

By Mr. Doran of Lexington, petition of Stephen W. Doran, other members of the General Court and another for legislation to further define governmental expenditures for campaign finance purposes. Election Laws.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Four.

AN ACT FURTHER DEFINING GOVERNMENTAL EXPENDITURES FOR CAMPAIGN FINANCE PURPOSES.

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 22A of Chapter 55 of the General Laws, as appearing
2 in the 1990 Official Edition, is hereby deleted in its entirety and
3 the following section is inserted in place thereof: —

4 No employee, officer or agent of the state, or any county, city,
5 town or any other governmental unit may, in his official capacity,
6 give, pay, expend or contribute, or promise to give, pay, expend
7 or contribute any money or any valuable thing for the purpose
8 of aiding, promoting or preventing the nomination or election of
9 any person to public office or aiding or promoting or antagonizing
10 the interest of any political party.

11 No employee, officer or agent of the state, or any county, city,
12 town or any other governmental unit may, in his official capacity,
13 give, pay, expend or contribute, or promise to give, pay, expend
14 or contribute any money or any valuable thing for the purpose
15 of aiding, promoting, opposing or otherwise seeking to influence
16 or affect the vote on any question submitted to the voters unless
17 such employee, officer or agent has been expressly authorized by
18 statute to so act.

19 The treasurer of any city, town or county or the treasurer or
20 other chief fiscal officer of any state, county or municipal agency,
21 board, commission, authority or other governmental unit which
22 has through an employee, officer or agent given, paid, expended
23 or contributed, or promised to give, pay, expend or contribute

24 any money or any valuable thing in order to aid, promote, oppose
25 or otherwise influence or affect the vote on any question submitted
26 to the voters shall file with the director, if such question is
27 submitted to the voters of the commonwealth, or with the city
28 or town clerk, if the question is submitted to the voters of the city
29 or town, reports setting forth the amount or value of every gift,
30 payment, expenditure, contribution or promise to give, expend
31 or contribute, together with the date, purpose and full name and
32 address of the person to whom it was made. Each such report shall
33 be filed within seven business days after such gift, payment,
34 expenditure, contribution or promise to give, expend, or
35 contribution is made. In addition each such report shall reference
36 the express statutory authorization, if any, for such gift, payment,
37 expenditure, contribution or promise thereof and shall be signed
38 under the pains and penalties of perjury.

39 The director of the office of campaign and political finance, or
40 in the case of a city or town, the city or town clerk, as the case
41 may be, shall examine the reports submitted by the treasurer or
42 other chief fiscal officer pursuant to this section and shall order
43 restitution of public funds which the director, or city or town clerk,
44 as the case may be, determines have been spent contrary to law
45 by public officials. The director, or city or town clerk, as the case
46 may be, may, in extraordinary cases and for good cause shown,
47 waive part or all of said restitution. Nothing contained herein shall
48 be construed as authorizing the expenditures of public monies for
49 political purposes.

50 Any employee, officer or agent of the state, or any county, city,
51 town or any other governmental unit violating any provision of
52 this section or authorizing such violation, or any person who
53 violates or in any way knowingly aids or abets the violation of
54 any provision of this section, shall be punished by a fine of not
55 more than ten thousand dollars or by imprisonment for not more
56 than one year or both.