

**HOUSE . . . . . No. 3140**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Michelle M. DuBois***

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

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

**An Act promoting political participation.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Brendan P. Crighton</i>	<i>11th Essex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>
<i>Solomon Goldstein-Rose</i>	<i>3rd Hampshire</i>
<i>Carlos Gonzalez</i>	<i>10th Hampden</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>

<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Natalie Higgins</i>	<i>4th Worcester</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>
<i>James R. Miceli</i>	<i>19th Middlesex</i>
<i>Rady Mom</i>	<i>18th Middlesex</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Byron Rushing</i>	<i>9th Suffolk</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>Jose F. Tosado</i>	<i>9th Hampden</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Bud Williams</i>	<i>11th Hampden</i>

**HOUSE . . . . . No. 3140**

By Ms. DuBois of Brockton, a petition (accompanied by bill, House, No. 3140) of Michelle M. DuBois and others relative to payroll deductions for voluntary contributions to not-for-profit social welfare organizations and political action committees . Labor and Workforce Development.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninetieth General Court  
(2017-2018)**

An Act promoting political participation.

*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. The General Laws are hereby amended by adding after chapter 180A the  
2 following chapter:-

3 CHAPTER 180B

4 PAYROLL DEDUCTIONS TO PROMOTE POLITICAL PARTICIPATION  
5 THROUGH VOLUNTARY CONTRIBUTIONS TO NOT-FOR-PROFIT SOCIAL WELFARE  
6 ORGANIZATIONS AND POLITICAL ACTION COMMITTEES

7 Section 1. Findings and public policy

8 The general court hereby finds that many low-income residents of Massachusetts face  
9 substantial obstacles to participating fully in the public and political life of their communities;  
10 that financial barriers, including lack of access to credit cards and banking services, often prevent  
11 these residents from contributing financially to not-for-profit social welfare organizations and

12 political action committees that engage in the political process and help shape the policies that  
13 affect residents’ lives; and that a payroll deduction mechanism would promote political  
14 participation by enabling individuals to authorize small, regular deductions from their pay at  
15 levels they can afford to contribute to political and advocacy organizations, eliminating  
16 transaction costs for such contributions and permitting greater numbers of Massachusetts  
17 residents to engage in the political process and to participate in community and civic life.

18           It is therefore declared to be the policy of the commonwealth to create a payroll  
19 deduction mechanism for enabling voluntary contributions to not-for-profit social welfare  
20 organizations and political action committees, available to any individual employed by an  
21 employer with a system of payroll deduction and without cost to the individual or to the  
22 employer.

23                           Section 2.       Definitions

24           As used in sections one through seven of this chapter, the following words shall have the  
25 following meanings:

26           “Covered organization” shall mean any not-for-profit organization that is organized under  
27 the Internal Revenue Code, 26 U.S.C. section 501(c)(4), and certified by the attorney general  
28 pursuant to this chapter or any political action committee that is organized in accordance with  
29 chapter 55 of the General Laws and regulations of the Massachusetts Office of Campaign and  
30 Political Finance and certified by the attorney general pursuant to this chapter; provided,  
31 however, that the not-for-profit organization or political action committee has obtained  
32 authorization pursuant to section 3 of this chapter from 250 or more residents of the  
33 commonwealth.

34           “Employee” shall mean any person employed by an employer, including any person  
35 considered to be an employee under section 148B of chapter 149 of the General Laws and any  
36 person covered by the definition of “employee” in the Fair Labor Standards Act, 29 U.S.C.  
37 section 203(e), but shall not include any person employed by the commonwealth or by any body  
38 of the commonwealth, including the legislature, judiciary, any boards, departments, and  
39 commissions thereof or authorities, and all political subdivisions of the commonwealth.

40           “Employer” shall mean any individual, company, corporation, partnership, labor  
41 organization, unincorporated association or any other private legal business or other private  
42 entity, whether organized on a profit or not-for-profit basis, including any person acting directly  
43 or indirectly in the interest of an employer. The term “employer” shall not include the  
44 commonwealth or any body of the commonwealth, including the legislature, judiciary, any  
45 boards, departments, and commissions thereof or authorities, and all political subdivisions of the  
46 commonwealth.

47           “Remittance” shall mean a voluntary contribution duly authorized in writing by an  
48 employee, to be deducted from the employee's pay and remitted to a covered organization  
49 pursuant to this chapter.

50           “In writing” or “written” denotes a tangible or electronic record of a communication or  
51 representation, including handwriting, typewriting, printing, photo-stating, photography, audio or  
52 video recording, and any “electronic signature,” as defined by section 2 of chapter 110G of the  
53 General Laws.

54           Section 3.     Requirement to deduct and remit voluntary contributions to covered  
55 organizations; standards for valid authorization; revocation of authorization, timely remittance

56           (a)     An employer shall, upon written authorization of an employee, deduct voluntary  
57 contributions from the employee's pay and remit them to a covered organization designated by  
58 the employee, minus a reasonable administrative fee for processing such deduction and  
59 remittance determined pursuant to regulations adopted by the attorney general; provided,  
60 however, that the employee or covered organization has provided to the employer documentation  
61 that the attorney general has certified the covered organization pursuant to subsection (b) of  
62 section 4 of this chapter.

63           (b)     The employee's written authorization shall include:

64           (i)     The name and residential address of the contributing employee;

65           (ii)    The name and address of the employer;

66           (iii)   The occupation of any contributing employee who has authorized deduction of a  
67 contribution of two hundred dollars or more or of periodic contributions that in the aggregate  
68 exceed or may exceed two hundred dollars within any one calendar year;

69           (iv)    The name and address of the not-for-profit organization or political action  
70 committee to which the employee wishes to contribute;

71           (v)     The amount of the contribution to be deducted in each pay period; provided,  
72 however, that the minimum amount of such contribution shall be \$2.00; and

73           (vi)    A statement that the contributing employee's authorization may be revoked by the  
74 employee at any time by written notice from the employee to the employer.

75           (c)     An authorization is valid for each subsequent pay period until the employee  
76 revokes the authorization in writing and transmits the revocation to the employer.

77 (d) The employer shall provide a copy of any written authorization or revocation that  
78 it receives to the not-for-profit organization or political action committee to which it pertains  
79 within five business days of receipt.

80 (e) The employer shall commence deductions no later than the first pay period that  
81 begins 15 or more business days after receipt of the authorization and shall remit the deductions  
82 to the covered organization no later than 15 business days after deduction.

83 (f) An employee may authorize contributions to no more than two covered  
84 organizations at one time.

85 Section 4. Certification of a not-for-profit organization or political action committee  
86 as a covered organization.

87 (a) A not-for-profit organization or political action committee seeking to be certified  
88 as a covered organization pursuant to this chapter must provide the attorney general with the  
89 following:

90 (i) The name, address, email address, and phone number of the not-for-profit  
91 organization or political action committee;

92 (ii) Proof of current status as a not-for-profit organized under 26 U.S.C. section  
93 501(c)(4) and incorporated under the laws of the state of its incorporation or as a political action  
94 committee registered with the Massachusetts Office of Campaign and Political Finance; and

95 (iii) Proof that the not-for-profit organization or political action committee has  
96 obtained payroll deduction authorization pursuant to subsection (b) of section 3 of this chapter  
97 from 250 or more residents of the commonwealth.

98           (b)     The attorney general shall provide written notice to the not-for-profit organization  
99     or political action committee that it has been certified as a covered organization within 15  
100    business days of the date that the not-for-profit organization or political action committee has  
101    met the requirements of subsection (a) of this section to the satisfaction of the attorney general.

102                   Section 5.     No dues to labor organizations

103           Nothing herein shall be construed to require remittances to a “labor organization” as  
104    defined in the National Labor Relations Act, 29 U.S.C. section 152(5).

105                   Section 6.     Enforcement

106           (a)     It shall be unlawful for any employer to interfere with, restrain, or deny the  
107    exercise of, or the attempt to exercise, any right provided under or in connection with this  
108    chapter, including, but not limited to, threatening, intimidating, disciplining, discharging,  
109    demoting, harassing, reducing an employee’s hours or pay, informing another employer that an  
110    employee has engaged in activities protected by this chapter, or discriminating or retaliating  
111    against an employee, and or engaging in any other such action that penalizes an employee for,  
112    or is reasonably likely to deter an employee from, exercising or attempting to exercise any right  
113    protected under this chapter.

114           (b)     The attorney general shall enforce this chapter, and may obtain injunctive or  
115    declaratory relief for this purpose. Violation of this chapter shall be subject to paragraphs (1),  
116    (2), (4), (6) and (7) of subsection (b) of section 27C of chapter 149 of the General Laws.

117                   Section 7.     Attorney General’s adoption of rules and regulations



118           The attorney general shall adopt rules and regulations necessary to carry out the purpose  
119 and provisions of this chapter.

120                   Section 8.     Severability

121           If any provision of this act or application thereof to any person or circumstances is judged  
122 invalid, the invalidity shall not affected other provisions or applications of this act which can be  
123 given effect without the invalid provision or application, and to this end the provisions of this act  
124 are declared severable.

125           SECTION 2. Section 150 of chapter 149 of the General Laws, as appearing in the 2014  
126 Official Edition, is hereby amended by striking out, in line 22, the word “or” following the word  
127 “190,” by inserting, in line 22, a “,” preceding the words “section 19 of chapter 151” and by  
128 inserting, in line 23, after the word “151”, the following words:- or chapter 180B.

129           SECTION 3. Section 150A of chapter 149 of the General Laws, as appearing in the  
130 2014 Official Edition, is hereby amended by inserting, in line 4, following the word “check-off,”  
131 the following words:-

132                   , voluntary contributions to social welfare organizations or political actions committees  
133 pursuant to chapter 180B,

134           SECTION 4. Section 8 of chapter 154 of the General Laws, as appearing in the 2014  
135 Official Edition, is hereby amended by inserting, in line 15, following the word “plan,” the  
136 following words:-

137                   or voluntary contributions to social welfare organizations or political actions committees  
138 pursuant to chapter 180B,

SECTION 5. This act shall take effect on January 1, 2018.