

SENATE NO. 457

AN ACT AUTHORIZING CITIES, TOWNS, AND REGIONAL DISTRICTS TO SEND CERTAIN INFORMATION TO REGISTERED VOTERS

*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 22A of Chapter 55A of the General Laws, as appearing in the 2000
2 Official Edition, is hereby deleted in its entirety and the following section is inserted in place
3 thereof:

4 SECTION 22A. (a) No person may use federal, state, municipal or other public resources for
5 the purpose of aiding, promoting, preventing, antagonizing or otherwise seeking to influence or
6 affect the nomination or election of any person to public office or the interest of any political
7 committee or political party.

8 (b) No person may use federal, state, municipal or other public resources for the purpose of
9 aiding, promoting, preventing, antagonizing or otherwise seeking to influence or affect the vote
10 on any question submitted to the voters unless such person has been expressly authorized by
11 section twenty-two B of this chapter or any other general or special law to so act.

12 (c) Unless such expenditure is authorized by section 22B or any other general or special law, the
13 treasurer or chief fiscal officer of the commonwealth or any subdivision thereof, which has paid,
14 expended or contributed, or promised to give, pay, expend or contribute any money or any
15 valuable thing or whose resources have been used for the purpose of aiding, promoting,
16 preventing, antagonizing or otherwise seeking to influence or affect the vote on any question

17 submitted to the voters or for the purpose of aiding, promoting, preventing, antagonizing or
18 otherwise seeking to influence or affect the nomination or election of any person to public office
19 or the interest of any political committee or political party shall file a report setting forth the
20 amount or value of every gift, payment, expenditure, contribution, use of such resources or
21 promise to give, expend, contribute or use such resources, together with the date, purpose and
22 full name and address of the person to whom it was made.

23 (d) If the question is submitted on a ballot used at a city or town election, the report shall be
24 filed with the city or town clerk. If the question is submitted to voters of a regional school
25 district, the report shall be filed with the clerk of each city or town in the school district. If the
26 question is submitted to voters of a district as provided in sections one hundred and thirteen to
27 one hundred and nineteen, inclusive, of chapter forty-one, the report shall be filed with the clerk
28 of the district. All other reports shall be filed with the director.

29 (e) Each such report shall be filed within ten days after such gift, payment, expenditure,
30 contribution, use of such resources or promise to give, expend, contribute or use such resource
31 is made or such treasurer or chief fiscal officer is aware of such gift, payment, expenditure,
32 contribution or use of such resource. In addition, each such report shall reference the express
33 statutory authorization, if any, for such gift, payment, expenditure, contribution, promise or use
34 of such resource thereof and shall be signed under the pains and penalties of perjury.

35 (f) The supreme judicial court or superior court may compel any treasurer or chief financial
36 officer failing to file the report required by this section or filing a report not conforming to the
37 requirements of this section in respect to its truth, sufficiently in detail, or otherwise, to file a
38 sufficient report, upon the application of the attorney general after referral by the director
39 pursuant to section three of this chapter or upon application by the district attorney or by any ten

40 registered voters of a city, town or district or by any twenty-four registered voters of the
41 commonwealth if such question is submitted to the voters of the commonwealth. In addition,
42 the supreme judicial court or superior court may order restitution of any monies or fair market
43 value of any resources paid, expended, contributed, or used by any person not authorized by
44 section 22B or other general or special law, for the purposes set forth in paragraphs (a) and (b)
45 of this section.

46 (g) For the purposes of this section and section 22B the word “commonwealth” shall include
47 any city, town, county, regional district or other subdivision of the commonwealth and any
48 state, county, regional or other district or municipal agency, board, commission, authority or
49 other governmental unit.

50 (h) Any person who knowingly violates any provision of this section or authorizes such
51 violation and any person who knowingly aids or abets the violation of any provision of this
52 section, shall be punished by a fine of not more than ten thousand dollars.

53 SECTION 2. Chapter 55 of the General Laws, as appearing in the 2000 Official Edition, is
54 hereby amended by inserting the following section twenty-two B after section twenty-two A:

55 SECTION 22B. (a) As used in this section “governing body” shall mean, in a city, the city
56 council or board of aldermen acting with the approval of the mayor subject to the provisions of
57 the charter of said city, in a town having a town council, the town council, in every other town
58 the board of selectmen, and in a district as provided in sections one hundred and thirteen to one
59 hundred and nineteen, inclusive, of chapter forty-one, the prudential committee, if any,
60 otherwise the commissioners of the district.

61 (b) The governing body of any city, town or district in the commonwealth adopting the
62 provisions of this section shall print information relating to each question on the city, town or

63 district ballot, other than a question on the ballot pursuant to section eighteen A of chapter fifty-
64 three. The information shall include: (1) the full text of each such question, (2) a fair and
65 concise summary of each such question, including a one-sentence statement describing the
66 effect of a yes or no vote, prepared by the city solicitor, town counsel or counsel of said city,
67 town or district, (3) arguments for and against each such question as provided in paragraphs (d)
68 and (e) of this section. The information specified in this paragraph shall be sent to each
69 residence of one or more voters whose name appears on the current voting list for said city,
70 town or district no later than seven days before an election at which such a question will be
71 submitted solely to the voters of the city, town or district. The governing body may also print
72 and distribute such information with respect to a question on the ballot pursuant to section
73 eighteen A of chapter fifty-three.

74 (c) The governing body shall, no later than the day following the making of the determination
75 that a question will appear on the ballot in an election, provide written notification to the city
76 solicitor or town or district counsel and to the city or town clerk.

77 (d) The city, town or district solicitor or counsel shall, within seven days of a question being
78 placed on the ballot, seek written arguments from the principal proponents and opponents of
79 each such question. For the purposes of this section, the principal proponents and opponents of
80 any such question shall be those persons determined by the solicitor or counsel to be best able to
81 present the arguments for and against such question. The solicitor or counsel shall designate a
82 date by which written arguments must be received, in a written notice to the principal
83 proponents and opponents. Said notice to the principal proponents and opponents must be
84 issued at least seven days before the date by which the written arguments must be received.
85 Proponents and opponents must submit their arguments to the solicitor or counsel with a copy to

86 the city, town or district clerk. No argument shall contain more than one hundred and fifty
87 words. The arguments and summary must be submitted by the solicitor or counsel to the
88 governing body no later than twenty days before the election for distribution to voters in
89 accordance with paragraph (b) of this section. A copy of the arguments and summary will also
90 be submitted by the solicitor or counsel to the city or town clerk.

91 (e) In determining the principal proponents and opponents of such a question, the solicitor or
92 counsel shall contact each ballot question committee, if any, as defined in section one of chapter
93 fifty-five of the general laws, organized specifically to influence the outcome of the vote on
94 such question. The principal proponents or opponents of such a question may include officers
95 of a ballot question committee, or officers of a city, town or district officer or committee, such
96 as a finance committee or school committee. In addition, the principal proponents or opponents
97 may include the first ten signers or a majority of the first ten signers of any petition initiating the
98 placement of such question on the ballot. The solicitor or counsel shall determine, based on a
99 review of arguments received, the person or persons best able to present arguments for and
100 against a question. If no argument is received by the solicitor or counsel within the time
101 specified by the solicitor or counsel, the solicitor or counsel shall prepare such argument and
102 submit the argument to the governing body, and to the city or town clerk, within the time
103 specified in paragraph (d) of this section.

104 (f) All arguments filed or prepared pursuant to this section, and the information prepared
105 pursuant to paragraph (b) of this section, shall be open to public inspection at the office of the
106 city or town clerk, and if prepared by a district, the arguments and summary shall be open to
107 public inspection at the office of the clerk of each city or town within the jurisdiction of the
108 district. In addition, the city, town or district clerk shall make the information printed pursuant

109 to this section available to voters at all polling places.

110 (g) The provisions of this section shall apply only to cities, towns and districts which accept the

111 same pursuant to section four of chapter four of the general laws.

112 SECTION 3. This act shall take effect upon its passage.