

HOUSE No. 00874

The Commonwealth of Massachusetts

PRESENTED BY:

John W. Scibak

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

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

An Act relative to solicitation disclosures.

PETITION OF:

NAME:

| DISTRICT/ADDRESS:

HOUSE No. 00874

By Mr. Scibak of South Hadley, a petition (accompanied by bill, House, No. 874) of John W. Scibak for legislation to further regulate the solicitation of contributions. Telecommunications, Utilities and Energy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 3119 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to solicitation disclosures.

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 23 of Chapter 68 of the General Laws, as appearing in the 2006
2 Official Edition, is hereby amended by striking out section 23 and inserting in place thereof the
3 following section :-
4 Section 23. (a) All solicitations by professional solicitors and all solicitations by commercial co-
5 venturers must, prior to orally requesting a contribution, and at the same time at which a written
6 request for a contribution is made, clearly and conspicuously disclose the following information
7 to the person being solicited: (1) the true name of the individual making the solicitation; (2) the
8 statement that the solicitation is being conducted by a “paid fund-raiser”; (3) the true name of the
9 person who is employing and compensating the individual making the solicitation if the

10 individual is employed for compensation to make the solicitation; (4) the true name, address and
11 telephone number of the charitable organization for whom the solicitation is being made; (5) a
12 description of how the contributions raised by the solicitation will be utilized for charitable
13 purposes, or if there is no charitable organization, the name, address and telephone number of the
14 professional solicitor or commercial co-venturer and a description of how the contributions
15 raised by the solicitation will be utilized for charitable purposes; (6) the non-tax-exempt status of
16 the organization or fund, if the organization or fund for which the money or funds are being
17 solicited does not have a charitable tax exemption under both federal and state law; (7) the
18 guaranteed minimum percentage of the gross receipts from fund-raising that will be utilized
19 exclusively for the charitable purposes described in the solicitation; and such other disclosures as
20 required by relevant rules and regulations promulgated under section twenty-nine. If the
21 solicitation is for advertising, the disclosure shall also include the geographic distribution and the
22 circulation of the publication in which the advertising will appear. (b) For purposes of this
23 section, the guaranteed minimum percentage required to be disclosed by clause (3) of subsection
24 (a) shall be the percentage stated in the contract or written agreement between the professional
25 solicitor or commercial co-venturer and the charitable organization. (c) A professional solicitor
26 may not represent that: (1) any part of the contributions received will be given or donated to any
27 charitable organization unless such organization has consented in writing to the use of its name,
28 symbol or statement prior to the solicitation. Such written consent must be signed by two
29 authorized officers, directors or trustees of the charitable organization; (2) tickets to an event are
30 to be donated for use by another, unless the professional solicitor has first obtained a
31 commitment, in writing, from a charitable organization stating that it will accept donated tickets
32 and specifying the number of tickets which it is willing to accept and provided no more

- 33 contributions for donated tickets must be solicited than the number of ticket commitments
- 34 received from the charitable organization.