

**SENATE . . . . . No. 00312**

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The Commonwealth of Massachusetts

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PRESENTED BY:

***Richard T. Moore***

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*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 promote fair campaign practices.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Richard T. Moore</i>	<i>Worcester and Norfolk</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Jason M. Lewis</i>	<i>31st Middlesex</i>

**SENATE . . . . . No. 00312**

By Mr. Moore, petition (accompanied by bill, Senate, No. 312) of Lewis, Dykema and Moore for legislation to promote fair campaign practices [Joint Committee on Election Laws].

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to promote fair campaign practices.

*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, as appearing in the 2008 official edition, is hereby  
2 amended by inserting after chapter 55C, the following new chapter:-

3 Chapter 55D. Fair Campaign Practices

4 Section 1. This chapter may be cited as the Fair Campaign Practices Act.

5 Section 2. (a) The purpose of this chapter is to encourage every candidate and political  
6 committee to subscribe to the Code of Fair Campaign Practices.

7 (b) It is the intent of the general court that every candidate and political action  
8 committee that subscribes to the Code of Fair Campaign practices will follow the basic principles  
9 of decency, honesty, and fair play to encourage healthy competition and open discussion of  
10 issues and candidate qualifications and to discourage practices that cloud the issues or unfairly  
11 attack opponents.

12           Section 3. (a) When a candidate or political committee files its statement of  
13 organization, the office of campaign and political finance with whom the statement is filed, and  
14 at the beginning of any subsequent campaign cycle, shall give the candidate or political  
15 committee a blank form of the Code of Fair Campaign Practices and a copy of this chapter.

16           (b) The director of the office of campaign and political finance shall inform each  
17 candidate or political committee that the candidate or committee may subscribe to and file the  
18 code with said office, further, that the signed code, if submitted, shall become a public record,  
19 and that subscription to the code is voluntary. The candidate or committee that voluntarily signs  
20 said code shall submit a signed copy of the code at the time of filing nomination papers or papers  
21 for certification of a ballot question petition. The director shall make available to the public the  
22 names of candidates and committees that have subscribed to the code.

23           Section 4. The Massachusetts Code of Fair Campaign Practices, which if signed and  
24 notarized, shall be as follows:

25 MASSACHUSETTS CODE OF FAIR CAMPAIGN PRACTICES

26 There are basic principles of decency, honesty, and fair play that every candidate and political  
27 committee in this state has a moral obligation to observe and uphold, in order that, after  
28 vigorously contested but fairly conducted campaigns, our citizens may exercise their  
29 constitutional rights to a free and untrammelled choice and the will of the people may be fully  
30 and clearly expressed on the issues.

31 THEREFORE:

32 (1) I will conduct the campaign openly and publicly and limit attacks on my opponent  
33 to legitimate challenges to my opponent's record and state positions on issues.

34 (2) I will not use or permit the use of character defamation, whispering campaigns,  
35 libel, slander, or scurrilous attacks on any candidate or the candidate's personal or family life.

36 (3) I will not use or permit any appeal to negative prejudice based on race, sex, age,  
37 sexual preference, religion, or national origin.

38 (4) I will not use campaign material of any sort that misrepresents, distorts, or  
39 otherwise falsifies the facts, nor will I use malicious or unfounded accusations that aim at  
40 creating or exploiting doubts, without justification, as to the personal integrity or patriotism of  
41 my opponent.

42 (5) I will not undertake or condone any dishonest or unethical practice that tends to  
43 corrupt or undermine our system of free elections or that hampers or prevents the full and free  
44 expression of the will of the voters, including any activity aimed at intimidating voters or  
45 discouraging them from voting.

46 (6) I will defend and uphold the right of every qualified voters to full and equal  
47 participation in the electoral process, and will not engage in any activity aimed at intimidating  
48 voters or discouraging them from voting.

49 (7) I will immediately and publicly repudiate methods and tactics that may come  
50 from others that I have pledged not use or condone. I shall take firm action against any  
51 subordinate who violates any provision of this code or the laws governing elections.

52 I, the undersigned, candidate for election to public office in the Commonwealth of  
53 Massachusetts or campaign treasurer of a political committee advocating approval or disapproval  
54 of a ballot question or in support or opposition to the election of a candidate, hereby voluntarily  
55 endorse, subscribe to, and solemnly pledge myself to conduct the campaign in accordance with  
56 the above principles and practices.

57 A copy of the pledge if signed and attested by a Notary Public or other official legally  
58 authorized to attest to the signing of legal documents shall be submitted to the Office of  
59 Campaign and Political Finance and become a part of the official public record. Said oath shall  
60 be initially filed at the time of registration of the candidate or committee and shall be renewed  
61 for each election cycle during which the candidate or ballot question shall be on the ballot.

62 Section 5. Complaints regarding allegations of violations of the code shall be  
63 submitted to the Office of Campaign and Political Finance in writing signed by the complainant,  
64 including the address of the complainant, and shall become part of the official record of the  
65 candidate or committee, provided, however, that the candidate or committee shall be permitted to  
66 file a written response to such complaint prior to the date by which the complaint, together with  
67 any response received, shall become public record. Prior to that date, the Office of Campaign  
68 and Political Finance shall neither confirm nor deny the receipt of such complaint.