

By Mr. Businger of Brookline, petition of John A. Businger for legislation to permit the designation of one dollar of an individual's income tax liability to a state election voter information fund. Election Laws.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty.

AN ACT ALLOWING THE DESIGNATION OF ONE DOLLAR OF AN INDIVIDUAL'S INCOME TAX LIABILITY TO A STATE ELECTION VOTER INFORMATION FUND.

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. Chapter 62 of the General Laws, as most
2 recently amended by chapter 723 of the acts of 1973, is hereby
3 further amended by inserting after section 6 the following
4 section: --

5 Section 6A. Every individual, who files a separate return and
6 whose income tax liability for any taxable year is one dollar or
7 more, may designate that one dollar be paid over to the voter
8 information fund, under the direction of the director of
9 campaign and political finance for the account of all candidates
10 for state office in general elections.

11 This fund shall be used solely for the purchase of television
12 and radio time, newspaper and magazine space, and postage for
13 mailing for presentation of candidates' qualifications and
14 positions on issues. Guidelines for use of fund shall be
15 determined by the director of campaign and political finance.

16 In the case of a joint return of husband and wife having an
17 income tax liability of two dollars or more, each spouse may
18 designate that one dollar shall be paid to the voter information
19 fund. The commissioner shall prescribe the manner in which
20 such designation shall be made on the face of the return required
21 by section twenty-two.

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

24 For purposes of this section, the phrase "income tax liability
25 for any taxable year" shall mean the amount of tax imposed by
26 this chapter reduced by the sum of the credits allowed by sub-
27 sections (a) and (b) of section six and the words "state office"
28 and all other candidates shall have the same meaning as in
29 chapter fifty-four B.

1 SECTION 2. The General Laws are hereby further amended
2 by inserting after chapter 54A the following chapter:—

3 *Chapter 54B.*

4 *Section 1.* When used in this chapter and in section six of
5 chapter sixty-two, the following terms shall have the following
6 meaning:—

7 (a) "state office," the offices of governor, lieutenant-governor,
8 attorney general, secretary of state, treasurer and receiver
9 general, auditor, governor's councillor, state senator and state
10 representative.

11 (b) "eligible candidates", individuals:—

12 (i) who have qualified to have their names placed on a
13 biennial state election ballot,

14 (ii) who are seeking election to a state office, and

15 (iii) who personally have made a timely application for
16 monies in accordance with sections three and five of chapter
17 sixty-two.

18 (iv) whose party shall have received fifteen percent of popular
19 vote in the preceding state election.

20 (c) "qualified campaign expense," an expense:—

21 (i) incurred by an eligible candidate for the purpose of
22 directly informing the electorate of the qualifications of the
23 candidate for office and his or her views on issues through the
24 media,

25 (ii) incurred within the expenditures report period and
26 incurred before the beginning of such period to the extent such
27 expense is for permitted uses under (i),

28 (iii) required to be reported under section sixteen of chapter
29 fifty-five, and

30 (iv) neither the incurring nor payment of which constitutes a
31 violation of any law of the United States or of the com-
32 monwealth.

33 (d) "expenditure report period," the period beginning with the
34 day following a state primary election and ending on the date of
35 the state election.

36 *Section 2.* There is hereby established and set up on the
37 books of the commonwealth a separate fund to be known as the
38 voters information fund. The fund shall consist of monies
39 designated by individuals as provided in section six A of chapter
40 sixty-two.

41 The comptroller shall maintain the fund and all sums received
42 under section six A of chapter sixty-two shall be paid into the
43 fund.

44 *Section 3.* Eligible candidates shall make application to the
45 director of campaign and political finance for their full share of
46 the monies credited to the fund as of June thirtieth of the
47 preceding fiscal year; provided, however, that such application
48 shall be made no later than seven days following the state
49 primary election.

50 *Section 4.* The director of campaign and political finance
51 shall apportion the total amount of such monies among the
52 following categories of state offices in the following
53 proportions: —

54 (a) governor and lieutenant governor 45%

55 (b) attorney general 20%

56 (c) secretary of state 10%

57 (d) treasurer and receiver general 10%

58 (e) auditor 10%

59 An equal share of monies shall be allotted to all eligible
60 candidates within a category except those running unopposed.

61 Unopposed candidates shall not be eligible for funds from the
62 voter information fund.

63 Five percent of the fund shall be set aside for administrative
64 costs in handling said fund.

65 Candidates shall keep and preserve detailed accounts,
66 vouchers and receipts for disbursement of monies received by it
67 under section six A of chapter sixty-two including the date and
68 amount of such disbursement. Such records shall be preserved
69 for a period of one year from the date of election relative to
70 which such funds were disbursed.

71 *Section 5.* Eligible candidates shall be entitled to payments
72 under this section only:

73 (a) to defray "qualified campaign expenses" incurred by such
74 eligible candidates in purchasing television and radio time and
75 newspaper and magazine space for presentation of qualifications
76 and positions on issues.

77 (b) to pool shares of election campaign fund monies with
78 other candidates for presentation of views on issues either
79 through television and radio debates or through written
80 materials.

81 (c) to repay loans the proceeds of which were used to defray
82 such qualified expenses.

83 *Section 6.* All candidates who receive monies from the fund
84 shall be required to report in accordance with the applicable
85 provisions of chapter fifty-five, the amount of monies so
86 received, the date, amount, and purpose of each expenditure,
87 and the name and address of the recipient of each such
88 expenditure payment.

89 *Section 7.* All allotted monies which remain unexpended at
90 the end of an expenditure report period shall revert to the
91 general fund.

92 *Section 8.* Should the director of campaign and political
93 finance determine that any amount of any payment under this
94 chapter has been used for any purpose other than that specified
95 in section six of chapter sixty-two, he shall notify the individual
96 candidate of the amount so used and shall order the candidate
97 to return such amount to the state treasurer.

98 Any candidate who receives any payment under this chapter

99 and who knowingly and willfully uses or authorizes the use of
100 such payment, or a portion thereof, for any purpose other than
101 that specified in section six of chapter sixty-two shall be
102 punished by a fine up to three times the amount of such
103 unauthorized spending.

104 No notification shall be made by the director under this
105 section with respect to a state election more than three years
106 after the date of such election.

107 All payments received by the state treasurer under this section
108 shall be credited to the general fund.

