

SENATE NO. 443

AN ACT RELATIVE TO INDEPENDENT EXPENDITURES

*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 so appearing in 2002 Official
2 Edition, is hereby amended by inserting after the end thereof the following:-
3 "Independent expenditure" shall mean an expenditure by an individual, group, or association not
4 defined as a political committee made for the purpose of promoting the election or defeat of any
5 candidate or candidates or otherwise designed to aid, injure, or defeat any candidate for public
6 office which is made without cooperation or consultation with any candidate, or a nonelected
7 political committee organized on behalf of a candidate, or any agent of a candidate and which is
8 not made in concert with, or at the request or suggestion of, any candidate, or any nonelected
9 political committee organized on behalf of a candidate or agent of such candidate.

10 SECTION 2. Chapter 55 of the General Laws, as so appearing in 2002 Official Edition, is
11 hereby amended by striking out Section 18A and inserting the following in place thereof:-
12 Section 18A. Every individual, group or association not defined as a political committee, who
13 makes an independent expenditure or expenditures in an aggregate amount exceeding one
14 hundred dollars during any calendar year for the purpose of promoting the election or defeat of
15 any candidate or candidates shall file with the director, as outlined in section 18C, or with the
16 city or town clerk if such candidate or candidates seek public office at a city or town election,
17 within seven business days after making such independent expenditure or expenditures, on a
18 form prescribed by the director, a report stating the name and address of the individual, group or
19 association making the expenditure or expenditures; the name of the candidate or candidates
20 whose election or defeat the expenditure promoted; the name and address of the person or

21 persons to whom the expenditure or expenditures were made; and the total amount or value; the
22 purpose and the date of the expenditure or expenditures.

23 Any person, group or association that makes or contracts to make independent expenditures
24 aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the date of an
25 election shall file a report describing the expenditures within 24 hours. Said person, group or
26 association shall file an additional report within 24 hours after each time the person makes or
27 contracts to make independent expenditures aggregating an additional \$1,000 with respect to the
28 same election as that to which the initial report relates.

29 Violation of any provision of this section or section 18C shall be punished by imprisonment for
30 not more than one year or by a fine of not more than ten thousand dollars.

31 SECTION 3. Section 18C of Chapter 55, as so appearing, is hereby amended by inserting after
32 subsection (b)(3) the following the the following:-

33 (4) Every individual, group, or association who makes an independent expenditure or
34 expenditures in an aggregate amount exceeding two hundred and fifty dollars during any
35 calendar year for the purpose of promoting the election or defeat of any candidate or
36 candidates.

37 (5) Any person, group, or association that makes or contracts to make independent expenditures
38 aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the date of an
39 election shall file a report describing the expenditures within 24 hours.

40 (6) After a person files a report as outlined in (a), the person shall file an additional report
41 within 24 hours after each time the person makes or contracts to make independent
42 expenditures aggregating an additional \$1,000 with respect to the same election as that to
43 which the initial report relates.

44 SECTION 4. Chapter 56 of the General Laws, as so appearing, is amended by striking section
45 39 and inserting in place thereof the following:-

46 Section 39. No person, group, organization or association shall publish or broadcast or cause to
47 be published or broadcast in a newspaper, periodical, radio broadcast, television broadcast,
48 including cable or other means of electronic dissemination, any paid advertisement designed or
49 tending to aid, injure, or defeat any candidate for public office or any question submitted to the
50 voters, unless the name of the chairman or secretary or the names of two officers of the political
51 or other organization advertising the same, or the name of one or more persons eighteen years of
52 age or older who are responsible therefore, with the residence and the street and number thereof,
53 of each such person eighteen years of age or older appears therein in the case of any of the
54 aforementioned visual media in a clearly visible and prominent typeface and in the case of a
55 radio broadcast clearly audible statement; provided, however, that each such person eighteen
56 years of age or older has signed his name in the presence of a witness to the following statement
57 authorizing the insertion or broadcast of such advertisement. The statement shall be retained by
58 the newspaper, periodical, radio broadcast, television broadcast, including cable, for not less
59 than one year, shall be available to any person upon request, and shall be in substantially the
60 following form:

61 I hereby authorize the affixing of my name to the attached political advertisement on behalf of
62 or in opposition to, candidate for in the election to be held in the current year, or on behalf of or
63 in opposition to a question being submitted to the voters in the election in the current year.

64 SECTION 5. If any of section shall be deemed unconstitutional, it shall be struck without
65 rendering the remaining sections unconstitutional.