

By Mr. Rosenberg, a petition (accompanied by bill, Senate, No. 459) of Stanley C. Rosenberg and Robert P. Spellane for legislation to expand financial reporting requirements and information available for voters regarding ballot initiatives. Election Laws.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

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 Chapter 9 of the General Laws is hereby amended by inserting
2 after Section 9A the following section:—
3 Section 9B. There shall be in the department of the state secre-
4 tary, but not under his supervision or control, a Ballot Question
5 Title And Summary Statement Commission consisting of the state
6 secretary or his or her designee, who shall serve as it's chair-
7 person, the attorney general or his or her designee, three persons
8 designated by the governor. Persons designated by the governor
9 will serve a term coterminous with the Governor's and be
10 expected to have received training and have experience in devel-
11 oping survey questions of a fair and unbiased nature, or be retired
12 justices from the state court system, and in either instance not cur-
13 rently employees of the Commonwealth. Said Commission will
14 receive draft titles and summaries from the attorney general for
15 use on the state ballot and petition forms and prepare final titles
16 and summaries for use by the state secretary. Upon receipt of said
17 drafts from the attorney general, the Commission will circulate
18 said drafts by electronic and other means within one business day
19 and begin a ten day public comment period in order to solicit
20 public and expert testimony on the merits of the draft and in order
21 to solicit proposals for its possible improvement. Ten days
22 following the close of the public comment period, the Commis-

23 sion will make available to the state secretary the completed title
24 and summary language for printing on blank petitions by the state
25 secretary to allow filing within the Constitutionally prescribed
26 period. The Ballot Question Title And Summary Statement Com-
27 mission shall also be responsible for drafting a 500 word explana-
28 tory statement describing the consequence of an affirmative and
29 negative decision on the question described and submitting said
30 statement to the state secretary for use in providing information to
31 voters in preparation for the state election in which the question
32 shall appear. As part of the drafting process, the Commission
33 shall hold public hearings and receive public comment on the
34 drafts submitted to the public for their consideration.

35 Chapter 9 is further amended by inserting after Section 9B the
36 following section:—

37 Section 9C. There shall be in the department of the state secre-
38 tary, but not under his supervision or control, a Ballot Question
39 Fiscal Impact Statement Commission consisting of the state secre-
40 tary or his or her designee, who shall serve as its chairperson, the
41 chairpersons and ranking minority members of the House and
42 Senate Committees on Ways and Means or their designees, the
43 state treasurer or his or her designee, the secretary of administra-
44 tion and finance or his or her designee, and a person designated by
45 the Massachusetts Municipal Association. The Ballot Question
46 Fiscal Impact Statement Commission shall be responsible for
47 drafting a 100 word explanatory statement describing the fiscal
48 consequence for state and local government finances of an affir-
49 mative decision on the question described and submitting said
50 statement to the state secretary for use in providing information to
51 voters in preparation for the state election in which the question
52 shall appear. As part of the drafting process, the Commission
53 shall hold public hearings and receive public comment on the
54 drafts submitted to the public for their consideration. If at least
55 five Commission members can not agree on a final fiscal impact
56 statement the following statement will be delivered for use by the
57 state secretary: “The fiscal impact of this measure, if any, can not
58 be reasonably determined at this time”

59 Chapter 9 is further amended by inserting after Section 9C the
60 following section:—

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

65 Chapter 53 of the General Laws is hereby amended by inserting
66 at the end of Section 7, the following:—

67 Subsection I: The state secretary shall further promulgate regu-
68 lations governing the conduct of paid signature gatherers for
69 ballot questions, designed to achieve and maintain security from
70 forgery and fraud in the collection of such signatures on petitions
71 for ballot questions and names thereon. Such regulations shall:

72 (a) prohibit companies paid to collect signatures for ballot peti-
73 tions from contracting to do so for more than one ballot question
74 in any two year election cycle;

75 (b) prohibit individual signature gatherers paid for such serv-
76 ices from collecting signatures for more than one ballot question
77 during the same twenty-four hour period;

78 (c) require individual signature gatherers paid for such services
79 to display identification indicating the company or organization
80 that is paying for the service, a phone number for that organiza-
81 tion, and the individual collector's state of residence;

82 (d) require that individual signature gatherers paid for such
83 services sign a sworn oath upon submitting such signatures to the
84 local registrar declaring that the signatures submitted were signed
85 in their presence, and, to the best of their knowledge, the signa-
86 tures submitted are names of qualified voters.

87 Chapter 54 of the General Laws is hereby amended by inserting
88 after Section 53 the following section:—

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

92 (a) the most recent list of the top 10 contributors to committees
93 organized for the purpose of supporting and committees organized
94 for the purpose of defeating a ballot question and all contributors
95 to each committee organized for said purposes contributing above
96 \$5,000 in any one election cycle;

97 (b) the most recent contribution amount for each listed contrib-
98 utor;

99 (c) the address, employer, and occupation of each listed con-
100 tributor;

101 (d) the most recent total of expenditures for each committee
102 organized for the purpose of supporting or defeating a ballot ques-
103 tion;

104 (e) a graph or chart depicting the percentage of all contributions
105 made to all committees organized for the purpose of supporting
106 and all committees organized for the purpose of defeating a ballot
107 question. Such graph or chart should depict contributions in
108 amounts under \$50, between \$50 and \$199, between \$200 and
109 \$999, between \$1,000 and \$9,999, and those above \$10,000;

110 (f) the physical address and phone number of the Office of
111 Campaign and Political Finance (“OCPF”)

112 (g) OCPF’s website address;

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

116 Chapter 55 of the General Laws is hereby amended by inserting
117 after Section 5B, subsection (a) ii, the following:—

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

120 Chapter 55 is further amended by inserting after Section 18
121 subsection (h) the following:—

122 (i) Notwithstanding the provisions of other clauses of this
123 section, all contributions or aggregate contributions made to a
124 ballot question committee in excess of \$2,500 within 45 days of
125 the election on which the ballot question appears, shall be
126 reported to the Office of Campaign and Political Finance within
127 24 hours of receipt by the ballot question committee.