

H.R., JUL 11 2016
The House concurred in the Senate amendment.

207

House, No. 543

Amended

BILL RELATIVE TO ENHANCED
DISCLOSURE OF TOP-FIVE
CONTRIBUTORS INFORMATION.

347.
R.56
TC

H.R., MAR 16 2016
Read; and referred, under Rule 7A, to the
committee on Steering, Policy and Scheduling.

March 28, 2016, Steven T. James, Clerk
Reported; and
placed in O.D. for a second reading.

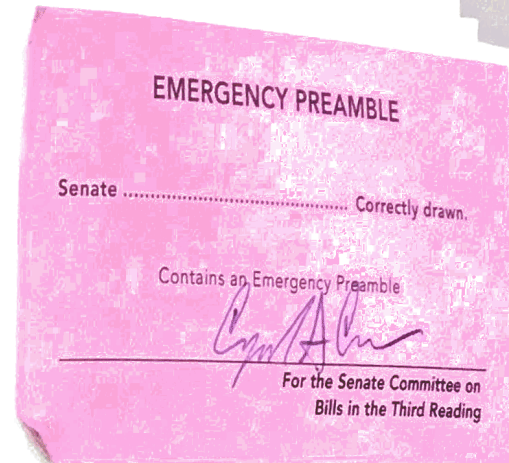
Del Valle
For the committee.

3/24/16
JUN 22 2016 47
RULES 7A SUSPENDED
READ 2ND AND ORD. 3RD

rules suspended, read 3rd.,

Correctly drawn,
[Signature], for B.T.R.

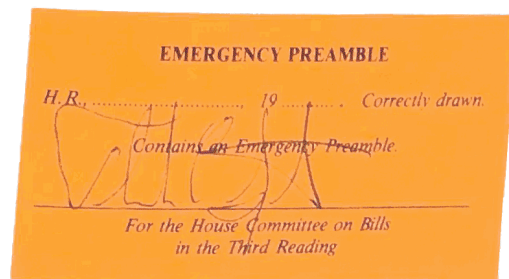
and engrossed (HRC#286).



SENATE, JULY 5, 2016
Rd. - rules suspended -
Rd. 2d. - Amended (Brady) -
ord. 3d. - Rd. 3d. - Amend
(Tarr) - rejected - &
Engrossed.

H.R., JUL 07 2016
Referred, under Rule 35, to the committee on Bills
in the Third Reading.

Steven T. James, Clerk



HOUSE No. 543

By Mr. Bradley of Hingham, a petition (accompanied by bill, House, No. 543) of Garrett J. Bradley and others relative to disclosures by individuals or entities making independent expenditures for electioneering communications. Election Laws.

HD2111

The Commonwealth of Massachusetts

**HOUSE OF
REPRESENTATIVES,**

January 20, 2015.

*Referred to the committee
on*

ELECTION LAWS.

*Sent to the Senate for
concurrence.*



Clerk.

SENATE,

January 20, 2015.

The Senate concurs



HOUSE No. 543

The Commonwealth of Massachusetts

PRESENTED BY:

Garrett J. Bradley

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to enhanced disclosure of top-five contributors information.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Garrett J. Bradley</i>	<i>3rd Plymouth</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>
<i>John V. Fernandes</i>	<i>10th Worcester</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>

<i>Timothy R. Madden</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>

The Commonwealth of Massachusetts

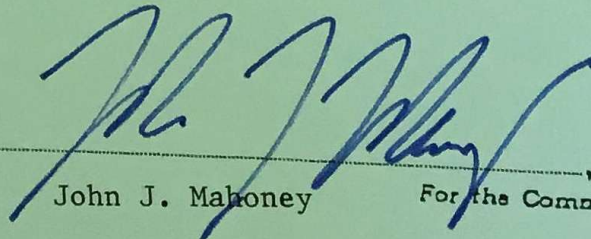
House of Representatives, March 16, 2016

The ~~Joint~~ committee on ~~XXXXXXXXXXXXXXXXXXXX~~ Election Laws

to whom was referred the petition ~~accompanied by~~ . House, No. ~~543~~

By Mr. Bradley of Hingham, a petition (accompanied by bill, House, No. 543) of Garrett J. Bradley and others relative to disclosures by individuals or entities making independent expenditures for electioneering communications, Election Laws.

REPORT recommending that the bill/~~resolve~~ accompanying said petition ought to pass.


John J. Mahoney For the Committee.

SR 1

Mahoney - H. 543

REPORT—HOUSE

BILL OR RESOLVE

Of the **Committee on**

Election Laws

Amendment 2

Disclosure by all entities

Mr. Tarr moves to amend the bill in line 5 after the word "association" the following: -labor union, union or political action committee registered in any state or with the federal election commission

moves to further amend in line 11 after the word "labor union" the following: -union, or political action committee registered in any state or with the federal election commission

moves to further amend in line 17 after the word "labor union" the following: -union, or political action committee registered in any state or with the federal election commission

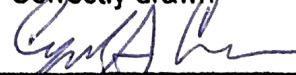
moves to further amend in line 19 after the word "labor union" the following: -union, or political action committee registered in any state or with the federal election commission

moves to further amend in line 25 after the word "communication" the following: - made by a corporation, group, association, labor union, union, or political action committee registered in any state or with the federal election commission

Rejected

Senate Committee on BTR

Correctly drawn



For the Committee


Amendment 1

Emergency Preamble

Mr. Brady moves to amend the bill by inserting before the enacting clause the following emergency preamble:-

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith voters with a clearer understanding of the source of funding for political advertisements, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

Adopted

Senate Committee on BTR
Correctly drawn

For the Committee

HOUSE No. 543

By Mr. Bradley of Hingham, a petition (accompanied by bill, House, No. 543) of Garrett J. Bradley and others relative to disclosures by individuals or entities making independent expenditures for electioneering communications. Election Laws.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

Heb

An Act relative to enhanced disclosure of top five contributors information.

FOR INDEPENDENT EXPENDITURES OR ELECTIONEERING COMMUNICATIONS

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

out section 18G, as appearing in the 2014 official edition, and

SECTION 1. Section 18G of chapter 55 of the General Laws as amended by Chapter 210 of the Acts of 2014 is amended by striking the section and inserting the following in its place:

hereby

section:-

in place thereof

Section 18G. An independent expenditure or electioneering communication which is transmitted through paid radio, television or internet advertising shall include a statement disclosing the identity of the individual, corporation, group or association paying for the advertisement. If the independent expenditure or electioneering communication is a radio or television advertisement, the advertisement shall include a statement by the individual paying for the advertisement in which the person acknowledges that he paid for the message and his city or town of residence. If the radio or television advertisement is paid for by a corporation, group, association or a labor union, the following statement shall be made by the chief executive officer of the corporation, the chairman or principal officer of the group or association or the chief executive or business manager of a labor union: "I am _____ (name) the

paying

identifies that person's

13 _____ (office held) of _____ (name of corporation,
14 group, association or labor union) and _____ (name of corporation, group, association
15 or labor union) approves and paid for this message." ^{The} Such statements in television
16 advertisements shall be conveyed by an unobscured, full-screen view of the person making the
17 statement. If an independent expenditure or electioneering communication is transmitted through
18 internet advertising, the statement shall appear in a clearly readable manner with a reasonable
19 degree of color contrast between the background and the printed statement.

20 An independent expenditure or electioneering communication which is transmitted
21 through paid television, internet advertising or print advertising appearing larger than 15 square
22 inches or direct mail or billboard shall include a written statement at the bottom of the
23 advertisement or mailing that contains the words "Top Contributors" and a written statement that
24 lists the 5 persons or entities or, if fewer than 5 persons or entities, all such persons or entities
25 that made the largest contributions, to that entity, regardless of the purpose for which the funds
26 were given; provided, however, that only contributions in excess of \$5,000 reportable ^{pursuant to} under this
27 chapter during the 12-month period before the date of the advertisement or communication shall
28 be listed. If no such contribution is received by the entity making an independent expenditure or
29 electioneering communication, the advertisement or communication may exclude the statement.
30 The advertisement or communication shall also include a written statement, as specified by the
31 director, at the bottom of the advertisement or communication that directs viewers to the official
32 web address of the office of campaign and political finance. This paragraph shall also apply to
33 advertisements or communications purchased to influence or affect the vote on ^{any} question
34 submitted to the voters.

35 Whoever violates this section shall be punished by imprisonment in the house of
36 correction for not more than 1 year or by a fine of not more than \$10,000, or both.

SENATE, JULY 5, 2016

Passed to be engrossed, in concurrence, with the following amendment:

By inserting before the enacting clause the following emergency preamble:-

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith voters with a clearer understanding of the source of funding for political advertisements, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

Sent to the House for concurrence in the amendment.



, Clerk.

JUL 11 2016

H.R.,

The House concurred in the Senate amendment.



SENATE, JULY 5, 2016

Passed to be engrossed, in concurrence, with the following amendment:

By inserting before the enacting clause the following emergency preamble:-

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith voters with a clearer understanding of the source of funding for political advertisements, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

Sent to the House for concurrence in the amendment.



, Clerk.

JUL 11 2016

H.R.,

The House concurred in the Senate amendment.



AMENDMENT SHEET

ENGROSSED BILL relative to disclosure of top contributors for independent expenditures or electioneering communications (see House, No. 543, amended)

Senate, July 14, 2016.

Tarr motion to suspend Senate Rule 49 *rejected* by a vote of 6 to 14.



, Clerk

Amendment 5

Closing a Disclosure Loophole

Mr. Fattman moves to amend the bill by inserting at the end the following new section:-

“SECTION XXXX. Section 7A of said chapter 55, as so appearing, is hereby amended by inserting after clause (c) the following new subsection:-

(d) If not otherwise limited by the provisions of section 6 or prohibited from making contributions under this chapter, the aggregate of all contributions by any group, association, labor union or other entity for the benefit of any one candidate and such candidate’s committee, or any other political committee, other than ballot question committee, shall not exceed \$1,000 in a calendar year.”

Rejected

Senate Committee on BTR
Correctly drawn

Cynthia Stone Crum
For the Committee



(HRC#534)

EMERGENCY PREAMBLE

(Adopted, House July 31, 2016 (122-34)
(Adopted, Senate July 31, 2016 (25-6))

AN ACT RELATIVE TO DISCLOSURE OF TOP CONTRIBUTORS FOR INDEPENDENT EXPENDITURES OR ELECTIONEERING COMMUNICATIONS.

This Act originated in the House

Steven V. James, Clerk.

Motion to reconsider adoption of e.p. negatived (HRC#536) House of Representatives, July 31, 2016.

Rightly and Truly Prepared for Final Passage.

Contains an Emergency Preamble.

Steven V. James, House Clerk.

In Senate, July 31, 2016.

Rightly and Truly Prepared for Final Passage.

Contains an Emergency Preamble.

William F. Welch, Senate Clerk.

Laid before the Governor July 31, 2016.

2016 AUG 10 PM 2:11
REGULATIONS DIVISION
SECRETARY OF STATE

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 23, 2016.

The Committee on Bills in the Third Reading, to whom was referred the Engrossed Bill relative to disclosure of top contributors for independent expenditures or electioneering communications, (House, No. 543, amended), which was returned by His excellency the Governor with recommendation of amendment specified by him,

Report recommending that the amendment recommended by His Excellency the Governor be considered in the following form:

By inserting after the word "communication", in line 4, the following words:- ^[D] "made by an individual group, association, corporation, labor union or other entity";

by striking out, in line 7, the words "group or association" and inserting in place thereof the following words:- ^[E] "group, association or labor union"; and

by inserting after the word "communication", in line 25, the following words:- ^[D] "made by an individual group, association, corporation, labor union or other entity".


.....
For the Committee.

5:11pm
7/22/16
HD4946



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

July 22, 2016

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment House Bill No. 543, "An Act Relative to Disclosure of Top Contributors for Independent Expenditures or Electioneering Communications."

This bill is intended to amend the disclosure law enacted in 2014 to increase transparency in state elections by making campaign finance information more readily available to voters. While it successfully extends the requirement that organizations disclose their top five donors – who make contributions in excess of \$5,000 – in television, internet or print advertising to include advertising conducted through electioneering direct mail and on billboards, the legislation makes less than clear the types of organizations to which this requirement applies.

To clarify this particular measure and foster a level playing field, I recommend that House Bill No. 543 be amended:

- (i) by inserting, in line 4, after the word "communication" the following words:- "made by an individual group, association, corporation, labor union or other entity";
- (ii) by striking out, in line 7, the words "group or association" and inserting in place thereof the following words:- "group, association or labor union"; and
- (iii) by inserting, in line 25, after the word "communication" the following words:- "made by an individual group, association, corporation, labor union or other entity".

Thank you for your prompt consideration.

Respectfully submitted,

Charles D. Baker

HD4946
July 22, 2016

HOUSE, No. 4543

Message from His Excellency the Governor returning with recommendation of amendments the engrossed Bill relative to disclosure of top contributors for independent expenditures or electioneering communications (see House, No. 543, amended).

H.R., July 22, 2016.

Filed in the office of the Clerk (at 5:11 P.M.).

July 23, 2016.

Message read; and referred, on motion of Mr. Speliotis of Danvers, to the committee on BILLS IN THE THIRD READING.



, Clerk.

Amendment #2 to H543

2017 Start Date

Mr. Lyons of Andover moves to amend the bill by deleting before the enacting clause the following emergency preamble:- "Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith voters with a clearer understanding of the source of funding for political advertisements, therefore it is hereby declared to be an emergency law, *necessary for the immediate preservation of the public convenience,*"; and further, by inserting *after section 1 the following new section:-*

"SECTION XXXX. Notwithstanding the provisions of any general or special law to the contrary, the provisions of this bill shall not take effect until January 1, 2017."

2

Lyons

#2

REJ

Amendment #1 to H543
Closing the Union Loophole

Mr. Lyons of Andover moves to amend the bill by inserting at the end the following new section:-

“SECTION XXXX. Section 7A of said chapter 55, as so appearing, is hereby amended by inserting after clause (c) the following new subsection:-

(d) If not otherwise limited by the provisions of section 6 or prohibited from making contributions under this chapter, the aggregate of all contributions by any group, association, labor union or other entity for the benefit of any one candidate and such candidate's committee, or any other political committee, other than a ballot question committee, shall not exceed \$1,000 in a calendar year.”

Lyons

#1

Reid

Amendment #3 to H543

Amendment

Mr. Bradley of Hingham moves to amend the bill moves to concur with the amendment recommended by His Excellency the Governor and to further amend the bill by striking out the words “made by an individual group, association, corporation, labor union or other entity”, as inserted in lines 4 and 25 by the amendment recommended by His Excellency the Governor, and inserting in place thereof, in each instance, the following words: “made by an individual, corporation, group, association, labor union or other entity”;

and by striking out the words “group, association or labor union”, as inserted in line 7 by the amendment recommended by His Excellency the Governor, and inserting in place thereof the following words:- “group, association, labor union or other entity”.

Bradley

Further

#3

Paul

extra copy

Mr. Bradley of Highland moves to concur with the amendment recommended by His Excellency the Governor and to further amend the bill by striking out the words "made by an individual group, association, corporation, labor union or other entity", as inserted in lines 4 and 25 by the amendment recommended by His Excellency the Governor, and inserting in place thereof, in each instance, the following words: "made by an individual, corporation, group, association, labor union or other entity";

and by striking out the words "group, association or labor union", as inserted in line 7 by the amendment recommended by His Excellency the Governor, and inserting in place thereof the following words:- "group, association, labor union or other entity".

347

H543

Further Amendment

The amendments as adopted by the House, are therefore as follows:

By inserting after the word "communication", in line 4 (as engrossed) [at "A"], the following words:- "made by an individual, corporation, group, association, labor union or other entity";

by striking out, in line 7 [at "B"], the words "group or association" and inserting in place thereof the following words:- "group, association, labor union or other entity"; and

by inserting after the word "communication", in line 25 [at "C"], the following words:- "made by an individual, corporation, group, association, labor union or other entity".

Sent to the Senate for its action.

Stewart T. James, ~~Secretary~~ Clerk

Senate, July 31, 2016

Amendment (Fattman) rejected

Senate adopts the Governor's amendment, in
concomitance,

William F. Welch, Clerk

July 30, 2016,- The committee on Bills in the Third Reading recommends that the bill be amended Report recommending that the amendment recommended by His Excellency the Governor be considered in the following form:

By inserting after the word “communication”, in line 4 (as engrossed) [at “A”], the following words:- [D] “made by an individual group, association, corporation, labor union or other entity”;

by striking out, in line 7 [at “B”], the words “group or association” and inserting in place thereof the following words:- [E]“group, association or labor union”; and

by inserting after the word “communication”, in line 25 [at “C”], the following words:- [D]“made by an individual group, association, corporation, labor union or other entity”.

Mr. Bradley of Hingham offered a further amendment [at “D”], in both instances, in the amendment reported by the committee on Bills in the Third Reading, by striking out the words “made by an individual group, association, corporation, labor union or other entity” and inserting in place thereof, in each instance, the following words: “made by an individual, corporation, group, association, labor union or other entity”;

and by striking out [at “E”] the words “group, association or labor union”, as inserted in line 7 , in the amendment reported by the committee on Bills in the Third Reading, and inserting in place thereof the following words:- “group, association, labor union or other entity”. The further amendments were adopted.

Amendment #1 (Lyons) rejected;

Amendment #2 (Lyons) rejected;

34
E 58

AMENDMENT SHEET

To be attached to the

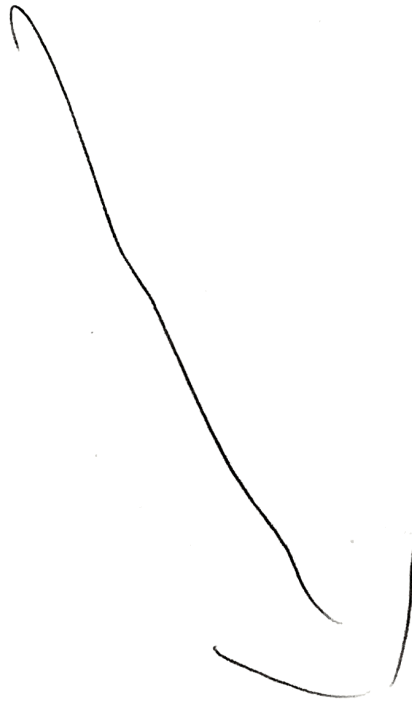
ENGROSSED BILL RELATIVE TO DISCLOSURE OF TOP CONTRIBUTORS FOR INDEPENDENT EXPENDITURES OR ELECTIONEERING COMMUNICATIONS (SEE HOUSE, NO. 543, AMENDED).

House, July 22, 2016.

Returned by His Excellency the Governor, under the provisions of Article LVI of the Amendments to the Constitution, with recommendation of amendment (for message, see House, No. 4543).

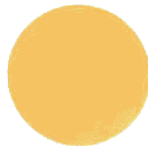
Under the provisions of said Article LVI, such bill being "subject to amendment and re-enactment"

July 23, 2016,- Message read, and, pending the question on adoption of the amendment recommended by the Governor, it was referred (on motion of Mr. Speliotis of Danvers) to the committee on Bills in the Third Reading.



1

347



EMERGENCY PREAMBLE

(Adopted, House July 14, 2016 (6-0)
(Adopted, Senate July 14, 2016 (7-0)

AN ACT RELATIVE TO DISCLOSURE OF TOP CONTRIBUTORS FOR INDEPENDENT EXPENDITURES OR ELECTIONEERING COMMUNICATIONS.

This Act originated in the House Stewart V. James, Clerk.

House of Representatives, July 14, 2016.

Rightly and Truly Prepared for Final Passage.

Contains an *Emergency Preamble*.

Stewart V. James, House Clerk.

In Senate, July 14, 2016.

Rightly and Truly Prepared for Final Passage.

Contains an *Emergency Preamble*.

William F. Welch, Senate Clerk.

Laid before the Governor July 14, 2016.

Senate
July 14, 2016
Enacted (34 yeas - 6 nays)
William F. Welch Clerk

Chapter
of the Acts of 2016

T H E C O M M O N W E A L T H O F M A S S A C H U S E T T S

In the One Hundred and Eighty-Ninth General Court

AN ACT RELATIVE TO DISCLOSURE OF TOP CONTRIBUTORS FOR INDEPENDENT EXPENDITURES OR ELECTIONEERING COMMUNICATIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith voters with a clearer understanding of the source of funding for political advertisements, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

Chapter 55 of the General Laws is hereby amended by striking out section 18G, as appearing in the 2014 Official Edition, and inserting in place thereof the following section:-

Section 18G. An independent expenditure or electioneering communication [A] which is transmitted through paid radio, television or internet advertising shall include a statement disclosing the identity of the individual, corporation, [B] group or association paying for the advertisement. If the independent expenditure or electioneering communication is a radio or television advertisement, the advertisement shall include a statement by the individual paying for the advertisement in which the person acknowledges paying for the message and identifies that person's city or town of residence. If the radio or television advertisement is paid for by a corporation, group, association or a labor union, the following statement shall be made by the chief executive officer of the corporation, the chairman or principal officer of the group or association or the chief executive or business manager of a labor union: "I am _____ (name) the _____ (office held) of _____ (name of corporation, group, association or labor union) and _____ (name of corporation, group, association or labor union) approves and paid for this message." The statements in television advertisements shall be conveyed by an unobscured, full-screen view of the person making the statement. If an independent expenditure or electioneering communication is transmitted through internet advertising, the statement shall appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement.

[C]
An independent expenditure or electioneering communication which is transmitted through paid television, internet advertising or print advertising appearing larger than 15 square inches or direct mail or billboard shall

include a written statement at the bottom of the advertisement or mailing that contains the words "Top Contributors" and a written statement that lists the 5 persons or entities or if fewer than 5 persons or entities, all persons or entities that made the largest contributions to that entity, regardless of the purpose for which the funds were given; provided, however, that only contributions in excess of \$5,000 reportable pursuant to this chapter during the 12-month period before the date of the advertisement or communication shall be listed. If no such contribution is received by the entity making an independent expenditure or electioneering communication, the advertisement or communication may exclude the statement. The advertisement or communication shall also include a written statement, as specified by the director, at the bottom of the advertisement or communication that directs viewers to the official web address of the office of campaign and political finance. This paragraph shall also apply to advertisements or communications purchased to influence or affect the vote on a question submitted to the voters.

Whoever violates this section shall be punished by imprisonment in the house of correction for not more than 1 year or by a fine of not more than \$10,000, or both.

House of Representatives, July 14, 2016.

Preamble adopted,



, Speaker.

In Senate, July 14, 2016.

Preamble adopted,



, President.

House of Representatives, July 14, 2016.

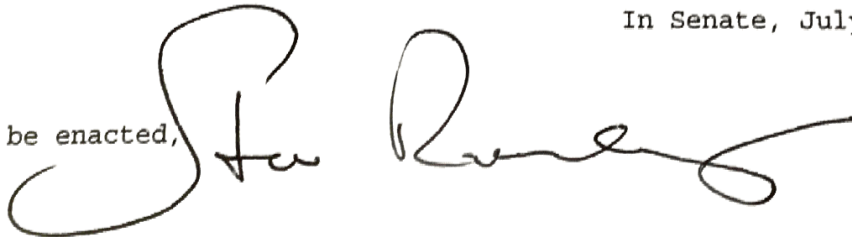
Bill passed to be enacted,



, Speaker.

In Senate, July 14, 2016.

Bill passed to be enacted,



, President.

, 2016.

Approved,

at

o'clock and

minutes,

. M.

Governor.