

MGL Chapter 55

Effective Jan. 1, 2010

Changes are in bold / Marked-out sections are no longer in effect

55:1. Definitions.

Section 1. For the purpose of this chapter, unless a different meaning clearly appears from the context, the following words shall have the following meanings:

"Ballot question committee", a political committee which receives or expends money or other things of value for the purpose of favoring or opposing the adoption or rejection of a specific question or questions submitted to the voters including, without limitation, a charter change, an initiative or referendum question or a constitutional amendment.

"Candidate", any individual who seeks nomination or election to public office, whether or not such individual is nominated or elected. For the purpose of this chapter, an individual shall be deemed to be seeking nomination or election to such office if he has (1) received a contribution or made an expenditure, or has given his consent for any other person or committee to receive a contribution or make an expenditure, for the purpose of influencing his nomination or election to such office, whether or not the specific public office for which he will seek nomination or election is known at the time the contribution is received or the expenditure is made, or (2) taken the action necessary under the laws of the commonwealth to qualify himself for nomination or election to such office, or, if said individual holds elective public office, whether elected or appointed to such office, and he has (3) received any money or anything of value, or made any disbursement resulting from any purchases, made from said individual, or a committee, or a person acting on behalf of said individual or committee, whether through the device of tickets, advertisements, or otherwise, for any fund-raising activity, including a testimonial, regardless of the purpose of said activity, held on behalf of said individual at any time while he holds said public office.

"Candidate's committee", the political committee organized on behalf of a candidate, as provided in section five. The term "candidate's committee" shall also apply to the campaign fund of a candidate who has not organized a political committee for the purpose of carrying out the election campaign of such candidate or who receives contributions or makes expenditures independently of said committee.

“Clearly identified candidate”, a candidate whose name, photo or image appears in a communication or a candidate whose identity is apparent by unambiguous reference in a communication.

"Contribution", a contribution of money or anything of value to an individual, candidate, political committee, or person acting on behalf of said individual, candidate or political committee, for the purpose of influencing the nomination or election of said individual or candidate, or for the purpose of supporting or opposing a political party committee, or for the purpose of promoting or opposing a charter change, referendum question, constitutional amendment, or other question submitted to the voters, and shall include any: (1) gift, subscription, loan, advance, deposit of money, or thing of value, except a loan of money to a candidate by a national or state bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business; (2) transfer of money or anything of value between political committees; (3) payment, by any person other than a candidate or political committee, or compensation for the personal services of another person which are rendered to such candidate or committee; (4) purchase from an individual, candidate, or political committee, or person acting on behalf of said individual, candidate, or political committee, whether through the device of tickets, advertisements, or otherwise, for fund-raising activities, including testimonials, held on behalf of said individual, candidate or political committee, to the extent that the purchase price exceeds the actual cost of the goods sold or services rendered; (5) discount or rebate not available to other candidates for the same office and to the general public; and (6) forgiveness of indebtedness or payment of indebtedness by another person; but shall not include the rendering of services by speakers, editors, writers, poll watchers, poll checkers or others, nor the payment by those rendering such services of such personal expenses as may be incidental thereto, nor the exercise of ordinary hospitality; provided, however, that a transfer of funds or payments by a depository candidate or his committee to the political committee of a party, for goods or services provided to a candidate or his committee by such political party shall not be considered to be a contribution.

"Director", the director of campaign and political finance.

"Election", any convention or caucus or a political party held to nominate a candidate, and any city, town or state preliminary, primary or election, and any special preliminary, primary or election.

“Electioneering communication”, any broadcast, cable, mail, satellite or print communication that: (1) refers to a clearly identified candidate; and (2) is publicly distributed within 90 days before an election in which the candidate is seeking election or reelection; provided, however, that “electioneering communication” shall not include the following communications: (1) a communication that is disseminated through a means other than a broadcast station, radio station, cable television system or satellite system, newspaper, magazine, periodical, billboard advertisement, or mail; (2) a communication to less than 100 recipients; (3) a news story, commentary, letter to the editor, news release, column, op-ed or editorial broadcast by a television station, radio station, cable television system or satellite system, or printed in a newspaper, magazine, or other periodical in general circulation; (4) expenditures or independent expenditures or contributions that

must otherwise be reported under this chapter; (5) a communication from a membership organization exclusively to its members and their families, otherwise known as a membership communication; (6) bonafide candidate debates or forums and advertising or promotion of the same; and (7) internet or email communications.

"Executive agent", an executive agent as defined in section thirty-nine of chapter three.

"Expenditure", any expenditure of money, or anything of value, by an individual, candidate, or political committee, or a person acting on behalf of said individual, candidate, or political committee, for the purpose of influencing the nomination or election of said individual or candidate, or of presidential and vice presidential electors, or for the purpose of promoting or opposing a charter change, referendum question, constitutional amendment, or other question submitted to the voters, and shall include: (1) any purchase, payment, distribution, loan, advance, deposit, or gift of money, or anything of value; and (2) any transfer of money or anything of value between political committees.

“Independent expenditure”, an expenditure made, or liability incurred, by an individual, group, or association for goods or services expressly advocating the election or defeat of a clearly identified candidate which is made or incurred without cooperation or consultation with any candidate, or a nonelected political committee organized on behalf of a candidate, or any agent of a candidate and which is not made or incurred in concert with, or at the request or suggestion of, any candidate, or any nonelected political committee organized on behalf of a candidate or agent of such candidate.

"Legislative agent", a legislative agent as defined in section thirty-nine of chapter three.

"Political action committee", a political committee which is not a candidate's committee, a political party committee nor a ballot question committee; provided, however, that a political committee which only receives contributions from individuals in an amount or value of one hundred dollars or less in any calendar year, which has been in existence for six months or more and which contributes to five or more candidates shall not be a political action committee; provided, further, that said one hundred dollar amount shall be indexed biennially for inflation by the director, who, not later than December thirty-first of each odd numbered year, shall calculate and publish such index amount, using the federal consumer price index for the Boston statistical area.

"Political committee", any committee, association, organization or other group of persons, including a national, regional, state, county, or municipal committee, which receives contributions or makes expenditures for the purpose of influencing the nomination or election of a candidate, or candidates, or of presidential and vice presidential electors, or for the purpose of opposing or promoting a charter change, referendum question, constitutional amendment, or other question submitted to the voters.

"Political party committee", a political committee organized in accordance with chapter fifty-two on behalf of a political party, as defined in section one of chapter fifty, whether elected or non-elected.

Notwithstanding any other provisions of this chapter, any receipt or disbursement of any money or anything of value by an individual, or person acting on behalf of said individual, which is not otherwise a "contribution" or "expenditure" as defined in this section, resulting from any purchases from said individual, or any person acting on behalf of said individual, whether through the device of tickets, advertisements, or otherwise, for any fund-raising activity, including a testimonial, held on behalf of said individual, regardless of the purpose of said activity, shall be deemed to be a "contribution" or "expenditure" if said individual: (1) is a candidate in accordance with the provisions of clauses (1) or (2) of the definition of "Candidate" at the time of said receipt or disbursement; (2) holds elective public office, whether elected or appointed to such office, at the time of said receipt or disbursement, and thereby becomes a candidate in accordance with the provisions of clause (3) of said definition; or (3) becomes a candidate in accordance with said clauses (1) or (2) of said definition subsequent to such receipt or disbursement, and shall be reported as a contribution or an expenditure in accordance with the provisions of sections eighteen and nineteen.

Notwithstanding any other provisions of this chapter, communications from a membership organization, not including a corporation subject to section eight, to its members and their families on any subject shall not be deemed to be a contribution or expenditure.

55:2. Accounts of campaign contributions and expenditures; violations; penalties.

Section 2. Every candidate shall keep detailed accounts of all contributions received by him, or by a person acting on his behalf, and of all expenditures made by him, or by a person acting on his behalf. Said accounts may be kept by an agent duly authorized thereto, but the candidate shall be responsible for said accounts, which shall be kept separate and distinct from all other accounts and shall include contributions made by the candidate from his own personal funds or otherwise. Said accounts shall include:

(1) the full name and residential address of each person who has made a contribution, in an amount or value in excess of fifty dollars in a reporting period, and such information for each contribution of less than or equal to the sum of fifty dollars, if the aggregate of all contributions received from such contributor within said reporting period is in excess of fifty dollars, and the amount or value and date of the contribution;

(2) the amount or value and date of each contribution made in a reporting period, which is not otherwise included under clause (1);

(3) the full name and address of each person to whom an expenditure is made in excess of fifty dollars in a reporting period, a receipted bill stating the particulars of each such expenditure, including the amount or value, date and purpose of each such expenditure;

(4) the amount or value, date and purpose of each expenditure made in a reporting period, which is not otherwise included under clause (3).

The candidate shall preserve all receipted bills and accounts relative to all contributions received, expenditures made and any other campaign finance activity, which shall include the full name and residential address of all persons who have made a contribution to said candidate regardless of the amount of said contribution. The candidate shall preserve said receipted bills and accounts for six years from the date of the relevant election.

In addition to the information otherwise required by this section, a candidate shall keep and preserve accounts including the occupation and employer or employers of each person who has made a contribution in an amount or value of two hundred dollars or more in any one calendar year, and such information for each contribution of less than two hundred dollars, if the aggregate of all contributions received from such contributor within any one calendar year is two hundred dollars or more; provided, however, that a candidate shall satisfy such requirement of including said occupation and employer by requesting a contributor's occupation and employer at the time a contribution is solicited and making one additional written request. A candidate shall be allowed to keep any such contribution if such candidate has complied with the provisions of this paragraph.

Violation of any provision of this section shall be punished by imprisonment for not more than one year, or by a fine of not more than one thousand dollars, or both.

55:3. Director of campaign and political finance; selection, etc.; powers and duties; judicial review of decisions; procedure for violations; penalties.

Section 3. The state chairman of each of the two leading political parties, the state secretary, and a dean of a law school located in the commonwealth, to be appointed by the governor as provided hereinafter, shall serve as a commission for the purposes of selecting the director of campaign and political finance. The term of the dean of a law school shall be six years but shall expire if he should cease to act as dean; a successor shall be appointed within thirty days after the occurrence of a vacancy in said office. The state secretary shall act as chairman of said commission. Meetings of the commission may be called by state secretary or by any two other members.

Selection of the director, who shall be a resident of the commonwealth, shall be by unanimous vote of the members of the commission. The commission shall select a successor director no later than thirty days prior to the expiration date of the term of the director and no later than sixty days after the occurrence of a vacancy in said office; provided, however, in the event that a

vacancy shall exist in the office of director for ten days beginning with the date of the primary election at which a candidate for any statewide office is nominated and ending one hundred and twenty days after the election, the chairman of the commission shall appoint a director pro tem, who shall serve until a successor director is appointed in accordance with the provisions hereof. An incumbent director may be selected for a succeeding term or terms.

The director shall serve for a term of six years and, unless removed, until his successor has been selected and has assumed the office. He may not be removed from office except upon an affirmative vote of all of the members of the commission then serving. Removal of the director shall be at the discretion of the commission, and shall not be reviewable.

The director shall devote full time to his duties during normal business hours. Subject to appropriation, he shall receive a salary to be determined from time to time by a majority of the members present and voting at a duly-called meeting of the commission, a quorum being present. He shall not, during the term he serves as director, engage in any political activities of any nature, nor shall he hold any other public office; provided, however, that he shall be free to advise and consult with legislative committees, the members of the general court and other persons affected by the laws under his jurisdiction, and to advocate and sponsor legislation.

The director shall appoint such employees as the work of the office may require. The director shall establish the salaries, duties, and personnel regulations of all employees as he deems necessary to perform the duties of the office, provided however, the salaries of such employees shall not exceed the sum annually appropriated by the general court. The provisions of sections nine A and forty-five of chapter 30 and of chapter 31 shall not apply to the employees of the office.

The director shall make available to investigative, accounting and law enforcement agencies of the commonwealth all information necessary or advisable to fulfill their duties, with respect to this chapter. He shall, from time to time as he deems necessary or advisable, issue rules and regulations in conformity with the provisions of this chapter and chapter thirty A, and shall also issue interpretative bulletins and respond with reasonable promptness to requests for information, interpretations and advice presented by candidates, state committees, political committees and members of the public.

All acts, decisions and rulings of the director shall be subject to judicial review under the provisions of chapter thirty A upon the application of any interested person.

The director shall inspect all statements and reports of candidates, or nonelected political committees supporting such candidates, filed with him, within thirty days of the reporting dates required by this chapter, and all other statements and reports within sixty days of the reporting dates required by this chapter. If upon examination of the records it appears that any candidate or political committee has failed to file a statement or report as required by law, or if it appears to the director that any such statement or report filed with him does not conform to law, or upon

written complaint by five registered voters that a statement or report does not conform to law, or that any candidate or political committee has failed to file a statement or report required by law, the director shall, in writing, notify the delinquent person. Such complaint shall state in detail the grounds of objection, shall be sworn to by one of the subscribers, and shall be filed with the director within ten days after the required date for filing a statement or report, or within ten days after the actual filing of a statement or report, or an amended statement or report. Upon failure to file a statement or report within ten days after receiving notice under this section or if any statement filed after receiving such notice discloses any violation of any provisions of this chapter, the director shall notify the attorney general thereof and shall furnish him with copies of all papers relating thereto, and the attorney general, within two months thereafter, shall examine every such case, and if satisfied that there is cause, he shall in the name of the commonwealth institute appropriate civil proceedings or refer the case to the proper district attorney for such action as may be appropriate in the criminal courts. **The name of a candidate who fails to file any statement or report after the institution of civil proceedings under this section to compel such filing shall not be printed on a state primary or state election ballot unless the statement or report is filed prior to the deadline for filing nomination papers with the state secretary for such candidate pursuant to chapter 53. The director shall notify the state secretary of the names of those candidates against whom civil proceedings have been instituted and shall do so within 72 hours of the filing deadline for nomination papers with the state secretary. Any candidate who is disqualified from appearing on a state primary or state election ballot as set forth above shall be ineligible to be nominated at a state primary as a write-in or sticker candidate unless the candidate shall have filed the statements or reports which are the subject of the civil litigation by the date of the primary. The director shall notify the state secretary of any candidates who have filed their statements or reports which were the subject of civil litigation no later than 24 hours after the date of the state primary.**

The director shall have the power and authority to investigate the legality, validity, completeness and accuracy of all reports and actions required to be filed and taken by candidates, treasurers, political committees, and any other person pursuant to this chapter and any other laws of the commonwealth pertaining to campaign contributions and expenditures. He may require, by summons, the attendance and testimony under oath of witnesses and the production before him of books and papers relating to any matter being investigated by him. Such summons shall be served in the same manner as summonses for witnesses in criminal cases issued on behalf of the commonwealth and all provisions of law relative to summonses issued in such cases shall apply to summonses issued under this section so far as applicable. Any justice of the supreme judicial court or of the superior court may upon application by the director compel the attendance of witnesses summoned as aforesaid and the giving of testimony under oath before said director in furtherance of any investigation in the same manner and to the same extent as before said courts.

The director shall establish rules of procedure governing the conduct of his hearings and investigations which shall be made available in printed form to each witness prior to his testimony. Witnesses shall have the right to be represented by counsel and shall before testifying be sworn. Witnesses shall testify only at private hearings and the same provisions with reference to secrecy which govern proceedings of a grand jury shall govern all proceedings before the director. Violations of such provisions with regard to secrecy shall be punished by a fine of up to one thousand dollars and imprisonment for not more than one year, or both. Upon conviction for any such violation said director shall be removed and the office of director deemed vacant.

The director shall inform any person or committee under investigation by said director by registered mail, return receipt requested, **by personal delivery, by leaving a copy of the notice at the person's last and usual place of residence or by delivering a copy of the notice to an attorney who has appeared on behalf of the alleged violator** on his intention to present to the attorney general evidence of any alleged violation of this chapter. Within ten days of receipt of said notice said alleged violator may request a hearing before the director for the purpose of presenting evidence to the contrary. Said director shall not present evidence of any such alleged violation to the attorney general until after said hearing. ~~Evidence of any such violation of this chapter which has come to his attention shall be presented by the director to the attorney general only after the relevant election involved, but within two years after said election.~~ **Evidence of any such violation of this chapter which has come to the director's attention shall be presented by the director to the attorney general not later than 120 days before or 3 years after the relevant election or, if the evidence does not relate to an identifiable election, not later than 3 years after the violation.**

The director shall assess a civil penalty for any report, statement or affidavit required to be filed with him, or with any city or town clerk upon written notice to him from such clerk, pursuant to the provisions of this chapter which is filed later than the prescribed date. ~~Said civil penalty shall be in the amount of ten dollars per day; provided, however, that the maximum penalty the director may assess shall be no greater than twenty five hundred dollars for any one report, statement or affidavit which is filed later than the prescribed date.~~ **Said civil penalty shall be in the amount of \$25 per day; provided, however, that the maximum penalty the director may assess shall be no greater than \$5,000 for any one report, statement or affidavit which is filed later than the prescribed date.** The director may waive all or part of any civil penalty for good cause; provided, however, that such finding and the reasons therefore are in writing. In the case of failure to file by a candidate or a candidate's committee, the civil penalty shall be assessed against the candidate; and in all other instances, the civil penalty shall be assessed against the treasurer of the political committee or other person or persons required to file such report, statement or affidavit.

The director shall not disclose publicly any correspondence or communication to a candidate, political committee, or ballot question committee which contains a deadline for response until the deadline has passed or until the director has received a response,

whichever is earlier. Notwithstanding the forgoing notices of future filing requirements and notices of failure to file, a required report shall be a public record when issued.

55:4. Repealed, 1986, 631, Sec. 3.

55:5. Political committees; statement of organization; treasurer; secretary; duties; expenditures; penalties.

Section 5. Each political committee shall organize by filing with the director or, if organized for the purpose of a city or town election only, with the city or town clerk, a statement of organization.

The statement of organization shall include: (1) the full name of the political committee, which, if organized on behalf of a candidate, shall include the name of the candidate in said name; which, if not organized on behalf of a candidate, shall include the full words represented by any abbreviations, initials or acronyms in said name; and which, if a political action committee, shall include the words "Political Action Committee" in said name; (2) the address of the political committee; (3) a statement of the purpose for which the political committee is organized which shall include, except for political party committees and candidate's committees, a list of specific issues in which the committee takes an interest, and a list of specific interests, including but not limited to business, charitable, educational, or other interests represented by the committee, or by a significant proportion of its officers, members or donors; (4) the name and residential address of the chairman and the treasurer; (5) the name, residential address, and position of other principal officers, including officers and members of the finance committee, if any, and; (6) the name and address, if known, and party affiliation of each candidate the political committee is supporting; provided, however, that if a candidate is nominated without reference to a political party, the name of his political party shall not be required.

The statement of a political committee organized on behalf of a candidate shall also include the written consent of said candidate. No candidate shall give his consent to more than one such committee.

Whenever a statement of organization of a political committee is filed on behalf of a candidate who became a candidate after the deadline for filing nomination papers, the director shall at the time of the filing notify the candidate or his representative of the requirements of clause (a) of section five of chapter two hundred and sixty-eight B and he shall also forward the name and address of such candidate to the state ethics commission within three days after the filing of a political committee with this office.

Any change in information previously submitted in a statement of organization shall be reported to the director, or if organized for the purpose of a city or town election only, to the city or town clerk, within ten days following the change.

Each political committee shall have a treasurer who shall qualify for his office by filing a written acceptance thereof with the director, or if organized for the purpose of a city or town election only, with the city or town clerk. Said treasurer shall remain subject to all the duties and liabilities imposed by this chapter until his written resignation of the office is received or his successor's written acceptance is filed as aforesaid. No person acting under the authority of, or on behalf of, any political committee shall receive any money or anything of value, or expend or disburse the same, or incur expenses while it has no treasurer qualified as aforesaid, or while the name and address of any of its officers or members, as originally or subsequently chosen, is not filed in accordance with the provisions of this section or chapter fifty-two, as the case may be.

Each treasurer of a political committee shall keep and preserve detailed accounts, vouchers and receipts as prescribed for a candidate by the provisions of section two. Each treasurer of a political committee shall keep said records for a period of six years following the date of the relevant election. A candidate may not be the treasurer of the political committee which has been organized on his behalf.-

The secretary of each ward, city and town committee shall file with the director a list of the officers of the committee, together with the addresses of such officers, within ten days after its organization under the provisions of chapter fifty-two, and within ten days of any change of said officers.

No expenditure shall be made for, or on behalf of, a political committee without the authorization of the chairman or treasurer, or their designated agents. **No person who is authorized to make such expenditures shall sign a committee check payable to himself or herself.**

All funds of a political committee shall be kept separate from any personal funds of officers, members or associates of such committee.

A state committee referred to in section one of chapter fifty-two may incorporate pursuant to the provisions of chapter one hundred and eighty; provided, however, that such incorporation shall not relieve any person, including the chairperson or treasurer, from any responsibility imposed by this chapter or other election law or from any civil or criminal penalty imposed thereby. Prior to filing the articles of incorporation with the state secretary, the articles shall be submitted to the director, who shall examine the same within sixty days. The director may require such amendment thereof or additional information as he considers necessary. If he finds the articles comply with law he shall so certify and endorse his approval thereto. Any amendment to the articles of organization shall be approved in like manner.

The state secretary, a city or town clerk, or a member of a board of registrars of voters or election commission in any city or town shall not serve as the chairman, treasurer, or other principal officer of any political committee, but any such public officer may serve as the chairman or

principal officer, other than treasurer, of the political committee organized on his own behalf. This paragraph shall not apply to city or town clerks who do not administer elections.

Violation of any provision of this section shall be punished by imprisonment for not more than one year, or by a fine of not more than one thousand dollars, or both.

55:5A. Elected public officials; political action committees.

No candidate or individual holding elective public office shall establish, finance, maintain, control or serve as a principal officer of a political action committee; provided, however, that each of the following may authorize one such political committee to which this section shall not apply: a majority of the members of each political party who are members of the house of representatives, and a majority of the members of each political party who are members of the senate.

55:5B. Names or phrases identifying political committees in organizational statements.

Section 5B. (a) Every political committee, other than a political party committee or a candidate's committee, shall name and identify itself in its organizational statement pursuant to section five by using a name or phrase that:

(i) clearly identifies the economic or other special interest, if identifiable, of a majority of its contributors; and

(ii) if a majority of its contributors share a common employer, that identifies the employer.

(b) If the economic or other special interest or common employer are not identifiable under subsection (a), every such political committee shall name and identify itself in its organizational statement using a name or phrase:

(i) that clearly identifies the economic or other special interest, if identifiable, of a majority of its organizers; and

(ii) if a majority of its organizers share a common employer, that identifies the employer; and

(iii) if the committee is organized, financed, controlled or maintained by an individual, that identifies said individual.

(c) No political committee shall use any name other than the name included in its organizational statement.

55:6. Restrictions on expenditures; penalties.

Section 6. A political committee organized or operating on behalf of a candidate for the office of governor, lieutenant governor, attorney general, state secretary, treasurer and receiver general, or auditor may receive, pay and expend money or other things of value for reasonable and

necessary expenses directly related to the campaign of such candidate but shall not make any expenditure that is primarily for the candidate's or any other person's personal use; provided, however, that no such committee may contribute to any other political committee or to the campaign fund of any other candidate, except that such committee may contribute to a political committee of a political party, provided that: (a) the aggregate of all contributions to any one such political committee shall not exceed the sum of one hundred dollars in any one calendar year; and (b) the aggregate of all such contributions shall not exceed the sum of fifteen hundred dollars in any one calendar year; and, provided further, that the director shall establish reasonable rules and regulations concerning such expenditures.

Any other political committee, duly organized, may receive, pay and expend money or other things of value for the enhancement of the political future of the candidate or the principle, for which the committee was organized so long as such expenditure is not primarily for the candidate's or any other person's personal use, provided, however, that the director shall establish reasonable rules and regulations concerning such expenditures; and provided, further, that such committee may contribute to other political committees and may contribute to the campaign fund of a candidate; and provided, further, that the aggregate of all such contributions made by such a committee organized on behalf of a candidate to another non-elected political committee organized on behalf of a candidate shall not exceed in any one calendar year the sum of one hundred dollars; and provided further, that the aggregate of all such contributions made by such a committee organized on behalf of a candidate to other non-elected political committees organized on behalf of candidates shall not exceed in any one calendar year the sum of fifteen hundred dollars.

Except as otherwise provided in section six A or six B, a political committee not organized on behalf of an individual candidate may contribute to another political committee not organized on behalf of an individual candidate; provided, however, that the aggregate of all such contributions for the benefit of the political committees of any one political party shall not exceed in any one calendar year the sum of five thousand dollars; and provided, further, that the aggregate of all such contributions for the benefit of any one such political committee other than a political party committee shall not exceed in any one calendar year the sum of five hundred dollars. A political committee not organized on behalf of an individual candidate, other than a political party committee, may contribute to the campaign fund of a candidate; provided, however, that the aggregate of all such contributions for the benefit of any one candidate and such candidate's committee shall not exceed the sum of five hundred dollars in any one calendar year. The political committee of a political party may contribute to the campaign fund of a candidate; provided, however, that the aggregate of all contributions of money for the benefit of any one candidate and the non-elected political committee organized on such candidate's behalf shall not exceed in any one calendar year the sum of three thousand dollars in the case of the state committee and the sum of one thousand dollars in the case of each town or ward committee. For the purposes of the limitations established by this section, all campaign contributions made by

political committees established, financed, maintained or controlled by any person, including any parent committee of a subsidiary committee or any person other than a natural person, shall be considered to have been made by a single political committee. Nothing in this section shall be construed to permit contributions to political committees which are otherwise prohibited by this chapter.

Such committee may place such funds in a savings account or money market to earn interest thereon but may not invest its funds or other things of value in any other manner.

For the purposes of this section the term "personal use" shall not include expenses relating to the provision of constituent or legislative services or to the opening or maintaining of a legislative district office, provided that (a) said expenses are not otherwise paid, provided or reimbursed by the commonwealth or any other governmental body.

For the purposes of this section the term “personal use” shall include the payment of fines, penalties, restitution or damages incurred for a violation of chapters 268A and 268B, but shall not include payments made in relation to allegations of violations of such chapters.

Violations of any provision of this section or section six A or six B shall be punished by imprisonment for not more than one year or by a fine of not more than one thousand dollars.

55:6A. Contributions from political action committees; limitations.

Section 6A. A candidate and such candidate's committee shall not accept any contribution from a political action committee if such contribution would result in such candidate and such committee together receiving from all political action committees aggregate contributions in any calendar year in excess of the following amounts:

- (a) a candidate for governor, including contributions jointly to such candidate for governor and a candidate for lieutenant governor in a state election - one hundred and fifty thousand dollars;
- (b) a candidate for lieutenant governor - thirty-one thousand, two hundred and fifty dollars;
- (c) a candidate for attorney general - sixty-two thousand, five hundred dollars;
- (d) a candidate for state secretary, state treasurer and state auditor - thirty-seven thousand, five hundred dollars;
- (e) a candidate for state senator, county commissioner, governor's councillor, district attorney, clerk of courts, register of probate, registrar of deeds or any other county officer - eighteen thousand, seven hundred and fifty dollars;
- (f) a candidate for state representative - seven thousand, five hundred dollars.

55:6B. Ballot question committees; contributions.

Section 6B. A ballot question committee may receive, pay and expend money or other things of value solely for the purpose of favoring or opposing the adoption or rejection of a specific question or questions submitted to the voters. A ballot question committee shall not contribute to any other political committee, except that it may contribute to another ballot question committee if such contribution is consistent with the purpose for which it was organized. A ballot question committee shall not make any expenditure that is primarily for the personal use of any candidate or other person, nor shall it make any expenditure inconsistent with the purpose for which it was organized. A ballot question committee shall not receive, pay or expend money or other things of value for the purpose of influencing the nomination or election of a candidate or for the purpose of aiding or promoting or antagonizing the interest of any political party.

55:7. Receipts, disbursements and contributions regulated; limitations; penalties.

Section 7. No person or combination of persons, including a corporation formed under the provisions of chapter one hundred and eighty, shall in connection with any nomination or election receive money or its equivalent, expend or disburse or promise to expend or disburse the same, except as authorized by this chapter. A political committee or a person acting under the authority or on behalf of such a committee may receive money or its equivalent, or expend or disburse or promise to expend or disburse the same for the purpose of aiding or promoting the success or defeat of a candidate at a primary or election or a political party or principle in public election or favoring or opposing the adoption or rejection of a question submitted to the voters, and for other purposes expressly authorized by this chapter subject, however, to the provisions thereof. A candidate may make expenditures without limitation for the purposes of his own campaign and may make campaign contributions without limitation for the benefit of the non-elected political committee organized on his behalf.

No candidate or candidate's committee shall receive a transfer of funds or assets from any federal political committee. No candidate or candidate's committee shall make an expenditure of, or transfer, funds or assets that were transferred on or after November 25, 1998 from a federal political committee. A candidate's committee may, however, coordinate arrangements, with a federal committee that refunds contributions pursuant to federal law, for a solicitation of the same contributors by the candidate's committee. The candidate's committee shall pay the full cost of any such solicitation.

Notwithstanding the provisions of any law to the contrary, a candidate shall not loan, per election, more than the following amounts to his candidate's committee:

Governor, lieutenant governor \$200,000

Secretary of state, treasurer, auditor, attorney general \$150,000

State senator \$50,000

State representative \$30,000

Notwithstanding the provisions of this section and section seven A, an individual of less than eighteen years of age shall not make campaign contributions in an amount in excess of twenty-five dollars in the aggregate during any one calendar year. Except as provided in subsection (c) of section 19, a candidate required to designate a depository for campaign funds by section nineteen and a person acting for such a candidate or such a political committee shall pay for services rendered or goods sold in excess of the sum of fifty dollars only through or by the means of a check drawn upon such depository and bearing the legend "Campaign Account - (name of candidate or political committee)", and shall secure the signature of the person receiving such check to the following certificate to be printed on all such checks: "The undersigned affirms under the penalties of perjury that he is the named payee of this check or an authorized officer thereof, that he or it performed the services or delivered the goods indicated hereon, that the payment is for the sole purpose of paying for such goods or services and that no person other than the named payee has any interest, direct or indirect, in this payment".

Violation of any provision of this section or section seven A shall be punished by imprisonment for not more than six months or by a fine of not more than five hundred dollars.

55:7A. Campaign contributions to candidates from individuals; limitations.

Section 7A. (a)(1) An individual may make campaign contributions to candidates or candidate's committees; provided, however, that the aggregate of all such contributions for the benefit of any one candidate and that candidate's committee shall not exceed the sum of five hundred dollars in any calendar year.

(2) An individual may in addition make campaign contributions for the benefit of elected political committees or non-elected political committees organized on behalf of a political party; provided, however, that the aggregate of such campaign contributions for the benefit of the political committees of any one political party shall not exceed in any one calendar year the sum of five thousand dollars.

(3) An individual may in addition make campaign contributions to any political committee not specified in paragraph (1), (2), or (4); provided, however, that the aggregate of such campaign contributions to any one such political committee shall not exceed in any one calendar year the sum of five hundred dollars.

(4) An individual may in addition make contributions without limitation to ballot question committees.

(5) Notwithstanding any other provision of this subsection, the aggregate of all contributions from any one individual to all candidates and candidate's committees shall not exceed the sum of twelve thousand, five hundred dollars in any one calendar year.

(b) Notwithstanding any other provision of this chapter, the aggregate of all contributions by a legislative or executive agent for the benefit of any one candidate and such candidate's committee shall not exceed the sum of two hundred dollars in any one calendar year.

Notwithstanding any other provision of this chapter, the aggregate of all contributions by a legislative or executive agent to any other political committee, other than a ballot question committee, shall not exceed the sum of two hundred dollars in any one calendar year.

55:8. Political contributions, etc., by corporations; penalties.

Section 8. No corporation carrying on the business of a bank, trust, surety indemnity, safe deposit, insurance, railroad, street railway, telegraph, telephone, gas, electric light, heat, power, canal, aqueduct, or water company, no company having the right to take land by eminent domain or to exercise franchises in public ways, granted by the commonwealth or by any county, city or town, no trustee or trustees owning or holding the majority of the stock of such a corporation, no ~~business corporation incorporated~~ **or professional corporation, partnership, limited liability company partnership** under the laws of or doing business in the commonwealth and no officer or agent acting in behalf of any corporation mentioned in this section, shall directly or indirectly give, pay, expend or contribute, or promise to give, pay, expend or contribute, any money or other valuable thing for the purpose of aiding, promoting or preventing the nomination or election of any person to public office, or aiding or promoting or antagonizing the interest of any political party.

No person or persons, no political committee, and no person acting under the authority of a political committee, or in its behalf, other than a political committee organized on behalf of a ballot question campaign shall solicit or receive from such corporation or such holders of stock any gift, payment, expenditure, contribution or promise to give, pay, expend or contribute for any such purpose.

Any corporation violating any provision of this section shall be punished by a fine of not more than fifty thousand dollars and any officer, director or agent of the corporation violating any provision thereof or authorizing such violation of any provision thereof, or any person who violates or in any way knowingly aids or abets the violation thereof, shall be punished by a fine of not more than ten thousand dollars or by imprisonment for not more than one year, or both.

55:8A. Media organizations offering time or space to qualified candidates at no cost or at reduced cost; limitations.

Section 8A. (1) As used in this section the following words shall have the following meanings:-

"Media organization", any corporation, partnership or trust which owns or controls a television station, including without limitation cable television, a radio station or any other such electronic broadcast media outlet or a newspaper, periodical or any other such print outlet.

"Qualified candidate", any candidate who qualifies to have his name appear on the ballot at an election, whether primary, general, or special election.

(2) A media organization may make time or space available to a qualified candidate at no cost or at reduced cost for the purpose of presentation of the candidate's own political advertising; provided, however, that:-

(a) time of the same duration and the same market value or the same amount of space and the same market value is made available to all other qualified candidates for the same office for the same election; and

(b) the media corporation makes disclosure of its conduct under this section in conformance with rules and regulations promulgated by the director of the office of campaign and political finance.

(3) A media organization acting in conformance with this section shall not be deemed to be in violation of section eight and shall not be deemed to be making a contribution within the meaning of this chapter.

55:9. Contributions and expenditures over \$50; use of credit card by committee; penalties.

Section 9. No individual, candidate or political committee, or person acting on behalf of said individual, candidate, or political committee, shall accept a contribution of money from any one person or political committee if the aggregate amount contributed in a calendar year exceeds \$50 except by a written instrument or by direct deposit in accordance with section 9A. For the purposes of the preceding sentence the term "written instrument" shall mean a check on which the contributor is directly liable or which is written on a personal, escrow, trust, partnership, business or other account which represents or contains the contributor's funds. The term "written instrument" shall also mean for contributions by credit or debit card, a paper record signed by the cardholder or, in the case of such contribution made over the Internet, an electronic record created and transmitted by the cardholder. The term "written instrument" shall not mean a certified check, cashier's check, treasurer's check, registered check, money order, traveler's check or other similar negotiable instrument. The director shall establish reasonable rules and regulations concerning the making of contributions by a written instrument. No individual, candidate, political committee, or person acting on behalf of said individual, candidate, or political committee, shall make an expenditure for an amount exceeding \$50 except by check or by credit card in accordance with the following paragraph.

A political committee may maintain and use a credit card, obtained in accordance with applicable banking laws and in the ordinary course of business, in order to make expenditures for

the purpose for which said committee was organized, pursuant to the provisions of section six, but provided that no contribution of money may be accepted by any individual, candidate or political committee, or person acting on behalf of said individual, candidate or political committee, other than in accordance with the first paragraph of this section. The director shall establish reasonable rules and regulations concerning the use of such credit cards, and shall print and publish forms to provide for disclosure of said expenditures by credit card, to effectuate the purposes of this chapter.

Any individual or candidate, or any person acting on behalf of said individual or candidate, or on behalf of a political committee, who violates any provision of this section shall be punished by imprisonment for not more than one year, or by a fine of not more than one thousand dollars, or both.

55:9A. Contributions by direct deposit; authorization cards.

Section 9A. A political action committee may accept contributions of money from individual contributors by direct deposit of funds into the committee's bank account by wire transfer or other electronic means; provided, however, that said contributor provides the political action committee with a true copy of the signed authorization card provided by the contributor to the contributor's employer, or the contributor's bank or other financial institution. Said authorization card shall include (1) the name and residential address of the contributor, (2) the occupation and employer or employers of any contributor whose authorization card authorizes a contribution of two hundred dollars or more or periodic contributions which in the aggregate exceed or may exceed two hundred dollars or more within any one calendar year, and (3) the amount and payment period, if any, of each contribution. In addition, the authorization card shall include a statement that the contributor's authorization may be revoked by the contributor at any time by written notice from the contributor to the contributor's employer, or the contributor's bank or other financial institution.

55:10. True name and address of donor to be given; penalties.

Section 10. No person shall, directly or indirectly, make a campaign contribution in any name except his own nor in any manner for the purpose of disguising the true origin of the contribution nor unless he makes his name and residential address known to the person receiving such contribution at the time such contribution is made; nor shall any trust, foundation or association other than a political committee make a campaign contribution unless at the time such contribution is made there is also made known to the person receiving such contribution, the names and addresses of its principal officers. No candidate or political committee or person acting under its authority or in its behalf shall knowingly receive a campaign contribution, or knowingly enter or cause the same to be entered in the accounts or records of such candidate or committee, unless the provisions of this section have been complied with.

Violation of any provision of this section shall be punished by imprisonment for not more than one year or by a fine of not more than one thousand dollars.

55:10A. Restrictions on contributions to candidates through certain intermediaries and conduits; definitions.

Section 10A. (a) Contributions made by a person to or on behalf of a particular candidate, including contributions made through an intermediary or conduit, shall be treated as contributions from such person to such candidate.

(b) Contributions made to a candidate, such candidate's agent, such candidate's committee or such candidate's committee's agent, through an intermediary or conduit shall also be treated as contributions from the intermediary or conduit to the candidate, if the intermediary or conduit is:

(1) a political action committee, or an officer, employee or other agent of such political committee;

(2) a legislative or executive agent registered pursuant to section forty-one of chapter three, or a lobbying group or organization registered pursuant to section forty-four of chapter three, or an officer, employee, or agent of such legislative or executive agent or lobbying group or organization acting in its behalf; or

(3) any person charged with the responsibility of delivering individual contributions from a group of officers or employees or a combination thereof of a corporation who have pooled such contributions;

(c) For purposes of this section, the following words shall, unless the context clearly indicates otherwise, have the following meanings:-

(1) "Contributions made through an intermediary or conduit", shall mean:

(i) contributions delivered, whether in person or by mail, to a particular candidate or such candidate's authorized committee or agent; and

(ii) contributions to a particular candidate, such candidate's authorized committee, such candidate's agent, or such candidate's committee's agent, in a manner that identifies in writing the person who arranged the making of the contributions.

(2) "Acting in its behalf", shall include using the name or resources of a person described in paragraph (b).

(d) Nothing in this section shall prohibit:

~~(1) a bona fide joint fund-raising effort conducted solely for the purpose of sponsorship of a fund-raising reception, dinner, or other event, in accordance with rules prescribed by the director by:~~

(1) a bona fide joint fund-raising effort conducted solely for the purpose of sponsorship of a fund-raising reception, dinner, or other event, in accordance with the rules prescribed by the director by 2 or more state or local committees of a political party acting on their own behalf; or

~~(i) two or more state or local committees of a political party acting on their own behalf; or~~

~~(ii) a special committee formed by one or more candidates and one or more state or local committees of a political party on their own behalf; or~~

(2) a fund-raising effort for the benefit of a candidate that is conducted by another candidate acting in his individual capacity.

(e) In all cases where contributions are made by a person either to or on behalf of a particular candidate through an intermediary or conduit as described in paragraph (b), the intermediary or conduit shall report in writing the original source and the intended recipient of such of such contribution along with other information required by this chapter to the director and to the intended recipient. A candidate or political committee that fails to receive such notice in writing, or equivalent actual notice of a violation of this section, shall not be civilly or criminally liable for any such violation, except to the extent of returning the excess of any contribution made in violation of this section.

(f) Nothing in this section shall be interpreted to permit a contribution which would otherwise violate the provisions of section ten.

(g) The limitations of this section regarding contributions made through an intermediary or conduit shall not apply when each contribution is one hundred dollars or less; provided, however, that said one hundred dollar amount shall be indexed biennially for inflation by the director, who, not later than December thirty-first of each odd numbered year, shall calculate and publish such indexed amount, using the federal consumer price index for the Boston statistical area.

55:11. Soliciting of money, etc., from, and payment thereof by, candidates prohibited; exceptions; penalties.

Section 11. No person, no political committee and no person acting under the authority of a political committee or in its behalf, shall demand, solicit, ask or invite from a candidate for nomination or election to public office, or a person occupying an elective public office, any payment or gift of money or other valuable thing, or promise of payment or gift of money or other valuable thing for advertising, gratuities, donations, tickets, programs, or any other purpose whatsoever; and no such candidate for nomination or election, and no one occupying an elective

public office, shall make any such payment or gift, or promise to make any such payment or gift, to any person, political committee, or any person acting under the authority of a political committee, if such person or political committee has demanded, solicited, asked, or invited from him any such payment, gift or promise of payment or gift; but this section shall not apply to the soliciting or making in good faith of gifts for charitable or religious purposes.

Violation of any provision of this section shall be punished by imprisonment for not more than one year or by a fine of not more than one thousand dollars.

55:12. Soliciting of money for nomination papers prohibited; penalties.

Section 12. No political committee, and no person acting under its authority or in its behalf, shall demand or solicit from any candidate for nomination to elective office, or from any one acting in his behalf, a payment of money or a promise of payment of money, as a prerequisite to his obtaining from such committee or its agent the nomination papers required by sections ninety-five to one hundred and one, inclusive, of chapter fifty-three.

Violation of any provision of this section shall be punished by a fine of not more than one hundred dollars.

55:13. Solicitation or receipt of political campaign contributions by appointive public officers or employees prohibited; exception; penalties.

Section 13. No person employed for compensation, other than an elected officer, by the commonwealth or any county, city or town shall directly or indirectly solicit or receive any gift, payment, contribution, assessment, subscription or promise of money or other thing of value for the political campaign purposes of any candidate for public office or of any political committee, or for any political purpose whatever, but this section shall not prevent such persons from being members of political organizations or committees. The soliciting or receiving of any gift, payment, contribution, assessment, subscription or promise of money or other thing of value by a non-elected political committee organized to promote the candidacy for public office of a person so employed for compensation by the commonwealth or any county, city or town, shall not be deemed to be a direct or indirect solicitation or receipt of such contribution of such person; provided, however, that no such gift, payment, contribution, assessment, subscription or promise of money or other thing of value may be solicited or received on behalf of such a person from any person or combination of persons if such person so employed knows or has reason to know that the person or combination of persons has an interest in any particular matter in which the person so employed participates or has participated in the course of such employment or which is the subject of his official responsibility.

Any appointed officer or employee convicted of violating any provision of this section may be removed by the appointing authority without a hearing.

Violation of any provision of this section shall be punished by imprisonment for not more than one year or by a fine of not more than one thousand dollars.

55:14. Soliciting contributions in public buildings prohibited; penalties.

Section 14. No person shall in any building or part thereof occupied for state, county or municipal purposes demand, solicit or receive any payment or gift of money or other thing of value for the purposes set forth in section thirteen.

Any appointed officer or employee convicted of violating any provision of this section may be removed by the appointing authority without a hearing.

Violation of any provision of this section shall be punished by imprisonment for not more than one year or by a fine of not more than one thousand dollars.

55:15. Political contributions by public officers or employees restricted; penalties.

Section 15. No officer, clerk or other person in the service of the commonwealth or of any county, city or town shall, directly or indirectly, give or deliver to an officer, clerk or person in said service, or to any councillor, member of the general court, alderman, councilman or commissioner, any money or other valuable thing on account of, or to be applied to, the promotion of any political object whatever.

Nothing in this section shall be construed to prevent any officer, clerk or other person in the public service of the commonwealth, or of any county, city or town from making a contribution to a candidate or to an elected or nonelected political committee.

Violation of any provision of this section shall be punished by a fine of not less than one hundred nor more than one thousand dollars.

55:16. Requiring political contributions or services of persons in public service prohibited; penalty.

Section 16. No person in the public service shall, for that reason, be under obligation to contribute to any political fund, or to render any political service, and shall not be removed or otherwise prejudiced for refusing to do so.

Violation of any provision of this section shall be punished by a fine of not less than one hundred nor more than one thousand dollars.

55:16A. Obligation to make political contribution or render political service; penalty.

Section 16A. No person doing business with the commonwealth shall, for that reason, be under obligation to contribute to any political fund, or to render any political service, and shall not be otherwise prejudiced for refusing to do so.

Violations of any provision of this section shall be punished by a fine of not less than one hundred nor more than one thousand dollars.

55:16B. Obligation to make political contribution or render political service; penalty.

Section 16B. No person employed for compensation shall be under any obligation to contribute to any candidate or political committee, or to render any political service on account of, or as a consequence of, his employment and such person shall not be removed or otherwise prejudiced for refusing to do so. This section shall not apply to a person employed by a candidate or political committee or other organization organized for the purpose of rendering political service. A violation of this section shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than six months or both such fine and imprisonment. Each such violation shall constitute a separate offense.

55:17. Public service status of officers or employees protected relative to political contributions; penalty.

Section 17. No officer or employee of the commonwealth or any of any county, city or town shall discharge, promote, or degrade an officer or employee, or change his official rank or compensation, or promise or threaten so to do, for giving withholding or neglecting to make a contribution of money or other valuable thing for political purpose.

Violation of any provision of this section shall be punished by a fine of not less than one hundred nor more than one thousand dollars.

55:18. Reports of contributions and expenditures; persons required to file; contents; reporting periods; time limits; penalties.

Section 18. ~~Each candidate and each treasurer of a political committee shall file with the director or, if the candidate seeks public office at a city or town election, or if the committee is organized for the purpose of a city or town election, with the city or town clerk, reports of contributions received and expenditures made on forms to be prescribed by the director. A committee organized under the provisions of section five to favor or oppose a question submitted to the voters shall file its reports with the director if the question appears on ballots at a state election, or with the city or town clerk if the question appears on ballots at a city or town election or for use in a city or town at a state election.~~ **Each candidate and each treasurer of a political committee shall, except as provided in this section and section 24, file with the director reports of contributions received and expenditures made. A candidate and a committee organized on behalf of candidates seeking public office at a municipal election shall file such reports with the director, if the candidate is seeking the office of mayor in a municipality with a total population, as determined by the most recent federal decennial census, of between 40,000 and 100,000 persons, if the candidate or the candidate's committee, during the election cycle, can reasonably expect to raise or spend more than**

\$5,000, or if the committee is required to file such reports with the director pursuant to section 19. All other candidates seeking public office at a city or town election shall file reports with the city or town clerk. A committee organized under section 5 to favor or oppose a question submitted to the voters shall file its reports with the director if the question appears on ballots at a state election, or with the city or town clerk if the question appears on ballots at a city or town election or for use in a city or town at a state election. Reports of contributions received and expenditures made shall be filed using forms prescribed by the director.

Such reports shall be filed as follows:

(a) by each candidate for nomination or election to the state senate or house of representatives, and by the non-elected political committee organized on behalf of such candidate, on or before: (1) the eighth day preceding a primary, the eighth day preceding a biennial state election, and, as a final report, the twentieth day of January in the following year complete as to the thirty-first day of December of the prior year; (2) the eighth day preceding a special primary, including a convention or a caucus, the eighth day preceding a special election, the thirtieth day following a special election, and, as a final report, the twentieth day of January in the following year complete as to the thirty-first day of December of the prior year.

(b) by each candidate for nomination or election to city or town office, and by the non-elected political committee organized on behalf of such candidate, except a candidate required to designate a depository by section nineteen or a candidate seeking election as a member of a representative town meeting or of a town or city ward committee, and any non-elected political committee organized on behalf of such candidate, on or before: (1) the eighth day preceding a city or town preliminary or primary, including a caucus, the eighth day preceding a city or town election, and if a city election, as a final report, the twentieth day of January in the following year complete as to the thirty-first day of December of the prior year, and if a town election, as a final report, the thirtieth day following said election; (2) the eighth day preceding a special primary, including a caucus, the eighth day preceding a special election, and, as a final report, the thirtieth day following a special election.

(c) by each candidate and each non-elected political committee required to designate a depository by section nineteen on or before: (1) the third business day following the designation of such depository, and (2) as a final report, the twentieth day of January of the year following the election, complete as to the thirty-first day of December of the prior year.

The reporting period of the initial report shall commence on the day following the preceding election for the office sought by the candidate, or on the day following the end of the reporting period of the last report filed, if any, whichever period is shorter, and shall end as of the day such depository is designated.

The reporting period of the second report shall commence on the day following the designation of the depository and shall end as a the thirty-first day of December of the year of the election.

(d) by the treasurer of each state committee referred to in section one of chapter fifty-two and required to designate a depository by section nineteen, on or before: (1) the third business day following the designation of such depository, and (2) as a final report, the twentieth day of January of the year following the election complete as to the thirty-first day of December of the prior year.

The reporting period of the initial report shall commence on the day following the preceding biennial state election, or on the day following the end of the reporting period as of the last report filed, if any, whichever period is shorter, and shall end as of the day such depository is designated.

The reporting period of the second report shall commence on the day following the designation of the depository and shall end as of the thirty-first day of December of the year of the election.

(e) by all other non-elected and elected political committees which are not required to file reports as aforesaid, on or before: (1) the same days and in accordance with the same schedule as set forth in clause (a), if the political committee is aiding or promoting the success or defeat of one or more candidates in a state primary, special or general election; (2) the same days and in accordance with the same schedule as set forth in clause (b), if the political committee is aiding or promoting the success or defeat of one or more candidates, or is favoring or opposing a question submitted to the voters, in a city or town preliminary, primary general or special election or for use on ballots in a city or town at a state election.

(f) by each political committee organized under the provisions of section five to favor or oppose a question submitted to the voters, if the question appears on the ballot at the state election on: (1) the day of the organization; and (2) the sixtieth day prior to the election complete as of the preceding fifth day; on or before (3) the fifth and twentieth day of each month complete as of the preceding first and fifteenth day of the month, until the election, and, thereafter; (4) the twentieth day of November following such election complete as of the fifteenth day of the month; and (5) the twentieth day of January of each year complete as of the thirty-first day of December of the prior year until all declared liabilities of such committee have been discharged.

The reporting period of the initial report shall commence on the day following the preceding biennial state election, or on the day following the end of the reporting period of the last report filed, if any, whichever period is shorter, and shall end as of the day of organization.

The reporting period of the second report shall commence on the day following said day of organization and shall end as of the sixtieth day prior to the election.

The reporting period of all subsequent reports shall commence on the day following the end of the reporting period of the last report filed and shall end as of the first or fifteenth day of each month, as the case may be.

[There is no clause (g).]

(h) by all candidates and all political committees, except those candidates seeking election as members of a representative town meeting, or of a city ward or town committee, and non-elected political committees organized on behalf of such candidates, on or before the twentieth day of January in each year in which they are not otherwise required to file a report on or before the twentieth day of January; **provided, however, that candidates for the state senate or house of representatives, the nonelected political committees organized on behalf of such candidates, and political action committees, that file with the director, shall also file mid-year reports on or before the twentieth day of July in each year in each odd-numbered year.**

For candidates, and non-elected political committees organized on behalf of such candidates for whom said report would be an initial report, the reporting period shall commence on the day following the preceding election for the office sought by such candidate and shall end as of the thirty-first day of December of the year prior to the last day for filing; and for all other political committees for which said report would be an initial report, the reporting period shall commence on the day following the preceding state, city or town election, as the case may be, and in accordance with the provisions of this section governing said initial report of such committees, and shall end as of the thirty-first day of December of the year prior to the last day for filing said report. ~~For all candidates and all political committees, if said report is not an initial report, the reporting period of such reports required to be filed on or before the twentieth day of January in each year shall commence on the first day of January of the prior year, or on the day following the end of the reporting period of the last report filed, if any, whichever period is shorter, and shall end as of the thirty-first day of December of said prior year.~~ **For all candidates and all political committees, if said report is not an initial report, the reporting period of such reports required to be filed on or before the twentieth day of July in each odd-numbered year shall commence on the first day of January of that year, or on the day following the end of the reporting period of the last report filed, if any, whichever period is shorter, and shall end as of the thirtieth day of June of said year. The reporting period for the report required to be filed on or before January 20 in each odd-numbered year shall commence on the day following the end of the reporting period of the last report filed and shall end as of December 31 of the prior year.**

The reports required to be filed in accordance with the provisions of clauses (a) and (b), except for the report to be filed in accordance with said provisions on or before the twentieth day of January of the year following the election, shall not be required of a candidate, or of the non-elected political committee organized on behalf of said candidate, if the candidate is not a candidate as defined in clause (2) of the definition of candidate of section one.

Notwithstanding the provisions of clauses (a), (b), (c) and (d), for those contributions received subsequent to the end of the reporting period of the last report filed, which was identified in said clauses as a final report, by a candidate or political committee, and intended for application to the preceding election of said candidate or of said reporting political committee, an additional report, which shall be the final report for such candidates and committees shall be required. This report shall be filed on or before the twentieth day of January following the last day for filing said final report of clauses (a), (b), (c) and (d), and shall be complete as of the thirty-first day of December of the prior year. The reporting period of said report shall commence on the day following the end of the reporting period of the last report, or final report required to be filed by said clauses.

Except as otherwise provided, each candidate and the non-elected political committee organized on behalf of said candidate, shall, upon the filing of the initial report, include all contributions received and expenditures made since the day of the preceding election for the office sought by the candidate, or since the end of the reporting period of the last report filed, if any, whichever reporting period is shorter, and all other political committees shall, upon the filing of their initial report, include all contributions received and expenditures made since: (1) the day of the preceding biennial state election, or the end of the reporting period of the last report filed, if any, whichever period is shorter, if the political committee is either aiding or promoting the success or defeat of one or more candidates, or is favoring or opposing the adoption or rejection of a question submitted to the voters, at a state primary or election, or (2) the day of the preceding city or town election, or the end of the reporting period of the last report filed, if any, whichever period is shorter, if the political committee is either aiding or promoting the success or defeat of one or more candidates, or is favoring or opposing the adoption or rejection of a question submitted to the voters, at a city or town preliminary, primary or election.

Except as otherwise provided, the end of the reporting period of each report required to be filed under the provisions of this section shall be as of the tenth day preceding the last day for filing. The beginning of the reporting period for each report subsequent to the initial report shall be the day following the end of the reporting period of the last report filed.

The reports required to be filed by this section shall be cumulative during the calendar year to which they relate.

Where there has been no change in an item included in a previous report, only the amount of the item need be carried forward.

Whether or not a contribution has been received or an expenditure has been made during any reporting period as described in this section, a candidate or political committee shall file the required report for said reporting period.

Each report required to be filed under the provisions of this section by a candidate or a political committee shall disclose:

- (1) the amount of money on hand at the beginning of the reporting period;
- (2) the full name and residential address, listed alphabetically, of each person who has made a contribution, except for those contributions identified in clauses (4), (5) and (6) and which shall be reported therein, in an amount or value in excess of fifty dollars in the reporting period, and such information for each contribution of less than or equal to the sum of fifty dollars, if the aggregate of all contributions received from such contributor within said reporting period is in excess of fifty dollars, as the case may be, and the amount or value and date of the contribution and the total of all contributions listed;
- (3) the total amount or value of contributions made in the reporting period, and not otherwise reported under clause (2);
- (4) the name and address, listed alphabetically, of each candidate or political committee from which was received any money or anything of value in a reporting period, together with the amount or value thereof and the date received;
- (5) the name and address of the principal officers of any trust, foundation and association from which was received a contribution, as provided in section ten;
- (6) the amount or value and date of each loan to or from any person, in the reporting period, together with the name and residential address of the lender and endorser, if any, listed alphabetically;
- (7) the total sum of all contributions received, in the reporting period, which is the sum of clauses (2), (3), (4), (5) and (6);
- (8) the full name and address, listed alphabetically, of each person to whom an expenditure is made, in the reporting period, except for those identified in clause (10) and which shall be reported therein, in an amount or value in excess of fifty dollars, the amount and value, date and purpose of each such expenditure and the total of all such expenditures listed, and in the case of a political committee supporting more than one candidate, the name and address, the elective office held, if any, and office sought by each candidate on whose behalf such expenditure was made;
- (9) the total amount or value of expenditures made in the reporting period, and not otherwise reported under clause (8);
- (10) in the case of a candidate or political committee, the name and address, listed alphabetically, of each candidate or political committee to which was transferred any money or anything of value, in the reporting period, together with the amount or value thereof and the date of such transfer;

(11) the total sum of expenditures made, in the reporting period, which is the sum of clauses (8), (9) and (10);

(12) the amount and date of each then existing liability remaining unfulfilled and in force when the report is made, the name and address of the person to whom the liability exists, and a clear statement of the purpose for which it was incurred;

(13) a listing of all banks or other financial institutions used;

(14) in the event of a dissolution of a political committee, a statement of such dissolution detailing the intended or actual disposition of any residual funds; and

(15) in the event of a dissolution of a political action committee, a statement that the political action committee has not received contributions pursuant to section nine A or, if it has received such contributions, a statement that the political action committee has given sixty days written notice of its intended dissolution to any contributor and said contributor's bank or other financial institution currently making contributions pursuant to said section nine A.

In addition, each report required to be filed under the provisions of this section shall also include the name, residential address, and amount contributed in that reporting period, of each person whose contributions in the aggregate exceed more than fifty dollars in the calendar year, for those contributions where said information does not otherwise appear on the report.

In addition, each report required to be filed under the provisions of this section shall also include the occupation and name of employer or employers for each person whose contribution or contributions in the aggregate equals or exceeds the sum of two hundred dollars within any one calendar year; provided, however, that no candidate or political committee shall be required to include such occupation and employer, if upon compliance with the requirements of section two concerning the inclusion of such occupation and employer, said candidate or political committee has not been able to obtain such information.

Each year-end campaign finance report filed by a candidate or non-elected political committee required to designate a depository by section 19 and who also maintains or who has maintained a savings account or money market account, shall disclose, for each reporting period, all activity in any such account. Nothing in this section shall authorize a transfer made from any such savings or money market accounts to an account other than the depository account established by a candidate or committee in accordance with said section 19.

Every political committee organized on behalf of a candidate that files with the director, and every ballot question committee that files with the director, which receives and deposits a contribution in the amount of \$500 or more after the eighteenth day, but more than 72 hours, before the date of a special, preliminary, primary or general election, shall

file a report to disclose the information required by this section, within 72 hours of depositing such contribution.

In addition, the report required to be filed on or before the twentieth day of January shall contain a statement detailing the intended or actual disposition of any residual funds. Such residual funds shall not be converted to the personal use of the candidate or any other person except as provided in this paragraph.

Such residual funds shall be donated to:

(i) the ~~Local Aid~~ **General** Fund established under the provisions of section two D of chapter twenty-nine or the Categorical Grants Fund established under the provisions of section two N of chapter twenty-nine, whichever is in effect;

(ii) an entity which is subject to chapter sixty-seven or section eight of chapter twelve; provided, however, that the candidate, treasurer or any official of the political committee shall not be related by consanguinity or affinity to any trustee, officer, principal or beneficiary of said entity either at the time of the gift or within ten years from the date of such gift; provided, further, that no entity may employ as a trustee, officer, principal or beneficiary any person related by consanguinity or affinity to the candidate, treasurer or any official of the political committee either at the time of the gift or within ten years from the date of such gift;

(iii) a scholarship fund; provided, however, that the candidate, treasurer or any official of the political committee shall not participate in the selection of the beneficiary of any scholarship awarded from such fund; and, provided further, the beneficiary of any scholarship awarded from such fund shall not be related by consanguinity or affinity to the candidate, treasurer or any official of the political committee; or

(iv) the general fund of any city or town in the commonwealth.

The director may petition the supreme judicial court for the dissolution of a political committee, if (i) such political committee fails to comply for two consecutive years with provisions of this section requiring the filing of reports of contributions received and expenditures made; (ii) the candidate on whose behalf such political committee has been organized has died; or (iii) such political committee was organized for the purpose of favoring or opposing the adoption or rejection of a question submitted to the voters and there has been a final determination made as to the adoption or rejection of such question.

By such petition, the director may request the court to authorize the administration of any funds held by such political committee in accordance with the provisions of this section regarding residual funds. The court, after notice by mail or otherwise as it may order, may dissolve such political committee. The director may include more than one political committee in a single application.

Any person nominated by the governor for a position that requires confirmation by the executive council shall, within 6 months of the date of confirmation, dissolve any political committee organized on behalf of such person and disperse all funds remaining in such committee's account in accordance with this section.

Violation of any provision of this section shall be punished by imprisonment for not more than one year, or by a fine of not more than one thousand dollars, or both.

The provisions of this section requiring candidates to file reports shall not apply to candidates who during any reporting period have not received contributions, incurred any liabilities, nor made expenditures on their own behalf independent from the political committee organized on their behalf. Said candidates shall sign an affidavit under the pains and penalties of perjury that they have not received any contributions, incurred any liabilities, nor made any expenditures on their own behalf during that reporting period. Said affidavit shall be made on the report filed by the candidate's political committee for that reporting period.

Candidates who have no political committee organized on their behalf and who have not received any campaign contributions, incurred any liabilities, nor expended money on their behalf during any reporting period need only sign an affidavit on a form provided by the director stating that they have not received a campaign contribution, incurred any liabilities, nor made any expenditure on their own behalf. Said statement shall be signed under the pains and penalties of perjury.

The provisions of this section requiring city, town and ward committees established under the provisions of chapter fifty-two to file reports shall not apply to any city, town or ward committee which has not received contributions or made expenditures in excess of one hundred dollars during any reporting period, nor incurred any liabilities or acquired or disposed of assets in excess of one hundred dollars during any reporting period.

55:18A. Reports of independent expenditures.

~~Section 18A. Every individual, group or association not defined as a political committee, who makes an independent expenditure or expenditures in an aggregate amount exceeding one hundred dollars during any calendar year for the purpose of promoting the election or defeat of any candidate or candidates shall file with the director, or with the city or town clerk if such candidate or candidates seek public office at a city or town election, within seven business days after making such independent expenditure or expenditures, on a form prescribed by the director, a report stating the name and address of the individual, group or association making the expenditure or expenditures; the name of the candidate or candidates whose election or defeat the expenditure promoted; the name and address of the person or persons to whom the expenditure~~

~~or expenditures were made; and the total amount or value; the purpose and the date of the expenditure or expenditures.~~

~~For the purposes of this section the term "independent expenditure" shall mean an expenditure by an individual, group, or association not defined as a political committee expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, or a nonelected political committee organized on behalf of a candidate, or any agent of a candidate and which is not made in concert with, or at the request or suggestion of, any candidate, or any nonelected political committee organized on behalf of a candidate or agent of such candidate.~~

Section 18A. (a) Every individual, group or association not defined as a political committee who makes independent expenditures in an aggregate amount exceeding \$250 during any calendar year for the express purpose of promoting the election or defeat of a candidate shall file with the director, except as provided in subsection (c), within 7 business days after the goods or services for which the independent expenditure was made are utilized to advocate for the election or defeat of a clearly identified candidate, on a form prescribed by the director, a report stating: (1) the name and address of the individual, group or association making any such independent expenditures; (2) the name of the candidate whose election or defeat the expenditure promoted; (3) the name and address of any person to whom the expenditures were made; (4) the total amount or value; and (5) the purpose and the date of each independent expenditure.

(b) In addition to any reports required by subsection (a), any individual, group, association or political committee that makes an independent expenditure in an aggregate amount exceeding \$250 after the tenth day, but more than 24 hours, before the date of any election, shall file a preliminary report within 24 hours of making the independent expenditure, disclosing: (1) the name and address of the individual, group, association or political committee making the expenditure; (2) the name of the candidate whose election or defeat the expenditure promoted; (3) the name and address of any person to whom the independent expenditures were made; and (4) the purpose and the date of each expenditure.

(c) The individual, group, association or political committee shall file an additional preliminary report within 24 hours after each time it makes additional independent expenditures equal, in the aggregate, to \$250 with respect to the same election as that to which the initial report relates, and shall also file any report required by subsection (a).

(d) The reports required by this section shall be filed with the director as provided in section 18C if expenditures are made to promote the election or defeat of any candidate who files with the director. Reports required by this section shall be filed with the city or

town clerk if the expenditures are made to promote the election or defeat of any candidate seeking public office at a city or town election who does not file with the director.

(e) A violation of any provision of this section shall be punished by a fine of not more than \$5,000 or by imprisonment in a house of correction for not more than 1 year.

55:18B. Report of fundraising event; non-resident candidate; definition; penalty.

Section 18B. Each candidate or elected official who sponsors a fund raising event in the commonwealth on behalf of a non-resident candidate shall file with the director reports of contributions received by the non-resident candidate as a result of said fund raising event on forms to be prescribed by the director except as noted herein in accordance with this section on or before the thirtieth day following said fund raising event.

(A) Each report required to be filed under the provisions of this section shall include:

(1) the name and address, listed alphabetically, of each person or corporation or other entity which has made a contribution to the non-resident candidate in connection with said fund raising event in an amount or value in excess of fifty dollars and the amount and value and date of such contribution;

(2) the name and address, listed alphabetically, of each candidate or political committee from which was received by the non-resident candidate or said candidate's political committee any transfer of money or anything of value in connection with said fund raising event in an amount or value in excess of fifty dollars, together with the amount or value and date of any such transfer;

(3) the name and address of the principal officers of any trust, foundation, corporation, association or other entity from which was received a contribution by the non-resident candidate or said candidate[']s political committee in connection with said fund raising event in an amount or value in excess of fifty dollars, together with the amount or value and date of any such transfer;

(4) the amount or value and date of each loan to or from any person or entity, in connection with said fund raising event in an amount or value in excess of fifty dollars, together with the name and residential address of the lender and endorser, if any, listed alphabetically, and the amount and value of and date of each loan;

(5) the total amount of all contributions reported pursuant to clauses (1) to (4), inclusive, of paragraph (A) as well as the total amount of all contributions less than or equal to fifty dollars from any individual, political committee, trust, partnership, association or other organization other than a political committee received by the non-resident candidate in connection with said fund raising event; and

(6) in addition to the information required by clause (1), the occupation and employer or employers of each person who has made a contribution to the non-resident candidate in connection with said fund raising event in an amount or value of two hundred dollars or more pursuant to section two.

(B) A candidate or elected official sponsoring a fund raising event for a non-resident candidate may file a copy of any report required to be filed by the non-resident candidate in accordance with the laws of the state where said non-resident candidate seeks nomination or election instead of the report prescribed by the director, provided said report:

(1) contains the information required by this section;

(2) is attested by the candidate or elected official sponsoring said fund raising event under the penalties of perjury as a true and accurate copy of the report filed by the non-resident candidate; and

(3) is filed on or before the thirtieth day following said fund raising event.

(C) The provisions of this section shall not apply to any fund raising event unless said fund raising event raises in the aggregate more than one thousand dollars.

(D) For the purposes of this section the following word shall have the following meanings:

"Non-resident candidate", any person seeking nomination or election to state or federal office in any state other than the commonwealth, who is a candidate in accordance with the laws of the state where said person is seeking nomination or election or would be a candidate under section one of this chapter except for the fact that said person is seeking public office in a state other than the commonwealth or any person who currently holds an elective office in any state other than the commonwealth.

"Fund raising event", any event the purpose of which is to raise funds through the device of tickets, advertisements, or otherwise, for a non-resident candidate including a testimonial, held on behalf of said non-resident candidate for the election campaign or political committee of a non-resident candidate as defined by this section and that is sponsored in whole or in part by a candidate as defined in section one.

Violation of any provision of this section shall be punished by imprisonment for not more than one year, or by a fine of not more than one thousand dollars, or both.

55:18C. Electronic disclosure for candidates and political committees.

Section 18C. (a) The director shall develop an electronic reporting system for the submission, retrieval, storage and public disclosure of campaign finance reports and financial activity statements required to be filed with the director.

(b) The following individuals and political committees shall be required to file electronically by modem or via computer terminals provided or approved by the director:

(1) each candidate or candidate's committee that, during an election cycle, can reasonably expect to raise or spend more than \$50,000 for the offices of governor, lieutenant governor, state secretary, attorney general, state treasurer and receiver general, auditor or \$5,000 for the offices of councillor, state senator and state representative.

(2) each ballot question committee that, since December thirty-first following the last state election, has raised or spent more than \$25,000;

(3) any other political committee, other than a candidate's committee or a ballot question committee, if such political committee is aiding or promoting the success or defeat of one or more candidates for an office listed in subsection (b)(1) and has, since December thirty-first following the last state election, raised or spent more than \$10,000.

(4) every political committee organized on behalf of a candidate that files with the director, including committees required to designate a depository on behalf of a candidate and every ballot question committee that files with the director, which receives and deposits a contribution of \$500 or more after the eighteenth day, but more than 72 hours, before the date of a special, preliminary, primary or general election within 72 hours of depositing such contribution;

(5) every state committee referred to in section 1 of chapter 52 required to designate a depository by section 19 of this chapter, which receives a contribution of \$500 or more after the eighteenth day, but more than 24 hours before, the date of a special, preliminary, primary or general election, within 72 hours of depositing such contribution;

(6) for every political committee required to file campaign finance reports electronically with the director, any reports filed pursuant to section 18D made to disclose expenditures by vendors of the committee to subvendors;

(7) an individual, group, association or political committee that is required to file a report of independent expenditures with the director in accordance with subsection (a) or (b) of section 18A;

(8) each candidate's committee organized on behalf of a candidate for mayor in a municipality with a total population, as determined by the most recent federal decennial census, of 40,000 to 100,000 persons, if the committee, during the election cycle, can reasonably expect to raise or spend more than \$5,000; and

(9) every individual, group or association who makes an independent expenditure or electioneering communication expenditure in an aggregate amount exceeding \$250 during any calendar year.

(c) For every individual and committee required to file electronically under subsection (b) the dates for filing and the contents of the filing shall be the same as that required for a candidate or political committee in section 18 of chapter 55. The filings required under section 19 of chapter 55 for candidates listed in subsection (b) of this section shall be filed electronically. Filers specified in subsection (b) shall continue to file all paper-generated reports as a form of backup until such time as the director determines that the electronic filing system meets all pertinent filing and disclosure requirements.

(d) The director shall provide the public with electronic access to all campaign finance data and financial activity statements submitted to the agency as required under subsections (b) and (c) not later than three days after the information is received. The director shall have the discretion to provide the public with electronic access to all other campaign finance data and financial activity statements. Electronic access shall include access through the World Wide Web.

(e) Electronic filing shall commence on January 1, 2002 for candidates seeking offices listed in subsection (b)(1). Electronic filing shall commence for candidates for the state senate and house of representatives, on January 1, 2002. Electronic filing shall commence for political committees required to file under subsection (b)(2) on January 1, 2002. Electronic filing shall commence for all other political committees required to file under subsection (b) on January 1, 2004. The director may allow voluntary electronic filing prior to the dates listed and may allow candidates and political committees not required to file electronically to file electronically. After January 1, 2005, the director shall have the discretion to require electronic filing by any class of candidates, individuals, or political committees required to make paper filings as required by chapter 55.

(f) Candidates and political committees who are required to file electronically and fail to file shall be subject to the same penalties as if they failed to file paper filings required under sections 18 and 19 of chapter 55.

(g) The director shall have the discretion to develop the electronic reporting system; to contract with private vendors to develop the system; or to specify the format in which the data is to be filed and to permit any person to adapt his filing software to the required format.

(h) The Director shall develop or employ encryption technology and other means of ensuring the integrity of transmitted data which may be used by filers in lieu of a handwritten signature for verification purposes and to constitute signature under penalties of perjury as required by section 24 of chapter 55.

(i) Any party required to file electronically under this section who fails to file, files late, files a false return, or allows a false return to be filed, shall be subject to the same penalties as if they failed to file or filed late a paper filing required under section 18, or filed a false return or allowed a false return to be filed.

Section 18D

Section 18D. (a) For the purpose of this section the following words shall, unless the context clearly requires otherwise, have the following meanings:-

“Expenditure”, any payment made or liability incurred by a vendor on behalf of a political committee.

“Person”, a natural person, corporation, association, partnership or other legal entity.

“Subvendor”, a person providing goods or services to a vendor or who contracts with a vendor to provide goods or services to a committee.

“Vendor”, any person including, but not limited to, a consultant, who provides goods or services to a political committee that files with the director and either receives or is promised \$5,000 or more in the aggregate during a calendar year by the committee for such goods or services, or contracts with another on behalf of the committee for such goods or services valued at \$5,000 or more in the aggregate to be provided to the committee.

(b) A vendor that makes an expenditure on behalf of a political committee shall within 5 days of making such expenditure provide the political committee with a detailed account of the expenditure including, but not limited to, the date of the expenditure, the person who received payment, the full name and address of the subvendor, the purpose of the expenditure, and the amount of the expenditure.

(c) A political committee that makes a payment to a vendor or incurs a liability to a vendor shall file reports with the director disclosing the full name and address, listed alphabetically, of each subvendor receiving payments of more than \$500 in the aggregate during a calendar year from the vendor, and of each subvendor to whom a liability of more than \$500 was incurred. The contents of such report shall include the information required by section 18 and shall be disclosed on a form prescribed by the director. For committees required to designate a depository account under section 19, the reports shall be filed on or before the fifth day of each month covering the preceding month; provided, however, that for other committees, the report must be filed in accordance with the schedule established by section 18.

(d) Vendors shall keep detailed accounts of all expenditures made on behalf of political committees.

Section 18E

Section 18E. (a) Legal defense funds may be created by a candidate or the candidate’s political committee to defend against a criminal matter or to pay costs associated with a civil matter that is not primarily personal in nature. Inauguration funds may be created by a candidate or the candidate’s political committee to pay for the costs associated with an inaugural event. Recount funds may be created by a candidate or candidate’s political committee to pay for the legal and other costs associated with a recount. Legal defense, inauguration, or recount funds shall be created separately from the candidate’s campaign

account or committee, and shall be subject to the following conditions: (1) assets of a political committee may not be used by the fund; (2) any donations received by the fund shall not be deposited into the candidate's campaign account or a committee account; and (3) donations to such fund shall not be used to benefit a political committee.

(b) Donations to a legal defense, recount, or inauguration fund, if not contributions, shall be disclosed to the director or, if made by a candidate or committee that does not file with the director, the city or town clerk, on or before the fifth day of the month following the month in which the donations are received, complete as of the last day of the preceding month, on forms to be prescribed by the director. The report shall disclose the name and address and employer of all persons donating more than \$50 during the reporting period, listed alphabetically, the amount of each such donation, and the total amount of donations received in the reporting period not otherwise reported.

(c) For purposes of this section, the term "donations" shall include donations in money or in-kind, and loans provided to legal defense, recount, or inauguration fund.

Section 18F

Section 18F. Every individual, group or association not defined as a political committee who makes an electioneering communication expenditure, in an aggregate amount exceeding \$250 during a calendar year, shall electronically file with the director, within 7 days after making such an expenditure, a report stating the name and address of the individual, group or association making the electioneering communication, the name of any candidate clearly identified in the communication, the total amount or value of the communication, the name and address of the vendor to whom the payments were made and the purpose and date of any such expenditure. In addition, any individual, group or association not defined as a political committee who makes an electioneering communication expenditure, in an aggregate amount exceeding \$250 during a calendar year, who receives funds for the purpose of making such electioneering communications shall include in the electronic filing the date the funds were received and the name and address of the provider of any such funds in excess of \$250, if any. Reports required by this section shall be filed with the director as provided in section 18C if communications were made to promote the election or defeat of any candidate who files with the director. Reports required by this section shall be filed with the city or town clerk if the communications were made to promote the election or defeat of any candidate seeking public office at a city or town election who does not otherwise file with the director.

Any person, group or association that makes or contracts to make electioneering communications aggregating \$1,000 or more within 7 days before the date of an election shall file a report containing the information required by this section within 48 hours after making such expenditure.

A violation of this section shall be punished by a fine of not more than \$5,000 or by imprisonment in the house of correction for not more than 1 year.

55:19. Campaign funds; designation of depository.

Section 19. (a) Candidates for nomination or election to the offices of governor, lieutenant governor, secretary of state, attorney general, state treasurer and receiver general, auditor, governor's council, district attorney, clerk of court, register of probate, registrar of deeds, county commissioner, county treasurer, and sheriff, mayor or ~~other citywide office except for the office of school committee,~~ **city council or alderman** in a city with a total population, as determined by the most recent decennial federal census, of one hundred thousand or more persons and the treasurer of each state committee referred to in section one of chapter fifty-two, and the treasurer of the nonelected political committee authorized by any of the aforesaid candidates shall forthwith, upon the organization of said political committee, or upon becoming a candidate in accordance with the provision of clauses (1) and (2) of the definition of candidate in section one, designate a financial institution as a depository for the campaign funds of such candidate or political committee. The financial institution so designated shall be a national bank, federal savings bank, federal savings and loan association or federal credit union, if such bank, association or credit union is authorized to transact business and has its main office or a branch office in the commonwealth; or a trust company, credit union, co-operative bank or savings bank, if such company, credit union or bank is organized and exists under the laws of the commonwealth or any other state of the United States or is otherwise authorized to transact business in the commonwealth and has its main office or a branch office in the commonwealth. Each such candidate, and the treasurer of each such political committee shall file with the director, no later than the third business day following the designation of such depository, a certificate of appointment containing the name of financial institution so designated, and the name of the candidate or political committee, and shall authorized the financial institution so designated to submit the reports required by subsection (e).

(b) Every candidate and the treasurer of every committee required to designate a depository shall, by the end of the seventh day after receipt of any contribution deposit it in the form received in the designated depository. No such deposit shall be made or received to the credit of any account designated as provided for in this section unless such deposit shall be accompanied by a deposit slip containing for each contribution in excess of the sum of fifty dollars the name and address of the contributor in the case of an individual or political committee and in addition in the case of a trust, foundation or other association the data required by section ten; provided that such information shall also be listed for each contribution of less than or equal to the sum of fifty dollars if the aggregate of all contributions deposited from such contributor during the preceding fourteen days is in excess of fifty dollars. If any deposits represent the proceeds of borrowings, the deposit slip shall indicate the names and addresses of the lender, those persons liable either primarily or secondarily for any portion of such borrowings and those persons providing collateral, if any, for such borrowings. In addition, each such deposit slip shall include the name and address, together with the amount of the contribution for that reporting period of each person whose contributions in the aggregate exceeds fifty dollars or more in the calendar

year and, if such contribution is in an amount or value of two hundred dollars or more in the calendar year, such person's occupation and name of employer or employers for those contributions where said information does not otherwise appear on said deposit slip.

(c) Except as otherwise provided in this section, all payments for campaign purposes made by or for the benefit of a candidate or by the treasurer of a committee required to designate a depository after the date such depository is required to be designated which are in excess of fifty dollars shall be made only from funds on deposit in said depository through checks drawn on such depository and indicating that such check are drawn on the campaign account of the candidate or the political committee involved. All checks drawn on such campaign accounts shall be payable either to the order of a named payee not the candidate or treasurer or, if for no more than fifty dollars, may be payable to the candidate or treasurer, except that the total of checks payable to the candidate or treasurer for each period under subsection (e) hereof shall not exceed five hundred dollars, and shall contain printed thereon a statement of purposes as follows:

PURPOSES OF PAYMENT.

(Check One and Fill in Specific Purpose)

TV, Radio ____ Printing ____ Signs or Displays ____

Newspaper ____ Office ____ Transfer of Fund ____

Meetings ____ Travel ____ Other ____

Specific Purpose _____

Such checks shall also contain thereon for signature by the named payee, the certificate required by section seven.

A candidate or treasurer of a political committee required to designate a depository may make expenditures by wire transfer or other electronic means for broadcast, cablecast or other media services and for payroll services made in connection with employee deductions and withholdings. A candidate or treasurer making an expenditure by wire or other electronic transfer shall file a report with the director within three business days of any such expenditure. Such report shall include a statement of the reason the expenditure was made by wire transfer or other electronic means and the other information required by this section. In addition, for any expenditure made for media services, such report shall contain thereon for signature by the person providing such media services, a certificate prepared by the director similar to the certificate required by section 7.

(d) No candidate or committee treasurer required to designate a depository for campaign funds shall authorize the incurring of any expenditure in behalf of the candidate or a committee unless there are monies on deposit in the depository designated in accordance with the provisions of this

section to the credit of the campaign account of such candidate or committee sufficient to pay the amount of expenditures so authorized, together with all unpaid obligations outstanding, or unless such candidate or treasurer files with the director on the dates indicated in subsection (e) a complete statement of all unpaid obligations then outstanding, the terms of payment, purpose of the expenditure by which the obligation was created and name and address of the person holding the obligation.

(e) The cashier or treasurer of the bank, selected by any candidate or committee as above provided, shall file with the director and, if a candidate for nomination or election to the office of ~~mayor or other citywide office except for school committee~~ **city council, alderman or mayor**, shall also file a copy with the city clerk (1) during the last six months of an election year by the fifth day and twentieth day of each month while such account is in existence, and (2) during the first six months of an election year and during non-election years by the fifth day of each month while such account is in existence, the following information, a statement of the balance as of the preceding first day or fifteenth day of the month or as of the last report filed pursuant to this paragraph, whichever is applicable, together with a summary of all of the deposit slips presented to the bank since the last such statement with any deposit of monies to the campaign account of such candidate or committee, listing the names alphabetically and other data as to all donors as it appeared on the deposit slip, and a list of all the checks presented to the bank since the last such statement upon which any funds were withdrawn from any such account with the names and addresses of the payees and the amount of each check, and the purposes for which the money was paid as thereon indicated. For the purposes of this subsection, the term "election year" shall mean the calendar year in which a primary, special or general election is scheduled for the office sought or held by the candidate or political committee maintaining such account and the term "non-election year" shall mean all other years.

(f) Such accounts shall remain in existence until the election and so long thereafter as a candidate or political committee has unpaid obligation still outstanding. A candidate or the treasurer of a political committee which has such obligations shall file with the director by the fifth of each month a summary of all campaign contributions (including campaign contributions in the form of forgiveness of indebtedness) received during the preceding month together with the name and address and all other data as to each such contributor required by section ten.

Any candidate or political committee which fails to file any report required by this section shall be assessed, and shall pay to the state treasurer, a penalty not greater than ten dollars for each day such candidate or political committee has not filed such report.

Violation of any provision of this section shall be punished by imprisonment for not more than six months or by a fine of not more than five hundred dollars.

(g) Each committee required to designate a depository on behalf of a candidate that files with the director in accordance with this section and which receives and deposits a

contribution of \$500 or more after the eighteenth day but more than 72 hours before the date of a special, preliminary, primary or general election shall file a report to disclose the information required by this section within 72 hours of depositing such contribution. In addition, each state committee referred to in section 1 of chapter 52 required to designate a depository pursuant to this section and which receives a contribution of \$500 or more after the eighteenth day, but more than 24 hours, before the date of a special, preliminary, primary or general election, shall file a report to disclose the information required by this section, within 72 hours of depositing such contribution.

Section 20. Repealed, 1979, 335, Sec. 2.

Section 21. Repealed, 1979, 335, Sec. 3.

55:22. Corporations making contributions; filing of reports with director; penalties.

Section 22. ~~The~~ **Any person or the** treasurer of a corporation, association, organization or other group of persons, other than a political committee organized under section 5, which has given, paid, expended or contributed, or promised to give, pay, expend or contribute, any money or other thing of value in order to influence or affect the vote on any question submitted to the voters shall file reports setting forth the amount or value of every gift, payment, expenditure or contribution or promise to give, pay, expend or contribute, together with the date, purpose and full name and address of the person to whom it was made.

Any person who makes an expenditure of \$250 or more other than a contribution to a ballot question committee or incurs a liability of \$250 or more to influence or affect the vote on any question submitted to the voters shall file reports setting forth the amount or value of the expenditure or liability, together with the date, purpose and full name of the person to whom the expenditure was made or the liability incurred.

If the question appears on ballots at a state election, such report shall be filed with the director as follows: (1) the sixtieth day prior to the election; (2) on or before the fifth and twentieth day of each month complete as of the preceding first and fifteenth day of the month, until the election; (3) the twentieth day of November following such election, complete as of the fifteenth day of the month; and (4) the twentieth day of January of each year, complete as of the thirty-first day of December of the prior year, until all declared liabilities of such **person or** corporation, association, organization or other group of persons have been discharged.

If the question appears on ballots at a city or town election or appears on ballots for use in a city or town at a state election, such report shall be filed with the city or town clerk as follows: (1) the eighth day preceding a preliminary or primary, including a caucus, the eighth day preceding a city or town election and, if a city election, as a final report, the twentieth day of January in the following year, complete as of the thirty-first day of December of the prior year and, if a town election, as a final report, the thirtieth day following such election; (2) the eighth day preceding a

special primary, including a caucus, the eighth day preceding a special election and, as a final report, the thirtieth day following a special election; and (3) the twentieth day of January of each year, complete as of the thirty-first day of December of the prior year, until all declared liabilities of such **person or** corporation, association, organization or other group of persons have been discharged.

Except as otherwise provided, the end of the reporting period of each report required to be filed under the provisions of this section shall be as of the tenth day preceding the last day for filing. The beginning of the reporting period for each report subsequent to the initial report shall be the day following the end of the reporting period of the last report filed.

Any **person or** corporation, association, organization or other group of persons, other than a political committee organized under said section 5, violating any provision of this section shall be punished by a fine of not more than \$50,000 and any officer, director or agent of any such **person or** corporation, association, organization or other group of persons violating any provision hereof or authorizing any such violation or any person who violates or in any way knowingly aids or abets the violation of any provision hereof shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than one year or by both such fine and imprisonment.

55:22A. Expenditures for political purpose; report; punishment for violation; examination of accounts.

Section 22A. The treasurer of any city, town, or other governmental unit which has given, paid, expended or contributed, or promised to give, pay, expend or contribute any money or any valuable thing in order to influence or affect the vote on any question submitted to the voters of the commonwealth shall file reports with the director setting forth the amount or value of every gift, payment, expenditure or contribution or promise to give, pay, expend or contribute, together with the date, purpose, and full name and address of the person to whom it was made.

The treasurer of any city, town, or other governmental unit which has given, paid, expended or contributed, or promised to give, pay, expend or contribute any money or any valuable thing in order to influence or affect the vote on any other question submitted to the voters of any city or town or any part of any city or town, shall file reports with the clerk of such city or town setting forth the amount or value of every gift, payment, expenditure or contribution or promise to give, pay, expend or contribute, together with the date, purpose, and full name and address of the person to whom it was made.

Such reports shall be filed as follows:

(1) the sixtieth day prior to the election; on or before (2) the fifth and twentieth day of each month complete as of the preceding first and fifteenth day of the month, until the election, and thereafter; (3) the fifth day of each month until all declared liabilities have been discharged.

Any officer of a governmental unit violating any provision thereof or authorizing such violation, or any person who violates or in any way knowingly aids or abets the violation of any provision thereof, shall be punished by a fine of not more than ten thousand dollars or by imprisonment for not more than one year, or both.

The director of campaign and political finance, or in the case of a city or town, the clerk of such city or town, shall examine the accounts submitted by cities and towns for political expenditures, and may order restitution of public funds which have been adjudicated to have been spent contrary to law by public officials. Nothing contained herein shall be construed as authorizing the expenditures of public monies for political purposes.

55:23. Persons acting for political committees; accounts and vouchers to treasurers.

Section 23. Whoever, acting under the authority or in behalf of a political committee, receives any money or its equivalent, or promise of the same, or expends or incurs any liability to pay the same, shall, on demand, and in any event within three business days after such receipt, expenditure, promise or liability, give to the treasurer a detailed account of the same, with all vouchers required by this chapter, which shall be a part of the accounts and files of such treasurer.

Violation of any provision of this section shall be punished by imprisonment for not more than one year or by a fine of not more than one thousand dollars.

55:24. Place of filing statements; signing.

Section 24. If the statement **or report** required to be filed by a candidate, treasurer or other person relates to a nomination or election to a city or town office, **other than a municipal office for which a candidate is required to file with the director in accordance with section 18C or section 19**, or to a question appearing upon the official ballot used at a city or town election, the statement **or report** shall be filed with the clerk of the city or town involved; if the statement **or report** required to be filed by a candidate, treasurer or other person relates to a nomination or election for the office of regional district school committee member elected district-wide, the statement **or report** shall be filed with the clerk of the city or town where the candidate is a registered voter; if the statement **or report** required to be filed by a candidate, treasurer or other person relates to a nomination or election for district office as provided in section one hundred and thirteen to one hundred and nineteen, inclusive, of chapter forty-one, the statement **or report** shall be filed with the clerk of the district; all other such statements **or reports** shall be filed with the director. All such statements **or reports** shall be signed under the penalties of perjury.

55:25. Preservation of statements and reports by director; public inspection and reproduction.

Section 25. The director shall retain all statements and reports filed with his office under the provisions of this chapter by candidates and their committees until December thirty-first of the

sixth year following the relevant election, provided that the ending balance on such candidates most recent statements, shows no residual funds and no remaining deficit. In the case of a candidate or authorized campaign committee which reports an ending balance of other than zero, the director shall retain all statements and reports and shall require additional annual reports to be filed henceforth on the twentieth day of January until such time that the candidate or authorized campaign committee reports an ending balance of zero.

In the case of all other political committees, the director shall retain all required statements and reports until December thirty-first of the sixth year following the relevant election.

The director shall make all statements and reports required to be filed with him by this chapter available for convenient public inspection and reproduction by a copying machine at a commercially reasonable fee as soon as such statements and reports are filed with him.

55:26. Preservation of statements and reports by city or town clerk; public inspection and reproduction.

Section 26. ~~The city or town clerk shall retain all reports and statements required to be filed with him until the term of the office the candidate is seeking has ended. In the case of committees other than those authorized by a candidate, the city or town clerk shall retain all required statements and reports filed with his office for a period of two years.~~ **The city or town clerk shall retain all statements and reports required to be filed with such clerk until December 31st of the sixth year following the relevant election. In the case of committees other than those authorized by a candidate, the city or town clerk shall retain all required statements and reports filed with such clerk until December 31st of the sixth year following the date that the statement or report was filed.** Such statements and reports shall be available for convenient public inspection and copying at the office of the city or town clerk during normal business hours as soon as such statements and reports are filed with him. **Within 30 days after the filing deadline, all campaign finance reports required to be filed with the city or town clerk under section 18 shall be made available for viewing on the internet website of the municipality if such municipality has such a website, if the report discloses that a candidate or committee filing a report has received contributions or made expenditures in excess of \$1,000 during a reporting period or incurred liabilities or acquired or disposed of assets in excess of \$1,000 during a reporting period.**

55:27. Furnishing blanks and forms for statements and reports, and summary of laws.

Section 27. The director shall furnish to city and town clerks at the expense of the commonwealth, blanks and forms approved by him and by the attorney general, suitable for the submission of such statements and reports as are required by this chapter. The city and town clerk shall transmit said blanks to all candidates for nomination or election to city or town office, who are known to him, and to all political committees required to file with him. The director shall transmit said blanks to all candidates for nomination to state or county office, who are

known to him, and to all political committees required to file with him. Such blanks shall be furnished upon request to any person or political committee required to file a statement or report.

The director shall provide to all candidates and political committees required to file with him a summary of this chapter and all other laws of the commonwealth relating to contributions and expenditures, and shall furnish to city and town clerks, at the expense of the commonwealth sufficient copies of said summary so that they may provide said summary to all candidates and political committees required to file with them.

55:28. Inspection of statements and reports; delinquencies; notice; filing.

Section 28. The clerk of cities and towns shall inspect all statements and reports of candidates, or nonelected political committees supporting such candidates, filed with them, within thirty days of the reporting dates required by this chapter, and all other statements and reports within sixty days of the reporting dates required by this chapter. If upon examination of the records it appears that any candidate or political committee has failed to file a statement or report as required by law, or if it appears to the clerk that any such statement or report filed with him does not conform to law, or upon written complaint by five registered voters that a statement or report does not conform to law, or that any candidate or political committee has failed to file a statement or report required by law, the city or town clerk, as the case may be, shall, in writing, notify the delinquent person. Such complaint shall state in detail the grounds of objection, shall be sworn to by one of the subscribers, and shall be filed with the proper city or town clerk within ten days after the required date for filing a statement or report within ten days after the actual filing of a statement or report, or an amended statement or report.

55:29. Failure to file or unlawful statement or report; notice to and duties of director and attorney general.

~~Section 29. Upon failure to file a statement, report or affidavit within ten days after receiving notice under section twenty eight, the city or town clerk, as the case may be, shall notify the director thereof and shall furnish him with copies of all papers related thereto and the director, if satisfied there is cause, shall assess a penalty pursuant to the provisions of section three. If any statement filed with the city or town clerk, as the case may be, discloses any violation of any provisions of this chapter, such city or town clerk shall notify the attorney general thereof and shall furnish him with copies of all papers relating thereto. The attorney general shall examine every such case referred to him by such clerk. If satisfied that there is cause, he shall, in the name of the commonwealth, institute appropriate criminal or civil proceedings or refer the case to the proper district attorney for such actions as may be appropriate. Any city or town clerk shall at any time upon the request of the attorney general or the director forward any evidence or information received by such clerk to the attorney general or director for whatever action the attorney general or director deems appropriate pursuant to law.~~ **Upon failure to file a statement, report or affidavit within 10 days after receiving notice under section 28, the city or town**

clerk, as the case may be, shall notify the director thereof and shall furnish him with copies of all papers related thereto and the director, if satisfied there is cause, shall assess a penalty and may refer the person or committee to the attorney general pursuant to section 3. If any statement filed with the city or town clerk, as the case may be, discloses any violation of this chapter, such city or town clerk shall notify the director thereof and shall furnish him with copies of all papers relating thereto. The director shall examine every such case referred to him by such clerk and may refer such cases to the attorney general in accordance with section 3. If satisfied that there is cause, the attorney general shall, in the name of the commonwealth, institute appropriate criminal or civil proceedings or refer the case to the proper district attorney for such actions as may be appropriate. Any city or town clerk shall at any time upon the request of the attorney general or the director forward any evidence or information received by such clerk to the attorney general or director for whatever action the attorney general or director deems appropriate pursuant to law.

55:30. Courts authorized to compel filing of statements.

Section 30. The supreme judicial or superior court may compel any person failing to file a statement as above required, or filing a statement not conforming to the foregoing requirements in respect to its truth, sufficiently in detail, or otherwise, to file a sufficient statement, upon the application of the attorney general or district attorney or petition of any candidate voted for, or of any five persons qualified to vote at the election on account of which the expenditures, or any part thereof, were made or are alleged to have been made. Such petition shall be filed within sixty days after such election, if the statement was filed within the thirty days required, but a petition may be filed within thirty days of any payment not included in the statement so filed. Proceedings under this section shall be advanced for speedy trial upon the request of either party. No petition brought under this chapter shall be discontinued without the consent of the attorney general.

55:31. Immunity of witnesses.

Section 31. No person compelled to testify in any proceedings under section thirty shall be liable to criminal prosecution for any matters or causes in respect of which he shall be examined or to which his testimony shall relate, except to prosecution for perjury committed in such testimony.

55:32. Corrupt practices by candidate defined.

Section 32. A candidate shall be deemed to have committed a corrupt practice who commits any of the following offenses:

Making or permitting any person or non-elected political committee authorized by him to make a false return in any statement filed under sections eighteen, nineteen and twenty-four by him or on his behalf.

Making a false return in any statement filed under sections eighteen and twenty-four by a candidate for nomination or election.

Any candidate fraudulently and willfully obstructing and delaying a voter, interfering with, hindering or preventing an election officer from performing his duties, forging an endorsement upon, altering, destroying or defacing a ballot, tampering with or injuring or attempting to injure any voting machine or ballot box to be used or being used in a primary or election, or preventing or attempting to prevent the correct operation of such machine or box.

55:33. Election petitions for corrupt practices; procedure.

Section 33. (a) If the attorney general or five or more voters have reasonable cause to believe that a corrupt practice, as defined in section thirty-two, has been committed by any successful candidate, other than a candidate for the United States Congress, or for the general court, for whom such voters had the right to vote, with reference to his election, or by any other person in his interest or behalf with reference thereto, the attorney general or such voters may apply to a justice of the superior court, sitting in equity within and for Suffolk county, for leave to bring an election petition against such candidate praying that the election of such candidate be declared void. Such application shall be subscribed and sworn to by the petitioners and it shall be heard ex parte by the justice of the superior court upon such evidence as he may require; and if the petitioners shall establish to his satisfaction that there is reasonable cause to believe that a corrupt practice has been committed with reference to the election of the candidate in question, which materially affected the results of the election, and that upon the evidence obtainable there is reasonable cause to believe that such violations may be proved, he shall make an order granting leave to the petitioners to bring an election petition against such candidate.

(b) After the entry of such order, and within two months after the election to which it relates, the election petition may be filed in the superior court within and for Suffolk county.

Notice of the petition shall be by writ of subpoena according to the usual course of proceedings in equity and shall be returnable fourteen days after the date on which the petition is filed.

A subpoena issued upon an election petition shall be served not less than seven days before the return day.

A defense to an election petition shall be by answer, filed within seven days after the return day, and no replication need be filed.

Election petitions shall be entered on the equity docket.

(c) Election petitions and all motions and other applications, whether interlocutory or final, and all hearings on the merits or upon the making, entering or modifying of decrees therein shall be heard and determined by three justices of the superior court who shall, immediately following the filing of an election petition, be assigned by the administrative justice of said court for the hearing and determination of all matters arising under election petitions prior to the next state election. No reference to a master shall be had upon any matter arising under an election petition, except in matters of fact relating to financial statements and the examination of accounts and vouchers. All proceedings under election petitions shall have precedence over any case of a different nature pending in any court, and the justices of the superior court may from time to time make such rules regulating the practice and proceedings in matters of such election petitions, not inconsistent with this chapter, as they deem expedient. In the absence of any such rules, the practice and procedure in election petitions shall be governed by such laws or rules of court, not inconsistent with this chapter, as may from time to time be in force relating to the practice and proceedings in matters of equity.

(d) Upon an election petition the decision of the three justices of the superior court assigned as aforesaid, or of a majority of them, shall be final and conclusive upon all matters in controversy, whether interlocutory or final, and whether in matters of fact or matters of law. But the said justices, or a majority of them, may, after a finding of facts, either of their own motion or at the request of either party, report the case to the supreme judicial court for determination by the full court; and thereupon like proceedings shall be had as upon a report after a finding of facts by a justice of the superior court in equity proceedings.

(e) If upon an election petition one or more violation of section thirty-two are proved, it shall be a defense to petition if the defendant establishes to the satisfaction of a majority of the justices hearing the same, with reference to all said violations, the following:

As to every such violation, either that

- (1) Such violation was not committed by the candidate, but was committed contrary to the orders and without the sanction or connivance of the candidate;
- (2) The participation, if any, of the candidate in such violation, arose from inadvertence or from accidental miscalculation, or from some other reasonable cause of a like nature, and in any case did not arise from any want of good faith;
- (3) The candidate took all reasonable means for preventing the commission of violations of this chapter with reference to the election in question;
- (4) The violation in question was of a trivial, unimportant and limited character;
- (5) The violation in question did not materially affect the results of the election.

(f) The court may by an order make the final disposition of an election petition conditional upon the filing of a statement required by this chapter in a modified form, or within an extended time, and upon compliance with such other terms as the court may deem best calculated to carry into effect the objects hereof, and in such case the court shall require, within a time certain, further proof as to the compliance with the conditions of such order, whereupon a final decree shall be entered.

(g) If upon the hearing of an election petition a majority of the justices hearing the same shall find that in relation to the election of the candidate in question a corrupt practice, as defined in section thirty-two, was committed by the defendant, a decree shall be entered subject to the limitations and conditions herein before prescribed, declaring void the election of the defendant to the office in question, and ousting and excluding him from such office and declaring the office vacant.

(h) No person called to testify upon an election petition shall be excused from testifying or producing any papers on the ground that his testimony may tend to criminate him or subject him to a penalty; but he shall not be prosecuted or subjected to any penalty or forfeiture except forfeiture of election to office, for or on account of any action, matter or thing concerning which he may so testify, except for perjury committed in such testimony.

(i) No decree entered upon an election petition shall be a bar to or affect in any way any criminal prosecution of any candidate or other person, or any inquest in accordance with sections thirty-five to forty-one, inclusive.

(j) A certified copy of any final decree entered upon an election petition, as provided by this chapter, shall forthwith be transmitted by the clerk to the director; and any vacancy in any office created by any such decree shall be filled in the manner provided by law in case of the death of the incumbent, but in no case shall the candidate so excluded from the office be eligible therefor.

(k) If upon the hearing of an election petition it shall appear to a majority of the justices hearing the same that with reference to the election in question there is a reasonable presumption that any violation of this chapter was committed, they shall cause notice of the facts to be given by the clerk of said court to the district attorney for the county where the violation appears to have been committed, with a list of the witnesses to establish the violation, and any other information which they may consider proper; and thereupon the district attorney shall cause complaint therefore to be made before a court or magistrate having jurisdiction thereof, or shall present the evidence thereof to the grand jury. If it shall appear that a successful candidate for district attorney has been guilty of any violation, a majority of said justices shall order the notice of the facts to be given to the attorney general, who shall designate a district attorney to make such complaint or presentment. A majority of said justices may issue process for the apprehension of any person so appearing to have committed a violation of this chapter, and may bind over, as in

criminal prosecutions, such witnesses as they deem necessary to appear and testify at the court having jurisdiction of the crime.

55:34. Application of preceding sections.

Section 34. Section one to thirty-three, inclusive, shall apply to all public elections and to elections by the general court and by city councils and by either branch thereof, and, so far as applicable, to the nomination by primaries, caucuses, conventions and nomination papers of candidates to be voted for at such elections. The term "political committee" as defined in section one shall not apply to the proprietors and publishers of publications issued at regular intervals, in respect to the ordinary conduct of their business, nor shall they, in respect thereto, be subject to sections two to six, inclusive, of this chapter.

55:35. Inquests upon complaint for violations.

Section 35. Upon a complaint subscribed and sworn to by any person before a district court, alleging that reasonable grounds exist for believing that any law relating to the qualification or registration of voters, or to voting lists or ballots, or to primaries, caucuses, conventions and elections, or to any matters pertaining thereto, has been violated, such court may at once hold an inquest to inquire into such alleged violation of law.

55:36. Conduct of inquests.

Section 36. The court may exclude all persons whose presence is not necessary at such inquest; and may also direct the witnesses to be kept so separated that they cannot converse with each other until they have been examined. The attorney general, the district attorney, or some person designated by either, shall attend the inquest and examine the witnesses.

55:37. Witnesses; attendance; process; fees.

Section 37. Such court or attorney may issue subpoenas for witnesses, who shall be allowed the same fees, whose attendance may be enforced in the same manner, and who shall be subject to the same penalties, as if served with a subpoena in behalf of the commonwealth in a criminal prosecution before such court.

55:38. Stenographer.

Section 38. Such court may employ a stenographer and may have the proceedings reduced to writing; and, if he finds that the law has been violated, shall report to the superior court all the material facts and the names of any persons guilty of any such violation.

55:39. Witnesses; binding over to superior court.

Section 39. The court may bind over, as in criminal prosecutions, such witnesses as are necessary, or as said attorney may designate, to appear and testify in the superior court.

55:40. Apprehension of offenders.

Section 40. If a person charged by the report with the commission of an offense is not in custody, the court shall forthwith issue a process for his apprehension; but such process may issue before the filing of said report, if otherwise lawful.

55:41. Witnesses; compulsory testimony; immunity.

Section 41. No person shall be excused from testifying or producing any papers in any inquest proceedings under sections thirty-five to forty, inclusive, on the ground that his testimony may tend to criminate him or subject him to a penalty or forfeiture, but he shall not be prosecuted or be subjected to a penalty or forfeiture for or on account of any action, matter or thing concerning which he may be required so to testify, except for perjury committed in such testimony.

55:42. Forwarding certified copy of record of final judgment or conviction to city or town clerk; disqualification of defendant as voter.

Section 42. The director in proceedings based upon an election petition, as provided in section thirty-three, and the clerk of the court wherein a person is convicted of a violation of any provision of law relating to corrupt practices in elections, shall, within ten days after final judgment on such election petition or conviction, forward to the clerk of the city or town where the defendant resides a certified copy of the record of the final judgment or conviction, and the name of such person shall forthwith be stricken from the roll of registered voters of the city or town for a period of three years.