massachusetts

PRESENTED BY:

Paul W. Mark

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 updating the public financing law.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Paul W. Mark	*Berkshire, Hampden, Franklin and Hampshire*

SENATE DOCKET, NO. 2476 FILED ON: 1/17/2025

SENATE . . . . . No. 523

By Mr. Mark, a petition (accompanied by bill, Senate, No. 523) of Paul W. Mark for legislation to establish voluntary campaign finance expenditure caps for candidates seeking statewide elective offices. Election Laws.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act updating the public financing law.

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 1 of Chapter 55A of the General Laws as appearing in the 2022 Official Edition is hereby amended by striking the language of the following definition of “Statewide elective office” in its entirety and replacing it with the following definition :-

"Statewide elective office", the office of governor, lieutenant-governor, attorney general, secretary, treasurer and receiver general, auditor, senator in general court, and representative in general court.

SECTION 2. Section 1A of Chapter 55A of the General Laws as so appearing is hereby amended by striking the section in its entirety and replacing it with the following section :-

Section 1A. (a) On or before the last day for filing that candidate's nomination papers with the state secretary pursuant to chapter 53, every candidate for statewide elective office shall file with the director a statement, in a form prescribed by the director, that the candidate does or does not agree:

in the case of primary candidates, to abide by the following limits on expenditures for the following elective offices in the campaign for the state primary:

Governor $1,000,000

Lieutenant Governor $500,000

Attorney General $500,000

Secretary $500,000

Treasurer and Receiver General $500,000

Auditor $500,000

Senator in General Court $150,000

Representative in General Court $75,000; and

in the case of all candidates for statewide elective office, to abide by the following limits on expenditures for the following elective offices in the campaign for the state election:

Governor and Lieutenant Governor $1,500,000

Attorney General $500,000

Secretary $500,000

Treasurer and Receiver General $500,000

Auditor $500,000

Senator in General Court $150,000

Representative in General Court $75,000

The name of a candidate who fails to file any statement within the time required by this subsection shall not appear on the state primary ballot nor on the state election ballot, and the director shall inform the state secretary of any such failure.

(b) On or before the last day for filing withdrawals of nominations for the state primary, every primary candidate for statewide office who has not agreed to abide by the expenditure limit under subsection (a), and who is opposed in that primary by 1 or more candidates who have agreed to this limit, shall file with the director a statement, in a form prescribed by the director, of the maximum amount of expenditures to be made in his campaign for that primary. The name of a candidate who fails to file a statement required by this subsection within the time so required shall not appear on the state primary ballot, and the director shall inform the state secretary of any such failure. The state primary campaign expenditure limit agreed to under subsection (a) by any candidate shall be increased to the highest amount stated under this subsection by any opposing candidate who has not agreed to this limit.

(c) On or before the last day for filing withdrawals of nominations made at the state primary, every candidate for statewide office in the state election who has not agreed to abide by the expenditure limit under subsection (a), and who is opposed in that election by 1 or more candidates who have agreed to this limit, shall file with the director a statement, in a form prescribed by the director, of the maximum amount of expenditures to be made in his campaign for that primary. The name of a candidate who fails to file a statement required by this subsection within the time so required shall not appear on the state election ballot, and the director shall inform the state secretary of any such failure. The state election campaign expenditure limit

agreed to under subsection (a) by any candidate shall be increased to the highest amount stated under this subsection by any opposing candidate who has not agreed to this limit.

(d) Any candidate appointed to fill a vacancy in a nomination for statewide elective office shall file the statement required by subsection (a) not later than the last day for filing the certificate of nomination to fill such vacancy. The time for opposing candidates to file the statements required by subsection (b) or (c), as the case may be, shall be extended accordingly.

(e) Any candidate who files a statement with the director under this section and who makes expenditures in excess of the limit established by this section, or in excess of the amount stated by said candidate pursuant to subsection (b) or (c), shall be punished by a fine of not more than the total of 2 times the amount of the expenditures in excess of said limit or said amount, as the case may be, in addition to the penalties provided by section 12.

SECTION 3. Section 4 of Chapter 55A of the General Laws as appearing in the 2022 Official Edition is hereby amended by striking the section in its entirety and replacing it with the following section :-

Section 4. Any candidate for statewide elective office certified by the state secretary under section 2 as qualifying for the ballot and having opposition in primary election shall be eligible to receive limited public financing of his primary election campaign, to the extent provided by section 5, on determination and certification by the director that the candidate (a) has filed a request for public financing with the director together with the bond required by section 8; (b) has filed with the director a statement under subsection (a) of section 1A agreeing to abide by the expenditure limits provided thereby; and (c) has received qualifying contributions

as defined by section 1 in at least the following minimum amounts for the following statewide elective offices:

Governor $250,000

Lieutenant Governor $150,000

Attorney General $150,000

Secretary $150,000

Treasurer and Receiver General $150,000

Auditor $150,000

Senator in General Court $50,000

Representative in General Court $25,000

Only amounts appearing in statements of qualifying contributions filed with the director, in such form as he shall prescribe, shall be considered in determining whether any such minimum amount has been met. Determination and certification of the eligibility of candidates shall be made by the director on the eighth Tuesday before the primary and shall be based solely upon information contained in such statements as have been filed by candidates. Candidates for governor seeking public financing shall file the statement on or before the Friday that is 11 days preceding said eighth Tuesday and other candidates seeking public financing shall file said statements on or before the Friday next preceding said eighth Tuesday.

SECTION 3. Section 5 of Chapter 55A of the General Laws as appearing in the 2022 Official Edition is hereby amended by striking the section in its entirety and replacing it with the following section :-

Section 5. Any candidate eligible to receive limited public financing of his primary election campaign shall, on determination and certification by the director, be entitled to an amount equal to $1 for each one dollar of qualifying contributions as defined by section 1, subject to the following limitations: (a) no candidate shall be entitled to receive any amount in excess of the balance then remaining in the primary candidate account established for that candidate under section 42 of chapter 10; (b) nor shall any candidate be entitled to receive any amount in excess of the following maximum amounts for the following statewide elective offices:

Governor $1,000,000

Lieutenant Governor $500,000

Attorney General $500,000

Secretary $500,000

Treasurer and Receiver General $500,000

Auditor $500,000

Senator in General Court $150,000

Representative in General Court $75,000

Only amounts appearing in statements of qualifying contributions filed with the director, in such form as he shall prescribe, shall be considered in determining amounts to which candidates are entitled. Determinations and certifications of the amounts to which eligible candidates are entitled shall be made by the director on or before the eighth, sixth, fourth and second Tuesday before the primary election and shall be based solely upon information contained in such statements as have been filed prior to such dates.

SECTION 5. Section 6 of Chapter 55A of the General Laws as appearing in the 2022 Official Edition is hereby amended by striking the section in its entirety and replacing it with the following section :-

Section 6. Any candidate for statewide elective office certified by the state secretary under section two as qualifying for the ballot and having opposition in the state election shall be eligible to receive limited public financing of his state election campaign, to the extent provided by section 7, on determination and certification by the director that the candidate (a) has filed a request for public financing with the director together with the bond required by section 8; (b) has filed with the director a statement under subsection (a) of section 1A agreeing to abide by the expenditure limits provided thereby; and (c) has received qualifying contributions as defined by section 1 in at least the following minimum amounts for the following statewide elective offices:

Governor and Lieutenant Governor $250,000

Attorney General $150,000

Secretary $150,000

Treasurer and Receiver General $150,000

Auditor $150,000

Senator in General Court $100,000

Representative in General Court $50,000

Only amounts appearing in statements of qualifying contributions filed with the director, in such form as he shall prescribe, shall be considered in determining whether any such minimum amount has been met. Determination and certification of the eligibility of candidates shall be made by the director on the fourth Tuesday before the state election and shall be based solely upon information contained in such statements as have been filed by candidates. Candidates for governor and lieutenant governor seeking public financing shall file the statement on or before the Friday that is 11 days preceding said fourth Tuesday and other candidates seeking public financing shall file said statements on or before the Friday next preceding said fourth Tuesday.

The fact that a qualifying contribution has previously been considered in determining eligibility for, or the extent of, public financing of a candidate's primary election campaign shall not prevent consideration of the same contribution in determining eligibility for public financing of such candidate's state election campaign.

SECTION 5. Section 7 of Chapter 55A of the General Laws as appearing in the 2022 Official Edition is hereby amended by striking the section in its entirety and replacing it with the following section :-

Section 7. Any candidate eligible to receive limited public financing of his state election campaign shall, on determination and certification by the director, be entitled to an amount equal

to $1 for each one dollar of qualifying contributions as defined by section one subject to section nine and subject to the following limitations: (a) no candidate shall be entitled to receive any amount in excess of the balance then remaining in the state election candidate account established for that candidate under section 43 of chapter 10; (b) nor shall any candidate be entitled to receive any amount in excess of the following maximum amounts for the following statewide elective offices:

Governor and Lieutenant Governor $1,000,000

Attorney General $500,000

Secretary $500,000

Treasurer and Receiver General $500,000

Auditor $500,000

Senator in General Court $150,000

Representative in General Court $100,000

Only amounts appearing in statements of qualifying contributions filed with the director, in such form as he shall prescribe, shall be considered in determining amounts to which candidates are entitled. Determinations and certifications of the amounts to which eligible candidates are entitled shall be made by the director on or before the fourth and second Tuesday before the state election and shall be based solely upon information contained in such statements as have been filed prior to such dates.

The fact that a qualifying contribution has previously been considered in determining eligibility for, or the extent of, public financing of a candidate's primary election campaign shall not prevent consideration of the same contribution in determining the extent of public financing of such candidate's state election campaign.