

By Mr. Businger of Brookline, petition of John A. Businger for legislation to require the disclosure of the sources of the economic assets of elected and appointed public officials. Election Laws.

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**The Commonwealth of Massachusetts**

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

**AN ACT TO REQUIRE THE DISCLOSURE OF THE SOURCES OF THE ECONOMIC ASSETS OF PUBLIC OFFICIALS.**

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

1 The General Laws are hereby amended by inserting after  
2 chapter 268A the following chapter.

3 **CHAPTER 268B**

4 *Section 1.* The following persons shall file, under the  
5 penalties of perjury, written statements of economic interests  
6 as provided in this chapter.

7 (a) members of the legislature and candidates for nomination  
8 or election to the legislature;

9 (b) persons holding an elected office in the executive branch  
10 and candidates for nomination or election to such positions;

11 (c) members of any commission, board or authority created  
12 by the Constitution or General Laws;

13 (d) persons whose appointment to office is made by the  
14 Governor, with or without the confirmation of the executive  
15 council, in both the executive and judicial branch;

16 (e) persons (except those primarily employed by the Com-  
17 monwealth or by any political subdivision thereof in teaching  
18 as distinguished from administrative duties) who are compensated  
19 for services to the Commonwealth, including the judicial  
20 branch, or any political subdivision thereof, as employees and  
21 not as independent contractors at the rate of twenty thousand  
22 dollars per year or more, or are heads of state departments  
23 regardless of compensation.

24 (f) persons who are holding elective office in the Common-  
25 wealth or any of its political subdivisions, whether by election  
26 or appointment, and candidates for nomination or election to  
27 such office.

28 (g) persons retained by the Commonwealth or by any of its  
29 political subdivisions on a per diem or consulting basis.

30 *Section 2.* (a) The statement of economic interests re-  
31 quired by this chapter shall include the economic interests of  
32 the person making the statement as provided in section 1 of  
33 this chapter. The interests of the household of the person  
34 making the statement shall be considered to be the same as the  
35 interests of the person making the statement. Election cam-  
36 paign contributions or receipts shall not be included in this  
37 statement.

38 (b) The following interests shall be listed by all persons  
39 required to file:

40 (1) The identity, by name, of all offices, directorships,  
41 and fiduciary relationships held by him during the preceding  
42 calendar year.

43 (2) The name, address and nature of any business, trust,  
44 professional organization or practice, in which the person  
45 making the statement was an employee, proprietor, associate,  
46 partner, or served in any advisory capacity and from which  
47 gross income in excess of seven hundred and fifty dollars was  
48 derived during the preceding calendar year.

49 (3) The description and address of all real estate, other  
50 than his domicile, in the Commonwealth in which he has any  
51 interest, including an option to buy, during the preceding  
52 calendar year.

53 (4) The name and address of each creditor to whom  
54 monies are owed, on an unsecured basis, in excess of seven  
55 hundred and fifty dollars provided that monies owed directly on  
56 account of medical or dental expenses are not included, during  
57 the preceding calendar year.

58 (5) The name and address of any person or entity from  
59 which a gift or gifts, or honorarium or honoraria, valued singly  
60 or in the aggregate in excess of seven hundred and fifty dollars  
61 was received during the preceding calendar year.

62 (6) The name and address of the parties, and a descrip-  
63 tion of the matter involved, in which the person making the  
64 statement was an officer, director, associate, partner, proprie-  
65 tor, or served in any advisory capacity to any professional  
66 organization or individual professional practice which appeared  
67 on behalf of or represented a client before any board, commis-  
68 sion, authority, or governing unit of the Commonwealth or any  
69 of its political subdivisions, in which a fee of seven hundred and  
70 fifty dollars or more was charged and in which any public official  
71 or executive agency of the Commonwealth or of any of its  
72 political subdivisions was a party.

73 *Section 3.* A person who is required to file a written  
74 statement of economic interests under section 1 and who  
75 occupies more than one position described by subsections (a)  
76 through (g) of section 1, shall be deemed to have complied  
77 with this chapter if all such positions are specified on one  
78 statement of economic interests filed by such person.

79 *Section 4.* Any statement of economic interests filed  
80 under this chapter shall be filed with the Secretary of State on  
81 a form prescribed by the Secretary of State.

82 *Section 5.* (a) Each person who files a declaration of  
83 candidacy or a petition to appear on the ballot for election as  
84 a public official shall file a statement of economic interests  
85 with his nomination papers. Other provisions of law notwith-  
86 standing, if a candidate for elective public office does not  
87 submit a statement of economic interests in accordance with  
88 the requirements of this chapter, his name shall not be placed  
89 on the ballot and votes cast for him shall not be counted.

90 (b) Each person who is nominated by the Governor or by  
91 the executive branch or by the moderator of any political  
92 subdivisions of the Commonwealth and each person who holds  
93 elective office by appointment to serve as a public official or  
94 judge shall file a statement of economic interests before he  
95 shall be allowed to assume the responsibilities of such position.

96 (c) Each person retained by the Commonwealth or by any  
97 of its political subdivisions on a per diem or consulting basis,  
98 and persons (except those primarily employed by the Common-

99 wealth or by any political subdivisions thereof in teaching as  
100 distinguished from administrative duties) who are compensated  
101 for services to the Commonwealth, including the judicial  
102 branch, or any political subdivision thereof, as employees and  
103 not as independent contractors at the rate of twenty thousand  
104 dollars per year or more, or are heads of state or municipal  
105 departments, regardless of compensation, shall file a statement of  
106 economic interests before he shall be allowed to commence work  
107 for, or on behalf of, the Commonwealth or any political  
108 subdivision thereof.

109       *Section 6.* Any person who is required to file a statement  
110 of economic interests under this act shall also file a statement  
111 complying with this chapter within thirty days of the anniver-  
112 sary of the date in which the first statement was filed by that  
113 person on a form prescribed by the Secretary of State and  
114 within three months of any substantial addition, deletion or  
115 change in the nomination required under section 2 of this  
116 chapter. An unsuccessful candidate for public office shall no  
117 longer be required to file such statements.

118       *Section 7.* Any person required to file a statement of  
119 economic interest under this chapter who willfully files a false  
120 or incomplete statement shall be fined not to exceed \$1,000 or  
121 imprisoned in a penal institution for a term not to exceed one  
122 year, or both.

123       *Section 8.* If any provision of this chapter, or the applica-  
124 tion thereof, to any person or circumstance is held invalid, the  
125 validity of the remainder of such chapter and the application  
126 of such provision to other person and circumstances shall not  
127 be affected thereby.