

SENATE No. 471

The Commonwealth of Massachusetts

PRESENTED BY:

Cindy F. Friedman

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>Cindy F. Friedman</i>	<i>Fourth Middlesex</i>	
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/2/2021</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>2/2/2021</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/2/2021</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/2/2021</i>
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	<i>2/2/2021</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>	<i>2/4/2021</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/9/2021</i>
<i>Peter Capano</i>	<i>11th Essex</i>	<i>2/9/2021</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>2/9/2021</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/9/2021</i>
<i>Diana DiZoglio</i>	<i>First Essex</i>	<i>2/12/2021</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/23/2021</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>2/23/2021</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	<i>2/25/2021</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>2/25/2021</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>2/26/2021</i>

<i>Erika Uytterhoeven</i>	<i>27th Middlesex</i>	<i>2/26/2021</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>3/1/2021</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>3/3/2021</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>3/6/2021</i>
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	<i>3/18/2021</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>3/18/2021</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>3/19/2021</i>

SENATE No. 471

By Ms. Friedman, a petition (accompanied by bill, Senate, No. 471) of Cindy F. Friedman, Jack Patrick Lewis, Mike Connolly, Jason M. Lewis and other members of the General Court for legislation to promote political participation. Election Laws.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 404 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

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. Section 150 of chapter 149 of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by inserting after the words “chapter 151”, in line 23, the
3 following words:- or chapter 180B.

4 SECTION 2. Section 150A of said chapter 149, as so appearing, is hereby amended by
5 inserting after the word “check-off”, in line 4, the following words:- , voluntary contributions to
6 social welfare organizations or political action committees pursuant to chapter 180B.

7 SECTION 3. Section 8 of chapter 154 of the General Laws, as appearing in the 2018
8 Official Edition, is hereby amended by inserting after the word “plan,”, in line 15, the following

9 words:- or voluntary contributions to social welfare organizations or candidate or other political
10 committees pursuant to chapter 180B,

11 SECTION 4. The General Laws are hereby amended by adding after chapter 180A the
12 following chapter:-

13 CHAPTER 180B: PAYROLL DEDUCTIONS TO PROMOTE POLITICAL
14 PARTICIPATION THROUGH VOLUNTARY CONTRIBUTIONS TO NOT-FOR-PROFIT
15 SOCIAL WELFARE ORGANIZATIONS AND CANDIDATE OR OTHER POLITICAL
16 COMMITTEES

17 Section 1. Findings and public policy.

18 The general court hereby finds that many low-income residents of Massachusetts face
19 substantial obstacles to participating fully in the public and political life of their communities;
20 that financial barriers, including lack of access to credit cards and banking services, often prevent
21 these residents from contributing financially to not-for-profit social welfare organizations and
22 candidate or other political committees that engage in the political process and help shape the
23 policies that affect residents' lives; and that a payroll deduction mechanism would promote
24 political participation by enabling individuals to authorize small, regular deductions from their
25 pay at levels they can afford to contribute to political and advocacy organizations, eliminating
26 transaction costs for such contributions and permitting greater numbers of Massachusetts
27 residents to engage in the political process and to participate in community and civic life.

28 It is therefore declared to be the policy of the commonwealth to create a payroll
29 deduction mechanism for enabling voluntary contributions to not-for-profit social welfare

30 organizations and candidate or other political committees, available to any individual employed
31 by an employer with a system of payroll deduction and without cost to the individual or to the
32 employer.

33 Section 2. Definitions.

34 As used in sections 1 through 7, inclusive, of this chapter, the following words shall have
35 the following meanings:

36 “Covered organization” shall mean any not-for-profit organization that is organized under
37 the Internal Revenue Code, 26 U.S.C. sections 501(c)(4) and certified by the attorney general
38 pursuant to this chapter or any candidate or other political committee that is organized in
39 accordance with chapter 55 of the General Laws and regulations of the Massachusetts Office of
40 Campaign and Political Finance and certified by the attorney general pursuant to this chapter;
41 provided, however, that the not-for-profit organization or candidate or other political committee
42 has obtained authorization pursuant to section 3 of this chapter from 10 or more residents of the
43 commonwealth, provided further that each such authorization shall be valid for a period of 6
44 months from when it was dated and signed.

45 “Employee” shall mean any person employed by an employer, including any person
46 considered to be an employee under section 148B of chapter 149 of the General Laws and any
47 person covered by the definition of “employee” in the Fair Labor Standards Act, 29 U.S.C.
48 section 203(e).

49 “Employee organization” shall mean an organization as defined in section 1 of chapter
50 150E of the General Laws.

51 “Employer” shall mean any individual, company, corporation, partnership, labor
52 organization, unincorporated association or any other private legal business or other private
53 entity, whether organized on a profit or not-for-profit basis, including any person acting directly
54 or indirectly in the interest of an employer. The term “employer” shall include the
55 commonwealth or any body of the commonwealth, including the legislature, judiciary, any
56 boards, departments, and commissions thereof or authorities, all political subdivisions of the
57 commonwealth and all districts.

58 “Labor organization” shall mean an organization as defined in the National Labor
59 Relations Act, 29 U.S.C. section 152(5) or as defined in section 2 of chapter 150A of the General
60 Laws.

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

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

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

70 (a) An employer shall, upon written authorization of an employee, deduct voluntary
71 contributions from the employee’s pay and remit them to a covered organization designated by
72 the employee, minus a reasonable administrative fee for processing such deduction and

73 remittance determined pursuant to regulations adopted by the attorney general except as
74 precluded by subsection (g) of this section; provided, however, that the employee or covered
75 organization has provided to the employer documentation that the attorney general has certified
76 the covered organization pursuant to subsection (b) of section 4 of this chapter.

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

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

79 (ii) the name and address of the employer;

80 (iii) the occupation of any contributing employee who has authorized deduction of a
81 contribution of \$200 or more or of periodic contributions that in the aggregate exceed or may
82 exceed \$200 within any one calendar year;

83 (iv) the name and address of the not-for-profit organization or candidate or other political
84 committee to which the employee wishes to contribute;

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

87 (vi) a statement that the contributing employee's authorization may be revoked by the
88 employee at any time by written notice from the employee to the employer; and

89 (vii) the date upon which such authorization was signed.

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

92 (d) The employer shall provide a copy of any written authorization or revocation that it
93 receives to the not-for-profit organization or the candidate or other political committee to which
94 it pertains within 5 business days of receipt.

95 (e) The employer shall commence deductions no later than the first pay period that begins
96 15 or more business days after receipt of the authorization and shall remit the deductions to the
97 covered organization no later than 15 business days after deduction.

98 (f) An employee may authorize contributions to no more than 2 covered organizations at
99 one time.

100 (g) Nothing in this chapter is intended to or shall be construed to affect or modify in any
101 way the terms of any collective bargaining agreement.

102 (h) An employer's processing of these contributions does not violate Section 8 of Chapter
103 55 of the General Laws.

104 (i) An employer's processing of these contributions does not make them an intermediary
105 or conduit under Section 10A of Chapter 55 of the General Laws.

106 (j) The use of authorization cards in this statute is not limited by the specific reference to
107 political action committees in Section 9A of Chapter 55 of the General Laws.

108 Section 4. Certification of a not-for-profit organization or a candidate or other political
109 committee as a covered organization.

110 (a) A not-for-profit organization or a candidate or other political committee seeking to be
111 certified as a covered organization pursuant to this chapter must provide the attorney general
112 with the following:

113 (i) The name, address, email address, and phone number of the not-for-profit organization
114 or the candidate or other political committee;

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

119 (iii) Proof that the not-for-profit organization or the candidate or other political
120 committee has obtained payroll deduction authorization pursuant to subsection (b) of section 3 of
121 this chapter from 10 or more residents of the commonwealth.

122 (b) The attorney general shall provide written notice to the not-for-profit organization or
123 the candidate or other political committee that it has been certified as a covered organization
124 within 15 business days of the date that the not-for-profit organization or the candidate or other
125 political committee has met the requirements of subsection (a) of this section to the satisfaction
126 of the attorney general.

127 Section 5. No dues or fees to employee organizations or labor organizations.

128 Nothing herein shall be construed to require remittances of dues or fees to an employee
129 organization or labor organization.

130 Section 6. Enforcement.

131 (a) It shall be unlawful for any employer to interfere with, restrain, or deny the exercise
132 of, or the attempt to exercise, any right provided under or in connection with this chapter,
133 including, but not limited to, threatening, intimidating, disciplining, discharging, demoting,

134 harassing, reducing an employee's hours or pay, informing another employer that an employee
135 has engaged in activities protected by this chapter, or discriminating or retaliating against an
136 employee, and or engaging in any other such action that penalizes an employee for, or is
137 reasonably likely to deter an employee from, exercising or attempting to exercise any right
138 protected under this chapter.

139 (b) The attorney general shall enforce this chapter, and may obtain injunctive or
140 declaratory relief for this purpose. Violation of this chapter shall be subject to paragraphs (1),
141 (2), (4), (6) and (7) of subsection (b) of section 27C of chapter 149 of the General Laws. An
142 employer who has failed to remit an employee's deduction to a covered organization shall not be
143 entitled to make a subsequent deduction from such employee for the amount of any deduction it
144 has failed to remit.

145 Section 7. Attorney General's adoption of rules and regulations.

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

148 Section 8. Severability.

149 If any provision of this act or application thereof to any person or circumstances is judged
150 invalid, the invalidity shall not affect other provisions or applications of this act which can be
151 given effect without the invalid provision or application, and to this end the provisions of this act
152 are declared severable.

153 SECTION 5. This act shall take effect January 1, 2023.