

HOUSE No. 559

The Commonwealth of Massachusetts

PRESENTED BY:

Garrett J. Bradley

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

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

An Act to protect the integrity of initiative and referendum petitions.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Garrett J. Bradley

3rd Plymouth

Mark V. Falzone

9th Essex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO PROTECT THE INTEGRITY OF INITIATIVE AND REFERENDUM PETITIONS.

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 22A of chapter 53 of the General Laws, as appearing in the 2006 Official
2 Edition, is hereby amended by inserting after the sentence ending in “secretary” in line 20 the
3 following sentences: – Each initiative and referendum petition shall have printed thereon an
4 affidavit in substantially the following form, which shall be executed by the person circulating
5 the petition prior to its submission to the registrar of a city or town: “Commonwealth of
6 Massachusetts , County of (county where signed), ss. I, (name of circulator), state under the
7 pains and penalties of perjury that I reside at (full residential address, including number and
8 street, apartment number where applicable, city or town, state and zip code); that each signature
9 contained on the this petition was executed in my presence; and that to the best of my knowledge
10 and belief each person whose signature appears on the this petition is a voter qualified to sign
11 this petition; and that each signature contained on this petition is the genuine signature of the
12 person whose name it purports to be (Signature of circulator and date).” No city or town
13 registrar shall certify any signature on any petition where the forgoing affidavit has not been duly
14 executed by the person circulating the petition, or where the name and address of the circulator is
15 incomplete or not plainly legible..

16 **SECTION 2.** Chapter 53 of the General Laws, as appearing in the 2006 Official Edition, is
17 hereby amended by inserting the following sections after section 22B: –

18 Section 22C. A person may not pay a circulator of an initiative or a referendum petition or
19 another person who causes the circulation of an initiative or referendum petition for the
20 collection of signatures if that payment is based on the number of signatures collected. Nothing
21 in this section prohibits a circulator of an initiative or a referendum petition or a person who
22 causes the circulation of an initiative or referendum petition from being paid a salary that is not
23 based on the number of signatures collected.

24 Section 22D. No person may simultaneously solicit signatures on petitions relating to more than
25 one initiative or referendum question.

26 **SECTION 3.** Section 10 of chapter 55B of the General Laws, as appearing in the 2006 Official
27 Edition, is hereby amended by striking the word “twenty-first” as appearing in line 17 and
28 substituting in place thereof the word: – “forty-second.”

29 **SECTION 4.** Section 11 of chapter 56 of the General Laws, as appearing in the 2006 Official
30 Edition, is hereby amended by inserting the following words after the word “altered” in line 7: –
31 “or knowingly or willfully executes falsely the affidavit required on initiative and referendum
32 petitions by section 22A of chapter 53.”

33 **SECTION 5.** The General Laws is hereby amended by inserting after chapter 52 the following
34 chapter: –

35 CHAPTER 52A

36 REGISTRATION OF SIGNATURE GATHERERS FOR

37 INITIATIVE AND REFERENDUM PETITIONS

38 Section 1. The following words and phrases as used in this chapter, unless a different
39 meaning is plainly required by the context, shall have the following meanings:–

40 (a) “Business”, any person, including without limitation, a natural person, foreign or
41 domestic corporation, partnership, limited liability company, proprietorship, society or
42 association, or any similar entity howsoever formed, who employs or contracts with any paid
43 signature gatherer as defined in this chapter.

44 (b) “Initiative or referendum petition”, any petition for an initiative or referendum as
45 provided in Amendment Article XLVIII of the Constitution, as amended.

46 (c) “Paid signature gatherer”, an individual who is compensated through payments of
47 money or other valuable consideration, whether as an employee or independent contractor, to
48 obtain signatures on an initiative or referendum petition.

49 (d) “Prime sponsor or sponsors”, the first ten signers of an initiative or referendum
50 petition as well as any persons who hold themselves out publicly as the sponsor of an initiative
51 or referendum petition.

52 (e) “Secretary”, the secretary of the commonwealth.

53 (f) “Volunteer signature gatherer”, an individual who is not compensated through
54 payments of money or other valuable consideration to obtain signatures on an initiative or
55 referendum petition.

56 (g) The definitions in section 1 of chapter 50 shall apply to this chapter insofar as
57 applicable.

58 Section 2. (a) Registration with the secretary is required for: (1) all businesses operating
59 in the commonwealth engaged in the activity of collecting signatures for initiative or referendum
60 petitions and that are using paid signature gatherers; and (2) all paid signature gatherers.

61 (b) Registration is valid for: (1) Only one initiative or referendum petition in the case of a
62 paid signature gatherer. In the event a paid signature gatherer is gathering signatures for more
63 than one initiative or referendum petition, registration and a separate registration number is
64 required for each petition. The secretary shall provide each registered signature gatherer with an
65 individual registration number for each initiative or referendum petition on which signatures will
66 be gathered; and (2) one calendar year in the case of a business operating in the commonwealth
67 engaged in the activity of collecting signatures for initiative or referendum. In the event that a
68 business becomes involved with the collection of signatures for initiative or referendum petitions
69 that are using paid signature gatherers that were not listed on their original registration for that
70 calendar year, the business must notify the secretary within five working days of becoming
71 involved in the new petition.

72 (c) To register with the secretary, a paid signature gatherer must provide:

73 (1) His or her full name and assumed name, if any;

74 (2) The street address of his or her permanent residence;

75 (3) His or her signature;

76 (4) A list of the initiative or referendum, petitions on which the paid signature gatherer
77 will gather signatures;

78 (5) A signed statement attesting that the paid signature gatherer: (i) has not been
79 convicted of a criminal offense involving fraud, forgery, or identification theft within the past
80 five years; (ii) has not been adjudicated to have engaged in corrupt practices with regard to
81 elections as defined in section 32 of chapter 55, or its equivalent in another jurisdiction; (iii) has
82 not been convicted of any offense under chapter 56 of the General Laws, or the equivalent laws
83 of any other jurisdiction within the past five years; and (iv) is not a convicted sex offender;

84 (6) A signed statement acknowledging that the paid signature gatherer has read and
85 understands Massachusetts law applicable to the gathering of signatures initiative or referendum,
86 or petitions;

87 (7) A conventional photograph showing the paid signature gatherer's head, neck, and
88 shoulders, and is appropriate for copying and processing by the secretary.

89 (d) To register with the secretary, a business operating in this state engaged in the activity
90 of collecting signatures for initiative or referendum petitions that is using paid signature
91 gatherers must provide:

92 (1) The name of the business as registered with the applicable state or municipal agency
93 depending on the business structure, which may include the department of revenue, the secretary
94 or a city or town clerk, as well as any other names under which the business is doing business or
95 any trade names;

96 (2) The street address of the main office in the state, the mailing address, if different, the
97 office phone number, and the business e-mail address, if any. If the business is operated out of a
98 residence, the residence shall be considered the main office for the purposes of this subsection;

99 (2) The full name of the business owner or owners and any assumed names;

100 (3) A signature of the business owner or owners;

101 (4) A signed statement attesting that the business owner or owners:(i) have not been
102 convicted of a criminal offense involving fraud, forgery, or identification theft within the past
103 five years; (ii) have not been adjudicated to have engaged in corrupt practices with regard to
104 elections as defined in section 32 of chapter 55, or its equivalent in another jurisdiction; (iii) have
105 not been convicted of any offense under chapter 56 of the General Laws, or the equivalent laws
106 of any other jurisdiction within the past five years; (iv) are not a convicted sex offenders.

107 (5) A list of the initiative or referendum petitions on which the business will be involved
108 with the gathering of signatures;

109 (6) A signed statement acknowledging the business owner or owners have read and
110 understand Massachusetts law applicable to the gathering of signatures on initiative or
111 referendum petitions; and

112 (7) A conventional photograph showing the paid signature gatherer's head, neck, and
113 shoulders, and is appropriate for copying and processing by the secretary.

114 (e) A person, including a business owner, is ineligible for registration under this section if
115 he or she: (i) has been convicted of a criminal offense involving fraud, forgery, or identification
116 theft within the past five years; (ii) has been adjudicated to have engaged in corrupt practices
117 with regard to elections as defined in section 32 of chapter 55, or its equivalent in another
118 jurisdiction; (iii) has been convicted of any offense under chapter 56 of the General Laws, or the
119 equivalent laws of any other jurisdiction within the past five years; or (iv) is a convicted sex
120 offender.

121 (f) When gathering signatures, a paid signature gatherer must carry on his or her person
122 evidence of registration including the paid signature gatherer's photograph and registration
123 number. If requested the paid signature gatherer shall produce the evidence of registration.

124 Section 3. The secretary shall adopt regulations necessary to implement this chapter, including
125 rules establishing procedures for registering persons who may be paid money or other valuable
126 consideration for obtaining signatures of voters on initiative or referendum petitions, procedures
127 for the revocation of registrations and the assessment of civil penalties authorized by this
128 chapter.

129 Section 4. If a person receives money or other valuable consideration for obtaining signatures of
130 voters on an initiative or referendum petition and the paid signature gatherer was not registered
131 as required by section 2 of this chapter at the time the signatures were obtained, the signatures
132 shall not be counted for purposes of determining initiative or referendum petition contains the
133 required number signatures of voters.

134 Section 5. (a) A registered paid signature gatherer who knowingly submits an invalid signature
135 will have his or her registration number revoked and he or she is prohibited from registering for
136 five years from the date of the secretary's revocation order. This subsection applies when:(i) the
137 paid signature gatherer provides a petition that contains an invalid signature as determined by the
138 secretary; and (ii) the secretary determines that the signature was obtained by that paid signature
139 gatherer and the paid signature gatherer knew or should have known the signature was invalid.
140 However, this subsection does not apply when the paid signature gatherer had no knowledge or
141 reason to know that the signature was invalid including, but not limited to, the paid signature
142 gatherer did not know and had no reason to know the signature was a duplicate, that the person's
143 signature had changed over time and no longer matched the signature on file with the city or
144 town registrar, that the person had moved to a new residence but failed to update his or her voter
145 registration before signing the petition, and the signature did not match a valid registered voter.

146 (b) When the secretary is informed that a registered paid signature gatherer: (i) has been
147 convicted of a criminal offense involving fraud, forgery, or identification theft; (ii) has been
148 adjudicated to have engaged in corrupt practices with regard to elections as defined in section 32
149 of chapter 55, or its equivalent in another jurisdiction; (iii) has been convicted of any offense
150 under chapter 56 of the General Laws, or the equivalent laws of any other jurisdiction within the
151 past five years; (iv) has been determined by the secretary to have submitted false information on
152 his or her registration application, he or she shall have his or her registration number revoked and
153 he or she is prohibited from applying for future registrations for a period of five years from the
154 date of the secretary's revocation order.

155 (c) When the secretary is informed that a paid signature gatherer has been convicted of any sex
156 offense, he or she will have his or her registration number permanently revoked and he or she is
157 prohibited from applying for or obtaining future registrations.

158 Section 6. The failure to register under section 2 of this act by a business operating in the
159 commonwealth engaged in the activity of collecting signatures for initiative or referendum,
160 petitions using paid signature gatherers will result in the invalidation of any signatures gathered
161 by the business and its paid signature gatherers and will be subject to civil penalties of up to ten
162 thousand dollars.

163 Section 7. This chapter does not apply to volunteer signature gatherers.

164 **SECTION 6.** This act shall take effect upon its passage.