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By Mr. Fishman, a petition (accompanied by bill, Senate, No. 429) of Jerome Medalie for legislation to establish the office of director of campaign and political finance. Election Laws.

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## The Commonwealth of Massachusetts

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

### AN ACT ESTABLISHING THE OFFICE OF DIRECTOR OF CAMPAIGN AND POLITICAL FINANCE.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 There shall be inserted into the General Laws the following  
2 chapter entitled:

3 *Director of Campaign and Political Finance*

4 *Section 1.* (a) The State Chairman of each political party,  
5 the Chief Justice of the Supreme Judicial Court of the Com-  
6 monwealth and a dean of a law school located in Massachu-  
7 setts, to be appointed by the Governor of the Commonwealth  
8 as provided hereinafter, shall serve as a Commission for the  
9 purpose of selecting a Director of Campaign and Political Fi-  
10 nance. The Chief Justice shall act as Chairman of such Com-  
11 mission. The term of the dean of a law school shall be six (6)  
12 years, but shall sooner expire if he shall sooner cease to act  
13 as dean, and he shall be appointed within thirty (30) days  
14 after the enactment of this Chapter and within thirty (30)  
15 days after the occurrence of a vacancy in such office.

16 (b) Selection of a Director shall be by unanimous vote of  
17 the members of the Commission. The first Director shall be  
18 selected no later than one hundred twenty (120) days after  
19 this Chapter becomes effective. The Commission shall select a  
20 successor Director no later than thirty (30) days prior to the  
21 expiration date of the term of the Director and no later than  
22 sixty (60) days after the occurrence of a vacancy in the office  
23 of Director prior to the expiration date of the term. An in-

24 cumbent Director may be selected for a succeeding term or  
25 terms. In the event that a vacancy shall exist in the office of  
26 Director for a period of ten (10) days during the period from  
27 the date of the primary election at which a candidate for any  
28 statewide office is nominated and one hundred twenty (120)  
29 days after the election, the Chairman of the Commission shall  
30 appoint a director pro tem, who shall serve until a successor  
31 Director is appointed in accordance with the provisions hereof.

32 (c) All powers, duties and obligations presently conferred  
33 and imposed upon the State Secretary by Chapter 55 of the  
34 General Laws and by any other provision of the General Laws  
35 relating to election campaign contributions and expenditures  
36 shall, upon the appointment of the first Director, automatically  
37 be transferred to the Director. All reports, statements and  
38 certificates required by Chapter 55 to be filed with the State  
39 Secretary shall thereafter be filed with the Director. Except  
40 as expressly otherwise provided herein, nothing in this Sec-  
41 tion shall remove or modify any responsibility or authority  
42 conferred upon the Attorney General, the District Attorneys,  
43 the City or Town Clerks or the Courts by any provision of the  
44 General Laws, including, without limitation, Chapter 55.

45 (d) The Director shall be a resident of the Commonwealth  
46 of high and established reputation and he shall not, during the  
47 term he serves as Director, engage in any partisan political  
48 activities of any nature, nor shall he hold any other public  
49 office; provided, however, that among other activities not pro-  
50 hibited by the foregoing, he shall be free to advise and consult  
51 with legislative committees, the members of the General Court  
52 and other persons affected by the laws under his jurisdiction,  
53 and to advocate and sponsor legislation. He shall serve for a  
54 term of six (6) years and, unless sooner removed, until his  
55 successor has been selected and has assumed the office. He  
56 may not be removed from office except upon an affirmative  
57 vote of not less than all except one of the members of the Com-  
58 mission then serving. Removal of the Director shall be at the  
59 discretion of the Commission, and shall not be reviewable.

60 (e) The Director shall devote all of his working hours to

61 his duties as Director and shall receive an annual salary of  
62 Twenty-Five Thousand Dollars (\$25,000).

63 (f) The Office of the Director of Campaign and Political  
64 Finance shall consist, in addition to the Director, of at least  
65 one (1) full-time accountant, one (1) full-time attorney, and  
66 (1) full-time clerk, two (2) full-time investigators, and one (1)  
67 full-time secretary, with not less than one (1) and not more  
68 than three (3) additional half-time aides during election years.  
69 All position shall be filled by appointment by the Director.  
70 He shall also have available to him such resources, facilities  
71 and assistance of such other investigative, accounting and law  
72 enforcement agencies of the Commonwealth as he shall rea-  
73 sonably deem necessary or advisable to fulfill his duties. He  
74 shall, from time to time as he deems necessary or advisable,  
75 issue rules and regulations in conformity with the provisions  
76 of Chapter 30A, Chapter 55 and this Chapter, and shall also  
77 issue interpretative bulletins and respond with reasonable  
78 promptness to requests for information, interpretations and  
79 advice presented by candidates, state committees, political com-  
80 mittees and members of the public.

81 (g) All acts, decisions and rulings of the Director shall be  
82 subject to judicial review under the provisions of Chapter  
83 30A of the General Laws, upon the application of any ag-  
84 grieved or substantially interested person.

85 (h) The Director shall have the power and authority to  
86 investigate the lawfulness, validity, completeness and accuracy  
87 of all reports and actions required to be filed and taken by  
88 candidates, treasurers, political committees, and any other per-  
89 son pursuant to this Chapter, Chapter 55, and any other laws  
90 of the Commonwealth pertaining to campaign contributions  
91 and expenditures. In connection with any such investigation  
92 he may issue subpoenas for witnesses, who shall be allowed  
93 the same fees, whose attendance may be enforced in the same  
94 manner, and who shall be subject to the same penalties, as if  
95 served with a subpoena in behalf of the Commonwealth in a  
96 criminal prosecution before a court of the Commonwealth. In  
97 the event that he reasonably believes that any violation may

98 have occurred, he shall have the right to and shall initiate  
99 prosecutions or other appropriate legal action in the name of  
100 the Commonwealth and to engage special counsel for the pur-  
101 poses thereof. The Attorney General shall render all requested  
102 assistance in such prosecution or other legal action, but the  
103 conduct of and the primary responsibility therefor shall be  
104 with the Director and his special counsel. The Director may  
105 not under any circumstances initiate any proceedings for dis-  
106 qualification of a candidate for an alleged violation of any  
107 provisions of this Chapter until after the election.

108 (i) Neither the Director nor any of the employees specified  
109 in paragraph (f) shall be subject to the provisions of Chapter  
110 31 of the General Laws.