

tion, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 773 of the Acts of 1975, entitled AN ACT ESTABLISHING THE MASSACHUSETTS CENTRAL RAILROAD CORPORATION., and the enactment of which received my approval on December 16, 1975, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

In order to allow for the immediate establishment and operation of such corporation.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, December 30, 1975.

I, Paul Guzzi, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at three o'clock and twenty minutes, P. M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter seven hundred and seventy-three of the acts of nineteen hundred and seventy-five.

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 774. AN ACT AUTHORIZING THE CONTRIBUTION OF ONE ADDITIONAL DOLLAR OVER AN INDIVIDUAL'S INCOME TAX LIABILITY TO A STATE ELECTION CAMPAIGN FUND TO PROVIDE LIMITED PUBLIC FINANCING OF CAMPAIGNS FOR STATEWIDE ELECTIVE OFFICE.

Be it enacted, etc., as follows:

SECTION 1. Chapter 10 of the General Laws is hereby amended by inserting after section 41 the following four sections: —

Section 42. There shall be established on the books of the commonwealth a separate fund to be known as the state election campaign fund, consisting of all revenues received under the provisions of section six C of chapter sixty-two, and all other monies credited or transferred thereto from any other fund or source pursuant to law.

The state treasurer shall deposit the fund in accordance with the provisions of sections thirty-four and thirty-four A of chapter twenty-nine in such manner as will secure the highest interest rate available consistent with safety of the fund and with the

requirement that all amounts on deposit be available for immediate withdrawal at any time after June thirtieth in any year in which elections are held for statewide elective office.

The state election campaign fund shall be expended only for the payment to eligible candidates, as determined under chapter fifty-five A, of amounts due on account of public financing on campaigns for statewide elective office and any unexpended balances shall be redeposited, as herein provided, pending the next year in which elections are held for statewide elective office.

Section 43. On or before the eighth Tuesday before the primary election in any year in which elections are held for statewide elective office, the balance of the state election campaign fund shall be determined by the comptroller as of June thirtieth of that year and the state election campaign fund shall thereupon be divided by the comptroller into primary and state election accounts as follows:

(a) Sixty per cent of the fund shall be allocated to the primary election account which shall be further subdivided into as many primary candidate accounts as there are candidates for statewide elective office who both qualify for the primary ballot and have primary opposition as certified by the state secretary under section two of chapter fifty-five A. Each primary candidate account shall be credited with an amount determined by dividing the primary election account by a number equal to the sum of five times the number of certified candidates for governor, two and one half times the number of certified candidates for attorney general and one times the number of certified candidates for the other statewide elective offices; provided that each candidate account for the office of governor shall be credited with five times the amount so determined and each candidate account for the office of attorney general shall be credited with two and one half times the amount so determined.

(b) Forty per cent of the fund shall be allocated to the state election account.

On or before the fifth Tuesday preceding such state election the state election account shall be further subdivided into as many state election candidate accounts as there are candidates for statewide elective office who both qualify for the state election ballot and have opposition in the state election as certified by the state secretary under section two of chapter fifty-five A, provided that one candidate account only shall be established for each governor and lieutenant governor team of candidates. Each state election account shall be credited with an amount determined by dividing the state election account by a number equal to the sum of five times the number of certified candidate teams for governor and lieutenant governor, two and one half times the number of certified candidates for attorney general and one times the

number of certified candidates for the other statewide elective offices; provided, that each governor and lieutenant governor candidate account shall be credited with five times the amount so determined and each candidate account for the office of attorney general shall be credited with two and one half times the amount so determined.

Section 44. On or before the eighth, sixth, fourth and second Tuesday before the primary election in any year in which elections for statewide elective office are held the state treasurer shall without further appropriation distribute from each primary candidate account the amounts then certified by the director of campaign and political finance to be due to each eligible candidate. All distributions shall be made by direct deposit to the depository accounts designated by such candidates under section nineteen of chapter fifty-five. Immediately following the second Tuesday before the primary election all primary candidate accounts established under section forty-three shall be closed and any balances remaining shall be allocated to the general election account and shall be available for distribution as herein provided.

On or before the fourth and second Tuesday before the state election in any year in which elections are held for statewide elective office, the state treasurer shall without further appropriation distribute from each state election candidate account the amounts then certified by the director of campaign and political finance to be due to each eligible candidate. All distributions shall be made by direct deposit to the depository accounts designated by such candidates under section nineteen of chapter fifty-five. Immediately following the second Tuesday before the state election all state election candidate accounts established under section forty-three shall be closed and any balances remaining shall be redeposited as provided in section forty-one pending the next year in which statewide elections are held.

Section 45. The state auditor shall conduct a post-audit of all accounts and transactions involving the state election campaign fund for any year in which elections are held for statewide elective office and shall conduct such other special audits and post-audits as he may deem necessary. The state auditor shall publish a report of any post-audit required by this section on or before April first of the year following any year in which elections are held for statewide elective office. The comptroller shall conduct a post-audit of the accounts and transactions of any candidate for state auditor.

SECTION 2. Chapter 55 of the General Laws is hereby amended by striking out section 6, as appearing in section 1 of chapter 151 of the acts of 1975, and inserting in place thereof the following section: —

Section 6. A political committee organized or operating on behalf of a candidate for the office of governor, lieutenant governor, attorney general, state secretary, treasurer and receiver general, or auditor may receive pay and expend money or other things of value for reasonable and necessary expenses directly related to the campaign of the candidate but shall not make any expenditure that is primarily for the candidate's or any other person's personal use, provided however, that the director shall establish reasonable rules and regulations concerning such expenditures; and provided, further, that no such committee, other than the state committee of a political party, may contribute to any other political committee or to the campaign fund of any other candidate.

Any other political committee, duly organized, may receive, pay and expend money or other things of value for the enhancement of the political future of the candidate or the principle, for which the committee was organized so long as such expenditure is not primarily for the candidate's or any other person's personal use, provided, however, that the director shall establish reasonable rules and regulations concerning such expenditures; and provided, further, that such committee may contribute to other political committees and may contribute to the campaign fund of a candidate; and provided, further, that the aggregate of all such contributions made by such a committee organized on behalf of a candidate to another nonelected political committee organized on behalf of a candidate shall not exceed in any one calendar year the sum of one hundred dollars; and provided further, that the aggregate of all such contributions made by such a committee organized on behalf of a candidate to other nonelected political committees organized on behalf of candidates shall not exceed in any one calendar year the sum of fifteen hundred dollars.

Such committee may place surplus funds in a savings account and may earn interest thereon but it may not invest its funds or other things of value in any other manner.

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

SECTION 3. The General Laws are hereby amended by adding after chapter 55 the following chapter:—

CHAPTER 55A.

LIMITED PUBLIC FINANCING OF CAMPAIGNS FOR STATEWIDE ELECTIVE OFFICE.

Section 1. Unless a contrary intention clearly appears, the words and phrases used in this chapter shall have the following meanings:

“Director”, the director of campaign and political finance as established by chapter fifty-five.

“Candidate”, any candidate as defined by chapter fifty-five.

“Statewide elective office”, the office of governor, lieutenant governor, attorney general, secretary, treasurer and receiver general, and auditor.

“Contribution”, any contribution as defined by chapter fifty-five.

“Qualifying contribution”, any contribution made by an individual and deposited in a candidate’s depository account as required by section nineteen of chapter fifty-five during the calendar year in which elections are held for statewide elective office or the next preceding calendar year except as follows: (a) no contribution shall be considered a qualifying contribution unless the name and address of the individual making the contribution can be determined from statements required to be filed with the director; (b) no contribution shall be considered a qualifying contribution to the extent that it exceeds two hundred and fifty dollars or would exceed two hundred and fifty dollars when added to any such contribution previously made by the same individual during the calendar year in which elections are held for statewide elective office or the next preceding calendar year.

The same contribution may be a qualifying contribution for both the primary election and the state election in a year in which elections are held for statewide elective office but no contribution shall remain a qualified contribution after the end of any such year.

Section 2. On or before the ninth Tuesday before the primary election in any year in which elections are held for statewide elective office the state secretary shall determine and certify to the director and the state treasurer the names and addresses of all candidates for statewide elective office who qualify for the primary ballot and are opposed by one or more candidates who have qualified for the same ballot in the primary election. For purposes of this chapter any candidate for statewide elective office for whom certificates of nomination and nomination papers have been filed in apparent conformity with law shall be considered qualified for the ballot notwithstanding any objections thereto that may be filed and notwithstanding any vacancy that may occur following the filing of such certificates of nominations and nomination papers other than a vacancy caused by withdrawal of a candidate within the time allowed by law. On or before the fifth Tuesday before the state election in any such year the state secretary shall determine and certify to the director and to the state treasurer the names and addresses of all candidates for statewide elective office who qualify for the state election ballot and are opposed by one or more candidates

who have qualified for the state election ballot. For purposes of this chapter any candidate for statewide elective office for whom certificates of nomination and nomination papers have been filed in apparent conformity with law shall be considered qualified for the ballot, as provided with respect to candidates for the primary election, and any such candidates nominated at the primary election shall be considered qualified for the ballot notwithstanding any objections thereto that may be filed and notwithstanding any vacancy that may occur other than a vacancy caused by withdrawal of a candidate within the time allowed by law. The state secretary shall promptly determine and certify to the director and state treasurer the name and address of any candidate that no longer qualifies for the primary or state election ballot or no longer has opposition because of death or withdrawal or ineligibility for office or because objections to certificates of nomination and nomination papers have been sustained or because of a recount or for any other like reason.

Section 3. The director shall determine and certify to the state treasurer those candidates for statewide elective office that are eligible for limited public financing as provided in sections four and six and shall determine and certify to the state treasurer the amounts due to each eligible candidate as provided in sections five and seven.

Said director shall prescribe and make available forms on which statements of qualifying contributions shall be filed by candidates, which statements shall contain the name and address of each individual making a contribution, the amount of the contribution and date of deposit, the cumulative total of all contributions made by that individual during the calendar year in which elections are held for statewide elective office and the next preceding calendar year and shall contain such other information and shall be organized in such a manner as the director may reasonably require to expedite the determinations required to be made by the director by this chapter. The director shall notify candidates of any amounts determined by the director to be due from candidates under section nine and shall direct that such amounts be paid to the state election campaign fund. On or before January thirtieth of any year next following a year in which elections are held for statewide elective office the director shall prepare and submit a report relating to the matters entrusted to him under this chapter to the clerk of the senate and to the commission established by section three of chapter fifty-five and shall make copies of such report available to any person upon payment of the reasonable cost of copying or reproduction.

Section 4. Any candidate for statewide elective office certified by the state secretary under section two as qualifying for the ballot and having opposition in the primary election shall be

eligible to receive limited public financing of his primary election campaign, to the extent provided by section five, 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 eight and (b) has received qualifying contributions as defined by section one in at least the following minimum amounts for the following statewide elective offices:

Governor	\$75,000
Lieutenant Governor	15,000
Attorney General	37,500
Secretary	15,000
Treasurer and Receiver General	15,000
Auditor	15,000

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 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. 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 one dollar for each one dollar of qualifying contributions as defined by section one, 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 forty-two of chapter ten; (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	\$250,000
Lieutenant Governor	50,000
Attorney General	125,000
Secretary	50,000
Treasurer and Receiver General	50,000
Auditor	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 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 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 seven, 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 eight and (b) has received qualifying contributions as defined by section one in at least the following minimum amounts for the following statewide elective offices:

Governor and Lieutenant Governor	\$125,000
Attorney General	62,500
Secretary	25,000
Treasurer and Receiver General	25,000
Auditor	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. Determinations and certifications of the eligibility of candidates 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 eligibility for public financing of such candidate's state election campaign.

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 one dollar 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 forty-three of chapter ten; (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	\$250,000
Attorney General	125,000
Secretary	50,000
Treasurer and Receiver General	50,000
Auditor	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 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.

Section 8. No candidate shall be eligible to receive public financing under this chapter unless and until the candidate deposits with the director a bond for the faithful compliance by such candidate and any political committee organized on his behalf with the provisions of this chapter. Such bond shall be in a form approved by the director, shall be signed by such candidate and the chairman and treasurer of any such committee, shall run to the commonwealth, shall be in force during the year in which elections for statewide elective office are held and shall be in the following sums for the following statewide elective offices:

Governor	\$250,000
Lieutenant Governor	50,000
Attorney General	125,000
Secretary	50,000
Treasurer	50,000
Auditor	50,000

On determination by the director that a candidate has failed to make the payments to the state treasurer required by section nine the director may request the attorney general to bring an action in the name of the state treasurer upon the bond of such candidate and his political committee and may recover for the benefit of the state election campaign fund, up to the sum of such bond, any such payments so required. Any such action shall be in addition to remedies otherwise available by law and no action on any such bond shall preclude the director from bringing such other civil or criminal proceedings as may otherwise be provided by law.

Section 9. Within two weeks following any primary or state election for statewide elective office any candidate who has received public financing under this chapter shall file a statement with the director showing the balance remaining in the candidate's depository account as of the primary or state

election less any reserve necessary to cover debts incurred to defray campaign expenditures incurred during such primary or state election. Except as herein provided, any candidate having a surplus balance following any such primary or state election shall thereupon pay to the state treasurer for deposit to the state election campaign fund an amount determined by multiplying such surplus balance by a fraction the numerator of which is the total amount of public financing received on account of such primary or state election campaign and the denominator of which is the sum of such public financing received and all contributions received by such candidate. No candidate having a surplus balance following the primary election shall be required to make any payment on account of such surplus if such candidate is certified by the state secretary under section two as qualifying for the ballot and having opposition in the state election and is certified by the director of campaign and political finance as eligible for public financing for the state election within three weeks following such primary election; provided, however, that in determining and certifying the amount to which any such candidate is entitled under section seven the director shall reduce the amount that would otherwise be determined thereunder by an amount equal to the amount that such candidate would be required to pay to the state treasurer under this section but for this sentence.

If the director determines that any portion of the payments made to an eligible candidate under this chapter was in excess of the aggregate amount of the payments to which the candidate was entitled he shall so notify the candidate and he shall thereupon pay to the state treasurer an amount equal to the excess amount.

If the director determines that any portion of the payments made to a candidate under this chapter for use in his primary election campaign or his state election campaign was used for any purpose other than to defray campaign expenditures in that campaign, or to repay loans the proceeds of which were used to defray campaign expenditures in that campaign, the director shall so notify the candidate and he shall thereupon pay an amount equal to the full amount so used to the state treasurer without regard to the source of the funds so used.

Any candidate who fails to pay an amount determined by the director to be due within ten days of notice thereof shall be subject to a penalty of fifty dollars per day for every day that such amount remains unpaid.

Section 10. No candidate shall be required to accept public financing nor shall any candidate otherwise eligible for public financing be denied such financing solely because an opposing candidate declines to accept such financing.

Section 11. The director shall promulgate such rules and regulations as are necessary to effectuate the purposes of this chapter.

The director shall have the same power and authority to investigate the legality, validity, completeness and accuracy of all reports and actions required to be filed and taken by candidates pursuant to this chapter as is provided by section three of chapter fifty-five pertaining to campaign contributions and expenditures.

Section 12. Violation by any person of any provision of this chapter shall, in addition to any civil liabilities established by this chapter, be punished by imprisonment for not more than one year or by a fine of not more than one thousand dollars or both.

SECTION 4. Chapter 62 of the General Laws is hereby amended by inserting after section 6B the following section:—

Section 6C. Every individual who files a separate return and whose income tax liability for any taxable year is one dollar or more may voluntarily contribute one additional dollar over his income tax liability to be paid over to the state election campaign fund for the account of candidates for statewide elective office in accordance with the provisions of chapter fifty-five A.

In the case of a joint return of husband and wife having an income tax liability of two dollars or more, each spouse may voluntarily contribute one dollar to the fund.

A contribution made under this section may be made with respect to any taxable year at the time of filing the return of the tax imposed by this chapter for such taxable year; provided, however, that the commissioner shall prescribe the manner in which such contribution shall be made on the face of the return required by section twenty-two.

The provisions of this section shall apply only to residents required to file a return under this chapter.

For purposes of this section the phrase "income tax liability for any taxable year" shall mean the amount of tax imposed by this chapter reduced by sum of the credits allowed by clauses (a) and (b) of section six and the words "statewide elective office", and "candidates" shall have the same meaning as in chapter fifty-five A.

SECTION 5. This act shall take effect on July first, nineteen hundred and seventy-six.

Approved December 16, 1975.

Chap. 775. AN ACT MAKING THE MASSACHUSETTS MUNICIPAL WHOLESALE ELECTRIC COMPANY A PUBLIC CORPORATION AND DEFINING ITS POWERS AND DUTIES.

Whereas, The deferred operation of this act would tend to defeat