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2 **SECTION 1.** Section 39 of chapter 3 of the General Laws, as appearing in the 2006 Official
3 Edition, is hereby amended by striking out the definition of “Client” and inserting in place
4 thereof the following definition:-
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6 “Client”, any person, corporation, partnership, association, or other entity that contracts
7 with another person, corporation, partnership, association, or other entity to receive lobbying
8 services.
9

10 **SECTION 2.** Said section 39 of said chapter 3 of the General Laws, as so appearing, is hereby
11 further amended by striking out the definition of “Executive agent” and inserting in place thereof
12 the following two definitions:-
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14 “Executive agent”, a person who for compensation or reward engages in executive lobbying,
15 which includes at least1 lobbying communication with a government employee made by said
16 person. The term “executive agent” shall include a person who, as part of his regular and usual
17 business or professional activities and not simply incidental thereto, engages in executive
18 lobbying, whether or not any compensation in addition to the salary for such activities is received
19 for such services. For the purposes of this definition a person shall be presumed to be engaged in
20 executive lobbying that is simply incidental to his regular and usual business or professional
21 activities if he: (i) engages in executive lobbying for not more than 25 hours during any reporting
22 period; and (ii) receives less than \$2,500 during any reporting period for executive lobbying.
23

24 “Executive lobbying,” any act to promote, oppose, influence, or attempt to influence the
25 decision of any officer or employee of the executive branch or an authority, including but not
26 limited to, statewide constitutional officers and employees thereof, where such decision concerns
27 legislation or the adoption, defeat or postponement of a standard, rate, rule or regulation
28 promulgated pursuant to any general or special law, or any act to communicate directly with a
29 covered executive official to influence a decision concerning policy or procurement; provided
30 further, that executive lobbying shall include acts to influence or attempt to influence the
31 decision of any officer or employee of a city or town when those acts are intended to carry out a
32 common purpose with executive lobbying at the state level; and provided further, that executive
33 lobbying shall include strategizing, planning, and research if performed in connection with, or
34 for use in, an actual communication with a government employee; and provided, further, that
35 “executive lobbying” shall not include providing information in writing in response to a written
36 request from an officer or employee of the executive branch or an authority for technical advice
37 or factual information regarding a standard, rate, rule or regulation, policy or procurement for the
38 purposes of this chapter.
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40 **SECTION 3.** Said section 39 of said chapter 3 of the General Laws, as so appearing, is hereby
41 further amended by striking out the definition of “Legislative agent” and inserting in place
42 thereof the following two definitions:-
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44
45 “Legislative agent”, a person who for compensation or reward engages in legislative lobbying,
46 which includes at least1 lobbying communication with a government employee made by said

47 person. The term “legislative agent” shall include a person who, as part of his regular and usual
48 business or professional activities and not simply incidental thereto, engages in legislative
49 lobbying, whether or not any compensation in addition to the salary for such activities is received
50 for such services. For purposes of this definition a person shall be presumed to be engaged
51 legislative lobbying that is simply incidental to his regular and usual business or professional
52 activities if he: (i) engages in legislative lobbying for not more than 25 hours during any
53 reporting period; and (ii) receives less than \$2,500 during any reporting period for legislative
54 lobbying.

55
56 “Legislative lobbying,” any act to promote, oppose, influence or attempt to influence legislation,
57 or to promote, oppose or influence the governor’s approval or veto thereof including, without
58 limitation, any action to influence the introduction, sponsorship, consideration, action or non-
59 action with respect to any legislation; provided further, that legislative lobbying shall include
60 acts to influence or attempt to influence the decision of any officer or employee of a city or town
61 when those acts are intended to carry out a common purpose with legislative lobbying at the state
62 level; and provided further, that legislative lobbying shall include strategizing, planning and
63 research if performed in connection with or for use in an actual communication with a
64 government employee; provided, however, that “legislative lobbying” shall not include
65 providing information in writing in response to a written request from an officer or employee of
66 the legislative branch for technical advice or factual information regarding any legislation for the
67 purposes of this chapter.

68
69 **SECTION 4.** Section 41 of said chapter 3, as so appearing, is hereby amended by inserting after
70 the first paragraph the following paragraph:-

71
72 The state secretary shall offer educational seminars on the requirements of sections 39 to
73 50, inclusive, for all legislative agents and executive agents. The seminars shall be conducted in
74 person or offered online through the state secretary’s website. All legislative and executive
75 agents shall: (i) before registering with the state secretary and annually thereafter, complete an in
76 person or online seminar offered by the state secretary; and (ii) complete an in person or online
77 seminar offered by the state secretary upon any material change to sections 39 to 50, inclusive, or
78 any regulations promulgated pursuant thereto. The superintendent of the bureau of state office
79 buildings shall, upon request of the state secretary, provide at no cost to the state secretary
80 suitable facilities for such seminars. The state secretary shall adopt regulations for the
81 administration and enforcement of this section.

82
83 **SECTION 5.** Said section 41 of said chapter 3, as so appearing, is hereby amended by striking
84 out the last paragraph and inserting in place thereof the following 2 paragraphs:-

85
86 Upon registration, the state secretary shall issue to each legislative agent and executive
87 agent a license which shall entitle the holder to act as a legislative agent and executive agent for
88 a client that has filed a registration statement pursuant to this section. A nontransferable
89 identification card shall evidence this license and shall include the agent’s name and photograph.
90 Each license shall expire on December 31 of each year. Out-of-state legislative agents and
91 executive agents shall submit 3 passport-sized photographs to the state secretary upon
92 registration.

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The state secretary shall, upon written request from a person who is or may be subject to sections 39 to 50, inclusive, render advisory opinions on the requirements of those sections. An opinion rendered by the state secretary, unless amended or revoked, shall be a defense in a criminal action brought pursuant to sections 39 to 50, inclusive, and shall be binding on the state secretary, the attorney general or the district attorney in any subsequent proceedings concerning the person who requested the opinion and who acted in good faith, unless material facts were omitted or misstated by the person in the request for an opinion. Such requests shall be confidential; provided, however, that the state secretary may publish such opinions if the name of the requesting person and any other identifying information is not included in such publication unless the requesting person consents to such inclusion.

SECTION 6. Said chapter 3 is hereby amended by striking out section 42, as so appearing, and inserting in place thereof the following section:-

Section 42. No person shall make any agreement whereby any compensation or thing of value is to be paid to any person contingent upon a decision as described in the definition of “executive lobbying”, or the passage or defeat of any legislation or the approval or veto of any legislation by the governor. No person shall agree to engage in legislative lobbying for consideration to be paid upon the contingency of the outcome of the actions described in the definition of “legislative lobbying” or that any legislation is passed or defeated.

Nothing in this section shall prohibit a person whose primary occupation is in marketing or selling a product or service for the person’s company of employment from engaging in the sale of that product or service to the commonwealth for a commission or other compensation as long as the person is a full time employee for said company.

SECTION 7. Section 43 of said chapter 3, as so appearing, is hereby amended by striking out, in line 4, the words “appearing on the docket”.

SECTION 8. Said section 43 of said chapter 3, as so appearing, is hereby further amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

Every legislative agent and executive agent shall include in the statement required by this section for the relevant reporting period: (1) the identification of each client for whom the legislative or executive agent provided lobbying services; (2) a list of all bill numbers and names of legislation and other governmental action that the executive or legislative agent acted to promote, oppose or influence; (3) a statement of the executive or legislative agent’s position, if any, on each such bill or other governmental action; (4) the identification of the client or clients on whose behalf the executive or legislative agent was acting with respect to each such bill or governmental action; (5) the amount of compensation received for executive or legislative lobbying from each client with respect to such lobbying services; and (6) all direct business associations with public officials. The disclosure shall be required regardless of whether the legislative agent or executive agent specifically referenced the bill number or name, or other governmental action while acting to promote, oppose or influence legislation, and shall be as complete as practicable.

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140 **SECTION 9.** Said section 43 of said chapter 3, as so appearing is hereby further amended by
141 inserting after , the word “consumed”,in line 78, the following words:-; provided, however, that
142 regulations promulgated by the state ethics commission under section 6 of chapter 268B, shall
143 apply to this provision.
144

145 **SECTION 10.** The fourth paragraph of said section 43 of said chapter 3, as so appearing, is
146 hereby amended by striking out the second sentence and inserting in place thereof the following
147 sentence:- Said penalty shall be in the amount of \$50 per day up to the twentieth day and an
148 additional \$100 per day for every day after the twentieth day until the statement is filed. The
149 state secretary may waive these penalties for good cause.
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151 **SECTION 11.** The second paragraph of section 44 of said chapter 3, as so appearing, is hereby
152 further amended by striking out the second sentence and inserting in place thereof the following
153 sentence:- Said penalty shall be in the amount of \$50 per day up to the twentieth day and an
154 additional \$100 per day for every day after the twentieth day until the statement is filed. The
155 state secretary may waive these penalties for good cause.
156

157 **SECTION 12** Said chapter 3 is hereby further amended by striking out section 45, as so
158 appearing, and inserting in place thereof the following section:-
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160 Section 45. (a) Upon receipt of a sworn complaint signed under pains and penalties of
161 perjury, or upon receipt of evidence which is deemed sufficient by the state secretary, the state
162 secretary shall initiate a preliminary inquiry into any alleged violation of sections 39 to 50,
163 inclusive. At the commencement of a preliminary inquiry into any such alleged violation, the
164 state secretary shall notify the attorney general. All proceedings and records relating to a
165 preliminary inquiry or initial staff review used to determine whether to initiate an inquiry shall
166 be confidential, except that the state secretary may provide to the attorney general, the United
167 States Attorney or a district attorney of competent jurisdiction evidence which may be used in a
168 criminal proceeding. Any information provided by the state secretary pursuant to this section
169 shall be confidential pursuant to this section and section 4 of chapter 268B, except that such
170 information may be used by the officer or agency to whom it was provided in any investigation
171 or subsequent proceedings. The state secretary shall notify any person who is the subject of the
172 preliminary inquiry of the existence of such inquiry and the general nature of the alleged
173 violation within 30 days of the commencement of the inquiry.
174

175 (b) If a preliminary inquiry fails to indicate reasonable cause for belief that there has been
176 a violation of sections 39 to 50, inclusive, the state secretary shall immediately terminate the
177 inquiry and shall within 10 days so notify, in writing, the complainant, if any, and the person
178 who had been the subject of the inquiry.
179

180 (c) If a preliminary inquiry indicates reasonable cause for belief that there has been a
181 violation of sections 39 to 50, inclusive, the state secretary may initiate an adjudicatory
182 proceeding to determine whether there has been such a violation.
183

184 (d) The state secretary may require by summons the attendance and testimony of witnesses
185 and the production of books, papers or other financial documents directly relating to any matter
186 being investigated pursuant to sections 39 to 50, inclusive, provided that the state secretary's
187 subpoena power shall be limited to obtaining employment contracts and other contracts or
188 agreements related to services rendered, work performed or compensation received in connection
189 with executive lobbying or legislative lobbying. Any justice of the supreme judicial court or the
190 superior court may, upon application by the state secretary, issue a summons to be served in the
191 same manner as summonses for witnesses in criminal cases, issued on behalf of the
192 commonwealth and all the provisions of law relative to summonses shall apply to summonses
193 issued under this section so far as applicable. Any justice of the supreme judicial court or the
194 superior court may upon application by the state secretary compel the attendance of witnesses
195 summoned as aforesaid and the giving of testimony under oath before the state secretary in
196 furtherance of any investigation in the same manner and to the same extent as before said courts.
197

198 (e) The state secretary, or his designee, may administer oaths and may hear testimony or
199 receive other evidence in any proceeding.
200

201 (f) All testimony in an adjudicatory proceeding shall be under oath. All parties shall have
202 the right to call and examine witnesses, to introduce exhibits, to cross-examine witnesses who
203 testify, to submit evidence, and to be represented by counsel. Before testifying, all witnesses
204 shall be given a copy of the regulations governing adjudicatory proceedings.
205

206 (g) Any person whose name is mentioned during an adjudicatory proceeding of the state
207 secretary and who may be adversely affected thereby may appear personally before the state
208 secretary on his own behalf, with or without counsel, to give a statement in opposition to such
209 adverse mention or file a written statement of such opposition for incorporation into the record of
210 the proceeding.
211

212 (h) All adjudicatory proceedings of the state secretary pursuant to this section shall be
213 public and shall be subject to chapter 30A.
214

215 (i) Within 30 days after completion of deliberations, the state secretary shall publish a
216 written report of his findings and conclusions.
217

218 (j) Upon a finding pursuant to an adjudicatory proceeding that there has been a violation, the
219 state secretary may issue an order: (1) requiring the violator to cease and desist such violation;
220 (2) requiring the violator to file any report, statement or other information as required by sections
221 39 to 50, inclusive; (3) suspending for a specified period or revoking the license and registration
222 of the violator; or (4) requiring the violator to pay a civil penalty of not more than \$10,000 for
223 each violation. The state secretary may file a civil action in superior court to enforce this order.
224

225 (k) Final action by the state secretary under this section shall be subject to review in
226 superior court upon petition of any party in interest filed within 30 days after the action for
227 which review is sought. The court shall enter a judgment enforcing, modifying, or setting aside
228 the order of the state secretary, or it may remand the proceedings to the state secretary for such
229 further action as the court may direct. If the court modifies or sets aside the state secretary's
order or remands the proceedings to the state secretary, the court shall determine whether such

230 modification, set aside, or remand is substantial. If the court does find such modification, set
231 aside, or remand to be substantial, the petitioner shall be entitled to be reimbursed from the
232 treasury of the commonwealth for reasonable attorneys' fees and all court costs incurred by him
233 in the defense of the charges contained in the proceedings. The amount of such reimbursement
234 shall be awarded by the court but shall not exceed \$20,000 per person, per case.
235

236 (l) Any person who violates the confidentiality of an inquiry under this section shall be
237 punished by a fine of not more than \$1,000 or by imprisonment for not more than 1 year, or both.
238

239 (m) The state secretary shall automatically disqualify any person convicted of a felony in
240 violation of chapter 3, chapter 55, or chapter 268A from acting or registering as an executive or
241 legislative agent for a period of 10 years from the date of conviction.
242

243 **SECTION 13.** Section 47 of said chapter 3, as so appearing, is hereby further amended by
244 striking out, in lines 4 and 5, the words "whose name appears upon the docket".
245

246 **SECTION 14.** The second paragraph of said section 47 of said chapter 3, as so appearing, is
247 hereby amended by striking out the second sentence and inserting in place thereof the following
248 sentence:- Said penalty shall be in the amount of \$50 per day up to the twentieth day and an
249 additional \$100 per day for every day after the twentieth day until the statement is filed. The
250 state secretary may waive these penalties for good cause.
251

252 **SECTION 15.** Section 48 of said chapter 3, as so appearing, is hereby amended by striking out,
253 in line 3, the words "five thousand dollars" and inserting in place thereof the following words:-
254 \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house
255 of correction for not more than 2 1/2 years, or both.
256

257 **SECTION 16.** Section 49 of said chapter 3, as so appearing, is hereby amended by inserting
258 after the first sentence the following 2 sentences:- The supreme judicial court or superior court
259 may, upon application of the attorney general, grant equitable or mandamus relief to enforce
260 sections 41 to 43, inclusive, prohibiting the offering or giving of or paying for gifts, meals,
261 beverages, or other items. Relief under this section may include (a) an order to pay to the
262 commonwealth an amount equal to the value of any compensation or thing paid or received in
263 violation of section 42, or the value of any gift, meal, beverage, or other item given or received
264 in violation of section 43; and (b) a civil penalty of up to \$10,000 for each violation of sections
265 41 to 47, inclusive.
266

267 **SECTION 17.** Sections 11A and 11A½ of chapter 30A of the General Laws are hereby
268 repealed.
269

270 **SECTION 18.** Said chapter 30A is hereby further amended by adding the following 8 sections:-
271

272 Section 18: As used in this section and sections 19 to 25, inclusive, the following words shall,
273 unless the context clearly requires otherwise, have the following meanings:
274

275 "Deliberation", an oral or written communication through any medium, including electronic

276 mail, between or among a quorum of a public body on any public business within its jurisdiction;
277 provided, however, that “deliberation” shall not include the distribution of a meeting agenda,
278 scheduling information or distribution of other procedural meeting or the distribution of reports
279 or documents that may be discussed at a meeting, provided that no opinion of a member is
280 expressed.

281
282 “Emergency”, a sudden, generally unexpected occurrence or set of circumstances demanding
283 immediate action.

284
285 “Executive session”, any part of a meeting of a public body closed to the public for deliberation
286 of certain matters.

287
288 “Intentional violation”, an act or omission by a public body or a member thereof, in knowing by
289 violating the open meeting law.

290
291 “Meeting”, a deliberation by a public body with respect to any matter within the body’s
292 jurisdiction; provided, however, “meeting” shall not include:

293
294 (a) an on-site inspection of a project or program, so long as the members do not
295 deliberate;

296 (b) attendance by a quorum of a public body at a public or private gathering, including a
297 conference or training program or a media, social or other event, so long as the members do not
298 deliberate;

299 (c) attendance by a quorum of a public body at a meeting of another public body that has
300 complied with the notice requirements of the open meeting law, so long as the visiting members
301 communicate only by open participation in the meeting on those matters under discussion by the
302 host body and do not deliberate;

303 (d) a meeting of a quasi-judicial board or commission held for the sole purpose of making
304 a decision required in an adjudicatory proceeding brought before it; or

305 (e) a session of a town meeting convened under section 10 of chapter 39 which would
306 include the attendance by a quorum of a public body at any such session.

307
308 “Minutes”, the written report of a meeting created by a public body required by subsection (a) of
309 section 23 and section 5A of chapter 66.

310
311 “Open meeting law”, sections 18 to 25, inclusive.

312
313 “Post notice”, to display conspicuously the written announcement of a meeting either in hard
314 copy or electronic format.

315
316 “Preliminary screening”, the initial stage of screening applicants conducted by a committee or
317 subcommittee of a public body solely for the purpose of providing to the public body a list of
318 those applicants qualified for further consideration or interview.

319
320 “Public body”, a multiple-member board, commission, committee or subcommittee within the
321 executive or legislative branch or within any county, district, city, region or town, however

322 created, elected, appointed or otherwise constituted, established to serve a public purpose;
323 provided, however, that the governing board of a local housing, redevelopment or other similar
324 authority shall be deemed a local public body; provided, further, that the governing board or
325 body of any other authority established by the general court to serve a public purpose in the
326 commonwealth or any part thereof shall be deemed a state public body; provided, further, that
327 “public body” shall not include the general court or the committees or recess commissions
328 thereof, bodies of the judicial branch or bodies appointed by a constitutional officer solely for the
329 purpose of advising a constitutional officer and shall not include the board of bank incorporation
330 or the policyholders protective board; and provided further, that a subcommittee shall include
331 any multiple-member body created to advise or make recommendations to a public body.

332
333 “Quorum”, a simple majority of the members of the public body, unless otherwise provided in a
334 general or special law, executive order or other authorizing provision.

335
336 Section 19. (a) There shall be in the department of the attorney general a division of open
337 government under the direction of a director of open government. The attorney general shall
338 designate an assistant attorney general as the director of the open government division. The
339 director may appoint and remove, subject to the approval of the attorney general, such expert,
340 clerical and other assistants as the work of the division may require. The division shall perform
341 the duties imposed upon the attorney general by the open meeting law, which may include
342 participating, appearing and intervening in any administrative and judicial proceedings
343 pertaining to the enforcement of the open meeting law. For the purpose of such participation,
344 appearance, intervention and training authorized by this chapter the attorney general may expend
345 such funds as may be appropriated therefor.

346
347 (b) The attorney general shall create and distribute educational materials and provide training to
348 public bodies in order to foster awareness and compliance with the open meeting law. Open
349 meeting law training may include, but shall not be limited to, instruction in:

- 350
351 (1) the general background of the legal requirements for the open meeting law;
352 (2) applicability of sections 18 to 25, inclusive, to governmental bodies;
353 (3) the role of the attorney general in enforcing the open meeting law; and
354 (4) penalties and other consequences for failure to comply with this chapter.

355
356 (c) There shall be an open meeting law advisory commission. The commission shall consist of
357 5 members, 2 of whom shall be the chairmen of the joint committee on state administration and
358 regulatory oversight; 1 of whom shall be the president of the Massachusetts Municipal
359 Association or his designee; 1 of whom shall be the president of the Massachusetts Newspaper
360 Publishers Association or his designee; and 1 of whom shall be the attorney general or his
361 designee.

362
363 The commission shall review issues relative to the open meeting law and shall submit to the
364 attorney general recommendations for changes to the regulations, trainings, and educational
365 initiatives relative to the open meeting law as it deems necessary and appropriate.

366
367 (d) The attorney general shall, not later than January 31, file annually with the commission a

368 report providing information on the enforcement of the open meeting law during the preceding
369 calendar year. The report shall include, but not be limited to:

- 370
- 371 (1) the number of open meeting law complaints received by the attorney general;
 - 372 (2) the number of hearings convened as the result of open meeting law complaints by the
373 attorney general;
 - 374 (3) a summary of the determinations of violations made by the attorney general;
 - 375 (4) a summary of the orders issued as the result of the determination of an open meeting law
376 violation by the attorney general;
 - 377 (5) an accounting of the fines obtained by the attorney general as the result of open meeting law
378 enforcement actions;
 - 379 (6) the number of actions filed in superior court seeking relief from an order of the attorney
380 general; and
 - 381 (7) any additional information relevant to the administration and enforcement of the open
382 meeting law that the attorney general deems appropriate.
- 383

384 Section 20. (a) Except as provided in section 21, all meetings of a public body shall be open to
385 the public.

386

387 (b) Except in an emergency, in addition to any notice otherwise required by law, a public body
388 shall post notice of every meeting at least 48 hours prior to such meeting, excluding Saturdays,
389 Sundays and legal holidays. In an emergency, a public body shall post notice as soon as
390 reasonably possible prior to such meeting. Notice shall be printed in a legible, easily
391 understandable format and shall contain the date, time and place of such meeting and a listing of
392 topics that the chair reasonably anticipates will be discussed at the meeting.

393

394 (c) For meetings of a local public body, notice shall be filed with the municipal clerk and posted
395 in a manner conspicuously visible to the public at all hours in or on the municipal building in
396 which the clerk's office is located.

397

398 For meetings of a regional or district public body, notice shall be filed and posted in each city or
399 town within the region or district in the manner prescribed for local public bodies. For meetings
400 of a regional school district, the secretary of the regional school district committee shall be
401 considered to be its clerk and shall file notice with the clerk of each city or town within such
402 district and shall post the notice in the manner prescribed for local public bodies. For meetings
403 of a county public body, notice shall be filed in the office of the county commissioners and a
404 copy of the notice shall be publicly posted in a manner conspicuously visible to the public at all
405 hours in such place or places as the county commissioners shall designate for the purpose.

406

407 For meetings of a state public body, notice shall be filed with the attorney general by posting on
408 a website in accordance with procedures established for this purpose.

409

410 The attorney general shall have the authority to prescribe or approve alternative methods of
411 notice where the attorney general determines such alternative will afford more effective notice to
412 the public.

413

414 (d) The attorney general may by regulation or letter ruling, authorize remote participation by
415 members of a public body not present at the meeting location; provided, however, that the absent
416 members and all persons present at the meeting location are clearly audible to each other; and
417 provided, further, that a quorum of the body, including the chair, are present at the meeting
418 location. Such authorized members may vote and shall not be deemed absent for the purposes of
419 section 23D of chapter 39.

420
421 (e) After notifying the chair of the public body, any person may make a video or audio recording
422 of an open session of a meeting of a public body, or may transmit the meeting through any
423 medium, subject to reasonable requirements of the chair as to the number, placement and
424 operation of equipment used so as not to interfere with the conduct of the meeting. At the
425 beginning of the meeting the chair shall inform other attendees of any such recordings.

426
427 (f) No person shall address a meeting of a public body without permission of the chair, and all
428 persons shall, at the request of the chair, be silent. No person shall disrupt the proceedings of a
429 meeting of a public body. If, after clear warning from the chair, a person continues to disrupt the
430 proceedings, the chair may order the person to withdraw from the meeting and if the person does
431 not withdraw, the chair may authorize a constable or other officer to remove the person from the
432 meeting.

433
434 (g) Within 2 weeks of qualification for office, all persons serving on a public body shall certify,
435 on a form prescribed by the attorney general, the receipt of a copy of the open meeting law,
436 regulations promulgated pursuant to section 25 and a copy of the educational materials prepared
437 by the attorney general explaining the open meeting law and its application pursuant to section
438 19. Unless otherwise directed or approved by the attorney general, the appointing authority, city
439 or town clerk or the executive director or other appropriate administrator of a state or regional
440 body, or their designees, shall obtain such certification from each person upon entering service
441 and shall retain it subject to the applicable records retention schedule where the body maintains
442 its official records. The certification shall be evidence that the member of a public body has read
443 and understands the requirements of the open meeting law and the consequences of violating it.

444
445 Section 21. (a) A public body may meet in executive session only for the following purposes:

446 (1) To discuss the reputation, character, physical condition or mental health, rather than
447 professional competence, of an individual, or to discuss the discipline or dismissal of, or
448 complaints or charges brought against, a public officer, employee, staff member or
449 individual. The individual to be discussed in such executive session shall be notified in
450 writing by the public body at least 48 hours prior to the proposed executive session;
451 provided, however, that notification may be waived upon written agreement of the parties. A
452 public body shall hold an open session if the individual involved requests that the session be
453 open. If an executive session is held, such individual shall have the following rights:

454 i. to be present at such executive session during deliberations which involve that
455 individual;

- 456 ii. to have counsel or a representative of his own choosing present and attending for
457 the purpose of advising the individual and not for the purpose of active
458 participation in the executive session;
459 iii. to speak on his own behalf; and
460 iv. to cause an independent record to be created of said executive session by audio-
461 recording or transcription, at the individual's expense.

462 The rights of an individual set forth in this paragraph are in addition to the rights that he may
463 have from any other source, including, but not limited to, rights under any laws or collective
464 bargaining agreements and the exercise or non-exercise of the individual rights under this section
465 shall not be construed as a waiver of any rights of the individual.

- 466 2. To conduct strategy sessions in preparation for negotiations with nonunion personnel or
467 to conduct collective bargaining sessions or contract negotiations with nonunion
468 personnel;
469 3. To discuss strategy with respect to collective bargaining or litigation if an open meeting
470 may have a detrimental effect on the bargaining or litigating position of the public body
471 and the chair so declares;
472 4. To discuss the deployment of security personnel or devices, or strategies with respect
473 thereto;
474 5. To investigate charges of criminal misconduct or to consider the filing of criminal
475 complaints;
476 6. To consider the purchase, exchange, lease or value of real property if the chair declares
477 that an open meeting may have a detrimental effect on the negotiating position of the
478 public body;
479 7. To comply with, or act under the authority of, any general or special law or federal grant-
480 in-aid requirements;
481 8. To consider or interview applicants for employment or appointment by a preliminary
482 screening committee if the chair declares that an open meeting will have a detrimental
483 effect in obtaining qualified applicants; provided, however, that this clause shall not
484 apply to any meeting, including meetings of a preliminary screening committee, to
485 consider and interview applicants who have passed a prior preliminary screening;
486 9. To meet or confer with a mediator, as defined in section 23C of chapter 233, with respect
487 to any litigation or decision on any public business within its jurisdiction involving
488 another party, group or entity, provided that:
489 (i) any decision to participate in mediation shall be made in an open session and the
490 parties, issues involved and purpose of the mediation shall be disclosed; and
491 (ii) no action shall be taken by any public body with respect to those issues which are the
492 subject of the mediation without deliberation and approval for such action at an open
493 session; or
494 10. to discuss trade secrets or confidential, competitively-sensitive or other proprietary
495 information provided in the course of activities conducted by a governmental body as an
496 energy supplier under a license granted by the department of public utilities pursuant to
497 section 1F of chapter 164, in the course of activities conducted as a municipal aggregator
498 under section 134 of said chapter 164 or in the course of activities conducted by a
499 cooperative consisting of governmental entities organized pursuant to section 136 of said

500 chapter 164, when such governmental body, municipal aggregator or cooperative
501 determines that such disclosure will adversely affect its ability to conduct business in
502 relation to other entities making, selling or distributing electric power and energy.

503 (b) A public body may meet in closed session for 1 or more of the purposes enumerated
504 in subsection (a) provided that:

- 505 1. the body has first convened in an open session pursuant to section 21;
- 506 2. a majority of members of the body have voted to go into executive session and the
507 vote of each member is recorded by roll call and entered into the minutes;
- 508 3. before the executive session, the chair shall state the purpose for the executive
509 session, stating all subjects that may be revealed without compromising the
510 purpose for which the executive session was called;
- 511 4. the chair shall publicly announce whether the open session will reconvene at the
512 conclusion of the executive session; and
- 513 5. accurate records of the executive session shall be maintained pursuant to section
514 23.

515 Section 22. (a) A public body shall create and maintain accurate minutes of all meetings,
516 including executive sessions, setting forth the date, time and place, the members present or
517 absent, a summary of the discussions on each subject, a list of documents and other exhibits used
518 at the meeting, the decisions made and the actions taken at each meeting, including the record of
519 all votes.

520
521 (b) No vote taken at an open session shall be by secret ballot. Any vote taken at an executive
522 session shall be recorded by roll call and entered into the minutes.

523
524 (c) Minutes of all open sessions shall be created and approved in a timely manner. The
525 minutes of an open session, if they exist and whether approved or in draft form, shall be made
526 available upon request by any person within 10 days.

527
528 (d) Documents and other exhibits, such as photographs, recordings or maps, used by the body
529 at an open or executive session shall, along with the minutes, be part of the official record of the
530 session.

531
532 (e) The minutes of any open session, the notes, recordings or other materials used in the
533 preparation of such minutes and all documents and exhibits used at the session, shall be public
534 records in their entirety and not exempt from disclosure pursuant to any of the exemptions under
535 clause Twenty-sixth of section 7 of chapter 4. Notwithstanding this paragraph, the following
536 materials shall be exempt from disclosure to the public as personnel information: (1) materials
537 used in a performance evaluation of an individual bearing on his professional competence,
538 provided they were not created by the members of the body for the purposes of the evaluation;
539 and (2) materials used in deliberations about employment or appointment of individuals,
540 including applications and supporting materials; provided, however, that any resume submitted
541 by an applicant shall not be exempt.

542
543 (f) The minutes of any executive session, the notes, recordings or other materials used in the
544 preparation of such minutes and all documents and exhibits used at the session, may be withheld

545 from disclosure to the public in their entirety under subclause (a) of clause Twenty-sixth of
546 section 7 of chapter 4, as long as publication may defeat the lawful purposes of the executive
547 session, but no longer; provided, however, that the executive session was held in compliance
548 with section 21.

549
550 When the purpose for which a valid executive session was held has been served, the minutes,
551 preparatory materials and documents and exhibits of the session shall be disclosed unless the
552 attorney-client privilege or 1 or more of the exemptions under said clause Twenty-sixth of said
553 section 7 of said chapter 4 apply to withhold these records, or any portion thereof, from
554 disclosure.

555
556 For purposes of this subsection, if an executive session is held pursuant to clause (2) or (3) of
557 subsections (a) of section 21, then the minutes, preparatory materials and documents and exhibits
558 used at the session may be withheld from disclosure to the public in their entirety, unless and
559 until such time as a litigating, negotiating or bargaining position is no longer jeopardized by such
560 disclosure, at which time they shall be disclosed unless the attorney-client privilege or 1 or more
561 of the exemptions under said clause Twenty-sixth of said section 7 of said chapter 4 apply to
562 withhold these records, or any portion thereof, from disclosure.

563
564 (g)(1) The public body, or its chair or designee, shall, at reasonable intervals, review the
565 minutes of executive sessions to determine if the provisions of this subsection warrant continued
566 non-disclosure. Such determination shall be announced at the body's next meeting and such
567 announcement shall be included in the minutes of that meeting.

568 (2) Upon request by any person to inspect or copy the minutes of an executive session or any
569 portion thereof, the body shall respond to the request within 10 days following receipt and shall
570 release any such minutes not covered by an exemption under subsection (f); provided, however,
571 that if the body has not performed a review pursuant to paragraph (1), the public body shall
572 perform the review and release the non-exempt minutes, or any portion thereof, not later than the
573 body's next meeting or 30 days, whichever first occurs. A public body shall not assess a fee for
574 the time spent in its review.

575
576 Section 23. (a) Subject to appropriation, the attorney general shall interpret and enforce the open
577 meeting law.

578
579 (b) At least 30 days prior to the filing of a complaint with the attorney general, the
580 complainant shall file a written complaint with the public body, setting forth the circumstances
581 which constitute the alleged violation and giving the body an opportunity to remedy the alleged
582 violation; provided, however, that such complaint shall be filed within 30 days of the date of the
583 alleged violation. The public body shall, within 14 business days of receipt of a complaint, send
584 a copy of the complaint to the attorney general and notify the attorney general of any remedial
585 action taken. Any remedial action taken by the public body in response to a complaint under this
586 subsection shall not be admissible as evidence against the public body that a violation occurred
587 in any later administrative or judicial proceeding relating to such alleged violation. The attorney
588 general may authorize an extension of time to the public body for the purpose of taking remedial
589 action upon the written request of the public body and a showing of good cause to grant the
590 extension.

591
592 (c) Upon the receipt of a complaint by any person, the attorney general shall determine, in a
593 timely manner, whether there has been a violation of the open meeting law. The attorney general
594 may, and before imposing any civil penalty on a public body shall, hold a hearing on any such
595 complaint. Following a determination that a violation has occurred, the attorney general shall
596 determine whether the public body, 1 or more of the members, or both, are responsible and
597 whether the violation was intentional or unintentional. Upon the finding of a violation, the
598 attorney general may issue an order to:

- 599
- 600 (1) compel immediate and future compliance with the open meeting law;
 - 601 (2) compel attendance at a training session authorized by the attorney general;
 - 602 (3) nullify in whole or in part any action taken at the meeting;
 - 603 (4) impose a civil penalty upon the public body of not more than \$1,000 for each intentional
604 violation;
 - 605 (5) reinstate an employee without loss of compensation, seniority, tenure or other benefits;
 - 606 (6) compel that minutes, records or other materials be made public; or
 - 607 (7) prescribe other appropriate action.
- 608

609 (d) A public body or any member of a body aggrieved by any order issued pursuant to this
610 section may, notwithstanding any general or special law to the contrary, obtain judicial review of
611 the order only through an action in superior court seeking relief in the nature of certiorari;
612 provided, however, that notwithstanding section 4 of chapter 249, any such action shall be
613 commenced in superior court within 21 days of receipt of the order. Any order issued under this
614 section shall be stayed pending judicial review; provided, however, that if the order nullifies an
615 action of the public body, the body shall not implement such action pending judicial review.

616

617 (e) If any public body or member thereof shall fail to comply with the requirements set forth
618 in any order issued by the attorney general, or shall fail to pay any civil penalty imposed within
619 21 days of the date of issuance of such order or within 30 days following the decision of the
620 superior court if judicial review of such order has been timely sought, the attorney general may
621 file an action to compel compliance. Such action shall be filed in Suffolk superior court with
622 respect to state public bodies and, with respect to all other public bodies, in the superior court in
623 any county in which the public body acts or meets. If such body or member has not timely
624 sought judicial review of the order, such order shall not be open to review in an action to compel
625 compliance.

626

627 (f) As an alternative to the procedure in subsection (b), the attorney general or 3 or more
628 registered voters may initiate a civil action to enforce the open meeting law.

629

630 Any action under this subsection shall be filed in Suffolk superior court with respect to state
631 public bodies and, with respect to all other public bodies, in the superior court in any county in
632 which the public body acts or meets.

633

634 In any action filed pursuant to this subsection, in addition to all other remedies available to
635 the superior court, in law or in equity, the court shall have all of the remedies set forth in
636 subsection (b).

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In any action filed under this subsection, the order of notice on the complaint shall be returnable not later than 10 days after the filing and the complaint shall be heard and determined on the return day or on such day as the court shall fix, having regard to the speediest possible determination of the cause consistent with the rights of the parties; provided, however, that orders may be issued at any time on or after the filing of the complaint without notice when such order is necessary to fulfill the purposes of the open meeting law. In the hearing of any action under this subsection, the burden shall be on the respondent to show by a preponderance of the evidence that the action complained of in such complaint was in accordance with and authorized by the open meeting law; provided, however, that no civil penalty may be imposed on an individual absent proof that the action complained of violated the open meeting law.

(g) It shall be a defense to the imposition of a penalty that the public body, after full disclosure, acted in good faith compliance with the advice of the public body's legal counsel.

(h) Payment of civil penalties under this section paid to or received by the attorney general shall be paid into the general fund of the commonwealth.

Section 24. (a) Whenever the attorney general has reasonable cause to believe that a person, including any public body and any other state, regional, county, municipal or other governmental official or entity, has violated the open meeting law, the attorney general may conduct an investigation to ascertain whether in fact such person has violated the open meeting law. Upon notification of an investigation, any person, public body or any other state, regional, county, municipal or other governmental official or entity who is the subject of an investigation, shall make all information necessary to conduct such investigation available to the attorney general. In the event that the person, public body or any other state, regional, county, municipal or other governmental official or entity being investigated does not voluntarily provide relevant information to the attorney general within 30 days of receiving notice of the investigation, the attorney general may: (1) take testimony under oath concerning such alleged violation of the open meeting law; (2) examine or cause to be examined any documentary material of whatever nature relevant to such alleged violation of the open meeting law; and (3) require attendance during such examination of documentary material of any person having knowledge of the documentary material and take testimony under oath or acknowledgment in respect of any such documentary material. Such testimony and examination shall take place in the county where such person resides or has a place of business or, if the parties consent or such person is a nonresident or has no place of business within the commonwealth, in Suffolk county.

(b) Notice of the time, place and cause of such taking of testimony, examination or attendance shall be given by the attorney general at least 10 days prior to the date of such taking of testimony or examination.

(c) Service of any such notice may be made by: (1) delivering a duly-executed copy to the person to be served or to a partner or to any officer or agent authorized by appointment or by law to receive service of process on behalf of such person; (2) delivering a duly-executed copy to the principal place of business in the commonwealth of the person to be served; or (3) mailing by registered or certified mail a duly-executed copy addressed to the person to be served at the

683 principal place of business in the commonwealth or, if said person has no place of business in the
684 commonwealth, to his principal office or place of business.

685
686 (d) Each such notice shall: (1) state the time and place for the taking of testimony or the
687 examination and the name and address of each person to be examined, if known and, if the name
688 is not known, a general description sufficient to identify him or the particular class or group to
689 which he belongs; (2) state the statute and section thereof, the alleged violation of which is under
690 investigation and the general subject matter of the investigation; (3) describe the class or classes
691 of documentary material to be produced thereunder with reasonable specificity, so as fairly to
692 indicate the material demanded; (4) prescribe a return date within which the documentary
693 material is to be produced; and (5) identify the members of the attorney general's staff to whom
694 such documentary material is to be made available for inspection and copying.

695
696 (e) No such notice shall contain any requirement which would be unreasonable or improper if
697 contained in a subpoena duces tecum issued by a court of the commonwealth or require the
698 disclosure of any documentary material which would be privileged, or which for any other
699 reason would not be required by a subpoena duces tecum issued by a court of the
700 commonwealth.

701
702 (f) Any documentary material or other information produced by any person pursuant to this
703 section shall not, unless otherwise ordered by a court of the commonwealth for good cause
704 shown, be disclosed to any person other than the authorized agent or representative of the
705 attorney general, unless with the consent of the person producing the same; provided, however,
706 that such material or information may be disclosed by the attorney general in court pleadings or
707 other papers filed in court.

708
709 (g) At any time prior to the date specified in the notice, or within 21 days after the notice has
710 been served, whichever period is shorter, the court may, upon motion for good cause shown,
711 extend such reporting date or modify or set aside such demand or grant a protective order in
712 accordance with the standards set forth in Rule 26(c) of the Massachusetts Rules of Civil
713 Procedure. The motion may be filed in the superior court of the county in which the person
714 served resides or has his usual place of business or in Suffolk county. This section shall not be
715 applicable to any criminal proceeding nor shall information obtained under the authority of this
716 section be admissible in evidence in any criminal prosecution for substantially identical
717 transactions.

718
719 Section 25. (a) The attorney general shall have the authority to promulgate rules and
720 regulations to carry out enforcement of the open meeting law.

721
722 (b) The attorney general shall have the authority to interpret the open meeting law and to
723 issue written letter rulings or advisory opinions according to rules established under this section.

724
725 **SECTION 19.** Sections 9F and 9G of chapter 34 of the General Laws are hereby repealed.

726

727 **SECTION 20.** Sections 23A to 23C, inclusive, of chapter 39 of the General Laws are hereby
728 repealed.

729
730 **SECTION 21.** Section 9 of chapter 53 of the General Laws, as appearing in the 2006 Official
731 Edition, is hereby amended by striking out, in lines 21 and 22, the words “, as defined in section
732 one of chapter fifty-five A,”.

733
734 **SECTION 22.** Said section 9 of said chapter 53, as so appearing, is hereby further amended by
735 striking out, in line 25, the word “fifty-five A” and inserting in place thereof the following
736 figure:- 55C.

737
738 **SECTION 23.** Section 1 of chapter 55 of the General Laws, as so appearing, is hereby amended
739 by inserting after the definition of “Candidate’s committee” the following definition:-

740
741 “Clearly identified candidate”, a candidate whose name, photo or image appears in a
742 communication or a candidate whose identity is apparent by unambiguous reference in a
743 communication.

744
745 **SECTION 24.** Said section 1 of said chapter 55, as so appearing, is hereby further amended by
746 inserting after the definition of “Election” the following definition:-

747
748 “Electioneering communication”, any broadcast, cable, mail, satellite or print communication
749 that: (1) refers to a clearly identified candidate; and (2) is publicly distributed within 90 days
750 before an election in which the candidate is seeking election or reelection; provided, however,
751 that “electioneering communication” shall not include the following communications: (1) a
752 communication that is disseminated through a means other than a broadcast station, radio station,
753 cable television system or satellite system, newspaper, magazine, periodical, billboard
754 advertisement, or mail; (2) a communication to less than 100 recipients; (3) a news story,
755 commentary, letter to the editor, news release, column, op-ed or editorial broadcast by a
756 television station, radio station, cable television system or satellite system, or printed in a
757 newspaper, magazine, or other periodical in general circulation; (4) expenditures or independent
758 expenditures or contributions that must otherwise be reported under this chapter; (5) a
759 communication from a membership organization exclusively to its members and their families,
760 otherwise known as a membership communication; (6) bonafide candidate debates or forums and
761 advertising or promotion of the same; and (7) internet or email communications.

762
763 **SECTION 25.** Said section 1 of said chapter 55, as so appearing, is hereby further amended by
764 inserting after the definition of “Expenditure” the following definition:-

765
766 "Independent expenditure", an expenditure made, or liability incurred, by an individual, group, or
767 association for goods or services expressly advocating the election or defeat of a clearly
768 identified candidate which is made or incurred without cooperation or consultation with any
769 candidate, or a nonelected political committee organized on behalf of a candidate, or any agent
770 of a candidate and which is not made or incurred in concert with, or at the request or suggestion
771 of, any candidate, or any nonelected political committee organized on behalf of a candidate or
772 agent of such candidate.

773
774 **SECTION 26** The eighth paragraph of section 3 of said chapter 55, as so appearing, is hereby
775 amended by adding the following four sentences:- The name of a candidate who fails to file any
776 statement or report after the institution of civil proceedings under this section to compel such
777 filing shall not be printed on a state primary or state election ballot unless the statement or report
778 is filed prior to the deadline for filing nomination papers with the state secretary for such
779 candidate pursuant to chapter 53. The director shall notify the state secretary of the names of
780 those candidates against whom civil proceedings have been instituted and shall do so within 72
781 hours of the filing deadline for nomination papers with the state secretary. Any candidate who is
782 disqualified from appearing on a state primary or state election ballot as set forth above shall be
783 ineligible to be nominated at a state primary as a write-in or sticker candidate unless the
784 candidate shall have filed the statements or reports which are the subject of the civil litigation by
785 the date of the primary. The director shall notify the state secretary of any candidates who have
786 filed their statements or reports which were the subject of civil litigation no later than 24 hours
787 after the date of the state primary.

788
789 **SECTION 27.** Said section 3 of said chapter 55, as so appearing, is hereby further amended by
790 inserting after the word “requested”, in line 111, the following words:- , by personal delivery, by
791 leaving a copy of the notice at the person’s last and usual place of residence or by delivering a
792 copy of the notice to an attorney who has appeared on behalf of the alleged violator.

793
794 **SECTION 28.** The eleventh paragraph of said section 3 of said chapter 55, as so appearing, is
795 hereby amended by striking out the last sentence and inserting in place thereof the following
796 sentence:- Evidence of any such violation of this chapter which has come to the director’s
797 attention shall be presented by the director to the attorney general not later than 120 days before
798 or 3 years after the relevant election or, if the evidence does not relate to an identifiable election,
799 not later than 3 years after the violation.

800
801 **SECTION 29.**The twelfth paragraph of said section 3 of said chapter 55, as so appearing, is
802 hereby amended by striking out the second sentence and inserting in place thereof the following
803 sentence:- Said civil penalty shall be in the amount of \$25 per day; provided, however, that the
804 maximum penalty the director may assess shall be no greater than \$5,000 for any one report,
805 statement or affidavit which is filed later than the prescribed date.

806
807 **SECTION 30.** Said section 3 of said chapter 55, as so appearing, is hereby amended by adding
808 the following paragraph:-

809
810 The director shall not disclose publicly any correspondence or communication to a
811 candidate, political committee, or ballot question committee which contains a deadline for
812 response until the deadline has passed or until the director has received a response, whichever is
813 earlier. Notwithstanding the forgoing notices of future filing requirements and notices of failure
814 to file, a required report shall be a public record when issued.

815
816 **SECTION 31.** The ninth paragraph of section 5 of said chapter 55, as so appearing, is hereby
817 amended by adding the following sentence:- No person who is authorized to make such
818 expenditures shall sign a committee check payable to himself or herself.

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SECTION 32. Section 6 of said chapter 55, as so appearing, is further hereby amended by adding after the fifth paragraph the following paragraph:-

For purposes of this section the term “personal use” shall include the payment of fines, penalties, restitution or damages incurred for a violation of chapters 268A and 268B, but shall not include payments made in relation to allegations of violations of such chapters.

SECTION 33. Section 8 of said chapter 55, as so appearing, is hereby amended by striking out, in lines 7 and 8, the words “corporation incorporated” and inserting in place thereof the following words:- or professional corporation, partnership, limited liability company partnership.

SECTION 34. Subsection (d) of section 10A of said chapter 55, as so appearing, is hereby amended by striking out clause (1) and inserting in place thereof the following clause:-
(1) a bona fide joint fund-raising effort conducted solely for the purpose of sponsorship of a fund-raising reception, dinner, or other event, in accordance with the rules prescribed by the director by 2 or more state or local committees of a political party acting on their own behalf; or

SECTION 35. Section 18 of said chapter 55, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Each candidate and each treasurer of a political committee shall, except as provided in this section and section 24, file with the director reports of contributions received and expenditures made. A candidate and a committee organized on behalf of candidates seeking public office at a municipal election shall file such reports with the director, if the candidate is seeking the office of mayor in a municipality with a total population, as determined by the most recent federal decennial census, of between 40,000 and 100,000 persons, if the candidate or the candidate’s committee, during the election cycle, can reasonably expect to raise or spend more than \$5,000, or if the committee is required to file such reports with the director pursuant to section 19. All other candidates seeking public office at a city or town election shall file reports with the city or town clerk. A committee organized under section 5 to favor or oppose a question submitted to the voters shall file its reports with the director if the question appears on ballots at a state election, or with the city or town clerk if the question appears on ballots at a city or town election or for use in a city or town at a state election. Reports of contributions received and expenditures made shall be filed using forms prescribed by the director.

SECTION 36. Said section 18 of said chapter 55, as so appearing, is hereby amended by inserting after the word “January”, in line 102, the following words:- ; provided, however, that candidates for the state senate or house of representatives, the nonelected political committees organized on behalf of such candidates, and political action committees, that file with the director, shall also file mid-year reports on or before the twentieth day of July in each year in each odd-numbered year.

SECTION 37 The third paragraph of said section 18 of said chapter 55, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following two

865 sentences:- For all candidates and all political committees, if said report is not an initial report,
866 the reporting period of such reports required to be filed on or before the twentieth day of July in
867 each odd-numbered year shall commence on the first day of January of that year, or on the day
868 following the end of the reporting period of the last report filed, if any, whichever period is
869 shorter, and shall end as of the thirtieth day of June of said year. The reporting period for the
870 report required to be filed on or before January 20 in each odd-numbered year shall commence
871 on the day following the end of the reporting period of the last report filed and shall end as of
872 December 31 of the prior year.

873
874 **SECTION 38.** Said section 18 of said chapter 55, as so appearing, is hereby further amended by
875 inserting after the thirteenth paragraph the following 2 paragraphs:-
876

877 Each year-end campaign finance report filed by a candidate or non-elected political
878 committee required to designate a depository by section 19 and who also maintains or who has
879 maintained a savings account or money market account, shall disclose, for each reporting period,
880 all activity in any such account. Nothing in this section shall authorize a transfer made from any
881 such savings or money market accounts to an account other than the depository account
882 established by a candidate or committee in accordance with said section 19.
883

884 Every political committee organized on behalf of a candidate that files with the director,
885 and every ballot question committee that files with the director, which receives and deposits a
886 contribution in the amount of \$500 or more after the eighteenth day, but more than 72 hours,
887 before the date of a special, preliminary, primary or general election, shall file a report to
888 disclose the information required by this section, within 72 hours of depositing such
889 contribution.
890

891 **SECTION 39.** Said section 18 of said chapter 55, as so appearing, is hereby further amended by
892 striking out, in line 253, the words “Local Aid” and inserting in place thereof the word:-
893 General.
894

895 **SECTION 40.** Said section 18 of said chapter 55, as so appearing, is hereby further amended by
896 inserting after the seventeenth paragraph the following paragraph:-
897

898 Any person nominated by the governor for a position that requires confirmation by the
899 executive council shall, within 6 months of the date of confirmation, dissolve any political
900 committee organized on behalf of such person and disperse all funds remaining in such
901 committee’s account in accordance with this section.
902

903 **SECTION 41.** Said chapter 55 is hereby further amended by striking out section 18A, as so
904 appearing, and inserting in place thereof the following section:-
905

906 Section 18A. (a) Every individual, group or association not defined as a political committee who
907 makes independent expenditures in an aggregate amount exceeding \$250 during any calendar
908 year for the express purpose of promoting the election or defeat of a candidate shall file with the
909 director, except as provided in subsection (c), within 7 business days after the goods or services
910 for which the independent expenditure was made are utilized to advocate for the election or

911 defeat of a clearly identified candidate, on a form prescribed by the director, a report stating: (1)
912 the name and address of the individual, group or association making any such independent
913 expenditures; (2) the name of the candidate whose election or defeat the expenditure promoted;
914 (3) the name and address of any person to whom the expenditures were made; (4) the total
915 amount or value; and (5) the purpose and the date of each independent expenditure.

916

917 (b) In addition to any reports required by subsection (a), any individual, group, association or
918 political committee that makes an independent expenditure in an aggregate amount exceeding
919 \$250 after the tenth day, but more than 24 hours, before the date of any election, shall file a
920 preliminary report within 24 hours of making the independent expenditure, disclosing: (1) the
921 name and address of the individual, group, association or political committee making the
922 expenditure; (2) the name of the candidate whose election or defeat the expenditure promoted;
923 (3) the name and address of any person to whom the independent expenditures were made; and
924 (4) the purpose and the date of each expenditure.

925

926 (c) The individual, group, association or political committee shall file an additional preliminary
927 report within 24 hours after each time it makes additional independent expenditures equal, in the
928 aggregate, to \$250 with respect to the same election as that to which the initial report relates, and
929 shall also file any report required by subsection (a).

930

931 (d) The reports required by this section shall be filed with the director as provided in section 18C
932 if expenditures are made to promote the election or defeat of any candidate who files with the
933 director. Reports required by this section shall be filed with the city or town clerk if the
934 expenditures are made to promote the election or defeat of any candidate seeking public office at
935 a city or town election who does not file with the director.

936

937 (e) A violation of any provision of this section shall be punished by a fine of not more than
938 \$5,000 or by imprisonment in a house of correction for not more than 1 year.

939

940 **SECTION 42.** Subsection (b) of section 18C of said chapter 55, as so appearing, is hereby
941 amended by adding the following 6 clauses:-

942

943 (4) every political committee organized on behalf of a candidate that files with the director,
944 including committees required to designate a depository on behalf of a candidate and every ballot
945 question committee that files with the director, which receives and deposits a contribution of
946 \$500 or more after the eighteenth day, but more than 72 hours, before the date of a special,
947 preliminary, primary or general election within 72 hours of depositing such contribution;

948 (5) every state committee referred to in section 1 of chapter 52 required to designate a
949 depository by section 19 of this chapter, which receives a contribution of \$500 or more after the
950 eighteenth day, but more than 24 hours before, the date of a special, preliminary, primary or
951 general election, within 72 hours of depositing such contribution;

952 (6) for every political committee required to file campaign finance reports electronically with
953 the director, any reports filed pursuant to section 18D made to disclose expenditures by vendors
954 of the committee to subvendors;

955 (7) an individual, group, association or political committee that is required to file a report of
956 independent expenditures with the director in accordance with subsection (a) or (b) of section

957 18A;

958 (8) each candidate's committee organized on behalf of a candidate for mayor in a
959 municipality with a total population, as determined by the most recent federal decennial census,
960 of 40,000 to 100,000 persons, if the committee, during the election cycle, can reasonably expect
961 to raise or spend more than \$5,000; and

962 (9) every individual, group or association who makes an independent expenditure or
963 electioneering communication expenditure in an aggregate amount exceeding \$250 during any
964 calendar year.

965
966 **SECTION 43.** Said chapter 55 is hereby further amended by inserting after section 18C the
967 following 3 sections:-

968 Section 18D. (a) For the purpose of this section the following words shall, unless the
969 context clearly requires otherwise, have the following meanings:-

970
971 "Expenditure", any payment made or liability incurred by a vendor on behalf of a political
972 committee.

973
974 "Person", a natural person, corporation, association, partnership or other legal entity.

975
976 "Subvendor", a person providing goods or services to a vendor or who contracts with a
977 vendor to provide goods or services to a committee.

978
979 "Vendor", any person including, but not limited to, a consultant, who provides goods or
980 services to a political committee that files with the director and either receives or is promised
981 \$5,000 or more in the aggregate during a calendar year by the committee for such goods or
982 services, or contracts with another on behalf of the committee for such goods or services valued
983 at \$5,000 or more in the aggregate to be provided to the committee.

984
985 (b) A vendor that makes an expenditure on behalf of a political committee shall within 5
986 days of making such expenditure provide the political committee with a detailed account of the
987 expenditure including, but not limited to, the date of the expenditure, the person who received
988 payment, the full name and address of the subvendor, the purpose of the expenditure, and the
989 amount of the expenditure.

990
991 (c) A political committee that makes a payment to a vendor or incurs a liability to a vendor
992 shall file reports with the director disclosing the full name and address, listed alphabetically, of
993 each subvendor receiving payments of more than \$500 in the aggregate during a calendar year
994 from the vendor, and of each subvendor to whom a liability of more than \$500 was incurred.
995 The contents of such report shall include the information required by section 18 and shall be
996 disclosed on a form prescribed by the director. For committees required to designate a depository
997 account under section 19, the reports shall be filed on or before the fifth day of each month
998 covering the preceding month; provided, however, that for other committees, the report must be
999 filed in accordance with the schedule established by section 18.

1000
1001 (d) Vendors shall keep detailed accounts of all expenditures made on behalf of political
1002 committees.

1003
1004 Section 18E. (a) Legal defense funds may be created by a candidate or the candidate's
1005 political committee to defend against a criminal matter or to pay costs associated with a civil
1006 matter that is not primarily personal in nature. Inauguration funds may be created by a candidate
1007 or the candidate's political committee to pay for the costs associated with an inaugural
1008 event. Recount funds may be created by a candidate or candidate's political committee to pay
1009 for the legal and other costs associated with a recount. Legal defense, inauguration, or recount
1010 funds shall be created separately from the candidate's campaign account or committee, and shall
1011 be subject to the following conditions: (1) assets of a political committee may not be used by the
1012 fund; (2) any donations received by the fund shall not be deposited into the candidate's campaign
1013 account or a committee account; and (3) donations to such fund shall not be used to benefit a
1014 political committee.

1015
1016 (b) Donations to a legal defense, recount, or inauguration fund, if not contributions, shall
1017 be disclosed to the director or, if made by a candidate or committee that does not file with the
1018 director, the city or town clerk, on or before the fifth day of the month following the month in
1019 which the donations are received, complete as of the last day of the preceding month, on forms to
1020 be prescribed by the director. The report shall disclose the name and address and employer of all
1021 persons donating more than \$50 during the reporting period, listed alphabetically, the amount of
1022 each such donation, and the total amount of donations received in the reporting period not
1023 otherwise reported.

1024
1025 (c) For purposes of this section, the term "donations" shall include donations in money or
1026 in-kind, and loans provided to legal defense, recount, or inauguration fund.

1027
1028 Section 18F. Every individual, group or association not defined as a political committee
1029 who makes an electioneering communication expenditure, in an aggregate amount exceeding
1030 \$250 during a calendar year, shall electronically file with the director, within 7 days after making
1031 such an expenditure, a report stating the name and address of the individual, group or association
1032 making the electioneering communication, the name of any candidate clearly identified in the
1033 communication, the total amount or value of the communication, the name and address of the
1034 vendor to whom the payments were made and the purpose and date of any such expenditure. In
1035 addition, any individual, group or association not defined as a political committee who makes an
1036 electioneering communication expenditure, in an aggregate amount exceeding \$250 during a
1037 calendar year, who receives funds for the purpose of making such electioneering
1038 communications shall include in the electronic filing the date the funds were received and the
1039 name and address of the provider of any such funds in excess of \$250, if any. Reports required
1040 by this section shall be filed with the director as provided in section 18C if communications were
1041 made to promote the election or defeat of any candidate who files with the director. Reports
1042 required by this section shall be filed with the city or town clerk if the communications were
1043 made to promote the election or defeat of any candidate seeking public office at a city or town
1044 election who does not otherwise file with the director.

1045
1046 Any person, group or association that makes or contracts to make electioneering
1047 communications aggregating \$1,000 or more within 7 days before the date of an election shall

1048 file a report containing the information required by this section within 48 hours after making
1049 such expenditure.

1050 A violation of this section shall be punished by a fine of not more than \$5,000 or by
1051 imprisonment in the house of correction for not more than 1 year.

1052
1053 **SECTION 44.** Section 19 of said chapter 55, as so appearing, is hereby amended by striking out,
1054 lines 5 and 6, the words “other citywide office, except for the office of school committee,” and
1055 inserting in place thereof the following words:- ,city council or alderman.

1056
1057 **SECTION 45.** Said section 19 of said chapter 55, as so appearing, is hereby further amended by
1058 striking out, in lines 101 and 102, the words “mayor or other citywide office except for school
1059 committee” and inserting in place thereof the following words:- city council, aldermen or
1060 mayor.

1061
1062 **SECTION 46.** Said section 19 of said chapter 55, as so appearing, is hereby further amended by
1063 adding the following subsection:-

1064
1065 (g) Each committee required to designate a depository on behalf of a candidate that files with the
1066 director in accordance with this section and which receives and deposits a contribution of \$500
1067 or more after the eighteenth day but more than 72 hours before the date of a special, preliminary,
1068 primary or general election shall file a report to disclose the information required by this section
1069 within 72 hours of depositing such contribution. In addition, each state committee referred to in
1070 section 1 of chapter 52 required to designate a depository pursuant to this section and which
1071 receives a contribution of \$500 or more after the eighteenth day, but more than 24 hours, before
1072 the date of a special, preliminary, primary or general election, shall file a report to disclose the
1073 information required by this section, within 72 hours of depositing such contribution.

1074
1075 **SECTION 47.** Section 22 of said chapter 55, as so appearing, is hereby amended by striking out,
1076 in line 1, the word “The” and inserting in place thereof the following words:- Any person or the.

1077
1078 **SECTION 48.** Said section 22 of said chapter 55, as so appearing, is hereby further amended by
1079 inserting after the first paragraph the following paragraph:-

1080 Any person who makes an expenditure of \$250 or more other than a contribution to a
1081 ballot question committee or incurs a liability of \$250 or more to influence or affect the vote on
1082 any question submitted to the voters shall file reports setting forth the amount or value of the
1083 expenditure or liability, together with the date, purpose and full name of the person to whom the
1084 expenditure was made or the liability incurred.

1085
1086 **SECTION 49.** Said section 22 of said chapter 55, as so appearing, is hereby further amended by
1087 inserting after the word “such”, in lines 17, 31 and 41, the following words:- person or.

1088
1089 **SECTION 50.** Said section 22 of said chapter 55, as so appearing, is hereby further amended by
1090 inserting after the word “Any”, in line 38, the following words:- person or.

1091

1092 **SECTION 51.** Section 24 of said chapter 55, as so appearing, is hereby further amended by
1093 inserting after the word “statement”, in lines 1, 4, 5, 8, 9, and 12, the following words:- or
1094 report.

1095
1096 **SECTION 52.** Section 24 of said chapter 55, as so appearing, is hereby amended by inserting
1097 after the word “office”, in line 3, the following words:- , other than a municipal office for which
1098 a candidate is required to file with the director in accordance with section 18C or section 19.
1099

1100 **SECTION 53.** Said section 24 of said chapter 55, as so appearing, is hereby further amended by
1101 inserting after the word “statements”, in lines 13 and 14, the following words:- or reports.
1102

1103 **SECTION 54.** Section 26 of said chapter 55, as so appearing, is hereby amended by striking the
1104 first and second sentences and inserting in place thereof the following sentence:- The city or
1105 town clerk shall retain all statements and reports required to be filed with such clerk until
1106 December 31st of the sixth year following the relevant election. In the case of committees other
1107 than those authorized by a candidate, the city or town clerk shall retain all required statements
1108 and reports filed with such clerk until December 31st of the sixth year following the date that the
1109 statement or report was filed.
1110

1111 **SECTION 55.** Said section 26 of said chapter 55, as so appearing, is hereby further amended by
1112 adding the following sentence:- Within 30 days after the filing deadline, all campaign finance
1113 reports required to be filed with the city or town clerk under section 18 shall be made available
1114 for viewing on the internet website of the municipality if such municipality has such a website, if
1115 the report discloses that a candidate or committee filing a report has received contributions or
1116 made expenditures in excess of \$1,000 during a reporting period or incurred liabilities or
1117 acquired or disposed of assets in excess of \$1,000 during a reporting period.
1118

1119 **SECTION 56.** Said chapter 55 is hereby further amended by striking out section 29, as so
1120 appearing, and inserting in place thereof the following section:-
1121

1122 Section 29. Upon failure to file a statement, report or affidavit within 10 days after receiving
1123 notice under section 28, the city or town clerk, as the case may be, shall notify the director
1124 thereof and shall furnish him with copies of all papers related thereto and the director, if satisfied
1125 there is cause, shall assess a penalty and may refer the person or committee to the attorney
1126 general pursuant to section 3. If any statement filed with the city or town clerk, as the case may
1127 be, discloses any violation of this chapter, such city or town clerk shall notify the director thereof
1128 and shall furnish him with copies of all papers relating thereto. The director shall examine every
1129 such case referred to him by such clerk and may refer such cases to the attorney general in
1130 accordance with section 3. If satisfied that there is cause, the attorney general shall, in the name
1131 of the commonwealth, institute appropriate criminal or civil proceedings or refer the case to the
1132 proper district attorney for such actions as may be appropriate. Any city or town clerk shall at
1133 any time upon the request of the attorney general or the director forward any evidence or
1134 information received by such clerk to the attorney general or director for whatever action the
1135 attorney general or director deems appropriate pursuant to law.
1136

1137 **SECTION 57.**The last paragraph of section 4 of chapter 55C of the General Laws, as so
1138 appearing, is hereby amended by striking out the last sentence and inserting in place thereof the
1139 following 2 sentences:- Determination and certification of the eligibility of candidates shall be
1140 made by the director on the eighth Tuesday before the primary and shall be based solely upon
1141 information contained in such statements as have been filed by candidates. Candidates for
1142 governor seeking public financing shall file the statement on or before the Friday that is 11 days
1143 preceding said eighth Tuesday and other candidates seeking public financing shall file said
1144 statements on or before the Friday next preceding said eighth Tuesday.

1145
1146 **SECTION 58.**The second paragraph of section 6 of said chapter 55C, as so appearing, is hereby
1147 amended by striking out the last sentence and inserting in place thereof the following 2
1148 sentences:- Determination and certification of the eligibility of candidates shall be made by the
1149 director on the fourth Tuesday before the state election and shall be based solely upon
1150 information contained in such statements as have been filed by candidates. Candidates for
1151 governor and lieutenant governor seeking public financing shall file the statement on or before
1152 the Friday that is 11 days preceding said fourth Tuesday and other candidates seeking public
1153 financing shall file said statements on or before the Friday next preceding said fourth Tuesday.

1154
1155 **SECTION 59.** Section 2 of chapter 62 of the General Laws, as so appearing, is hereby amended
1156 by inserting after the word “income” in line 229, the following words:- ; provided, however,
1157 that Part B gross income shall include bribes, corrupt gifts and any income gained through illegal
1158 activities.

1159
1160 **SECTION 60.** Chapter 268 of the General Laws is hereby amended by inserting after section
1161 13D the following section:-

1162
1163 Section 13E. (a) As used in this section the following word shall, unless the context
1164 clearly requires otherwise, have the following meaning:-

1165
1166 “Official proceeding”, a proceeding before a court or grand jury, or a proceeding before a
1167 state agency or commission, which proceeding is authorized by law and relates to an alleged
1168 violation of a criminal statute or the laws and regulations enforced by the state ethics
1169 commission, the state secretary, the office of the inspector general, or the office of campaign and
1170 political finance, or an alleged violation for which the attorney general may issue a civil
1171 investigative demand.

1172
1173 (b) Whoever alters, destroys, mutilates, or conceals a record, document, or other object, or
1174 attempts to do so, with the intent to impair the record, document or object’s integrity or
1175 availability for use in an official proceeding, whether or not the proceeding is pending at that
1176 time, shall be punished, by (i) a fine of not more than \$10,000, or by imprisonment in the state
1177 prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years,
1178 or both, or (ii) if the official proceeding involves a violation of a criminal statute, by a fine of not
1179 more than \$25,000, or by imprisonment in the state prison for not more than 10 years, or in a jail
1180 or house of correction for not more than 2 1/2 years, or both.

1181

1182 (c) The record, document, or other object need not be admissible in evidence or free of a
1183 claim of privilege.

1184
1185 (d) A prosecution under this section may be brought in the county where the official
1186 proceeding was or would have been convened or where the alleged conduct constituting an
1187 offense occurred.

1188
1189 **SECTION 61.** Section 2 of chapter 268A of the General Laws, as appearing in the 2006 Official
1190 Edition, is hereby amended by striking out, in lines 46 to 49, inclusive, the words “five thousand
1191 dollars or by imprisonment in the state prison for not more than three years or in a jail or house
1192 of correction for not more than two and one half years, or by both such fine and imprisonment in
1193 a jail or house of correction” and inserting in place thereof the following words:- \$100,000, or
1194 by imprisonment in the state prison for not more than 10 years, or in a jail or house of correction
1195 for not more than 2 1/2 years, or both.

1196
1197 **SECTION 62.** Said chapter 268A is hereby further amended by striking out section 3, as so
1198 appearing, and inserting in place thereof the following section:-

1199
1200 Section 3. (a) Whoever knowingly, otherwise than as provided by law for the proper
1201 discharge of official duty, directly or indirectly, gives, offers or promises anything of substantial
1202 value to any present or former state, county or municipal employee or to any member of the
1203 judiciary, or to any person selected to be such an employee or member of the judiciary: (i) for or
1204 because of any official act performed or to be performed by such an employee or member of the
1205 judiciary or person selected to be such an employee or member of the judiciary; or (ii) to
1206 influence, or attempt to influence, an official action of the state, county or municipal employee or
1207 to any member of the judiciary; or

1208
1209 (b) Whoever knowingly, being a present or former state, county or municipal employee or
1210 member of the judiciary, or person selected to be such an employee or member of the judiciary,
1211 otherwise than as provided by law for the proper discharge of official duty, directly or indirectly,
1212 asks, demands, exacts, solicits, seeks, accepts, receives or agrees to receive anything of
1213 substantial value: (i) for himself for or because of any official act or act within his official
1214 responsibility performed or to be performed by him; or (ii) to influence, or attempt to influence,
1215 him in an official act taken; or

1216
1217 (c) Whoever knowingly, directly or indirectly, gives, offers or promises anything of
1218 substantial value to any person, for or because of testimony under oath or affirmation given or to
1219 be given by such person or any other person as a witness upon a trial, hearing or other
1220 proceeding, before any court, any committee of either house or both houses of the general court,
1221 or any agency, commission or officer authorized by the laws of the commonwealth to hear
1222 evidence or take testimony or for or because of his absence therefrom; or

1223
1224 (d) Whoever knowingly, directly or indirectly, asks, demands, exacts, solicits, seeks,
1225 accepts, receives or agrees to receive anything of substantial value for himself for or because of
1226 the testimony under oath or affirmation given or to be given by him or any other person as a
1227 witness upon any such trial, hearing or other proceeding, or for or because of his absence

1228 therefrom; shall be punished by a fine of not more than \$50,000, or by imprisonment in the state
1229 prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years,
1230 or both.

1231
1232 (e) Clauses (c) and (d) shall not prohibit the payment or receipt of witness fees provided by
1233 law or the payment by the party upon whose behalf a witness is called and receipt by a witness of
1234 the reasonable cost of travel and subsistence incurred and the reasonable value of time lost in
1235 attendance at any such trial, hearing or proceeding, or, in the case of expert witnesses, involving
1236 a technical or professional opinion, a reasonable fee for time spent in the preparation of such
1237 opinion, in appearing or testifying.

1238
1239 (f) The state ethics commission shall adopt regulations: (i) defining “substantial value,” ;
1240 provided, however, that “substantial value” shall not be less than \$50; (ii) establishing exclusions
1241 for ceremonial gifts; (iii) establishing exclusions for gifts given solely because of family or
1242 friendship; and (iv) establishing additional exclusions for other situations that do not present a
1243 genuine risk of a conflict or the appearance of a conflict of interest.

1244
1245 **SECTION 63.**Section 4 of said chapter 268A, as so appearing, is hereby amended by striking
1246 out, in lines 17 and 18, inclusive, the words “three thousand dollars or by imprisonment for not
1247 more than two years, or both” and inserting in place thereof the following words:- \$10,000, or
1248 by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction
1249 for not more than 2 1/2 years, or both.

1250
1251 **SECTION 64.**Section 5 of said chapter 268A, as so appearing, is hereby amended by striking
1252 out, in line 26, the word “agent” and inserting in place thereof the following words:- or
1253 executive agent.

1254
1255 **SECTION 65.** Said section 5 of said chapter 268A, as so appearing, is hereby further amended
1256 by inserting after the word “body”, in line 28, the following words:- , as determined by the state
1257 ethics commission.

1258
1259 **SECTION 66.** Said section 5 of said chapter 268A, as so appearing, is hereby further amended
1260 by striking out, in lines 41 and 42, inclusive, the words “three thousand dollars or by
1261 imprisonment for not more than two ” and inserting in place thereof the following words:-
1262 \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house
1263 of correction for not more than 2 1/2.

1264
1265 **SECTION 67.** Section 6 of said chapter 268A, as so appearing, is hereby amended by striking
1266 out, in lines 7 and 8, inclusive, the words “three thousand dollars or by imprisonment for not
1267 more than two” and inserting in place thereof the following words:- \$10,000, or by
1268 imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for
1269 not more than 2 1/2.

1270
1271 **SECTION 68.** Section 7 of said chapter 268A, as so appearing, is hereby amended by striking
1272 out, in line 5, the words “three thousand dollars or by imprisonment for not more than two” and

1273 inserting in place thereof the following words:- \$10,000, or by imprisonment in the state prison
1274 for not more than 5 years, or in a jail or house of correction for not more than 2 1/2.

1275
1276 **SECTION 69.** Section 8 of said chapter 268A, as so appearing, is hereby amended by striking
1277 out, in line 17, the words “five thousand dollars or by imprisonment for not more than two” and
1278 inserting in place thereof the following words:- \$10,000, or by imprisonment in the state prison
1279 for not more than 5 years, or in a jail or house of correction for not more than 2 1/2.

1280
1281 **SECTION 70.** Said chapter 268A is hereby further amended by striking out section 9, as so
1282 appearing, and inserting in place thereof the following section:-

1283
1284 Section 9. (a) In addition to any other remedies provided by law, any violation of sections
1285 2 to 8, inclusive, or section 23 which has substantially influenced the action taken by any state
1286 agency in any particular matter, shall be grounds for avoiding, rescinding or canceling the action
1287 on such terms as the interests of the commonwealth and innocent third persons shall require.

1288
1289 (b) In addition to the remedies set forth in subsection (a), the state ethics commission upon
1290 a finding pursuant to an adjudicatory proceeding that a person has acted to his economic
1291 advantage in violation of sections 2 to 8, inclusive, or section 23, may issue an order: (1)
1292 requiring the violator to pay the commission on behalf of the commonwealth damages in the
1293 amount of the economic advantage or \$500, whichever is greater; and (2) requiring the violator
1294 to make restitution to an injured third party. If there has been no final criminal judgment of
1295 conviction or acquittal of the same violation, upon receipt of the written approval of the attorney
1296 general, the commission may order payment of additional damages in an amount not exceeding
1297 twice the amount of the economic advantage or \$500, and payment of such additional damages
1298 shall bar any criminal prosecution for the same violation.

1299
1300 The maximum damages that the commission may order a violator to pay under this section
1301 shall be \$25,000. If the commission determines that the damages authorized by this section
1302 exceed \$25,000, it may bring a civil action against the violator to recover such damages.

1303
1304 (c) The remedies authorized by this section shall be in addition to any civil penalty
1305 imposed by the state ethics commission in accordance with clause (3) of subsection (j) of section
1306 4 of chapter 268B.

1307
1308 **SECTION 71.**Section 11 of said chapter 268A, as so appearing, is hereby amended by striking
1309 out, in lines 16 and 17, the words “three thousand dollars or by imprisonment for not more than
1310 two” and inserting in place thereof the following words:- \$10,000, or by imprisonment in the
1311 state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2.

1312
1313 **SECTION 72.**Section 12 of said chapter 268A, as so appearing, is hereby amended by striking
1314 out, in lines 24 and 25, inclusive, the words “three thousand dollars or by imprisonment for not
1315 more than two” and inserting in place thereof the following words:- \$10,000, or by
1316 imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for
1317 not more than 2 1/2.

1318

1319 **SECTION 73.**Section 13 of said chapter 268A, as so appearing, is hereby amended by striking
1320 out, in lines 7 and 8, the words “three thousand dollars or by imprisonment for not more than
1321 two” and inserting in place thereof the following words:- \$10,000, or by imprisonment in the
1322 state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2.
1323

1324 **SECTION 74.**Section 14 of said chapter 268A, as so appearing, is hereby amended by striking
1325 out, in lines 5 and 6, inclusive, the words “three thousand dollars or by imprisonment for not
1326 more than two” and inserting in place thereof the following words:- \$10,000, or by
1327 imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for
1328 not more than 2 1/2.
1329

1330 **SECTION 75.**Said chapter 268A is hereby further amended by striking out section 15, as so
1331 appearing, and inserting in place thereof the following section:-
1332

1333 Section 15. (a) In addition to any other remedies provided by law, a violation of section 2,
1334 3, 8, or sections 11 to 14, inclusive, or section 23 which has substantially influenced the action
1335 taken by any county agency in any particular matter, shall be grounds for avoiding, rescinding, or
1336 canceling the action on such terms as the interests of the county and innocent third persons shall
1337 require.
1338

1339 (b) In addition to the remedies set forth in subsection (a), the commission may, upon a
1340 finding pursuant to an adjudicatory proceeding that a person has acted to his economic advantage
1341 in violation of section 2, 3, 8, sections 11 to 14, inclusive, or section 23, issue an order (1)
1342 requiring the violator to pay the commission on behalf of the county damages in the amount of
1343 the economic advantage or \$500, whichever is greater; and (2) requiring the violator to make
1344 restitution to an injured third party. If there has been no final criminal judgment of conviction or
1345 acquittal of the same violation, upon receipt of the written approval of the attorney general and
1346 the district attorney, the commission may order payment of additional damages in an amount not
1347 exceeding twice the amount of the economic advantage or \$500, and payment of such additional
1348 damages shall bar any criminal prosecution for the same violation.
1349

1350 The maximum damages that the commission may order a violator to pay under this section
1351 shall be \$25,000. If the commission determines that the damages authorized by this section
1352 exceed \$25,000, it may bring a civil action against the violator to recover such damages.
1353

1354 (c) The remedies authorized by this section shall be in addition to any civil penalty
1355 imposed by the commission in accordance with clause (3) of subsection (j) of section 4 of
1356 chapter 268B.
1357

1358 **SECTION 76.**Section 17 of said chapter 268A, as so appearing, is hereby amended by striking
1359 out, in lines 16 and 17, the words “three thousand dollars or by imprisonment for not more than
1360 two” and inserting in place thereof the following words:- \$10,000, or by imprisonment in the
1361 state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2.
1362

1363 **SECTION 77.** Section 18 of said chapter 268A, as so appearing, is hereby amended by striking
1364 out, in lines 22 and 23, inclusive, the words “three thousand dollars or by imprisonment for not

1365 more than two” and inserting in place thereof the following words:- \$10,000, or by
1366 imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for
1367 not more than 2 1/2.
1368

1369 **SECTION 78.** Section 19 of said chapter 268A, as so appearing, is hereby amended by striking
1370 out, in lines 7 and 8, the words “three thousand dollars or by imprisonment for not more than
1371 two” and inserting in place thereof the following words:- \$10,000, or by imprisonment in the
1372 state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2.
1373

1374 **SECTION 79.** Section 20 of said chapter 268A, as so appearing, is hereby amended by striking
1375 out, in lines 5 and 6, inclusive, the words “three thousand dollars or by imprisonment for not
1376 more than two” and inserting in place thereof the following words:- \$10,000, or by
1377 imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for
1378 not more than 2 1/2.
1379

1380 **SECTION 80.** Said chapter 268A is hereby further amended by striking out section 21, as so
1381 appearing, and inserting in place thereof the following section:-
1382

1383 Section 21. (a) In addition to any other remedies provided by law, a finding by the
1384 commission pursuant to an adjudicatory proceeding that there has been any violation of sections
1385 2, 3, 8, 17 to 20, inclusive, or section 23, which has substantially influenced the action taken by
1386 any municipal agency in any particular matter, shall be grounds for avoiding, rescinding or
1387 canceling the action of said municipal agency upon request by said municipal agency on such
1388 terms as the interests of the municipality and innocent third persons require.
1389

1390 (b) In addition to the remedies set forth in subsection (a) , the commission may, upon a
1391 finding pursuant to an adjudicatory proceeding that a person has acted to his economic advantage
1392 in violation of sections 2, 3, 8, 17 to 20, inclusive, or section 23, may issue an order (1) requiring
1393 the violator to pay the commission on behalf of the municipality damages in the amount of the
1394 economic advantage or \$500, whichever is greater; and (2) requiring the violator to make
1395 restitution to an injured third party. If there has been no final criminal judgment of conviction or
1396 acquittal of the same violation, upon receipt of the written approval of the district attorney, the
1397 commission may order payment of additional damages in an amount not exceeding twice the
1398 amount of the economic advantage or \$500, and payment of such additional damages shall bar
1399 any criminal prosecution for the same violation. The maximum damages that the commission
1400 may order a violator to pay under this section shall be \$25,000. If the commission determines
1401 that the damages authorized by this section exceed \$25,000, it may bring a civil action against
1402 the violator to recover such damages.
1403

1404 (c) The remedies authorized by this section shall be in addition to any civil penalty
1405 imposed by the commission in accordance with clause (3) of subsection (j) of section 4 of
1406 chapter 268B.
1407

1408 **SECTION 81. Subsection (b) of section 23 of said chapter 268A, as so appearing, is hereby**
1409 **amended by striking out clause (2) and inserting in place thereof the following clause:-**

1410 (2) (i) solicit or receive anything of substantial value for such officer or employee, which
1411 is not otherwise authorized by statute or regulation, for or because of the officer or employee's
1412 official position; or (ii) use or attempt to use such official position to secure for such officer,
1413 employee or others unwarranted privileges or exemptions which are of substantial value and
1414 which are not properly available to similarly situated individuals;

1415
1416 **SECTION 82.** Said section 23 of said chapter 268A, as so appearing, is hereby further amended
1417 by striking out, in line 21, the word "conclusion." and inserting in place thereof the following
1418 words:- conclusion; or

1419
1420 (4) present a false or fraudulent claim to his employer for any payment or benefit of
1421 substantial value.

1422
1423 **SECTION 83.** Said section 23 of said chapter 268A, as so appearing, is hereby further amended
1424 by striking out subsection(f) and inserting in place thereof the following subsection:-

1425
1426 (f) The state ethics commission shall adopt regulations: (i) defining substantial value; provided,
1427 however, that substantial value shall not be less than \$50; (ii) establishing exclusions for
1428 ceremonial privileges and exemptions; (iii) establishing exclusions for privileges and exemptions
1429 given solely because of family or friendship; and (iv) establishing additional exclusions for other
1430 situations that do not present a genuine risk of a conflict or the appearance of a conflict of
1431 interest.

1432
1433 **SECTION 84.** Said chapter 268A is hereby further amended by adding the following 4
1434 sections:-

1435
1436 Section 26. (a) Any person who, directly or through another, with fraudulent intent, violates
1437 clause (2) or (4) of subsection (b) of section 23, or any person who, with fraudulent intent, causes
1438 any other person to violate said clauses (2) or (4) of said subsection (b) of said section 23 or with
1439 fraudulent intent offers or gives any privileges or exemptions of substantial value in violation of
1440 said clause (2) or (4) of said subsection (b) of said section 23 , shall be punished by a fine of not
1441 more than \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail
1442 or house of correction for not more than 2 1/2 years, or both, if the unwarranted privileges or
1443 exemptions have a fair market value in the aggregate of more than \$1,000 in any 12 month
1444 period.

1445
1446 Section 27. The commission shall prepare, and update as necessary, summaries of this
1447 chapter for state, county, and municipal employees, respectively, which the commission shall
1448 publish on its official website. Every state, county and municipal employee shall, within 30 days
1449 of becoming such an employee, and on an annual basis thereafter, be furnished with a summary
1450 of this chapter prepared by the commission and sign a written acknowledgment that he has been
1451 provided with such a summary. Municipal employees shall be furnished with the summary by,
1452 and file an acknowledgment with, the city or town clerk. Appointed state and county employees
1453 shall be furnished with the summary by, and file an acknowledgment with, the employee's
1454 appointing authority or his designee. Elected state and county employees shall be furnished with

1455 the summary by, and file an acknowledgment with, the commission. The commission shall
1456 establish procedures for implementing this section and ensuring compliance.

1457
1458 Section 28. The state ethics commission shall prepare and update from time to time the
1459 following online training programs, which the commission shall publish on its official website:
1460 (1) a program which shall provide a general introduction to the requirements of this chapter; and
1461 (2) a program which shall provide information on the requirements of this chapter applicable to
1462 former state, county, and municipal employees. Every state, county, and municipal employee
1463 shall, within 30 days after becoming such an employee, and every 2 years thereafter, complete
1464 the online training program. Upon completion of the online training program, the employee shall
1465 provide notice of such completion to be retained for 6 years by the appropriate employer.

1466
1467 The commission shall establish procedures for implementing this section and ensuring
1468 compliance.

1469
1470 Section 29. Each municipality, acting through its city council, board of selectmen, or
1471 board of aldermen, shall designate a senior level employee of the municipality as its liaison to
1472 the state ethics commission. The municipality shall notify the commission in writing of any
1473 change to such designation within 30 days of such change. The commission shall disseminate
1474 information to the designated liaisons and conduct educational seminars for designated liaisons
1475 on a regular basis on a schedule to be determined by the commission in consultation with the
1476 municipalities.

1477
1478 **SECTION 85.** Chapter 268B of the General Laws, is hereby amended by striking out section 1 ,
1479 as appearing in the 2006 Official Edition and inserting in place thereof, the following section:-

1480 Section 1. As used in this chapter, the following words shall, unless the context clearly requires
1481 otherwise have the following meanings:

1482 "Amount", a category of value, rather than an exact dollar figure, as follows: greater than
1483 \$1,000 but not more than \$5,000; greater than \$5,000 but not more than \$10,000; greater than
1484 \$10,000 but not more than \$20,000; greater than \$20,000 but not more than \$40,000; greater than
1485 \$40,000 but not more than \$60,000; greater than \$60,000 but not more than \$100,000; greater
1486 than \$100,000.

1487 "Business", any corporation, partnership, sole proprietorship, firm, franchise, association,
1488 organization, holding company, joint stock company, receivership, business or real estate trust or
1489 any other legal entity organized for profit or charitable purposes.

1490 "Business with which he is associated", any business in which the reporting person or a
1491 member of his immediate family is a general partner, proprietor, officer or other employee,
1492 including one who is self-employed or serves as a director, trustee or in any similar managerial
1493 capacity and any business more than 1 per cent of any class of the outstanding equity of which is
1494 beneficially owned in the aggregate by the reporting person and members of his immediate
1495 family.

1496 “Candidate for public office”, any individual who seeks nomination or election to public
1497 office; provided, however, that , an individual shall be deemed to be seeking nomination or
1498 election to public office if he has: (1) received a political contribution or made an expenditure, or
1499 has given his consent for any other person or committee to receive a political contribution or
1500 make an expenditure, for the purpose of influencing his nomination or election to such office,
1501 whether or not the specific public office for which he will seek nomination or election is known
1502 at the time the political contribution is received or the expenditure is made; or (2) taken the
1503 action necessary under the laws of the commonwealth to qualify himself for nomination or
1504 election to such office.

1505 “Commission”, the state ethics commission established by section 2;

1506 “Equity”, any stock or similar ownership interest in a business.

1507 “Executive agent”, an executive agent as defined in section 39 of chapter 3.

1508 “Governmental body”, a state or county agency, authority, board, bureau, commission,
1509 council, department, division or other entity, including the general court and the courts of the
1510 commonwealth.

1511 “Immediate family”, a spouse and any dependent children residing in the reporting
1512 person’s household.

1513 “Income”, income from whatever source derived, whether in the form of a fee, salary,
1514 allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain or any other
1515 form of recompense or any combination thereof; provided, however, that interest from savings
1516 accounts or from government obligations other than those of the commonwealth or any political
1517 subdivision thereof or any public agency or authority created by the general court, alimony and
1518 support payments, proceeds from a life insurance policy, retirement or disability benefits and
1519 social security payments shall not be considered income for the purposes of this chapter.

1520 “Legislative agent”, a legislative agent as defined in section 39 of chapter 3.

1521 “Major policymaking position”, the executive or administrative head of a governmental
1522 body, all members of the judiciary, any person whose salary equals or exceeds that of a state
1523 employee classified in step 1 of job group XXV of the general salary schedule contained in
1524 section 46 of chapter 30 and who reports directly to said executive or administrative head, the
1525 head of each division, bureau or other major administrative unit within such governmental body
1526 and persons exercising similar authority.

1527 “Person”, a business, individual, corporation, union, association, firm, partnership,
1528 committee or other organization or group of persons.

1529 “Political contribution”, a contribution of money or anything of value to an individual,
1530 candidate, political committee or person acting on behalf of an individual, candidate or political
1531 committee, for the purpose of influencing the nomination or election of the individual or

1532 candidate or for the purpose of promoting or opposing a charter change, referendum question,
1533 constitutional amendment or other question submitted to the voters and shall include any: (1)
1534 gift, subscription, loan, advance, deposit of money, or thing of value, except a loan of money to a
1535 candidate by a national or state bank made in accordance with the applicable banking laws and
1536 regulations and in the ordinary course of business; (2) transfer of money or anything of value
1537 between political committees; (3) payment, by any person other than a candidate or political
1538 committee, or compensation for the personal services of another person which are rendered to
1539 such candidate or committee; (4) purchase from an individual, candidate or political committee,
1540 or person acting on behalf of an individual, candidate or political committee, whether through the
1541 device of tickets, advertisements, or otherwise, for fund-raising activities, including testimonials,
1542 held on behalf of said individual, candidate or political committee, to the extent that the purchase
1543 price exceeds the actual cost of the goods sold or services rendered; (5) discount or rebate not
1544 available to other candidates for the same office and to the general public; and (6) forgiveness of
1545 indebtedness or payment of indebtedness by another person; provided, however, that political
1546 contribution shall not include the rendering of services by speakers, editors, writers, poll
1547 watchers, poll checkers or others, or the payment by those rendering such services of such
1548 personal expenses as may be incidental thereto, or the exercise of ordinary hospitality.

1549 “Public employee”, a person who holds a major policymaking position in a governmental
1550 body; provided, however, that a person who receives no compensation other than
1551 reimbursements for expenses, or any person serving on a governmental body that has no
1552 authority to expend public funds other than to approve reimbursements for expenses shall not be
1553 considered a public employee for the purposes of this chapter; provided, further, that the
1554 members of the board of bar examiners shall not be considered public employees for the
1555 purposes of this chapter.

1556 “Public office”, a position for which one is nominated at a state primary or chosen at a
1557 state election, excluding the positions of senator and representative in congress and the office of
1558 regional district school committee member elected district-wide.

1559 “Public official”, a person who holds a public office.

1560 “Reporting person”, a person required to file a statement of financial interest pursuant to
1561 section 5.

1562 **SECTION 86.** Section 4 of said chapter 268B, as so appearing, is hereby amended by striking
1563 out subsection (a) and inserting in place thereof the following:-
1564

1565 (a) Upon receipt of a sworn complaint signed under the penalties of perjury, or upon
1566 receipt of evidence which is deemed sufficient by the commission, the commission shall initiate
1567 a preliminary inquiry into any alleged violation of chapter 268A or 268B. At the commencement
1568 of a preliminary inquiry into any such alleged violation, the general counsel shall notify the
1569 attorney general in order to avoid overlapping civil and criminal investigations. All commission
1570 proceedings and records relating to a preliminary inquiry or initial staff review used to determine
1571 whether to initiate an inquiry shall be confidential, except that the general counsel may turn over
1572 to the attorney general, the United States Attorney or a district attorney of competent jurisdiction

1573 evidence which may be used in a criminal proceeding. The general counsel shall notify any
1574 person who is the subject of the preliminary inquiry of the existence of such inquiry and the
1575 general nature of the alleged violation within 30 days of the commencement of the inquiry.
1576

1577 **SECTION 87.** Subsection (c) of said section 4 of said chapter 268B, as so appearing, is hereby
1578 amended by adding the following sentence:- The commission shall initiate such an adjudicatory
1579 proceeding within 5 years from the date the commission learns of the alleged violation, but not
1580 more than 6 years from the date of the last conduct relating to the alleged violation.
1581

1582 **SECTION 88.** Subsection (d) of said section 4 of said chapter 268B as so appearing, is hereby
1583 amended by striking out the last sentence and inserting in place thereof the following sentence:-
1584 Such summonses shall have the same force, and be obeyed in the same manner, and under the
1585 same penalties in case of default, as if issued by order of a justice of the superior court and may
1586 be quashed only upon motion of the summonsed party and by order of a justice of the superior
1587 court.
1588

1589 **SECTION 89.** Said section 4 of said chapter 268B, as so appearing, is hereby further amended
1590 by striking out, in lines 73 and 74, the words “two thousand dollars for each violation of this
1591 chapter or said chapter two hundred and sixty-eight A” and inserting in place thereof the
1592 following words:- \$10,000 for each violation of this chapter or chapter 268A, with the exception
1593 of a violation of section 2 of chapter 268A, which shall be subject to a civil penalty of not more
1594 than \$25,000.
1595

1596 **SECTION 90.** Said section 4 of said chapter 268B, as so appearing, is hereby further amended
1597 by inserting after the word “order”, in line 76, the following words:- and any order issued by the
1598 commission in accordance with chapter 268A.
1599

1600 **SECTION 91.** Said section 4 of said chapter 268B, as so appearing, is hereby further amended
1601 by inserting after the word “to”, in line 77, the following words:- chapter 268A or 268B.
1602

1603 **SECTION 92.** Said section 4 said chapter 268B, as so appearing, is hereby further amended by
1604 striking out, in line 91, the words “twenty thousand dollars” and inserting in place thereof the
1605 following figure:- \$30,000.
1606

1607 **SECTION 93.** Said section 4 of said chapter 268B, as so appearing, is hereby further amended
1608 by adding the following paragraph:-
1609

1610 (l) The superior court shall have concurrent jurisdiction to issue orders under paragraph (j)
1611 in a civil action brought by the attorney general. In any such action, an advisory opinion of the
1612 commission under clause (g) of section 3 shall be binding to the same extent as it is against the
1613 commission under that clause.
1614

1615 **SECTION 94.** Section 5 of said chapter 268B, as so appearing, is hereby amended by inserting
1616 after the word legislative, in line 68, the following words:- or executive.
1617

1618 **SECTION 95.**Said chapter 268B is hereby further amended by striking out section 6, as so
1619 appearing, and inserting in place thereof the following section:-

1620
1621 Section 6. No executive or legislative agent shall knowingly and willfully offer or give to any
1622 public official or public employee or a member of such person’s immediate family, and no public
1623 official or public employee or member of such person’s immediate family shall knowingly and
1624 willfully solicit or accept from any executive or legislative agent, any gift of any kind or nature;
1625 provided, however, that the state ethics commission shall promulgate regulations: (i)
1626 establishing exclusions for ceremonial gifts; (ii) establishing exclusions for gifts given solely
1627 because of family or friendship; and (iii) establishing additional exclusions for other situations
1628 that do not present a genuine risk of a conflict or the appearance of a conflict of interest.

1629
1630 **SECTION 96.**Section 7 of said chapter 268B, as so appearing, is hereby amended by striking
1631 out, in line 7, the words “files a ” and inserting in place thereof the following words:- willfully
1632 files a materially.

1633
1634 **SECTION 97.**Said section 7 of said chapter 268B, as so appearing, is hereby further amended
1635 by striking out, in lines 9 and 10, the words “one thousand dollars or by imprisonment in the
1636 state prison for not more than three years, or in a house of correction for not more than two and
1637 one-half” and inserting in place thereof the following words:- \$10,000, or by imprisonment in
1638 the state prison for not more than 5 years, or in a jail or house of correction for not more than 2
1639 1/2.

1640
1641 **SECTION 98.** The General Laws are hereby further amended by inserting after chapter 277 the
1642 following chapter:-

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1646

CHAPTER 277A
Statewide Grand Jury

1647 Section 1. Upon written application of the attorney general to the chief justice of the
1648 superior court department, with good cause stated therein, the chief justice may authorize the
1649 convening of a statewide grand jury with jurisdiction extending throughout the commonwealth.

1650
1651 Section 2. The chief justice of the superior court department shall, upon granting an
1652 application, receive recommendations from the attorney general as to the county in which the
1653 statewide grand jury shall sit. Upon receiving the attorney general’s recommendations, the chief
1654 justice shall choose 1 of those recommended locations as the site where the grand jury shall sit.
1655 Once a county has been selected, the chief justice shall direct the regional administrative judge
1656 from the county selected to appoint, and reappoint as necessary, a superior court judge to preside
1657 over the statewide grand jury.

1658
1659 Section 3. The superior court judge presiding over the grand jury shall consult with the
1660 attorney general and district attorney for the relevant district about the nature and scope of the
1661 investigation and shall thereafter designate and authorize an existing county grand jury to serve
1662 as a statewide grand jury for purposes of the investigation specified in the written application, or,
1663 alternatively, convene and preside over a specially empaneled statewide grand jury.

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Section 4. A specially empaneled statewide grand jury shall be drawn and selected in the same manner as the county grand jury in the county in which the specially empaneled statewide grand jury sits. A specially empaneled statewide grand jury may, at the discretion of the presiding superior court judge, draw jurors from counties adjoining the one in which the statewide grand jury is to sit.

Section 5. A specially empaneled statewide grand jury convened pursuant to this chapter shall sit for a period not to exceed 18 months. The superior court judge presiding over the grand jury may extend this period if, in accordance with section 1A of chapter 277 and section 41 of chapter 234A, public necessity requires further time by the grand jury to complete an on-going investigation.

Section 6. The attorney general or an assistant attorney general shall attend each session of a statewide grand jury and may prosecute any indictment returned by it. The attorney general or assistant attorney general shall have the same powers and duties in relation to a statewide grand jury that she has in relation to a county grand jury, except as otherwise provided by law.

Section 7. Indictments shall be returned in the county where the statewide grand jury sits and shall thereafter be transferred to the county specified by the grand jury on the indictment. Venue for purposes of trial of offenses indicted by a statewide grand jury shall be in any county where venue would otherwise be proper.

Section 8. No provision of this chapter shall be construed as limiting the jurisdiction of county grand juries or district attorneys. Except as otherwise provided by law, an investigation by a statewide grand jury shall not preempt an investigation by any other grand jury or agency having jurisdiction over the same subject matter.

SECTION 99.Chapter 277A of the General Laws is hereby repealed.

SECTION 100.Notwithstanding any general or special law to the contrary, every legislative agent and executive agent, as defined by section 39 of chapter 3 of the General Laws shall, within 90 days after the effective date of this act, and every year thereafter, complete an in-person or online seminar offered by the state secretary in accordance with section 41 of said chapter 3.

SECTION 101.Notwithstanding any general or special law to the contrary, in accordance with section 27 of chapter 268A of the General Laws within 90 days after the effective date of this act every state, county, and municipal employee shall be provided a summary of chapter 268A prepared by the state ethics commission and shall file a written acknowledgment as required by that section.

SECTION 102.Notwithstanding any general or special law to the contrary, within 120 days after the effective date of this act, each municipality shall provide written notification to the state ethics commission of the liaison designated under section 29 of chapter 268A of the General Laws.

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SECTION 103.Notwithstanding any general or special law to the contrary, any person who has previously received confirmation by the executive council, and who is, on the effective date of this act still a member of the judiciary shall, within 6 months of the effective date of this act, dissolve any political committee organized on behalf of such person and disperse any funds remaining in such committee’s account in accordance with section 18 of chapter 55 of the General Laws.

SECTION 104. Notwithstanding any general or special law to the contrary, there shall be established a special commission to study the creation of a new independent office of public accountability which would function as the single state entity for the administration and enforcement of the provisions of law currently administered and enforced by the state ethics commission, the office of campaign and political finance and the lobbyist division of the office of the secretary of state.

The commission shall consider factors, including, but not limited to: (1) creating a new independent office of public accountability which would function as the single state entity for the administration and enforcement of the provisions of law currently administered and enforced by the state ethics commission, the office of campaign and political finance and the lobbyist division of the office of the secretary of state; (2) the cost of establishing such an office and the potential cost savings from efficiencies created by consolidating certain functions of the various offices; (3) what personnel would be required in such an office and who would set the salaries for those individuals, and whether civil service laws should apply to such an office; (4) the optimal composition of the new independent office to preserve its impartiality and integrity, including the question of whether no more than a certain number of commission members shall be members of a single political party and whether elected officials should participate in the process including appointing the commission or executive director; (5) who should be responsible for the removal of an executive director or commission member and how to fill such a vacancy; (6) whether any changes are necessary regarding jurisdiction for criminal or civil prosecutions of violations of laws within the purview of the office, and who should be responsible for investigating those matters; (7) whether there is a need for any expanded rulemaking authority within the new office; (8) whether the new office should be authorized to share information with any and all other enforcement agencies or what limitations are required for any particular type of inquiry, and whether information sharing within the office itself should be limited in any way; and (9) whether the confidentiality provisions under chapters 268A and 268B would be jeopardized by consolidation of operations of the state ethics commission with other agencies.

The special commission shall consist of: the secretary of the commonwealth, or his designee; the director of the office of campaign and political finance, or his designee; the executive director of the state ethics commission, or his designee; 3 members of the senate 1 of whom shall be appointed by the minority leader of the senate; 3 members of the house of representatives 1 of whom shall be appointed by the minority leader of the house of representatives; and 2 members to be appointed by the attorney general. The special commission shall report to the general court the results of its investigation and study, together with

1755 recommendations and drafts of legislation necessary to carry out any recommendations, if any,
1756 by filing a report with the clerks of the senate and the house of representatives by July 31, 2010.

1757

1758 **SECTION 105.** Sections 23 to 59, inclusive, of this act shall take effect on January 1, 2010.

1759

1760 **SECTION 106.** Sections 17 to 20, inclusive, of this act shall take effect July 1, 2010.

1761

1762 **SECTION 107.** Section 99 shall take effect on December 31, 2014.

1763

