

SENATE NO. 458

AN ACT EXPANDING FINANCIAL REPORTING REQUIREMENTS AND INFORMATION AVAILABLE FOR VOTERS REGARDING BALLOT INITIATIVES

*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. Chapter 9 of the General Laws is hereby amended by inserting after Section 9A the
2 following section:-

3 Section 9B. There shall be in the department of the state secretary, but not under his supervision or
4 control, a Ballot Question Title And Summary Statement Commission consisting of the state secretary
5 or his or her designee, who shall serve as it's chairperson, the attorney general or his or her designee,
6 three persons designated by the governor. Persons designated by the governor will serve a term
7 coterminous with the Governor's and be expected to have received training and have experience in
8 developing survey questions of a fair and unbiased nature, or be retired justices from the state court
9 system, and in either instance not currently employees of the Commonwealth. Said Commission will
10 receive draft titles and summaries from the attorney general for use on the state ballot and petition
11 forms and prepare final titles and summaries for use by the state secretary. Upon receipt of said drafts
12 from the attorney general, the Commission will circulate said drafts by electronic and other means
13 within one business day and begin a ten day public comment period in order to solicit public and
14 expert testimony on the merits of the draft and in order to solicit proposals for its possible
15 improvement. Ten days following the close of the public comment period, the Commission will make
16 available to the state secretary the completed title and summary language for printing on blank

17 petitions by the state secretary to allow filing within the Constitutionally prescribed period. The Ballot
18 Question Title And Summary Statement Commission shall also be responsible for drafting a 500 word
19 explanatory statement describing the consequence of an affirmative and negative decision on the
20 question described and submitting said statement to the state secretary for use in providing information
21 to voters in preparation for the state election in which the question shall appear. As part of the drafting
22 process, the Commission shall hold public hearings and receive public comment on the drafts
23 submitted to the public for their consideration.

24 Chapter 9 is further amended by inserting after Section 9B the following section:-

25 Section 9C. There shall be in the department of the state secretary, but not under his supervision or
26 control, a Ballot Question Fiscal Impact Statement Commission consisting of the state secretary or his
27 or her designee, who shall serve as it's chairperson, the chairpersons and ranking minority members of
28 the House and Senate Committees on Ways and Means or their designees, the state treasurer or his or
29 her designee, the secretary of administration and finance or his or her designee, and a person
30 designated by the Massachusetts Municipal Association. The Ballot Question Fiscal Impact Statement
31 Commission shall be responsible for drafting a 100 word explanatory statement describing the fiscal
32 consequence for state and local government finances of an affirmative decision on the question
33 described and submitting said statement to the state secretary for use in providing information to
34 voters in preparation for the state election in which the question shall appear. As part of the drafting
35 process, the Commission shall hold public hearings and receive public comment on the drafts
36 submitted to the public for their consideration. If at least five Commission members can not agree on
37 a final fiscal impact statement the following statement will be delivered for use by the state secretary:
38 "The fiscal impact of this measure, if any, can not be reasonably determined at this time"

39 Chapter 9 is further amended by inserting after Section 9C the following section:-

40 Section 9D. For the administration and support of activities authorized under Sections 9B and 9C of
41 this Chapter, the state secretary may employ and assign such assistants and other employees as are
42 required.

43 Chapter 53 of the General Laws is hereby amended by inserting at the end of Section 7, the following:-

44 Subsection I: The state secretary shall further promulgate regulations governing the conduct of paid
45 signature gatherers for ballot questions, designed to achieve and maintain security from forgery and
46 fraud in the collection of such signatures on petitions for ballot questions and names thereon. Such
47 regulations shall:

48 (a) prohibit companies paid to collect signatures for ballot petitions from contracting to do so for more
49 than one ballot question in any two year election cycle;

50 (b) prohibit individual signature gatherers paid for such services from collecting signatures for more
51 than one ballot question during the same twenty-four hour period;

52 (c) require individual signature gatherers paid for such services to display identification indicating the
53 company or organization that is paying for the service, a phone number for that organization, and the
54 individual collector's state of residence;

55 (d) require that individual signature gatherers paid for such services sign a sworn oath upon submitting
56 such signatures to the local registrar declaring that the signatures submitted were signed in their
57 presence, and, to the best of their knowledge, the signatures submitted are names of qualified voters.

58 Chapter 54 of the General Laws is hereby amended by inserting after Section 53 the following
59 section:-

60 Section 53A. The secretary of the Commonwealth shall publish the following on its website and in the
61 information for voters material:

62 (a) the most recent list of the top 10 contributors to committees organized for the purpose of
63 supporting and committees organized for the purpose of defeating a ballot question and all contributors
64 to each committee organized for said purposes contributing above \$5,000 in any one election cycle;

65 (b) the most recent contribution amount for each listed contributor;

66 (c) the address, employer, and occupation of each listed contributor;

67 (d) the most recent total of expenditures for each committee organized for the purpose of supporting or
68 defeating a ballot question;

69 (e) a graph or chart depicting the percentage of all contributions made to all committees organized for
70 the purpose of supporting and all committees organized for the purpose of defeating a ballot question.

71 Such graph or chart should depict contributions in amounts under \$50, between \$50 and \$199,
72 between \$200 and \$999, between \$1,000 and \$9,999, and those above \$10,000;

73 (f) the physical address and phone number of the Office of Campaign and Political Finance ("OCPF")

74 (g) OCPF's website address;

75 (h) a statement informing voters that they can access more information regarding the financial
76 information of ballot question committees at OCPF's physical location or website.

77 Chapter 55 of the General Laws is hereby amended by inserting after Section 5B, subsection (a) ii, the
78 following:-

79 (iii) whether the committee has been organized in support or in opposition to a specific ballot question

80 Chapter 55 is further amended by inserting after Section 18 subsection (h) the following:-

81 (i) Notwithstanding the provisions of other clauses of this section, all contributions or aggregate
82 contributions made to a ballot question committee in excess of \$2,500 within 45 days of the election
83 on which the ballot question appears, shall be reported to the Office of Campaign and Political Finance
84 within 24 hours of receipt by the ballot question committee.