

HOUSE No. 3559

The Commonwealth of Massachusetts

PRESENTED BY:

Paul W. Mark

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

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

An Act relative to the disclosure of foreign monetary donations.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Dylan Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>

HOUSE No. 3559

By Mr. Mark of Peru, a petition (accompanied by bill, House, No. 3559) of Paul W. Mark and others relative to campaign disclosure of foreign donations. Election Laws.

The Commonwealth of Massachusetts

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

An Act relative to the disclosure of foreign monetary donations.

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

1 Chapter 55 of the General Laws is hereby amended by inserting after section 18G, as
2 amended by chapter 207 of the acts of 2016, the following section:-

3 Section 18H. (1) For purposes of this section, the following terms shall have the
4 following meanings, unless the context clearly requires otherwise:-

5 "Electioneering communication", any broadcast, cable, mail, satellite or print
6 communication that: (1) refers to a clearly identified candidate , or clearly identifiable ballot
7 question ; and (2) is publicly distributed within 90 days before an election in which the candidate
8 is seeking election or reelection, or within the election year during which the ballot question is to
9 appear on the ballot in the commonwealth; provided, however, that "electioneering
10 communication" shall not include the following communications: (1) a communication that is
11 disseminated through a means other than a broadcast station, radio station, cable television
12 system or satellite system, newspaper, magazine, periodical, billboard advertisement, or mail; (2)

13 a communication to less than 100 recipients; (3) a news story, commentary, letter to the editor,
14 news release, column, op-ed or editorial broadcast by a television station, radio station, cable
15 television system or satellite system, or printed in a newspaper, magazine, or other periodical in
16 general circulation; (4) expenditures or independent expenditures or contributions that must
17 otherwise be reported under this chapter; (5) a communication from a membership organization
18 exclusively to its members and their families, otherwise known as a membership
19 communication; (6) bonafide candidate debates or forums and advertising or promotion of the
20 same; (7) email communications; and (8) internet communications which are not paid
21 advertisements.

22 “Entity”, any corporation, association, group, business, labor union, trade association,
23 limited liability company, limited liability partnership, nonprofit organization, nonprofit
24 corporation, political action committee, political committee, candidate’s committee or political
25 party.

26 “Foreign source”, any foreign government or any agency or department of such
27 government; foreign political party or political committee; association, partnership, or
28 corporation organized under the laws of a foreign nation; a corporation which has its main office
29 in a foreign country or is domiciled in a foreign country for tax purposes; a corporation,
30 organization or association whose board of directors consists of any person who is not a United
31 States citizen or legal permanent resident; or an individual who resides in a foreign nation and is
32 not a United States citizen or legal permanent resident.

33 (2) An electioneering communication transmitted through paid radio, television, internet
34 or other print advertising, funded in whole or in part by an entity shall contain a disclaimer of
35 foreign funding as follows:

36 (a) If a foreign source has made monetary contributions to the entity in excess of 50
37 per cent of the total cost of the electioneering communication at any time in the previous 2 years,
38 regardless of the purpose for which the funds were contributed, the entity shall include a
39 disclaimer on any electioneering communication that states that the entity is significantly funded
40 by foreign monetary contributions.

41 (b) If a foreign source has made any monetary contribution to the entity at any time
42 within the past 2 years, or if the entity knows or should know that any monetary contribution the
43 entity has received at any time in the past 2 years originated from a foreign source, regardless of
44 the purpose for which the funds were contributed, the entity shall include a disclaimer on any
45 electioneering communication that states that the entity is partially funded by foreign monetary
46 contributions.

47 (3) The disclaimers shall appear as follows:

48 (a) For an electioneering communication transmitted through television or video, in
49 writing on the screen at the beginning of the communication, in a clearly readable font size, with
50 a simultaneous audio statement of the disclaimer;

51 (b) For an electioneering communication transmitted through radio or other audio-
52 only transmissions, an audio statement, the same volume as the communication, at the beginning
53 of such communication.

54 (c) For an electioneering communication transmitted in print, clearly visible in the
55 same size font as the main message appearing on the print communication.

56 (4) Any entity that has funded, in whole or in part, any electioneering communication
57 transmitted in the commonwealth, and that has received within the 2 years prior to funding such
58 electioneering communication any monetary contribution from a foreign source, or knows or
59 should know that any monetary contribution the entity has received at any time in the previous 2
60 years originated from a foreign source, shall electronically file a disclosure of all monetary
61 contributions received by the entity from any foreign source or originating from any foreign
62 source from the beginning of said 2 year period, up until the date of filing, to the office of
63 campaign and political finance, hereinafter the office. The office shall keep a list of such entities
64 that have funded electioneering communications transmitted in the commonwealth within the
65 previous 2 years, along with copies of their disclosures filed with the office, accessible to the
66 public on the office's website.

67 (5) An electioneering communication shall not be transmitted in the commonwealth
68 unless any entity funding such communication has filed a disclosure with the office, and the
69 electioneering communication contains the proper disclaimer, as required pursuant to this
70 section.

71 (6) For the purposes of this section, a monetary contribution received by an entity from a
72 contributor that has received any funding from a foreign source within the 2 years prior to
73 making such monetary contribution to the entity shall be considered to be originating from a
74 foreign source.

75 (7) The office may promulgate rules and regulations as necessary to implement this
76 section.