

HOUSE No. 4133

Report of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2052) of the House Bill to improve the laws relating to campaign finance, ethics and lobbying (House, No. 3856), recommending passage of a bill with the same title (House, No. 4133). June 24, 2009.



The Commonwealth of Massachusetts

In the Year Two Thousand and Nine.

**AN ACT TO IMPROVE THE LAWS RELATING TO
CAMPAIGN FINANCE, ETHICS AND LOBBYING.**

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

1 **SECTION 1.** Section 39 of chapter 3 of the General Laws, as appearing in the 2006 Official
2 Edition, is hereby amended by striking out the definition of "Client" and inserting in place
3 thereof the following definition:-
4

5 "Client", any person, corporation, partnership, association, or other entity that contracts
6 with another person, corporation, partnership, association, or other entity to receive lobbying
7 services.
8

9 **SECTION 2.** Said section 39 of said chapter 3 of the General Laws, as so appearing, is hereby
10 further amended by striking out the definition of "Executive agent" and inserting in place thereof
11 the following two definitions:-
12

13 "Executive agent", a person who for compensation or reward engages in executive lobbying,
14 which includes at least1 lobbying communication with a government employee made by said
15 person. The term "executive agent" shall include a person who, as part of his regular and usual
16 business or professional activities and not simply incidental thereto, engages in executive
17 lobbying, whether or not any compensation in addition to the salary for such activities is received
18 for such services. For the purposes of this definition a person shall be presumed to be engaged in
19 executive lobbying that is simply incidental to his regular and usual business or professional
20 activities if he: (i) engages in executive lobbying for not more than 25 hours during any reporting
21 period; and (ii) receives less than \$2,500 during any reporting period for executive lobbying.
22

23 "Executive lobbying," any act to promote, oppose, influence, or attempt to influence the
24 decision of any officer or employee of the executive branch or an authority, including but not
25 limited to, statewide constitutional officers and employees thereof, where such decision concerns
26 legislation or the adoption, defeat or postponement of a standard, rate, rule or regulation
27 promulgated pursuant to any general or special law, or any act to communicate directly with a
28 covered executive official to influence a decision concerning policy or procurement; provided
29 further, that executive lobbying shall include acts to influence or attempt to influence the
30 decision of any officer or employee of a city or town when those acts are intended to carry out a
31 common purpose with executive lobbying at the state level; and provided further, that executive
32 lobbying shall include strategizing, planning, and research if performed in connection with, or
33 for use in, an actual communication with a government employee; and provided, further, that
34 "executive lobbying" shall not include providing information in writing in response to a written
35 request from an officer or employee of the executive branch or an authority for technical advice
36 or factual information regarding a standard, rate, rule or regulation, policy or procurement for the
37 purposes of this chapter.
38

39 **SECTION 3.** Said section 39 of said chapter 3 of the General Laws, as so appearing, is hereby
40 further amended by striking out the definition of "Legislative agent" and inserting in place
41 thereof the following two definitions:-
42
43

44 "Legislative agent", a person who for compensation or reward engages in legislative lobbying,
45 which includes at least1 lobbying communication with a government employee made by said
46 person. The term "legislative agent" shall include a person who, as part of his regular and usual
47 business or professional activities and not simply incidental thereto, engages in legislative
48 lobbying, whether or not any compensation in addition to the salary for such activities is received
49 for such services. For purposes of this definition a person shall be presumed to be engaged
50 legislative lobbying that is simply incidental to his regular and usual business or professional
51 activities if he: (i) engages in legislative lobbying for not more than 25 hours during any

52 reporting period; and (ii) receives less than \$2,500 during any reporting period for legislative
53 lobbying.

54
55 “Legislative lobbying,” any act to promote, oppose, influence or attempt to influence legislation,
56 or to promote, oppose or influence the governor’s approval or veto thereof including, without
57 limitation, any action to influence the introduction, sponsorship, consideration, action or non-
58 action with respect to any legislation; provided further, that legislative lobbying shall include
59 acts to influence or attempt to influence the decision of any officer or employee of a city or town
60 when those acts are intended to carry out a common purpose with legislative lobbying at the state
61 level; and provided further, that legislative lobbying shall include strategizing, planning and
62 research if performed in connection with or for use in an actual communication with a
63 government employee; provided, however, that “legislative lobbying” shall not include
64 providing information in writing in response to a written request from an officer or employee of
65 the legislative branch for technical advice or factual information regarding any legislation for the
66 purposes of this chapter.

67
68 **SECTION 4.** Section 41 of said chapter 3, as so appearing, is hereby amended by inserting after
69 the first paragraph the following paragraph:-

70
71 The state secretary shall offer educational seminars on the requirements of sections 39 to
72 50, inclusive, for all legislative agents and executive agents. The seminars shall be conducted in
73 person or offered online through the state secretary’s website. All legislative and executive
74 agents shall: (i) before registering with the state secretary and annually thereafter, complete an
75 person or online seminar offered by the state secretary; and (ii) complete an in person or online
76 seminar offered by the state secretary upon any material change to sections 39 to 50, inclusive, or
77 any regulations promulgated pursuant thereto. The superintendent of the bureau of state office
78 buildings shall, upon request of the state secretary, provide at no cost to the state secretary
79 suitable facilities for such seminars. The state secretary shall adopt regulations for the
80 administration and enforcement of this section.

81
82 **SECTION 5.** Said section 41 of said chapter 3, as so appearing, is hereby amended by striking
83 out the last paragraph and inserting in place thereof the following 2 paragraphs:-

84
85 Upon registration, the state secretary shall issue to each legislative agent and executive
86 agent a license which shall entitle the holder to act as a legislative agent and executive agent for
87 a client that has filed a registration statement pursuant to this section. A nontransferable
88 identification card shall evidence this license and shall include the agent’s name and photograph.
89 Each license shall expire on December 31 of each year. Out-of-state legislative agents and
90 executive agents shall submit 3 passport-sized photographs to the state secretary upon
91 registration.

92

93 The state secretary shall, upon written request from a person who is or may be subject to
94 sections 39 to 50, inclusive, render advisory opinions on the requirements of those sections. An
95 opinion rendered by the state secretary, unless amended or revoked, shall be a defense in a
96 criminal action brought pursuant to sections 39 to 50, inclusive, and shall be binding on the state
97 secretary, the attorney general or the district attorney in any subsequent proceedings concerning
98 the person who requested the opinion and who acted in good faith, unless material facts were
99 omitted or misstated by the person in the request for an opinion. Such requests shall be
100 confidential; provided, however, that the state secretary may publish such opinions if the name of
101 the requesting person and any other identifying information is not included in such publication
102 unless the requesting person consents to such inclusion.

103

104 **SECTION 6.** Said chapter 3 is hereby amended by striking out section 42, as so appearing, and
105 inserting in place thereof the following section:-

106

107 Section 42. No person shall make any agreement whereby any compensation or thing of value is
108 to be paid to any person contingent upon a decision as described in the definition of "executive
109 lobbying", or the passage or defeat of any legislation or the approval or veto of any legislation by
110 the governor. No person shall agree to engage in legislative lobbying for consideration to be paid
111 upon the contingency of the outcome of the actions described in the definition of "legislative
112 lobbying" or that any legislation is passed or defeated.

113

114 Nothing in this section shall prohibit a person whose primary occupation is in marketing
115 or selling a product or service for the person's company of employment from engaging in the
116 sale of that product or service to the commonwealth for a commission or other compensation as
117 long as the person is a full time employee for said company.

118

119 **SECTION 7.** Section 43 of said chapter 3, as so appearing, is hereby amended by striking out, in
120 line 4, the words "appearing on the docket".

121

122 **SECTION 8.** Said section 43 of said chapter 3, as so appearing, is hereby further amended by
123 striking out the third paragraph and inserting in place thereof the following paragraph:-

124

125 Every legislative agent and executive agent shall include in the statement required by this
126 section for the relevant reporting period: (1) the identification of each client for whom the
127 legislative or executive agent provided lobbying services; (2) a list of all bill numbers and names
128 of legislation and other governmental action that the executive or legislative agent acted to
129 promote, oppose or influence; (3) a statement of the executive or legislative agent's position, if
130 any, on each such bill or other governmental action; (4) the identification of the client or clients
131 on whose behalf the executive or legislative agent was acting with respect to each such bill or

132 governmental action; (5) the amount of compensation received for executive or legislative
133 lobbying from each client with respect to such lobbying services; and (6) all direct business
134 associations with public officials. The disclosure shall be required regardless of whether the
135 legislative agent or executive agent specifically referenced the bill number or name, or other
136 governmental action while acting to promote, oppose or influence legislation, and shall be as
137 complete as practicable.

138

139 **SECTION 9.** Said section 43 of said chapter 3, as so appearing is hereby further amended by
140 inserting after , the word "consumed", in line 78, the following words:-; provided, however, that
141 regulations promulgated by the state ethics commission under section 6 of chapter 268B, shall
142 apply to this provision.

143

144 **SECTION 10.** The fourth paragraph of said section 43 of said chapter 3, as so appearing, is
145 hereby amended by striking out the second sentence and inserting in place thereof the following
146 sentence:- Said penalty shall be in the amount of \$50 per day up to the twentieth day and an
147 additional \$100 per day for every day after the twentieth day until the statement is filed. The
148 state secretary may waive these penalties for good cause.

149

150 **SECTION 11.** The second paragraph of section 44 of said chapter 3, as so appearing, is hereby
151 further amended by striking out the second sentence and inserting in place thereof the following
152 sentence:- Said penalty shall be in the amount of \$50 per day up to the twentieth day and an
153 additional \$100 per day for every day after the twentieth day until the statement is filed. The
154 state secretary may waive these penalties for good cause.

155

156 **SECTION 12** Said chapter 3 is hereby further amended by striking out section 45, as so
157 appearing, and inserting in place thereof the following section:-

158

159 Section 45. (a) Upon receipt of a sworn complaint signed under pains and penalties of
160 perjury, or upon receipt of evidence which is deemed sufficient by the state secretary, the state
161 secretary shall initiate a preliminary inquiry into any alleged violation of sections 39 to 50,
162 inclusive. At the commencement of a preliminary inquiry into any such alleged violation, the
163 state secretary shall notify the attorney general. All proceedings and records relating to a
164 preliminary inquiry or initial staff review used to determine whether to initiate an inquiry shall
165 be confidential, except that the state secretary may provide to the attorney general, the United
166 States Attorney or a district attorney of competent jurisdiction evidence which may be used in a
167 criminal proceeding. Any information provided by the state secretary pursuant to this section
168 shall be confidential pursuant to this section and section 4 of chapter 268B, except that such
169 information may be used by the officer or agency to whom it was provided in any investigation
170 or subsequent proceedings. The state secretary shall notify any person who is the subject of the

171 preliminary inquiry of the existence of such inquiry and the general nature of the alleged
172 violation within 30 days of the commencement of the inquiry.

173

174 (b) If a preliminary inquiry fails to indicate reasonable cause for belief that there has been
175 a violation of sections 39 to 50, inclusive, the state secretary shall immediately terminate the
176 inquiry and shall within 10 days so notify, in writing, the complainant, if any, and the person
177 who had been the subject of the inquiry.

178

179 (c) If a preliminary inquiry indicates reasonable cause for belief that there has been a
180 violation of sections 39 to 50, inclusive, the state secretary may initiate an adjudicatory
181 proceeding to determine whether there has been such a violation.

182

183 (d) The state secretary may require by summons the attendance and testimony of witnesses
184 and the production of books, papers or other financial documents directly relating to any matter
185 being investigated pursuant to sections 39 to 50, inclusive, provided that the state secretary's
186 subpoena power shall be limited to obtaining employment contracts and other contracts or
187 agreements related to services rendered, work performed or compensation received in connection
188 with executive lobbying or legislative lobbying. Any justice of the supreme judicial court or the
189 superior court may, upon application by the state secretary, issue a summons to be served in the
190 same manner as summonses for witnesses in criminal cases, issued on behalf of the
191 commonwealth and all the provisions of law relative to summonses shall apply to summonses
192 issued under this section so far as applicable. Any justice of the supreme judicial court or the
193 superior court may upon application by the state secretary compel the attendance of witnesses
194 summoned as aforesaid and the giving of testimony under oath before the state secretary in
195 furtherance of any investigation in the same manner and to the same extent as before said courts.

196

197 (e) The state secretary, or his designee, may administer oaths and may hear testimony or
198 receive other evidence in any proceeding.

199

200 (f) All testimony in an adjudicatory proceeding shall be under oath. All parties shall have
201 the right to call and examine witnesses, to introduce exhibits, to cross-examine witnesses who
202 testify, to submit evidence, and to be represented by counsel. Before testifying, all witnesses
203 shall be given a copy of the regulations governing adjudicatory proceedings.

204

205 (g) Any person whose name is mentioned during an adjudicatory proceeding of the state
206 secretary and who may be adversely affected thereby may appear personally before the state
207 secretary on his own behalf, with or without counsel, to give a statement in opposition to such
208 adverse mention or file a written statement of such opposition for incorporation into the record of
209 the proceeding.

210

211 (h) All adjudicatory proceedings of the state secretary pursuant to this section shall be
212 public and shall be subject to chapter 30A.

213

214 (i) Within 30 days after completion of deliberations, the state secretary shall publish a
215 written report of his findings and conclusions.

216

217 (j) Upon a finding pursuant to an adjudicatory proceeding that there has been a violation, the
218 state secretary may issue an order: (1) requiring the violator to cease and desist such violation;
219 (2) requiring the violator to file any report, statement or other information as required by sections
220 39 to 50, inclusive; (3) suspending for a specified period or revoking the license and registration
221 of the violator; or (4) requiring the violator to pay a civil penalty of not more than \$10,000 for
222 each violation. The state secretary may file a civil action in superior court to enforce this order.

223 (k) Final action by the state secretary under this section shall be subject to review in
224 superior court upon petition of any party in interest filed within 30 days after the action for
225 which review is sought. The court shall enter a judgment enforcing, modifying, or setting aside
226 the order of the state secretary, or it may remand the proceedings to the state secretary for such
227 further action as the court may direct. If the court modifies or sets aside the state secretary's
228 order or remands the proceedings to the state secretary, the court shall determine whether such
229 modification, set aside, or remand is substantial. If the court does find such modification, set
230 aside, or remand to be substantial, the petitioner shall be entitled to be reimbursed from the
231 treasury of the commonwealth for reasonable attorneys' fees and all court costs incurred by him
232 in the defense of the charges contained in the proceedings. The amount of such reimbursement
233 shall be awarded by the court but shall not exceed \$20,000 per person, per case.

234

235 (l) Any person who violates the confidentiality of an inquiry under this section shall be
236 punished by a fine of not more than \$1,000 or by imprisonment for not more than 1 year, or both.

237

238 (m) The state secretary shall automatically disqualify any person convicted of a felony in
239 violation of chapter 3, chapter 55, or chapter 268A from acting or registering as an executive or
240 legislative agent for a period of 10 years from the date of conviction.

241

242 **SECTION 13.** Section 47 of said chapter 3, as so appearing, is hereby further amended by
243 striking out, in lines 4 and 5, the words "whose name appears upon the docket".

244

245 **SECTION 14.** The second paragraph of said section 47 of said chapter 3, as so appearing, is
246 hereby amended by striking out the second sentence and inserting in place thereof the following
247 sentence:- Said penalty shall be in the amount of \$50 per day up to the twentieth day and an
248 additional \$100 per day for every day after the twentieth day until the statement is filed. The
249 state secretary may waive these penalties for good cause.

250

251 **SECTION 15.** Section 48 of said chapter 3, as so appearing, is hereby amended by striking out,
252 in line 3, the words "five thousand dollars" and inserting in place thereof the following words:-
253 \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house
254 of correction for not more than 2 1/2 years, or both.

255
256 **SECTION 16.** Section 49 of said chapter 3, as so appearing, is hereby amended by inserting
257 after the first sentence the following 2 sentences:- The supreme judicial court or superior court
258 may, upon application of the attorney general, grant equitable or mandamus relief to enforce
259 sections 41 to 43, inclusive, prohibiting the offering or giving of or paying for gifts, meals,
260 beverages, or other items. Relief under this section may include (a) an order to pay to the
261 commonwealth an amount equal to the value of any compensation or thing paid or received in
262 violation of section 42, or the value of any gift, meal, beverage, or other item given or received
263 in violation of section 43; and (b) a civil penalty of up to \$10,000 for each violation of sections
264 41 to 47, inclusive.

265
266 **SECTION 17.** Sections 11A and 11A½ of chapter 30A of the General Laws are hereby
267 repealed.

268
269 **SECTION 18.** Said chapter 30A is hereby further amended by adding the following 8 sections:-

270
271 Section 18: As used in this section and sections 19 to 25, inclusive, the following words shall,
272 unless the context clearly requires otherwise, have the following meanings:

273
274 "Deliberation", an oral or written communication through any medium, including electronic
275 mail, between or among a quorum of a public body on any public business within its jurisdiction;
276 provided, however, that "deliberation" shall not include the distribution of a meeting agenda,
277 scheduling information or distribution of other procedural meeting or the distribution of reports
278 or documents that may be discussed at a meeting, provided that no opinion of a member is
279 expressed.

280
281 "Emergency", a sudden, generally unexpected occurrence or set of circumstances demanding
282 immediate action.

283
284 "Executive session", any part of a meeting of a public body closed to the public for deliberation
285 of certain matters.

286
287 "Intentional violation", an act or omission by a public body or a member thereof, in knowing by
288 violating the open meeting law.

289
290 "Meeting", a deliberation by a public body with respect to any matter within the body's

291 jurisdiction; provided, however, "meeting" shall not include:

292

293 (a) an on-site inspection of a project or program, so long as the members do not
294 deliberate;

295 (b) attendance by a quorum of a public body at a public or private gathering, including a
296 conference or training program or a media, social or other event, so long as the members do not
297 deliberate;

298 (c) attendance by a quorum of a public body at a meeting of another public body that has
299 complied with the notice requirements of the open meeting law, so long as the visiting members
300 communicate only by open participation in the meeting on those matters under discussion by the
301 host body and do not deliberate;

302 (d) a meeting of a quasi-judicial board or commission held for the sole purpose of making
303 a decision required in an adjudicatory proceeding brought before it; or

304 (e) a session of a town meeting convened under section 10 of chapter 39 which would
305 include the attendance by a quorum of a public body at any such session.

306

307 "Minutes", the written report of a meeting created by a public body required by subsection (a) of
308 section 23 and section 5A of chapter 66.

309

310 "Open meeting law", sections 18 to 25, inclusive.

311

312 "Post notice", to display conspicuously the written announcement of a meeting either in hard
313 copy or electronic format.

314

315 "Preliminary screening", the initial stage of screening applicants conducted by a committee or
316 subcommittee of a public body solely for the purpose of providing to the public body a list of
317 those applicants qualified for further consideration or interview.

318

319 "Public body", a multiple-member board, commission, committee or subcommittee within the
320 executive or legislative branch or within any county, district, city, region or town, however
321 created, elected, appointed or otherwise constituted, established to serve a public purpose;
322 provided, however, that the governing board of a local housing, redevelopment or other similar
323 authority shall be deemed a local public body; provided, further, that the governing board or
324 body of any other authority established by the general court to serve a public purpose in the
325 commonwealth or any part thereof shall be deemed a state public body; provided, further, that
326 "public body" shall not include the general court or the committees or recess commissions
327 thereof, bodies of the judicial branch or bodies appointed by a constitutional officer solely for the
328 purpose of advising a constitutional officer and shall not include the board of bank incorporation
329 or the policyholders protective board; and provided further, that a subcommittee shall include
330 any multiple-member body created to advise or make recommendations to a public body.

331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370

“Quorum”, a simple majority of the members of the public body, unless otherwise provided in a general or special law, executive order or other authorizing provision.

Section 19. (a) There shall be in the department of the attorney general a division of open government under the direction of a director of open government. The attorney general shall designate an assistant attorney general as the director of the open government division. The director may appoint and remove, subject to the approval of the attorney general, such expert, clerical and other assistants as the work of the division may require. The division shall perform the duties imposed upon the attorney general by the open meeting law, which may include participating, appearing and intervening in any administrative and judicial proceedings pertaining to the enforcement of the open meeting law. For the purpose of such participation, appearance, intervention and training authorized by this chapter the attorney general may expend such funds as may be appropriated therefor.

(b) The attorney general shall create and distribute educational materials and provide training to public bodies in order to foster awareness and compliance with the open meeting law. Open meeting law training may include, but shall not be limited to, instruction in:

- (1) the general background of the legal requirements for the open meeting law;
- (2) applicability of sections 18 to 25, inclusive, to governmental bodies;
- (3) the role of the attorney general in enforcing the open meeting law; and
- (4) penalties and other consequences for failure to comply with this chapter.

(c) There shall be an open meeting law advisory commission. The commission shall consist of 5 members, 2 of whom shall be the chairmen of the joint committee on state administration and regulatory oversight; 1 of whom shall be the president of the Massachusetts Municipal Association or his designee; 1 of whom shall be the president of the Massachusetts Newspaper Publishers Association or his designee; and 1 of whom shall be the attorney general or his designee.

The commission shall review issues relative to the open meeting law and shall submit to the attorney general recommendations for changes to the regulations, trainings, and educational initiatives relative to the open meeting law as it deems necessary and appropriate.

(d) The attorney general shall, not later than January 31, file annually with the commission a report providing information on the enforcement of the open meeting law during the preceding calendar year. The report shall include, but not be limited to:

- (1) the number of open meeting law complaints received by the attorney general;

- 371 (2) the number of hearings convened as the result of open meeting law complaints by the
372 attorney general;
- 373 (3) a summary of the determinations of violations made by the attorney general;
- 374 (4) a summary of the orders issued as the result of the determination of an open meeting law
375 violation by the attorney general;
- 376 (5) an accounting of the fines obtained by the attorney general as the result of open meeting law
377 enforcement actions;
- 378 (6) the number of actions filed in superior court seeking relief from an order of the attorney
379 general; and
- 380 (7) any additional information relevant to the administration and enforcement of the open
381 meeting law that the attorney general deems appropriate.

382

383 Section 20. (a) Except as provided in section 21, all meetings of a public body shall be open to
384 the public.

385

386 (b) Except in an emergency, in addition to any notice otherwise required by law, a public body
387 shall post notice of every meeting at least 48 hours prior to such meeting, excluding Saturdays,
388 Sundays and legal holidays. In an emergency, a public body shall post notice as soon as
389 reasonably possible prior to such meeting. Notice shall be printed in a legible, easily
390 understandable format and shall contain the date, time and place of such meeting and a listing of
391 topics that the chair reasonably anticipates will be discussed at the meeting.

392

393 (c) For meetings of a local public body, notice shall be filed with the municipal clerk and posted
394 in a manner conspicuously visible to the public at all hours in or on the municipal building in
395 which the clerk's office is located.

396

397 For meetings of a regional or district public body, notice shall be filed and posted in each city or
398 town within the region or district in the manner prescribed for local public bodies. For meetings
399 of a regional school district, the secretary of the regional school district committee shall be
400 considered to be its clerk and shall file notice with the clerk of each city or town within such
401 district and shall post the notice in the manner prescribed for local public bodies. For meetings
402 of a county public body, notice shall be filed in the office of the county commissioners and a
403 copy of the notice shall be publicly posted in a manner conspicuously visible to the public at all
404 hours in such place or places as the county commissioners shall designate for the purpose.

405

406 For meetings of a state public body, notice shall be filed with the attorney general by posting on
407 a website in accordance with procedures established for this purpose.

408

409 The attorney general shall have the authority to prescribe or approve alternative methods of
410 notice where the attorney general determines such alternative will afford more effective notice to

411 the public.

412

413 (d) The attorney general may by regulation or letter ruling, authorize remote participation by
414 members of a public body not present at the meeting location; provided, however, that the absent
415 members and all persons present at the meeting location are clearly audible to each other; and
416 provided, further, that a quorum of the body, including the chair, are present at the meeting
417 location. Such authorized members may vote and shall not be deemed absent for the purposes of
418 section 23D of chapter 39.

419

420 (e) After notifying the chair of the public body, any person may make a video or audio recording
421 of an open session of a meeting of a public body, or may transmit the meeting through any
422 medium, subject to reasonable requirements of the chair as to the number, placement and
423 operation of equipment used so as not to interfere with the conduct of the meeting. At the
424 beginning of the meeting the chair shall inform other attendees of any such recordings.

425

426 (f) No person shall address a meeting of a public body without permission of the chair, and all
427 persons shall, at the request of the chair, be silent. No person shall disrupt the proceedings of a
428 meeting of a public body. If, after clear warning from the chair, a person continues to disrupt the
429 proceedings, the chair may order the person to withdraw from the meeting and if the person does
430 not withdraw, the chair may authorize a constable or other officer to remove the person from the
431 meeting.

432

433 (g) Within 2 weeks of qualification for office, all persons serving on a public body shall certify,
434 on a form prescribed by the attorney general, the receipt of a copy of the open meeting law,
435 regulations promulgated pursuant to section 25 and a copy of the educational materials prepared
436 by the attorney general explaining the open meeting law and its application pursuant to section
437 19. Unless otherwise directed or approved by the attorney general, the appointing authority, city
438 or town clerk or the executive director or other appropriate administrator of a state or regional
439 body, or their designees, shall obtain such certification from each person upon entering service
440 and shall retain it subject to the applicable records retention schedule where the body maintains
441 its official records. The certification shall be evidence that the member of a public body has read
442 and understands the requirements of the open meeting law and the consequences of violating it.

443

444 Section 21. (a) A public body may meet in executive session only for the following purposes:

445

446 (1) To discuss the reputation, character, physical condition or mental health, rather than
447 professional competence, of an individual, or to discuss the discipline or dismissal of, or
448 complaints or charges brought against, a public officer, employee, staff member or
449 individual. The individual to be discussed in such executive session shall be notified in
450 writing by the public body at least 48 hours prior to the proposed executive session;
provided, however, that notification may be waived upon written agreement of the parties. A

451 public body shall hold an open session if the individual involved requests that the session be
452 open. If an executive session is held, such individual shall have the following rights:

- 453 i. to be present at such executive session during deliberations which involve that
454 individual;
- 455 ii. to have counsel or a representative of his own choosing present and attending for
456 the purpose of advising the individual and not for the purpose of active
457 participation in the executive session;
- 458 iii. to speak on his own behalf; and
- 459 iv. to cause an independent record to be created of said executive session by audio-
460 recording or transcription, at the individual's expense.

461 The rights of an individual set forth in this paragraph are in addition to the rights that he may
462 have from any other source, including, but not limited to, rights under any laws or collective
463 bargaining agreements and the exercise or non-exercise of the individual rights under this section
464 shall not be construed as a waiver of any rights of the individual.

- 465 2. To conduct strategy sessions in preparation for negotiations with nonunion personnel or
466 to conduct collective bargaining sessions or contract negotiations with nonunion
467 personnel;
- 468 3. To discuss strategy with respect to collective bargaining or litigation if an open meeting
469 may have a detrimental effect on the bargaining or litigating position of the public body
470 and the chair so declares;
- 471 4. To discuss the deployment of security personnel or devices, or strategies with respect
472 thereto;
- 473 5. To investigate charges of criminal misconduct or to consider the filing of criminal
474 complaints;
- 475 6. To consider the purchase, exchange, lease or value of real property if the chair declares
476 that an open meeting may have a detrimental effect on the negotiating position of the
477 public body;
- 478 7. To comply with, or act under the authority of, any general or special law or federal grant-
479 in-aid requirements;
- 480 8. To consider or interview applicants for employment or appointment by a preliminary
481 screening committee if the chair declares that an open meeting will have a detrimental
482 effect in obtaining qualified applicants; provided, however, that this clause shall not
483 apply to any meeting, including meetings of a preliminary screening committee, to
484 consider and interview applicants who have passed a prior preliminary screening;
- 485 9. To meet or confer with a mediator, as defined in section 23C of chapter 233, with respect
486 to any litigation or decision on any public business within its jurisdiction involving
487 another party, group or entity, provided that:
488 (i) any decision to participate in mediation shall be made in an open session and the

489 parties, issues involved and purpose of the mediation shall be disclosed; and
490 (ii) no action shall be taken by any public body with respect to those issues which are the
491 subject of the mediation without deliberation and approval for such action at an open
492 session; or

493 10. to discuss trade secrets or confidential, competitively-sensitive or other proprietary
494 information provided in the course of activities conducted by a governmental body as an
495 energy supplier under a license granted by the department of public utilities pursuant to
496 section 1F of chapter 164, in the course of activities conducted as a municipal aggregator
497 under section 134 of said chapter 164 or in the course of activities conducted by a
498 cooperative consisting of governmental entities organized pursuant to section 136 of said
499 chapter 164, when such governmental body, municipal aggregator or cooperative
500 determines that such disclosure will adversely affect its ability to conduct business in
501 relation to other entities making, selling or distributing electric power and energy.

502 (b) A public body may meet in closed session for 1 or more of the purposes enumerated
503 in subsection (a) provided that:

- 504 1. the body has first convened in an open session pursuant to section 21;
- 505 2. a majority of members of the body have voted to go into executive session and the
506 vote of each member is recorded by roll call and entered into the minutes;
- 507 3. before the executive session, the chair shall state the purpose for the executive
508 session, stating all subjects that may be revealed without compromising the
509 purpose for which the executive session was called;
- 510 4. the chair shall publicly announce whether the open session will reconvene at the
511 conclusion of the executive session; and
- 512 5. accurate records of the executive session shall be maintained pursuant to section
513 23.

514 Section 22. (a) A public body shall create and maintain accurate minutes of all meetings,
515 including executive sessions, setting forth the date, time and place, the members present or
516 absent, a summary of the discussions on each subject, a list of documents and other exhibits used
517 at the meeting, the decisions made and the actions taken at each meeting, including the record of
518 all votes.

519
520 (b) No vote taken at an open session shall be by secret ballot. Any vote taken at an executive
521 session shall be recorded by roll call and entered into the minutes.

522
523 (c) Minutes of all open sessions shall be created and approved in a timely manner. The
524 minutes of an open session, if they exist and whether approved or in draft form, shall be made
525 available upon request by any person within 10 days.

526
527 (d) Documents and other exhibits, such as photographs, recordings or maps, used by the body
528 at an open or executive session shall, along with the minutes, be part of the official record of the

529 session.

530

531 (e) The minutes of any open session, the notes, recordings or other materials used in the
532 preparation of such minutes and all documents and exhibits used at the session, shall be public
533 records in their entirety and not exempt from disclosure pursuant to any of the exemptions under
534 clause Twenty-sixth of section 7 of chapter 4. Notwithstanding this paragraph, the following
535 materials shall be exempt from disclosure to the public as personnel information: (1) materials
536 used in a performance evaluation of an individual bearing on his professional competence,
537 provided they were not created by the members of the body for the purposes of the evaluation;
538 and (2) materials used in deliberations about employment or appointment of individuals,
539 including applications and supporting materials; provided, however, that any resume submitted
540 by an applicant shall not be exempt.

541

542 (f) The minutes of any executive session, the notes, recordings or other materials used in the
543 preparation of such minutes and all documents and exhibits used at the session, may be withheld
544 from disclosure to the public in their entirety under subclause (a) of clause Twenty-sixth of
545 section 7 of chapter 4, as long as publication may defeat the lawful purposes of the executive
546 session, but no longer; provided, however, that the executive session was held in compliance
547 with section 21.

548

549 When the purpose for which a valid executive session was held has been served, the minutes,
550 preparatory materials and documents and exhibits of the session shall be disclosed unless the
551 attorney-client privilege or 1 or more of the exemptions under said clause Twenty-sixth of said
552 section 7 of said chapter 4 apply to withhold these records, or any portion thereof, from
553 disclosure.

554

555 For purposes of this subsection, if an executive session is held pursuant to clause (2) or (3) of
556 subsections (a) of section 21, then the minutes, preparatory materials and documents and exhibits
557 used at the session may be withheld from disclosure to the public in their entirety, unless and
558 until such time as a litigating, negotiating or bargaining position is no longer jeopardized by such
559 disclosure, at which time they shall be disclosed unless the attorney-client privilege or 1 or more
560 of the exemptions under said clause Twenty-sixth of said section 7 of said chapter 4 apply to
561 withhold these records, or any portion thereof, from disclosure.

562

563 (g)(1) The public body, or its chair or designee, shall, at reasonable intervals, review the
564 minutes of executive sessions to determine if the provisions of this subsection warrant continued
565 non-disclosure. Such determination shall be announced at the body's next meeting and such
566 announcement shall be included in the minutes of that meeting.

567 (2) Upon request by any person to inspect or copy the minutes of an executive session or any
568 portion thereof, the body shall respond to the request within 10 days following receipt and shall

569 release any such minutes not covered by an exemption under subsection (f); provided, however,
570 that if the body has not performed a review pursuant to paragraph (1), the public body shall
571 perform the review and release the non-exempt minutes, or any portion thereof, not later than the
572 body's next meeting or 30 days, whichever first occurs. A public body shall not assess a fee for
573 the time spent in its review.

574

575 Section 23. (a) Subject to appropriation, the attorney general shall interpret and enforce the open
576 meeting law.

577

578 (b) At least 30 days prior to the filing of a complaint with the attorney general, the
579 complainant shall file a written complaint with the public body, setting forth the circumstances
580 which constitute the alleged violation and giving the body an opportunity to remedy the alleged
581 violation; provided, however, that such complaint shall be filed within 30 days of the date of the
582 alleged violation. The public body shall, within 14 business days of receipt of a complaint, send
583 a copy of the complaint to the attorney general and notify the attorney general of any remedial
584 action taken. Any remedial action taken by the public body in response to a complaint under this
585 subsection shall not be admissible as evidence against the public body that a violation occurred
586 in any later administrative or judicial proceeding relating to such alleged violation. The attorney
587 general may authorize an extension of time to the public body for the purpose of taking remedial
588 action upon the written request of the public body and a showing of good cause to grant the
589 extension.

590

591 (c) Upon the receipt of a complaint by any person, the attorney general shall determine, in a
592 timely manner, whether there has been a violation of the open meeting law. The attorney general
593 may, and before imposing any civil penalty on a public body shall, hold a hearing on any such
594 complaint. Following a determination that a violation has occurred, the attorney general shall
595 determine whether the public body, 1 or more of the members, or both, are responsible and
596 whether the violation was intentional or unintentional. Upon the finding of a violation, the
597 attorney general may issue an order to:

598

- 599 (1) compel immediate and future compliance with the open meeting law;
600 (2) compel attendance at a training session authorized by the attorney general;
601 (3) nullify in whole or in part any action taken at the meeting;
602 (4) impose a civil penalty upon the public body of not more than \$1,000 for each intentional
603 violation;
604 (5) reinstate an employee without loss of compensation, seniority, tenure or other benefits;
605 (6) compel that minutes, records or other materials be made public; or
606 (7) prescribe other appropriate action.

607

608 (d) A public body or any member of a body aggrieved by any order issued pursuant to this

609 section may, notwithstanding any general or special law to the contrary, obtain judicial review of
610 the order only through an action in superior court seeking relief in the nature of certiorari;
611 provided, however, that notwithstanding section 4 of chapter 249, any such action shall be
612 commenced in superior court within 21 days of receipt of the order. Any order issued under this
613 section shall be stayed pending judicial review; provided, however, that if the order nullifies an
614 action of the public body, the body shall not implement such action pending judicial review.
615

616 (e) If any public body or member thereof shall fail to comply with the requirements set forth
617 in any order issued by the attorney general, or shall fail to pay any civil penalty imposed within
618 21 days of the date of issuance of such order or within 30 days following the decision of the
619 superior court if judicial review of such order has been timely sought, the attorney general may
620 file an action to compel compliance. Such action shall be filed in Suffolk superior court with
621 respect to state public bodies and, with respect to all other public bodies, in the superior court in
622 any county in which the public body acts or meets. If such body or member has not timely
623 sought judicial review of the order, such order shall not be open to review in an action to compel
624 compliance.
625

626 (f) As an alternative to the procedure in subsection (b), the attorney general or 3 or more
627 registered voters may initiate a civil action to enforce the open meeting law.
628

629 Any action under this subsection shall be filed in Suffolk superior court with respect to state
630 public bodies and, with respect to all other public bodies, in the superior court in any county in
631 which the public body acts or meets.
632

633 In any action filed pursuant to this subsection, in addition to all other remedies available to
634 the superior court, in law or in equity, the court shall have all of the remedies set forth in
635 subsection (b).
636

637 In any action filed under this subsection, the order of notice on the complaint shall be
638 returnable not later than 10 days after the filing and the complaint shall be heard and determined
639 on the return day or on such day as the court shall fix, having regard to the speediest possible
640 determination of the cause consistent with the rights of the parties; provided, however, that
641 orders may be issued at any time on or after the filing of the complaint without notice when such
642 order is necessary to fulfill the purposes of the open meeting law. In the hearing of any action
643 under this subsection, the burden shall be on the respondent to show by a preponderance of the
644 evidence that the action complained of in such complaint was in accordance with and authorized
645 by the open meeting law; provided, however, that no civil penalty may be imposed on an
646 individual absent proof that the action complained of violated the open meeting law.
647

648 (g) It shall be a defense to the imposition of a penalty that the public body, after full

649 disclosure, acted in good faith compliance with the advice of the public body's legal counsel.

650

651 (h) Payment of civil penalties under this section paid to or received by the attorney general
652 shall be paid into the general fund of the commonwealth.

653

654 Section 24. (a) Whenever the attorney general has reasonable cause to believe that a
655 person, including any public body and any other state, regional, county, municipal or other
656 governmental official or entity, has violated the open meeting law, the attorney general may
657 conduct an investigation to ascertain whether in fact such person has violated the open meeting
658 law. Upon notification of an investigation, any person, public body or any other state, regional,
659 county, municipal or other governmental official or entity who is the subject of an investigation,
660 shall make all information necessary to conduct such investigation available to the attorney
661 general. In the event that the person, public body or any other state, regional, county, municipal
662 or other governmental official or entity being investigated does not voluntarily provide relevant
663 information to the attorney general within 30 days of receiving notice of the investigation, the
664 attorney general may: (1) take testimony under oath concerning such alleged violation of the
665 open meeting law; (2) examine or cause to be examined any documentary material of whatever
666 nature relevant to such alleged violation of the open meeting law; and (3) require attendance
667 during such examination of documentary material of any person having knowledge of the
668 documentary material and take testimony under oath or acknowledgment in respect of any such
669 documentary material. Such testimony and examination shall take place in the county where such
670 person resides or has a place of business or, if the parties consent or such person is a nonresident
671 or has no place of business within the commonwealth, in Suffolk county.

672

673 (b) Notice of the time, place and cause of such taking of testimony, examination or attendance
674 shall be given by the attorney general at least 10 days prior to the date of such taking of
675 testimony or examination.

676

677 (c) Service of any such notice may be made by: (1) delivering a duly-executed copy to the
678 person to be served or to a partner or to any officer or agent authorized by appointment or by law
679 to receive service of process on behalf of such person; (2) delivering a duly-executed copy to the
680 principal place of business in the commonwealth of the person to be served; or (3) mailing by
681 registered or certified mail a duly-executed copy addressed to the person to be served at the
682 principal place of business in the commonwealth or, if said person has no place of business in the
683 commonwealth, to his principal office or place of business.

684

685 (d) Each such notice shall: (1) state the time and place for the taking of testimony or the
686 examination and the name and address of each person to be examined, if known and, if the name
687 is not known, a general description sufficient to identify him or the particular class or group to
688 which he belongs; (2) state the statute and section thereof, the alleged violation of which is under

689 investigation and the general subject matter of the investigation; (3) describe the class or classes
690 of documentary material to be produced thereunder with reasonable specificity, so as fairly to
691 indicate the material demanded; (4) prescribe a return date within which the documentary
692 material is to be produced; and (5) identify the members of the attorney general's staff to whom
693 such documentary material is to be made available for inspection and copying.

694
695 (e) No such notice shall contain any requirement which would be unreasonable or improper if
696 contained in a subpoena duces tecum issued by a court of the commonwealth or require the
697 disclosure of any documentary material which would be privileged, or which for any other
698 reason would not be required by a subpoena duces tecum issued by a court of the
699 commonwealth.

700
701 (f) Any documentary material or other information produced by any person pursuant to this
702 section shall not, unless otherwise ordered by a court of the commonwealth for good cause
703 shown, be disclosed to any person other than the authorized agent or representative of the
704 attorney general, unless with the consent of the person producing the same; provided, however,
705 that such material or information may be disclosed by the attorney general in court pleadings or
706 other papers filed in court.

707
708 (g) At any time prior to the date specified in the notice, or within 21 days after the notice has
709 been served, whichever period is shorter, the court may, upon motion for good cause shown,
710 extend such reporting date or modify or set aside such demand or grant a protective order in
711 accordance with the standards set forth in Rule 26(c) of the Massachusetts Rules of Civil
712 Procedure. The motion may be filed in the superior court of the county in which the person
713 served resides or has his usual place of business or in Suffolk county. This section shall not be
714 applicable to any criminal proceeding nor shall information obtained under the authority of this
715 section be admissible in evidence in any criminal prosecution for substantially identical
716 transactions.

717
718 Section 25. (a) The attorney general shall have the authority to promulgate rules and
719 regulations to carry out enforcement of the open meeting law.

720
721 (b) The attorney general shall have the authority to interpret the open meeting law and to
722 issue written letter rulings or advisory opinions according to rules established under this section.

723
724 **SECTION 19.** Sections 9F and 9G of chapter 34 of the General Laws are hereby repealed.

725
726 **SECTION 20.** Sections 23A to 23C, inclusive, of chapter 39 of the General Laws are hereby
727 repealed.

728

729 **SECTION 21.** Section 9 of chapter 53 of the General Laws, as appearing in the 2006 Official
730 Edition, is hereby amended by striking out, in lines 21 and 22, the words “, as defined in section
731 one of chapter fifty-five A,”.

732

733 **SECTION 22.** Said section 9 of said chapter 53, as so appearing, is hereby further amended by
734 striking out, in line 25, the word “fifty-five A” and inserting in place thereof the following
735 figure:- 55C.

736

737 **SECTION 23.** Section 1 of chapter 55 of the General Laws, as so appearing, is hereby amended
738 by inserting after the definition of “Candidate’s committee” the following definition:-

739

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

743

744 **SECTION 24.** Said section 1 of said chapter 55, as so appearing, is hereby further amended by
745 inserting after the definition of “Election” the following definition:-

746

747 “Electioneering communication”, any broadcast, cable, mail, satellite or print communication
748 that: (1) refers to a clearly identified candidate; and (2) is publicly distributed within 90 days
749 before an election in which the candidate is seeking election or reelection; provided, however,
750 that “electioneering communication” shall not include the following communications: (1) a
751 communication that is disseminated through a means other than a broadcast station, radio station,
752 cable television system or satellite system, newspaper, magazine, periodical, billboard
753 advertisement, or mail; (2) a communication to less than 100 recipients; (3) a news story,
754 commentary, letter to the editor, news release, column, op-ed or editorial broadcast by a
755 television station, radio station, cable television system or satellite system, or printed in a
756 newspaper, magazine, or other periodical in general circulation; (4) expenditures or independent
757 expenditures or contributions that must otherwise be reported under this chapter; (5) a
758 communication from a membership organization exclusively to its members and their families,
759 otherwise known as a membership communication; (6) bonafide candidate debates or forums and
760 advertising or promotion of the same; and (7) internet or email communications.

761

762 **SECTION 25.** Said section 1 of said chapter 55, as so appearing, is hereby further amended by
763 inserting after the definition of “Expenditure” the following definition:-

764

765 “Independent expenditure”, an expenditure made, or liability incurred, by an individual, group, or
766 association for goods or services expressly advocating the election or defeat of a clearly
767 identified candidate which is made or incurred without cooperation or consultation with any
768 candidate, or a nonelected political committee organized on behalf of a candidate, or any agent

769 of a candidate and which is not made or incurred in concert with, or at the request or suggestion
770 of, any candidate, or any nonelected political committee organized on behalf of a candidate or
771 agent of such candidate.

772

773 **SECTION 26** The eighth paragraph of section 3 of said chapter 55, as so appearing, is hereby
774 amended by adding the following four sentences:- The name of a candidate who fails to file any
775 statement or report after the institution of civil proceedings under this section to compel such
776 filing shall not be printed on a state primary or state election ballot unless the statement or report
777 is filed prior to the deadline for filing nomination papers with the state secretary for such
778 candidate pursuant to chapter 53. The director shall notify the state secretary of the names of
779 those candidates against whom civil proceedings have been instituted and shall do so within 72
780 hours of the filing deadline for nomination papers with the state secretary. Any candidate who is
781 disqualified from appearing on a state primary or state election ballot as set forth above shall be
782 ineligible to be nominated at a state primary as a write-in or sticker candidate unless the
783 candidate shall have filed the statements or reports which are the subject of the civil litigation by
784 the date of the primary. The director shall notify the state secretary of any candidates who have
785 filed their statements or reports which were the subject of civil litigation no later than 24 hours
786 after the date of the state primary.

787

788 **SECTION 27.** Said section 3 of said chapter 55, as so appearing, is hereby further amended by
789 inserting after the word "requested", in line 111, the following words:- , by personal delivery, by
790 leaving a copy of the notice at the person's last and usual place of residence or by delivering a
791 copy of the notice to an attorney who has appeared on behalf of the alleged violator.

792

793 **SECTION 28.** The eleventh paragraph of said section 3 of said chapter 55, as so appearing, is
794 hereby amended by striking out the last sentence and inserting in place thereof the following
795 sentence:- Evidence of any such violation of this chapter which has come to the director's
796 attention shall be presented by the director to the attorney general not later than 120 days before
797 or 3 years after the relevant election or, if the evidence does not relate to an identifiable election,
798 not later than 3 years after the violation.

799

800 **SECTION 29.**The twelfth paragraph of said section 3 of said chapter 55, as so appearing, is
801 hereby amended by striking out the second sentence and inserting in place thereof the following
802 sentence:- Said civil penalty shall be in the amount of \$25 per day; provided, however, that the
803 maximum penalty the director may assess shall be no greater than \$5,000 for any one report,
804 statement or affidavit which is filed later than the prescribed date.

805

806 **SECTION 30.** Said section 3 of said chapter 55, as so appearing, is hereby amended by adding
807 the following paragraph:-

808

809 The director shall not disclose publicly any correspondence or communication to a
810 candidate, political committee, or ballot question committee which contains a deadline for
811 response until the deadline has passed or until the director has received a response, whichever is
812 earlier. Notwithstanding the forgoing notices of future filing requirements and notices of failure
813 to file, a required report shall be a public record when issued.

814
815 **SECTION 31.** The ninth paragraph of section 5 of said chapter 55, as so appearing, is hereby
816 amended by adding the following sentence:- No person who is authorized to make such
817 expenditures shall sign a committee check payable to himself or herself.

818
819 **SECTION 32.** Section 6 of said chapter 55, as so appearing, is further hereby amended by
820 adding after the fifth paragraph the following paragraph:-

821
822 For purposes of this section the term "personal use" shall include the payment of fines,
823 penalties, restitution or damages incurred for a violation of chapters 268A and 268B, but shall
824 not include payments made in relation to allegations of violations of such chapters.

825
826 **SECTION 33.** Section 8 of said chapter 55, as so appearing, is hereby amended by striking out,
827 in lines 7 and 8, the words "corporation incorporated" and inserting in place thereof the
828 following words:- or professional corporation, partnership, limited liability company
829 partnership.

830
831 **SECTION 34.** Subsection (d) of section 10A of said chapter 55, as so appearing, is hereby
832 amended by striking out clause (1) and inserting in place thereof the following clause:-
833 (1) a bona fide joint fund-raising effort conducted solely for the purpose of sponsorship of a
834 fund-raising reception, dinner, or other event, in accordance with the rules prescribed by the
835 director by 2 or more state or local committees of a political party acting on their own behalf; or

836
837 **SECTION 35.** Section 18 of said chapter 55, as so appearing, is hereby amended by striking out
838 the first paragraph and inserting in place thereof the following paragraph:-

839
840 Each candidate and each treasurer of a political committee shall, except as provided in this
841 section and section 24, file with the director reports of contributions received and expenditures
842 made. A candidate and a committee organized on behalf of candidates seeking public office at a
843 municipal election shall file such reports with the director, if the candidate is seeking the office
844 of mayor in a municipality with a total population, as determined by the most recent federal
845 decennial census, of between 40,000 and 100,000 persons, if the candidate or the candidate's
846 committee, during the election cycle, can reasonably expect to raise or spend more than \$5,000,
847 or if the committee is required to file such reports with the director pursuant to section 19. All
848 other candidates seeking public office at a city or town election shall file reports with the city or

849 town clerk. A committee organized under section 5 to favor or oppose a question submitted to
850 the voters shall file its reports with the director if the question appears on ballots at a state
851 election, or with the city or town clerk if the question appears on ballots at a city or town election
852 or for use in a city or town at a state election. Reports of contributions received and expenditures
853 made shall be filed using forms prescribed by the director.

854

855 **SECTION 36.** Said section 18 of said chapter 55, as so appearing, is hereby amended by
856 inserting after the word "January", in line 102, the following words:- ; provided, however, that
857 candidates for the state senate or house of representatives, the nonelected political committees
858 organized on behalf of such candidates, and political action committees, that file with the
859 director, shall also file mid-year reports on or before the twentieth day of July in each year in
860 each odd-numbered year.

861

862 **SECTION 37** The third paragraph of said section 18 of said chapter 55, as so appearing, is
863 hereby amended by striking out the last sentence and inserting in place thereof the following two
864 sentences:- For all candidates and all political committees, if said report is not an initial report,
865 the reporting period of such reports required to be filed on or before the twentieth day of July in
866 each odd-numbered year shall commence on the first day of January of that year, or on the day
867 following the end of the reporting period of the last report filed, if any, whichever period is
868 shorter, and shall end as of the thirtieth day of June of said year. The reporting period for the
869 report required to be filed on or before January 20 in each odd-numbered year shall commence
870 on the day following the end of the reporting period of the last report filed and shall end as of
871 December 31 of the prior year.

872

873 **SECTION 38.** Said section 18 of said chapter 55, as so appearing, is hereby further amended by
874 inserting after the thirteenth paragraph the following 2 paragraphs:-

875

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

882

883 *Every political committee organized on behalf of a candidate that files with the director,*
884 *and every ballot question committee that files with the director, which receives and deposits a*
885 *contribution in the amount of \$500 or more after the eighteenth day, but more than 72 hours,*
886 *before the date of a special, preliminary, primary or general election, shall file a report to*
887 *disclose the information required by this section, within 72 hours of depositing such*
888 *contribution.*

889

890 **SECTION 39.** Said section 18 of said chapter 55, as so appearing, is hereby further amended by
891 striking out, in line 253, the words "Local Aid" and inserting in place thereof the word:-
892 General.

893

894 **SECTION 40.** Said section 18 of said chapter 55, as so appearing, is hereby further amended by
895 inserting after the seventeenth paragraph the following paragraph:-

896

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

901

902 **SECTION 41.** Said chapter 55 is hereby further amended by striking out section 18A, as so
903 appearing, and inserting in place thereof the following section:-

904

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

915

916 (b) In addition to any reports required by subsection (a), any individual, group, association or
917 political committee that makes an independent expenditure in an aggregate amount exceeding
918 \$250 after the tenth day, but more than 24 hours, before the date of any election, shall file a
919 preliminary report within 24 hours of making the independent expenditure, disclosing: (1) the
920 name and address of the individual, group, association or political committee making the
921 expenditure; (2) the name of the candidate whose election or defeat the expenditure promoted;
922 (3) the name and address of any person to whom the independent expenditures were made; and
923 (4) the purpose and the date of each expenditure.

924

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

929

930 (d) The reports required by this section shall be filed with the director as provided in section 18C
931 if expenditures are made to promote the election or defeat of any candidate who files with the
932 director. Reports required by this section shall be filed with the city or town clerk if the
933 expenditures are made to promote the election or defeat of any candidate seeking public office at
934 a city or town election who does not file with the director.

935

936 (e) A violation of any provision of this section shall be punished by a fine of not more than
937 \$5,000 or by imprisonment in a house of correction for not more than 1 year.

938

939 **SECTION 42.** Subsection (b) of section 18C of said chapter 55, as so appearing, is hereby
940 amended by adding the following 6 clauses:-

941

942 (4) every political committee organized on behalf of a candidate that files with the director,
943 including committees required to designate a depository on behalf of a candidate and every ballot
944 question committee that files with the director, which receives and deposits a contribution of
945 \$500 or more after the eighteenth day, but more than 72 hours, before the date of a special,
946 preliminary, primary or general election within 72 hours of depositing such contribution;

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

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

954 (7) an individual, group, association or political committee that is required to file a report of
955 independent expenditures with the director in accordance with subsection (a) or (b) of section
956 18A;

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

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

964

965 **SECTION 43.** Said chapter 55 is hereby further amended by inserting after section 18C the
966 following 3 sections:-

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

969

970 "Expenditure", any payment made or liability incurred by a vendor on behalf of a political
971 committee.

972

973 "Person", a natural person, corporation, association, partnership or other legal entity.

974

975 "Subvendor", a person providing goods or services to a vendor or who contracts with a
976 vendor to provide goods or services to a committee.

977

978 "Vendor", any person including, but not limited to, a consultant, who provides goods or
979 services to a political committee that files with the director and either receives or is promised
980 \$5,000 or more in the aggregate during a calendar year by the committee for such goods or
981 services, or contracts with another on behalf of the committee for such goods or services valued
982 at \$5,000 or more in the aggregate to be provided to the committee.

983

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

989

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

999

1000 (d) Vendors shall keep detailed accounts of all expenditures made on behalf of political
1001 committees.

1002

1003 Section 18E. (a) Legal defense funds may be created by a candidate or the candidate's
1004 political committee to defend against a criminal matter or to pay costs associated with a civil
1005 matter that is not primarily personal in nature. Inauguration funds may be created by a candidate
1006 or the candidate's political committee to pay for the costs associated with an inaugural
1007 event. Recount funds may be created by a candidate or candidate's political committee to pay
1008 for the legal and other costs associated with a recount. Legal defense, inauguration, or recount

1009 funds shall be created separately from the candidate's campaign account or committee, and shall
1010 be subject to the following conditions: (1) assets of a political committee may not be used by the
1011 fund; (2) any donations received by the fund shall not be deposited into the candidate's campaign
1012 account or a committee account; and (3) donations to such fund shall not be used to benefit a
1013 political committee.

1014
1015 (b) Donations to a legal defense, recount, or inauguration fund, if not contributions, shall
1016 be disclosed to the director or, if made by a candidate or committee that does not file with the
1017 director, the city or town clerk, on or before the fifth day of the month following the month in
1018 which the donations are received, complete as of the last day of the preceding month, on forms to
1019 be prescribed by the director. The report shall disclose the name and address and employer of all
1020 persons donating more than \$50 during the reporting period, listed alphabetically, the amount of
1021 each such donation, and the total amount of donations received in the reporting period not
1022 otherwise reported.

1023
1024 (c) For purposes of this section, the term "donations" shall include donations in money or
1025 in-kind, and loans provided to legal defense, recount, or inauguration fund.

1026
1027 Section 18F. Every individual, group or association not defined as a political committee
1028 who makes an electioneering communication expenditure, in an aggregate amount exceeding
1029 \$250 during a calendar year, shall electronically file with the director, within 7 days after making
1030 such an expenditure, a report stating the name and address of the individual, group or association
1031 making the electioneering communication, the name of any candidate clearly identified in the
1032 communication, the total amount or value of the communication, the name and address of the
1033 vendor to whom the payments were made and the purpose and date of any such expenditure. In
1034 addition, any individual, group or association not defined as a political committee who makes an
1035 electioneering communication expenditure, in an aggregate amount exceeding \$250 during a
1036 calendar year, who receives funds for the purpose of making such electioneering
1037 communications shall include in the electronic filing the date the funds were received and the
1038 name and address of the provider of any such funds in excess of \$250, if any. Reports required
1039 by this section shall be filed with the director as provided in section 18C if communications were
1040 made to promote the election or defeat of any candidate who files with the director. Reports
1041 required by this section shall be filed with the city or town clerk if the communications were
1042 made to promote the election or defeat of any candidate seeking public office at a city or town
1043 election who does not otherwise file with the director.

1044
1045 Any person, group or association that makes or contracts to make electioneering
1046 communications aggregating \$1,000 or more within 7 days before the date of an election shall
1047 file a report containing the information required by this section within 48 hours after making
1048 such expenditure.

1049 A violation of this section shall be punished by a fine of not more than \$5,000 or by
1050 imprisonment in the house of correction for not more than 1 year.

1051

1052 **SECTION 44.** Section 19 of said chapter 55, as so appearing, is hereby amended by striking out,
1053 lines 5 and 6, the words "other citywide office, except for the office of school committee," and
1054 inserting in place thereof the following words:- ,city council or alderman.

1055

1056 **SECTION 45.** Said section 19 of said chapter 55, as so appearing, is hereby further amended by
1057 striking out, in lines 101 and 102, the words "mayor or other citywide office except for school
1058 committee" and inserting in place thereof the following words:- city council, aldermen or
1059 mayor.

1060

1061 **SECTION 46.** Said section 19 of said chapter 55, as so appearing, is hereby further amended by
1062 adding the following subsection:-

1063

1064 (g) Each committee required to designate a depository on behalf of a candidate that files with the
1065 director in accordance with this section and which receives and deposits a contribution of \$500
1066 or more after the eighteenth day but more than 72 hours before the date of a special, preliminary,
1067 primary or general election shall file a report to disclose the information required by this section
1068 within 72 hours of depositing such contribution. In addition, each state committee referred to in
1069 section 1 of chapter 52 required to designate a depository pursuant to this section and which
1070 receives a contribution of \$500 or more after the eighteenth day, but more than 24 hours, before
1071 the date of a special, preliminary, primary or general election, shall file a report to disclose the
1072 information required by this section, within 72 hours of depositing such contribution.

1073

1074 **SECTION 47.** Section 22 of said chapter 55, as so appearing, is hereby amended by striking out,
1075 in line 1, the word "The" and inserting in place thereof the following words:- Any person or the.

1076

1077 **SECTION 48.** Said section 22 of said chapter 55, as so appearing, is hereby further amended by
1078 inserting after the first paragraph the following paragraph:-

1079 Any person who makes an expenditure of \$250 or more other than a contribution to a
1080 ballot question committee or incurs a liability of \$250 or more to influence or affect the vote on
1081 any question submitted to the voters shall file reports setting forth the amount or value of the
1082 expenditure or liability, together with the date, purpose and full name of the person to whom the
1083 expenditure was made or the liability incurred.

1084

1085 **SECTION 49.** Said section 22 of said chapter 55, as so appearing, is hereby further amended by
1086 inserting after the word "such", in lines 17, 31 and 41, the following words:- person or.

1087

1088 **SECTION 50.** Said section 22 of said chapter 55, as so appearing, is hereby further amended by
1089 inserting after the word “Any”, in line 38, the following words:- person or.

1090

1091 **SECTION 51.** Section 24 of said chapter 55, as so appearing, is hereby further amended by
1092 inserting after the word “statement”, in lines 1, 4, 5, 8, 9, and 12, the following words:- or
1093 report.

1094

1095 **SECTION 52.** Section 24 of said chapter 55, as so appearing, is hereby amended by inserting
1096 after the word “office”, in line 3, the following words:- , other than a municipal office for which
1097 a candidate is required to file with the director in accordance with section 18C or section 19.

1098

1099 **SECTION 53.** Said section 24 of said chapter 55, as so appearing, is hereby further amended by
1100 inserting after the word “statements”, in lines 13 and 14, the following words:- or reports.

1101

1102 **SECTION 54.** Section 26 of said chapter 55, as so appearing, is hereby amended by striking the
1103 first and second sentences and inserting in place thereof the following sentence:- The city or
1104 town clerk shall retain all statements and reports required to be filed with such clerk until
1105 December 31st of the sixth year following the relevant election. In the case of committees other
1106 than those authorized by a candidate, the city or town clerk shall retain all required statements
1107 and reports filed with such clerk until December 31st of the sixth year following the date that the
1108 statement or report was filed.

1109

1110 **SECTION 55.** Said section 26 of said chapter 55, as so appearing, is hereby further amended by
1111 adding the following sentence:- Within 30 days after the filing deadline, all campaign finance
1112 reports required to be filed with the city or town clerk under section 18 shall be made available
1113 for viewing on the internet website of the municipality if such municipality has such a website, if
1114 the report discloses that a candidate or committee filing a report has received contributions or
1115 made expenditures in excess of \$1,000 during a reporting period or incurred liabilities or
1116 acquired or disposed of assets in excess of \$1,000 during a reporting period.

1117

1118 **SECTION 56.** Said chapter 55 is hereby further amended by striking out section 29, as so
1119 appearing, and inserting in place thereof the following section:-

1120

1121 Section 29. Upon failure to file a statement, report or affidavit within 10 days after receiving
1122 notice under section 28, the city or town clerk, as the case may be, shall notify the director
1123 thereof and shall furnish him with copies of all papers related thereto and the director, if satisfied
1124 there is cause, shall assess a penalty and may refer the person or committee to the attorney
1125 general pursuant to section 3. If any statement filed with the city or town clerk, as the case may
1126 be, discloses any violation of this chapter, such city or town clerk shall notify the director thereof
1127 and shall furnish him with copies of all papers relating thereto. The director shall examine every

1128 such case referred to him by such clerk and may refer such cases to the attorney general in
1129 accordance with section 3. If satisfied that there is cause, the attorney general shall, in the name
1130 of the commonwealth, institute appropriate criminal or civil proceedings or refer the case to the
1131 proper district attorney for such actions as may be appropriate. Any city or town clerk shall at
1132 any time upon the request of the attorney general or the director forward any evidence or
1133 information received by such clerk to the attorney general or director for whatever action the
1134 attorney general or director deems appropriate pursuant to law.

1135

1136 **SECTION 57.** The last paragraph of section 4 of chapter 55C of the General Laws, as so
1137 appearing, is hereby amended by striking out the last sentence and inserting in place thereof the
1138 following 2 sentences:- Determination and certification of the eligibility of candidates shall be
1139 made by the director on the eighth Tuesday before the primary and shall be based solely upon
1140 information contained in such statements as have been filed by candidates. Candidates for
1141 governor seeking public financing shall file the statement on or before the Friday that is 11 days
1142 preceding said eighth Tuesday and other candidates seeking public financing shall file said
1143 statements on or before the Friday next preceding said eighth Tuesday.

1144

1145 **SECTION 58.** The second paragraph of section 6 of said chapter 55C, as so appearing, is hereby
1146 amended by striking out the last sentence and inserting in place thereof the following 2
1147 sentences:- Determination and certification of the eligibility of candidates shall be made by the
1148 director on the fourth Tuesday before the state election and shall be based solely upon
1149 information contained in such statements as have been filed by candidates. Candidates for
1150 governor and lieutenant governor seeking public financing shall file the statement on or before
1151 the Friday that is 11 days preceding said fourth Tuesday and other candidates seeking public
1152 financing shall file said statements on or before the Friday next preceding said fourth Tuesday.

1153

1154 **SECTION 59.** Section 2 of chapter 62 of the General Laws, as so appearing, is hereby amended
1155 by inserting after the word "income" in line 229, the following words:- ; provided, however,
1156 that Part B gross income shall include bribes, corrupt gifts and any income gained through illegal
1157 activities.

1158

1159 **SECTION 60.** Chapter 268 of the General Laws is hereby amended by inserting after section
1160 13D the following section:-

1161

1162 Section 13E. (a) As used in this section the following word shall, unless the context
1163 clearly requires otherwise, have the following meaning:-

1164

1165 "Official proceeding", a proceeding before a court or grand jury, or a proceeding before a
1166 state agency or commission, which proceeding is authorized by law and relates to an alleged
1167 violation of a criminal statute or the laws and regulations enforced by the state ethics

1168 commission, the state secretary, the office of the inspector general, or the office of campaign and
1169 political finance, or an alleged violation for which the attorney general may issue a civil
1170 investigative demand.

1171

1172 (b) Whoever alters, destroys, mutilates, or conceals a record, document, or other object, or
1173 attempts to do so, with the intent to impair the record, document or object's integrity or
1174 availability for use in an official proceeding, whether or not the proceeding is pending at that
1175 time, shall be punished, by (i) a fine of not more than \$10,000, or by imprisonment in the state
1176 prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years,
1177 or both, or (ii) if the official proceeding involves a violation of a criminal statute, by a fine of not
1178 more than \$25,000, or by imprisonment in the state prison for not more than 10 years, or in a jail
1179 or house of correction for not more than 2 1/2 years, or both.

1180

1181 (c) The record, document, or other object need not be admissible in evidence or free of a
1182 claim of privilege.

1183

1184 (d) A prosecution under this section may be brought in the county where the official
1185 proceeding was or would have been convened or where the alleged conduct constituting an
1186 offense occurred.

1187

1188 **SECTION 61.** Section 2 of chapter 268A of the General Laws, as appearing in the 2006 Official
1189 Edition, is hereby amended by striking out, in lines 46 to 49, inclusive, the words "five thousand
1190 dollars or by imprisonment in the state prison for not more than three years or in a jail or house
1191 of correction for not more than two and one half years, or by both such fine and imprisonment in
1192 a jail or house of correction" and inserting in place thereof the following words:- \$100,000, or
1193 by imprisonment in the state prison for not more than 10 years, or in a jail or house of correction
1194 for not more than 2 1/2 years, or both.

1195

1196 **SECTION 62.** Said chapter 268A is hereby further amended by striking out section 3, as so
1197 appearing, and inserting in place thereof the following section:-

1198

1199 Section 3. (a) Whoever knowingly, otherwise than as provided by law for the proper
1200 discharge of official duty, directly or indirectly, gives, offers or promises anything of substantial
1201 value to any present or former state, county or municipal employee or to any member of the
1202 judiciary, or to any person selected to be such an employee or member of the judiciary: (i) for or
1203 because of any official act performed or to be performed by such an employee or member of the
1204 judiciary or person selected to be such an employee or member of the judiciary; or (ii) to
1205 influence, or attempt to influence, an official action of the state, county or municipal employee or
1206 to any member of the judiciary; or

1207

1208 (b) Whoever knowingly, being a present or former state, county or municipal employee or
1209 member of the judiciary, or person selected to be such an employee or member of the judiciary,
1210 otherwise than as provided by law for the proper discharge of official duty, directly or indirectly,
1211 asks, demands, exacts, solicits, seeks, accepts, receives or agrees to receive anything of
1212 substantial value: (i) for himself for or because of any official act or act within his official
1213 responsibility performed or to be performed by him; or (ii) to influence, or attempt to influence,
1214 him in an official act taken; or

1215

1216 (c) Whoever knowingly, directly or indirectly, gives, offers or promises anything of
1217 substantial value to any person, for or because of testimony under oath or affirmation given or to
1218 be given by such person or any other person as a witness upon a trial, hearing or other
1219 proceeding, before any court, any committee of either house or both houses of the general court,
1220 or any agency, commission or officer authorized by the laws of the commonwealth to hear
1221 evidence or take testimony or for or because of his absence therefrom; or

1222

1223 (d) Whoever knowingly, directly or indirectly, asks, demands, exacts, solicits, seeks,
1224 accepts, receives or agrees to receive anything of substantial value for himself for or because of
1225 the testimony under oath or affirmation given or to be given by him or any other person as a
1226 witness upon any such trial, hearing or other proceeding, or for or because of his absence
1227 therefrom; shall be punished by a fine of not more than \$50,000, or by imprisonment in the state
1228 prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years,
1229 or both.

1230

1231 (e) Clauses (c) and (d) shall not prohibit the payment or receipt of witness fees provided by
1232 law or the payment by the party upon whose behalf a witness is called and receipt by a witness of
1233 the reasonable cost of travel and subsistence incurred and the reasonable value of time lost in
1234 attendance at any such trial, hearing or proceeding, or, in the case of expert witnesses, involving
1235 a technical or professional opinion, a reasonable fee for time spent in the preparation of such
1236 opinion, in appearing or testifying.

1237

1238 (f) The state ethics commission shall adopt regulations: (i) defining "substantial value," ;
1239 provided, however, that "substantial value" shall not be less than \$50; (ii) establishing exclusions
1240 for ceremonial gifts; (iii) establishing exclusions for gifts given solely because of family or
1241 friendship; and (iv) establishing additional exclusions for other situations that do not present a
1242 genuine risk of a conflict or the appearance of a conflict of interest.

1243

1244 **SECTION 63.**Section 4 of said chapter 268A, as so appearing, is hereby amended by striking
1245 out, in lines 17 and 18, inclusive, the words "three thousand dollars or by imprisonment for not
1246 more than two years, or both" and inserting in place thereof the following words:- \$10,000, or

1247 by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction
1248 for not more than 2 1/2 years, or both.

1249

1250 **SECTION 64.** Section 5 of said chapter 268A, as so appearing, is hereby amended by striking
1251 out, in line 26, the word "agent" and inserting in place thereof the following words:- or
1252 executive agent.

1253

1254 **SECTION 65.** Said section 5 of said chapter 268A, as so appearing, is hereby further amended
1255 by inserting after the word "body", in line 28, the following words:- , as determined by the state
1256 ethics commission.

1257

1258 **SECTION 66.** Said section 5 of said chapter 268A, as so appearing, is hereby further amended
1259 by striking out, in lines 41 and 42, inclusive, the words "three thousand dollars or by
1260 imprisonment for not more than two " and inserting in place thereof the following words:-
1261 \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house
1262 of correction for not more than 2 1/2.

1263

1264 **SECTION 67.** Section 6 of said chapter 268A, as so appearing, is hereby amended by striking
1265 out, in lines 7 and 8, inclusive, the words "three thousand dollars or by imprisonment for not
1266 more than two" and inserting in place thereof the following words:- \$10,000, or by
1267 imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for
1268 not more than 2 1/2.

1269

1270 **SECTION 68.** Section 7 of said chapter 268A, as so appearing, is hereby amended by striking
1271 out, in line 5, the words "three thousand dollars or by imprisonment for not more than two" and
1272 inserting in place thereof the following words:- \$10,000, or by imprisonment in the state prison
1273 for not more than 5 years, or in a jail or house of correction for not more than 2 1/2.

1274

1275 **SECTION 69.** Section 8 of said chapter 268A, as so appearing, is hereby amended by striking
1276 out, in line 17, the words "five thousand dollars or by imprisonment for not more than two" and
1277 inserting in place thereof the following words:- \$10,000, or by imprisonment in the state prison
1278 for not more than 5 years, or in a jail or house of correction for not more than 2 1/2.

1279

1280 **SECTION 70.** Said chapter 268A is hereby further amended by striking out section 9, as so
1281 appearing, and inserting in place thereof the following section:-

1282

1283 Section 9. (a) In addition to any other remedies provided by law, any violation of sections
1284 2 to 8, inclusive, or section 23 which has substantially influenced the action taken by any state
1285 agency in any particular matter, shall be grounds for avoiding, rescinding or canceling the action
1286 on such terms as the interests of the commonwealth and innocent third persons shall require.

1287
1288
1289
1290
1291
1292
1293
1294
1295
1296
1297
1298
1299
1300
1301
1302
1303
1304
1305
1306
1307
1308
1309
1310
1311
1312
1313
1314
1315
1316
1317
1318
1319
1320
1321
1322
1323
1324
1325

(b) In addition to the remedies set forth in subsection (a), the state ethics commission upon a finding pursuant to an adjudicatory proceeding that a person has acted to his economic advantage in violation of sections 2 to 8, inclusive, or section 23, may issue an order: (1) requiring the violator to pay the commission on behalf of the commonwealth damages in the amount of the economic advantage or \$500, whichever is greater; and (2) requiring the violator to make restitution to an injured third party. If there has been no final criminal judgment of conviction or acquittal of the same violation, upon receipt of the written approval of the attorney general, the commission may order payment of additional damages in an amount not exceeding twice the amount of the economic advantage or \$500, and payment of such additional damages shall bar any criminal prosecution for the same violation.

The maximum damages that the commission may order a violator to pay under this section shall be \$25,000. If the commission determines that the damages authorized by this section exceed \$25,000, it may bring a civil action against the violator to recover such damages.

(c) The remedies authorized by this section shall be in addition to any civil penalty imposed by the state ethics commission in accordance with clause (3) of subsection (j) of section 4 of chapter 268B.

SECTION 71.Section 11 of said chapter 268A, as so appearing, is hereby amended by striking out, in lines 16 and 17, the words "three thousand dollars or by imprisonment for not more than two" and inserting in place thereof the following words:- \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2.

SECTION 72.Section 12 of said chapter 268A, as so appearing, is hereby amended by striking out, in lines 24 and 25, inclusive, the words "three thousand dollars or by imprisonment for not more than two" and inserting in place thereof the following words:- \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2.

SECTION 73.Section 13 of said chapter 268A, as so appearing, is hereby amended by striking out, in lines 7 and 8, the words "three thousand dollars or by imprisonment for not more than two" and inserting in place thereof the following words:- \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2.

SECTION 74.Section 14 of said chapter 268A, as so appearing, is hereby amended by striking out, in lines 5 and 6, inclusive, the words "three thousand dollars or by imprisonment for not more than two" and inserting in place thereof the following words:- \$10,000, or by

1326 imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for
1327 not more than 2 1/2.

1328

1329 **SECTION 75.**Said chapter 268A is hereby further amended by striking out section 15, as so
1330 appearing, and inserting in place thereof the following section:-

1331

1332 Section 15. (a) In addition to any other remedies provided by law, a violation of section 2,
1333 3, 8, or sections 11 to 14, inclusive, or section 23 which has substantially influenced the action
1334 taken by any county agency in any particular matter, shall be grounds for avoiding, rescinding, or
1335 canceling the action on such terms as the interests of the county and innocent third persons shall
1336 require.

1337

1338 (b) In addition to the remedies set forth in subsection (a), the commission may, upon a
1339 finding pursuant to an adjudicatory proceeding that a person has acted to his economic advantage
1340 in violation of section 2, 3, 8, sections 11 to 14, inclusive, or section 23, issue an order (1)
1341 requiring the violator to pay the commission on behalf of the county damages in the amount of
1342 the economic advantage or \$500, whichever is greater; and (2) requiring the violator to make
1343 restitution to an injured third party. If there has been no final criminal judgment of conviction or
1344 *acquittal of the same violation, upon receipt of the written approval of the attorney general and*
1345 *the district attorney, the commission may order payment of additional damages in an amount not*
1346 *exceeding twice the amount of the economic advantage or \$500, and payment of such additional*
1347 *damages shall bar any criminal prosecution for the same violation.*

1348

1349 The maximum damages that the commission may order a violator to pay under this section
1350 shall be \$25,000. If the commission determines that the damages authorized by this section
1351 exceed \$25,000, it may bring a civil action against the violator to recover such damages.

1352

1353 (c) The remedies authorized by this section shall be in addition to any civil penalty
1354 imposed by the commission in accordance with clause (3) of subsection (j) of section 4 of
1355 chapter 268B.

1356

1357 **SECTION 76.**Section 17 of said chapter 268A, as so appearing, is hereby amended by striking
1358 out, in lines 16 and 17, the words "three thousand dollars or by imprisonment for not more than
1359 two" and inserting in place thereof the following words:- \$10,000, or by imprisonment in the
1360 state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2.

1361

1362 **SECTION 77.** Section 18 of said chapter 268A, as so appearing, is hereby amended by striking
1363 out, in lines 22 and 23, inclusive, the words "three thousand dollars or by imprisonment for not
1364 more than two" and inserting in place thereof the following words:- \$10,000, or by

1365 imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for
1366 not more than 2 1/2.

1367

1368 **SECTION 78.** Section 19 of said chapter 268A, as so appearing, is hereby amended by striking
1369 out, in lines 7 and 8, the words "three thousand dollars or by imprisonment for not more than
1370 two" and inserting in place thereof the following words:- \$10,000, or by imprisonment in the
1371 state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2.

1372

1373 **SECTION 79.** Section 20 of said chapter 268A, as so appearing, is hereby amended by striking
1374 out, in lines 5 and 6, inclusive, the words "three thousand dollars or by imprisonment for not
1375 more than two" and inserting in place thereof the following words:- \$10,000, or by
1376 imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for
1377 not more than 2 1/2.

1378

1379 **SECTION 80.** Said chapter 268A is hereby further amended by striking out section 21, as so
1380 appearing, and inserting in place thereof the following section:-

1381

1382 Section 21. (a) In addition to any other remedies provided by law, a finding by the
1383 commission pursuant to an adjudicatory proceeding that there has been any violation of sections
1384 2, 3, 8, 17 to 20, inclusive, or section 23, which has substantially influenced the action taken by
1385 any municipal agency in any particular matter, shall be grounds for avoiding, rescinding or
1386 canceling the action of said municipal agency upon request by said municipal agency on such
1387 terms as the interests of the municipality and innocent third persons require.

1388

1389 (b) *In addition to the remedies set forth in subsection (a), the commission may, upon a*
1390 *finding pursuant to an adjudicatory proceeding that a person has acted to his economic advantage*
1391 *in violation of sections 2, 3, 8, 17 to 20, inclusive, or section 23, may issue an order (1) requiring*
1392 *the violator to pay the commission on behalf of the municipality damages in the amount of the*
1393 *economic advantage or \$500, whichever is greater; and (2) requiring the violator to make*
1394 *restitution to an injured third party. If there has been no final criminal judgment of conviction or*
1395 *acquittal of the same violation, upon receipt of the written approval of the district attorney, the*
1396 *commission may order payment of additional damages in an amount not exceeding twice the*
1397 *amount of the economic advantage or \$500, and payment of such additional damages shall bar*
1398 *any criminal prosecution for the same violation. The maximum damages that the commission*
1399 *may order a violator to pay under this section shall be \$25,000. If the commission determines*
1400 *that the damages authorized by this section exceed \$25,000, it may bring a civil action against*
1401 *the violator to recover such damages.*

1402

1403 (c) The remedies authorized by this section shall be in addition to any civil penalty
1404 imposed by the commission in accordance with clause (3) of subsection (j) of section 4 of
1405 chapter 268B.

1406

1407 **SECTION 81.** Subsection (b) of section 23 of said chapter 268A, as so appearing, is hereby
1408 amended by striking out clause (2) and inserting in place thereof the following clause:-

1409 (2) (i) solicit or receive anything of substantial value for such officer or employee, which
1410 is not otherwise authorized by statute or regulation, for or because of the officer or employee's
1411 official position; or (ii) use or attempt to use such official position to secure for such officer,
1412 employee or others unwarranted privileges or exemptions which are of substantial value and
1413 which are not properly available to similarly situated individuals;

1414

1415 **SECTION 82.** Said section 23 of said chapter 268A, as so appearing, is hereby further amended
1416 by striking out, in line 21, the word "conclusion." and inserting in place thereof the following
1417 words:- conclusion; or

1418

1419 (4) present a false or fraudulent claim to his employer for any payment or benefit of
1420 substantial value.

1421

1422 **SECTION 83.** Said section 23 of said chapter 268A, as so appearing, is hereby further amended
1423 by striking out subsection(f) and inserting in place thereof the following subsection:-

1424

1425 (f) The state ethics commission shall adopt regulations: (i) defining substantial value; provided,
1426 however, that substantial value shall not be less than \$50; (ii) establishing exclusions for
1427 ceremonial privileges and exemptions; (iii) establishing exclusions for privileges and exemptions
1428 given solely because of family or friendship; and (iv) establishing additional exclusions for other
1429 situations that do not present a genuine risk of a conflict or the appearance of a conflict of
1430 interest.

1431

1432 **SECTION 84.** Said chapter 268A is hereby further amended by adding the following 4
1433 sections:-

1434

1435 Section 26. (a) Any person who, directly or through another, with fraudulent intent, violates
1436 clause (2) or (4) of subsection (b) of section 23, or any person who, with fraudulent intent, causes
1437 any other person to violate said clauses (2) or (4) of said subsection (b) of said section 23 or with
1438 fraudulent intent offers or gives any privileges or exemptions of substantial value in violation of
1439 said clause (2) or (4) of said subsection (b) of said section 23 , shall be punished by a fine of not
1440 more than \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail
1441 or house of correction for not more than 2 1/2 years, or both, if the unwarranted privileges or

1442 exemptions have a fair market value in the aggregate of more than \$1,000 in any 12 month
1443 period.

1444

1445 Section 27. The commission shall prepare, and update as necessary, summaries of this
1446 chapter for state, county, and municipal employees, respectively, which the commission shall
1447 publish on its official website. Every state, county and municipal employee shall, within 30 days
1448 of becoming such an employee, and on an annual basis thereafter, be furnished with a summary
1449 of this chapter prepared by the commission and sign a written acknowledgment that he has been
1450 provided with such a summary. Municipal employees shall be furnished with the summary by,
1451 and file an acknowledgment with, the city or town clerk. Appointed state and county employees
1452 shall be furnished with the summary by, and file an acknowledgment with, the employee's
1453 appointing authority or his designee. Elected state and county employees shall be furnished with
1454 the summary by, and file an acknowledgment with, the commission. The commission shall
1455 establish procedures for implementing this section and ensuring compliance.

1456

1457 Section 28. The state ethics commission shall prepare and update from time to time the
1458 following online training programs, which the commission shall publish on its official website:
1459 (1) a program which shall provide a general introduction to the requirements of this chapter; and
1460 (2) a program which shall provide information on the requirements of this chapter applicable to
1461 former state, county, and municipal employees. Every state, county, and municipal employee
1462 shall, within 30 days after becoming such an employee, and every 2 years thereafter, complete
1463 the online training program. Upon completion of the online training program, the employee shall
1464 provide notice of such completion to be retained for 6 years by the appropriate employer.

1465

1466 The commission shall establish procedures for implementing this section and ensuring
1467 compliance.

1468

1469 Section 29. Each municipality, acting through its city council, board of selectmen, or
1470 board of aldermen, shall designate a senior level employee of the municipality as its liaison to
1471 the state ethics commission. The municipality shall notify the commission in writing of any
1472 change to such designation within 30 days of such change. The commission shall disseminate
1473 information to the designated liaisons and conduct educational seminars for designated liaisons
1474 on a regular basis on a schedule to be determined by the commission in consultation with the
1475 municipalities.

1476

1477 **SECTION 85.** Chapter 268B of the General Laws, is hereby amended by striking out section 1 ,
1478 as appearing in the 2006 Official Edition and inserting in place thereof, the following section:-

1479 Section 1. As used in this chapter, the following words shall, unless the context clearly requires
1480 otherwise have the following meanings:

1481 "Amount", a category of value, rather than an exact dollar figure, as follows: greater than
1482 \$1,000 but not more than \$5,000; greater than \$5,000 but not more than \$10,000; greater than
1483 \$10,000 but not more than \$20,000; greater than \$20,000 but not more than \$40,000; greater than
1484 \$40,000 but not more than \$60,000; greater than \$60,000 but not more than \$100,000; greater
1485 than \$100,000.

1486 "Business", any corporation, partnership, sole proprietorship, firm, franchise, association,
1487 organization, holding company, joint stock company, receivership, business or real estate trust or
1488 any other legal entity organized for profit or charitable purposes.

1489 "Business with which he is associated", any business in which the reporting person or a
1490 member of his immediate family is a general partner, proprietor, officer or other employee,
1491 including one who is self-employed or serves as a director, trustee or in any similar managerial
1492 capacity and any business more than 1 per cent of any class of the outstanding equity of which is
1493 beneficially owned in the aggregate by the reporting person and members of his immediate
1494 family.

1495 "Candidate for public office", any individual who seeks nomination or election to public
1496 office; provided, however, that , an individual shall be deemed to be seeking nomination or
1497 election to public office if he has: (1) received a political contribution or made an expenditure, or
1498 has given his consent for any other person or committee to receive a political contribution or
1499 make an expenditure, for the purpose of influencing his nomination or election to such office,
1500 whether or not the specific public office for which he will seek nomination or election is known
1501 at the time the political contribution is received or the expenditure is made; or (2) taken the
1502 action necessary under the laws of the commonwealth to qualify himself for nomination or
1503 election to such office.

1504 "Commission", the state ethics commission established by section 2;

1505 "Equity", any stock or similar ownership interest in a business.

1506 "Executive agent", an executive agent as defined in section 39 of chapter 3.

1507 "Governmental body", a state or county agency, authority, board, bureau, commission,
1508 council, department, division or other entity, including the general court and the courts of the
1509 commonwealth.

1510 "Immediate family", a spouse and any dependent children residing in the reporting
1511 person's household.

1512 "Income", income from whatever source derived, whether in the form of a fee, salary,
1513 allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain or any other

1514 form of recompense or any combination thereof; provided, however, that interest from savings
1515 accounts or from government obligations other than those of the commonwealth or any political
1516 subdivision thereof or any public agency or authority created by the general court, alimony and
1517 support payments, proceeds from a life insurance policy, retirement or disability benefits and
1518 social security payments shall not be considered income for the purposes of this chapter.

1519 "Legislative agent", a legislative agent as defined in section 39 of chapter 3.

1520 "Major policymaking position", the executive or administrative head of a governmental
1521 body, all members of the judiciary, any person whose salary equals or exceeds that of a state
1522 employee classified in step 1 of job group XXV of the general salary schedule contained in
1523 section 46 of chapter 30 and who reports directly to said executive or administrative head, the
1524 head of each division, bureau or other major administrative unit within such governmental body
1525 and persons exercising similar authority.

1526 "Person", a business, individual, corporation, union, association, firm, partnership,
1527 committee or other organization or group of persons.

1528 "Political contribution", a contribution of money or anything of value to an individual,
1529 candidate, political committee or person acting on behalf of an individual, candidate or political
1530 committee, for the purpose of influencing the nomination or election of the individual or
1531 candidate or for the purpose of promoting or opposing a charter change, referendum question,
1532 constitutional amendment or other question submitted to the voters and shall include any: (1)
1533 gift, subscription, loan, advance, deposit of money, or thing of value, except a loan of money to a
1534 candidate by a national or state bank made in accordance with the applicable banking laws and
1535 regulations and in the ordinary course of business; (2) transfer of money or anything of value
1536 between political committees; (3) payment, by any person other than a candidate or political
1537 committee, or compensation for the personal services of another person which are rendered to
1538 such candidate or committee; (4) purchase from an individual, candidate or political committee,
1539 or person acting on behalf of an individual, candidate or political committee, whether through the
1540 device of tickets, advertisements, or otherwise, for fund-raising activities, including testimonials,
1541 held on behalf of said individual, candidate or political committee, to the extent that the purchase
1542 price exceeds the actual cost of the goods sold or services rendered; (5) discount or rebate not
1543 available to other candidates for the same office and to the general public; and (6) forgiveness of
1544 indebtedness or payment of indebtedness by another person; provided, however, that political
1545 contribution shall not include the rendering of services by speakers, editors, writers, poll
1546 watchers, poll checkers or others, or the payment by those rendering such services of such
1547 personal expenses as may be incidental thereto, or the exercise of ordinary hospitality.

1548 "Public employee", a person who holds a major policymaking position in a governmental
1549 body; provided, however, that a person who receives no compensation other than

1550 reimbursements for expenses, or any person serving on a governmental body that has no
1551 authority to expend public funds other than to approve reimbursements for expenses shall not be
1552 considered a public employee for the purposes of this chapter; provided, further, that the
1553 members of the board of bar examiners shall not be considered public employees for the
1554 purposes of this chapter.

1555 "Public office", a position for which one is nominated at a state primary or chosen at a
1556 state election, excluding the positions of senator and representative in congress and the office of
1557 regional district school committee member elected district-wide.

1558 "Public official", a person who holds a public office.

1559 "Reporting person", a person required to file a statement of financial interest pursuant to
1560 section 5.

1561 **SECTION 86.** Section 4 of said chapter 268B, as so appearing, is hereby amended by striking
1562 out subsection (a) and inserting in place thereof the following:-

1563

1564 (a) Upon receipt of a sworn complaint signed under the penalties of perjury, or upon
1565 receipt of evidence which is deemed sufficient by the commission, the commission shall initiate
1566 a preliminary inquiry into any alleged violation of chapter 268A or 268B. At the commencement
1567 of a preliminary inquiry into any such alleged violation, the general counsel shall notify the
1568 attorney general in order to avoid overlapping civil and criminal investigations. All commission
1569 proceedings and records relating to a preliminary inquiry or initial staff review used to determine
1570 whether to initiate an inquiry shall be confidential, except that the general counsel may turn over
1571 to the attorney general, the United States Attorney or a district attorney of competent jurisdiction
1572 evidence which may be used in a criminal proceeding. The general counsel shall notify any
1573 person who is the subject of the preliminary inquiry of the existence of such inquiry and the
1574 general nature of the alleged violation within 30 days of the commencement of the inquiry.

1575

1576 **SECTION 87.** Subsection (c) of said section 4 of said chapter 268B, as so appearing, is hereby
1577 amended by adding the following sentence:- The commission shall initiate such an adjudicatory
1578 proceeding within 5 years from the date the commission learns of the alleged violation, but not
1579 more than 6 years from the date of the last conduct relating to the alleged violation.

1580

1581 **SECTION 88.** Subsection (d) of said section 4 of said chapter 268B as so appearing, is hereby
1582 amended by striking out the last sentence and inserting in place thereof the following sentence:-

1583 Such summonses shall have the same force, and be obeyed in the same manner, and under the
1584 same penalties in case of default, as if issued by order of a justice of the superior court and may
1585 be quashed only upon motion of the summonsed party and by order of a justice of the superior
1586 court.

1587

1588 **SECTION 89.** Said section 4 of said chapter 268B, as so appearing, is hereby further amended
1589 by striking out, in lines 73 and 74, the words "two thousand dollars for each violation of this
1590 chapter or said chapter two hundred and sixty-eight A" and inserting in place thereof the
1591 following words:- \$10,000 for each violation of this chapter or chapter 268A, with the exception
1592 of a violation of section 2 of chapter 268A, which shall be subject to a civil penalty of not more
1593 than \$25,000.

1594

1595 **SECTION 90.**Said section 4 of said chapter 268B, as so appearing, is hereby further amended
1596 by inserting after the word "order", in line 76, the following words:- and any order issued by the
1597 commission in accordance with chapter 268A.

1598

1599 **SECTION 91.**Said section 4 of said chapter 268B, as so appearing, is hereby further amended
1600 by inserting after the word "to", in line 77, the following words:- chapter 268A or 268B.

1601

1602 **SECTION 92.**Said section 4 said chapter 268B, as so appearing, is hereby further amended by
1603 striking out, in line 91, the words "twenty thousand dollars" and inserting in place thereof the
1604 following figure:- \$30,000.

1605

1606 **SECTION 93.**Said section 4 of said chapter 268B, as so appearing, is hereby further amended
1607 by adding the following paragraph:-

1608

1609 (l) The superior court shall have concurrent jurisdiction to issue orders under paragraph (j)
1610 in a civil action brought by the attorney general. In any such action, an advisory opinion of the
1611 commission under clause (g) of section 3 shall be binding to the same extent as it is against the
1612 commission under that clause.

1613

1614 **SECTION 94.**Section 5 of said chapter 268B, as so appearing, is hereby amended by inserting
1615 after the word legislative, in line 68, the following words:- or executive.

1616

1617 **SECTION 95.**Said chapter 268B is hereby further amended by striking out section 6, as so
1618 appearing, and inserting in place thereof the following section:-

1619

1620 Section 6. No executive or legislative agent shall knowingly and willfully offer or give to any
1621 public official or public employee or a member of such person's immediate family, and no public
1622 official or public employee or member of such person's immediate family shall knowingly and
1623 willfully solicit or accept from any executive or legislative agent, any gift of any kind or nature;
1624 provided, however, that the state ethics commission shall promulgate regulations: (i)
1625 establishing exclusions for ceremonial gifts; (ii) establishing exclusions for gifts given solely

1626 because of family or friendship; and (iii) establishing additional exclusions for other situations
1627 that do not present a genuine risk of a conflict or the appearance of a conflict of interest.

1628

1629 **SECTION 96.**Section 7 of said chapter 268B, as so appearing, is hereby amended by striking
1630 out, in line 7, the words "files a " and inserting in place thereof the following words:- willfully
1631 files a materially.

1632

1633 **SECTION 97.**Said section 7 of said chapter 268B, as so appearing, is hereby further amended
1634 by striking out, in lines 9 and 10, the words "one thousand dollars or by imprisonment in the
1635 state prison for not more than three years, or in a house of correction for not more than two and
1636 one-half" and inserting in place thereof the following words:- \$10,000, or by imprisonment in
1637 the state prison for not more than 5 years, or in a jail or house of correction for not more than 2
1638 1/2.

1639

1640 **SECTION 98.** The General Laws are hereby further amended by inserting after chapter 277 the
1641 following chapter:-

1642

1643

CHAPTER 277A
Statewide Grand Jury

1644

1645

1646 Section 1. Upon written application of the attorney general to the chief justice of the
1647 superior court department, with good cause stated therein, the chief justice may authorize the
1648 convening of a statewide grand jury with jurisdiction extending throughout the commonwealth.

1649

1650 Section 2. The chief justice of the superior court department shall, upon granting an
1651 application, receive recommendations from the attorney general as to the county in which the
1652 statewide grand jury shall sit. Upon receiving the attorney general's recommendations, the chief
1653 justice shall choose 1 of those recommended locations as the site where the grand jury shall sit.
1654 Once a county has been selected, the chief justice shall direct the regional administrative judge
1655 from the county selected to appoint, and reappoint as necessary, a superior court judge to preside
1656 over the statewide grand jury.

1657

1658 Section 3. The superior court judge presiding over the grand jury shall consult with the
1659 attorney general and district attorney for the relevant district about the nature and scope of the
1660 investigation and shall thereafter designate and authorize an existing county grand jury to serve
1661 as a statewide grand jury for purposes of the investigation specified in the written application, or,
1662 alternatively, convene and preside over a specially empaneled statewide grand jury.

1663

1664 Section 4. A specially empaneled statewide grand jury shall be drawn and selected in the
1665 same manner as the county grand jury in the county in which the specially empaneled statewide

1666 grand jury sits. A specially empaneled statewide grand jury may, at the discretion of the
1667 presiding superior court judge, draw jurors from counties adjoining the one in which the
1668 statewide grand jury is to sit.

1669

1670 Section 5. A specially empaneled statewide grand jury convened pursuant to this chapter
1671 shall sit for a period not to exceed 18 months. The superior court judge presiding over the grand
1672 jury may extend this period if, in accordance with section 1A of chapter 277 and section 41 of
1673 chapter 234A, public necessity requires further time by the grand jury to complete an on-going
1674 investigation.

1675

1676 Section 6. The attorney general or an assistant attorney general shall attend each session of
1677 a statewide grand jury and may prosecute any indictment returned by it. The attorney general or
1678 assistant attorney general shall have the same powers and duties in relation to a statewide grand
1679 jury that she has in relation to a county grand jury, except as otherwise provided by law.

1680

1681 Section 7. Indictments shall be returned in the county where the statewide grand jury sits
1682 and shall thereafter be transferred to the county specified by the grand jury on the indictment.
1683 Venue for purposes of trial of offenses indicted by a statewide grand jury shall be in any county
1684 where venue would otherwise be proper.

1685

1686 Section 8. No provision of this chapter shall be construed as limiting the jurisdiction of
1687 county grand juries or district attorneys. Except as otherwise provided by law, an investigation
1688 by a statewide grand jury shall not preempt an investigation by any other grand jury or agency
1689 having jurisdiction over the same subject matter.

1690

1691 **SECTION 99.**Chapter 277A of the General Laws is hereby repealed.

1692

1693 **SECTION 100.**Notwithstanding any general or special law to the contrary, every legislative
1694 agent and executive agent, as defined by section 39 of chapter 3 of the General Laws shall,
1695 within 90 days after the effective date of this act, and every year thereafter, complete an in-
1696 person or online seminar offered by the state secretary in accordance with section 41 of said
1697 chapter 3.

1698

1699 **SECTION 101.**Notwithstanding any general or special law to the contrary, in accordance with
1700 section 27 of chapter 268A of the General Laws within 90 days after the effective date of this act
1701 every state, county, and municipal employee shall be provided a summary of chapter 268A
1702 prepared by the state ethics commission and shall file a written acknowledgment as required by
1703 that section.

1704

1705 **SECTION 102.** Notwithstanding any general or special law to the contrary, within 120 days
1706 after the effective date of this act, each municipality shall provide written notification to the state
1707 ethics commission of the liaison designated under section 29 of chapter 268A of the General
1708 Laws.

1709
1710 **SECTION 103.** Notwithstanding any general or special law to the contrary, any person who has
1711 previously received confirmation by the executive council, and who is, on the effective date of
1712 this act still a member of the judiciary shall, within 6 months of the effective date of this act,
1713 dissolve any political committee organized on behalf of such person and disperse any funds
1714 remaining in such committee's account in accordance with section 18 of chapter 55 of the
1715 General Laws.

1716
1717 **SECTION 104.** Notwithstanding any general or special law to the contrary, there shall be
1718 established a special commission to study the creation of a new independent office of public
1719 accountability which would function as the single state entity for the administration and
1720 enforcement of the provisions of law currently administered and enforced by the state ethics
1721 commission, the office of campaign and political finance and the lobbyist division of the office
1722 of the secretary of state.

1723
1724 The commission shall consider factors, including, but not limited to: (1) creating a new
1725 independent office of public accountability which would function as the single state entity for the
1726 administration and enforcement of the provisions of law currently administered and enforced by
1727 the state ethics commission, the office of campaign and political finance and the lobbyist
1728 division of the office of the secretary of state; (2) the cost of establishing such an office and the
1729 *potential cost savings from efficiencies created by consolidating certain functions of the various*
1730 *offices;* (3) what personnel would be required in such an office and who would set the salaries
1731 for those individuals, and whether civil service laws should apply to such an office; (4) the
1732 optimal composition of the new independent office to preserve its impartiality and integrity,
1733 including the question of whether no more than a certain number of commission members shall
1734 be members of a single political party and whether elected officials should participate in the
1735 process including appointing the commission or executive director; (5) who should be
1736 responsible for the removal of an executive director or commission member and how to fill such
1737 a vacancy; (6) whether any changes are necessary regarding jurisdiction for criminal or civil
1738 prosecutions of violations of laws within the purview of the office, and who should be
1739 responsible for investigating those matters; (7) whether there is a need for any expanded
1740 rulemaking authority within the new office; (8) whether the new office should be authorized to
1741 share information with any and all other enforcement agencies or what limitations are required
1742 for any particular type of inquiry, and whether information sharing within the office itself should
1743 be limited in any way; and (9) whether the confidentiality provisions under chapters 268A and

1744 268B would be jeopardized by consolidation of operations of the state ethics commission with
1745 other agencies.

1746

1747 The special commission shall consist of: the secretary of the commonwealth, or his
1748 designee; the director of the office of campaign and political finance, or his designee; the
1749 executive director of the state ethics commission, or his designee; 3 members of the senate 1 of
1750 whom shall be appointed by the minority leader of the senate; 3 members of the house of
1751 representatives 1 of whom shall be appointed by the minority leader of the house of
1752 representatives; and 2 members to be appointed by the attorney general. The special commission
1753 shall report to the general court the results of its investigation and study, together with
1754 recommendations and drafts of legislation necessary to carry out any recommendations, if any,
1755 by filing a report with the clerks of the senate and the house of representatives by July 31, 2010.

1756

1757 **SECTION 105.** Sections 23 to 59, inclusive, of this act shall take effect on January 1, 2010.

1758

1759 **SECTION 106.** Sections 17 to 20, inclusive, of this act shall take effect July 1, 2010.

1760

1761 **SECTION 107.** Section 99 shall take effect on December 31, 2014.