

HOUSE No. 381

The Commonwealth of Massachusetts

PRESENTED BY:

James M. Murphy

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

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

An Act providing disclosure of political phone calls.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

James M. Murphy

4th Norfolk

James M. Cantwell

4th Plymouth

HOUSE No. 381

By Mr. Murphy of Weymouth, a petition (accompanied by bill, House, No. 381) of James M. Murphy and James M. Cantwell relative to providing disclosure of political phone calls. Election Laws.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 586 OF 2015-2016.]

The Commonwealth of Massachusetts

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

An Act providing disclosure of political phone calls.

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

1 SECTION 1: Section 1 of Chapter 55 of the General Laws, as appearing in the 2014
2 official edition is hereby amended by inserting after the definition of “Ballot Question
3 Committee” the following definition:

4 "Bona fide survey and opinion research", The collection and analysis of data regarding
5 opinions, needs, awareness, knowledge, views, experiences, and behaviors of a population,
6 through the development and administration of surveys, interviews, focus groups, polls,
7 observation, or other research methodologies, in which no sales, promotional, or marketing
8 efforts are involved, and through which there is no attempt to influence a participant's attitudes
9 or behavior. Bona fide survey and opinion research includes message testing, which is the study

10 for research purposes of how randomly-selected individuals react to positive or negative
11 information on a candidate, elected public official, or ballot question.

12 SECTION 2: Section 1 of chapter 55 of the General Laws, as appearing in the 2014
13 official edition, is hereby amended by inserting after the definition of “political party committee”
14 the following definition:

15 "Push-polling", (i) Calling voters on behalf of, in support of, or in opposition to, any
16 candidate for public office by telephone; and (ii) Asking questions related to opposing candidates
17 for public office which state, imply, or convey information about the candidates character, status,
18 or political stance or record; and (iii) Conducting such calling in a manner which is likely to be
19 construed by the voter to be a survey or poll to gather statistical data for entities or organizations
20 which are acting independent of any particular political party, candidate, or interest group as part
21 of a series of like telephone calls that consist of more than 2,000 connected calls that last less
22 than 2 minutes in elections for United States President, United States Senate, United States
23 Congress, Governor of the Commonwealth of Massachusetts, Lieutenant Governor of the
24 Commonwealth of Massachusetts, Treasurer of the Commonwealth of Massachusetts, Secretary
25 of the Commonwealth of Massachusetts, Auditor of the Commonwealth of Massachusetts, or
26 conducting such calling as part of a series of like telephone calls that consist of more than 500
27 connected calls that last less than 2 minutes in elections for Governor’s council, state senate,
28 state representative, mayor, city councilor or alderman, town councilor or selectman, school
29 district, or village district; and (iv) Conducting such calling for purposes other than bona fide
30 survey and opinion research.

31 SECTION 3: Chapter 55 of the General Laws, as appearing in the 2014 official edition, is
32 hereby amended by inserting after Section 18G the following section:

33 Section 18H(a) Any person, association, corporation, labor union or other entity who
34 engages in push-polling, as defined in Section 1 of Chapter 55 of the General Laws, shall, prior
35 to asking any person contacted a question relating to a candidate:

36 (i) Inform the person that the telephone call is a "paid political advertisement;" and

37 (ii) Identify the organization making the call and the organization paying for the call; and

38 (iii) Provide a valid, current, publicly-listed telephone number for the organization
39 making the call; and

40 (iv) Identify that the telephone call is being made on behalf of, in support of, or in
41 opposition to a particular candidate or candidates for public office and identify that candidate or
42 candidates by name.

43 (b) All disclosures required by this section shall be made in a clear and intelligible
44 manner and must be repeated upon request of the call respondent.

45 (c) A caller may not state or imply false or fictitious names or telephone numbers when
46 providing the disclosures required by this section.

47 (d) A violation of this section shall be punishable by a fine of not more than \$1,000.