

HOUSE No. 1103

By Mr. Lanigan of Boston (by request), petition of Joseph Lee for legislation to prescribe the form of accounts kept by candidates for public office and for the appointment by the State Secretary of an auditor to inspect during election campaigns such accounts and to his reports thereon. Election Laws.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Three.

AN ACT PRESCRIBING THE FORM OF ACCOUNTS TO BE KEPT BY CANDIDATES FOR PUBLIC OFFICE AND PROVIDING FOR AN AUDITOR TO INSPECT THEM DURING ELECTION CAMPAIGNS AND TO MAKE HIS REPORTS THEREON PUBLIC.

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. In chapter fifty-five, section one,
2 section two, section three, section four, section five,
3 section six, section seven, section eleven, section six-
4 teen, section seventeen, section eighteen, section
5 nineteen, section twenty-two, section twenty-three,
6 section twenty-four, and section twenty-five are hereby
7 repealed.

1 SECTION 2. Each candidate for nomination or
2 election to an elective public office in the common-

3 wealth shall keep or cause to be kept an account of
4 things which have a price that people agree to do for
5 him in behalf of his nomination or election. Such
6 accounts shall include the price of services or supplies
7 to be rendered or supplied to him on behalf of his
8 election at the time the contract for them is made or
9 entered into, whether or not money for them is then
10 passed or is ever passed, and whether or not the serv-
11 ice or supply in behalf of his election is rendered on
12 that date or at a subsequent date. At the time such
13 entries of the price of services or supplies then con-
14 tracted for is entered, an entry shall also be made
15 showing the person or corporation by whom such
16 service or supply is to be or is rendered or given. At
17 the same time, there shall be entered the names of
18 the person, persons, corporation, or corporations who,
19 at the time of such contract, have agreed to contribute,
20 or make reimbursement for, such services or supplies,
21 and the amounts which they have agreed to contribute
22 or make reimbursement of. The candidate shall start
23 to keep or cause to be kept such accounts on the day
24 when he files his nomination papers with his accept-
25 ance to be a candidate for the nomination or office for
26 which he offers himself. By the end of the next day
27 he shall completely set forth in his accounts the prices
28 of all the services or supplies which have been con-
29 tracted for in behalf of his election for all time prior
30 to and including that date, and likewise the persons
31 or corporations who have contracted to render such
32 services or supplies, and also the persons or corpora-
33 tions who have agreed to contribute or make reim-
34 bursement for such services or supplies or have already
35 done so, and the amounts of such contributions or
36 reimbursements.

1 SECTION 3. Such books, kept by or on behalf of
2 the candidate, shall be open to the inspection, at all
3 times prior to the election, of an auditor.

1 SECTION 4. The secretary of state shall appoint
2 and employ at all times in his service such an auditor
3 or auditors.

1 SECTION 5. The auditor or auditors shall inspect
2 and be permitted to inspect such books of all candi-
3 dates at any time prior to the closing of the polls on
4 election day.

1 SECTION 6. Such auditor or auditors shall regu-
2 larly and frequently inspect such books of all candi-
3 dates from the time of their acceptance of their nomi-
4 nation by nomination papers until the close of the
5 polls on election day, and shall make a report to the
6 secretary of state setting forth such accounts, as
7 audited, in detail. If the accounts, so inspected, show
8 any irregularities or discrepancies, the auditor in his
9 report shall make full report on that.

1 SECTION 7. The secretary of state shall keep such
2 reports available to the immediate inspection of the
3 public.

1 SECTION 8. The auditor shall compel all candidates
2 for public elective office to keep their daily accounts
3 in such form as shall reveal the price of services or
4 supplies currently contracted for on behalf of the
5 candidate, and the source of such services and sup-
6 plies, and the parties who have agreed to contribute
7 or make reimbursement for such services or supplies,

8 and the amounts which they have agreed to contribute
9 or make reimbursement of.

1 SECTION 9. Failure of the candidate to keep his
2 books in the manner thus ordered by the auditor shall
3 be deemed to have committed a corrupt practice.

1 SECTION 10. The auditor shall supply forms speci-
2 fying the information compulsory under this act.

1 SECTION 11. After the election, the elected or
2 defeated candidates shall send a weekly statement of
3 account to the auditor in the office of the secretary of
4 state, which statement of account shall set forth any
5 alterations that shall have occurred with respect to
6 persons or corporations contributing, or making reim-
7 bursement for, services or supplies rendered on behalf
8 of the candidate's election or attempted election.
9 The auditor's reports on these accounts shall be kept
10 open for public inspection and shall be framed in the
11 same way as the auditor's reports on pre-election
12 accounts.

1 SECTION 12. The auditor or auditors may appeal
2 to the courts in case a candidate for public office
3 obstructs the conduct of the audit, and if it appears
4 in the judgment of the court that the auditor is being
5 obstructed in carrying out his audit, the court may
6 order compliance with the auditor's requests essential
7 to completing his audit and may compel the attend-
8 ance of witnesses or the production of books.

1 SECTION 13. The first four paragraphs of section
2 thirty-six are hereby repealed. The following words

3 shall be inserted in their place:— A candidate shall
4 be deemed to have committed a corrupt practice who
5 violates or fails to obey the provisions of sections one
6 to twelve.

1 SECTION 14. The sections of this chapter shall
2 be numbered consecutively in the order in which they
3 appear as revised in this act, with the sections of
4 chapter fifty-five not repealed by this act following
5 in numerical sequence, except that section thirteen
6 of this act shall be the next to the last section of chap-
7 ter fifty-five and shall be so numbered.



