

Massachusetts lobbying law

The Massachusetts lobbying law was recently amended, and the changes are effective as of September 29, 2009.

For a full text of the lobbying law, refer to M.G.L. c. 3, §§ 39 – 50 in an official edition of the Massachusetts General Laws.

Chapter 3: Section 39. Definitions

Section 39. As used in sections thirty-nine to fifty, inclusive, the following words shall, unless the context clearly indicates otherwise, have the following meanings:—

“Act to communicate directly with a covered executive official to influence a decision concerning policy or procurement”, shall include any direct communication by a person to such official by telephone, mail, commercial messenger, facsimile transmission, electronic mail, other direct means or in person, but shall not be deemed to include the following activities:

- (a) a request for a meeting, a request for the status of an action or any similar administrative request, if the request does not include an attempt to influence a covered executive official;
- (b) an act made in the course of participation in an advisory committee or task force;
- (c) providing information in writing in response to a written request for specific information by an officer or employee of the executive branch or an authority, including, but not limited to, statewide constitutional officers and employees thereof;
- (d) an act required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation or other action of the executive branch or an authority, including, but not limited to, statewide constitutional offices;

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(e) a communication made to an officer or employee of the executive branch or an authority, including, but not limited to, statewide constitutional officers and employees thereof, with regard to: (1) a judicial proceeding or a criminal or civil law enforcement inquiry, investigation or proceeding; or (2) a filing or proceeding that the executive branch or an authority, including, but not limited to, statewide constitutional offices, is specifically required by statute or regulation to maintain or conduct on a confidential basis; if such executive branch or authority, including, but not limited to, statewide constitutional offices, is charged with responsibility for such proceeding, inquiry, investigation or filing;

(f) an act made in compliance with written agency procedures regarding an adjudicatory proceeding, as defined in section one of chapter thirty A, conducted by the agency, or similar adjudicatory or evidentiary proceedings conducted by any department, board, commission or official not governed by chapter thirty A;

(g) a petition for action by the executive branch or an authority, including, but not limited to, statewide constitutional offices made in writing and required to be a matter of public record pursuant to established procedures of such executive branch or authority, including, but not limited to, statewide constitutional offices;

(h) an act made on behalf of an individual with regard to that individual's benefits, employment or other personal matters;

(i) a response to a request for proposals or similar invitation by an officer or employee of the executive branch or an authority, including, but not limited to, statewide constitutional officers and employees thereof, for information relevant to a contract;

(j) participation in a bid conference;

(k) an appeal or request for review of a procurement decision.

“Authority”, any public instrumentality of the commonwealth which is not subject to the supervision and control of either the legislative, executive or judicial

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departments of state government, or of any city, town, or county within the commonwealth, and which does not receive state appropriations either for operations or the payment of debt obligations. Notwithstanding the foregoing provisions, the following entities shall be considered to be authorities: Bay State Skills Corporation, Boston Metropolitan District, centers of excellence, Community Economic Development Assistance Corporation, Community Development Finance Corporation, Government Land Bank, Massachusetts Bay Transportation Authority, Massachusetts Convention Center Authority, Massachusetts Corporations for Educational Telecommunications, Massachusetts Educational Loan Authority, Massachusetts Health and Educational Facilities Authority, Massachusetts Housing Finance Agency, Massachusetts Industrial Finance Agency, Massachusetts Industrial Service Program, Massachusetts Legal Assistance Corporation, Massachusetts Municipal Wholesale Electric Company, Massachusetts Port Authority, Massachusetts Product Development Corporation, Massachusetts Technology Development Corporation, Massachusetts Technology Park Corporation, Massachusetts Turnpike Authority, Massachusetts Water Resources Authority, Nantucket land bank, Pension Reserves Investment Management Board, State College Building Authority, Southeastern Massachusetts University Building Authority, Thrift Institutions Fund for Economic Development, University of Lowell Building Authority, University of Massachusetts Building Authority, Victim and Witness Board, Woods Hole, Martha's Vineyard, and Nantucket Steamship Authority, Worcester Business Development Corporation, the several regional transit authorities, the several regional school districts, the several solid waste districts, the several water, sewer, and fire districts, the several local housing authorities, the several local redevelopment authorities, and the several home care corporations.

“Client”, any person, corporation, partnership, association, or other entity that contracts with another person, corporation, partnership, association, or other entity to receive lobbying services.

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“Covered executive official”, the governor, lieutenant governor, state secretary, attorney general, state treasurer, state auditor, any person who holds a major policy making position, as defined in section one of chapter two hundred and sixty-eight B, and as designated by the governor, lieutenant governor, state secretary, attorney general, state treasurer or state auditor in accordance with the provisions of said chapter two hundred and sixty-eight B, the secretary or deputy or assistant secretary of any executive office, or the executive or administrative head or deputy or assistant head of any authority, any department, board, commission, or division of the state government or subdivision of any of the foregoing, but not including the legislative and judicial departments.

“Executive agent”, a person who for compensation or reward engages in executive lobbying, which includes at least 1 lobbying communication with a government employee made by said person. The term “executive agent” shall include a person who, as part of his regular and usual business or professional activities and not simply incidental thereto, engages in executive lobbying, whether or not any compensation in addition to the salary for such activities is received for such services. For the purposes of this definition a person shall be presumed to be engaged in executive lobbying that is simply incidental to his regular and usual business or professional activities if he: (i) engages in executive lobbying for not more than 25 hours during any reporting period; and (ii) receives less than \$2,500 during any reporting period for executive lobbying.

“Executive lobbying,” any act to promote, oppose, influence, or attempt to influence the decision of any officer or employee of the executive branch or an authority, including but not limited to, statewide constitutional officers and employees thereof, where such decision concerns legislation or the adoption, defeat or postponement of a standard, rate, rule or regulation promulgated pursuant to any general or special law, or any act to communicate directly with a covered executive official to influence a decision concerning policy or procurement; provided further, that executive lobbying shall include acts to influence or attempt

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to influence the decision of any officer or employee of a city or town when those acts are intended to carry out a common purpose with executive lobbying at the state level; and provided further, that executive lobbying shall include strategizing, planning, and research if performed in connection with, or for use in, an actual communication with a government employee; and provided, further, that “executive lobbying” shall not include providing information in writing in response to a written request from an officer or employee of the executive branch or an authority for technical advice or factual information regarding a standard, rate, rule or regulation, policy or procurement for the purposes of this chapter.

“Legislation”, bills, resolutions and proposals of every kind, character or description considered by the general court or any committee thereof, or the governor.

“Legislative agent”, a person who for compensation or reward engages in legislative lobbying, which includes at least 1 lobbying communication with a government employee made by said person. The term “legislative agent” shall include a person who, as part of his regular and usual business or professional activities and not simply incidental thereto, engages in legislative lobbying, whether or not any compensation in addition to the salary for such activities is received for such services. For purposes of this definition a person shall be presumed to be engaged legislative lobbying that is simply incidental to his regular and usual business or professional activities if he: (i) engages in legislative lobbying for not more than 25 hours during any reporting period; and (ii) receives less than \$2,500 during any reporting period for legislative lobbying.

“Legislative lobbying,” any act to promote, oppose, influence or attempt to influence legislation, or to promote, oppose or influence the governor’s approval or veto thereof including, without limitation, any action to influence the introduction, sponsorship, consideration, action or non-action with respect to any legislation; provided further, that legislative lobbying shall include acts to influence or attempt to influence the decision of any officer or employee of a city or town when those

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acts are intended to carry out a common purpose with legislative lobbying at the state level; and provided further, that legislative lobbying shall include strategizing, planning and research if performed in connection with or for use in an actual communication with a government employee; provided, however, that “legislative lobbying” shall not include providing information in writing in response to a written request from an officer or employee of the legislative branch for technical advice or factual information regarding any legislation for the purposes of this chapter.

“Lobbyist entity”, an entity providing lobbyist services, consisting of at least 1 legislative or executive agent, including foreign or domestic corporation, association, sole proprietor, partnership, limited liability partnership or company, joint stock company, joint venture or any other similar business formation.

“Policy”, a plan or course of action which is applicable to a class of persons, proceedings or other matters and which is designed to influence or determine the subsequent decisions and actions of any covered executive official, including, but not limited to, a plan or course of action which would constitute a “regulation”, as defined in chapter thirty A. The term shall not include the adjudication or determination of any rights, duties, or obligations of a person made on a case by case basis, including but not limited to the issuance or denial of a license, permit, or certification or a disciplinary action or investigation involving a person.

“Procurement”, the buying, purchasing, renting, leasing or otherwise acquiring or disposing, by contract or otherwise, of supplies, services or construction or the acquisition or disposition of real property or any interest therein, including, but not limited to, the purchase, lease or rental of any such real property or the granting of easements or rights of way therein; but not including any item of expenditure the value of which is twenty-five thousand dollars or less.

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Chapter 3: Section 40. Repealed, 2004, 149, Sec. 6

Chapter 3: Section 41. Docket of executive and legislative agents and lobbyists; annual registration statements; annual filing fee; identification cards

Section 41. The state secretary shall keep a docket which may be in the form of an electronic database. All information required to be filed under this section shall be organized into the docket and shall be open and accessible for public inspection during normal business hours.

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

Each legislative agent, executive agent and lobbyist entity shall file an annual registration statement with the state secretary on forms prescribed and provided by the state secretary. The annual registration shall be completed not later than December 15 of this year preceding the registration year.

A client retaining the services of a legislative agent, executive agent or lobbyist entity shall also file an annual registration statement with the state secretary on

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forms prescribed and provided by the state secretary. The annual registration shall be completed not later than December 15 of the year preceding the registration year.

A client or lobbyist entity hiring, employing or agreeing to employ a lobbyist entity, legislative agent or executive agent after January 1 of the registration year shall, within 10 days after such employment or agreement, cause the name of the lobbyist entity, legislative agent or executive agent to be registered with the state secretary as provided in this section. Notice of termination of such employment shall also be filed promptly with the state secretary by the client or lobbyist entity.

The state secretary shall assess each lobbyist entity an annual filing fee of \$1,000 to register the entity on the docket. The state secretary shall assess each legislative agent and executive agent an annual filing fee of \$100 upon entering the agent's name on the docket. The state secretary shall assess each client an annual filing fee of \$100 for each lobbyist entity hired by them upon entering the name upon the docket. The state secretary may, in his discretion and upon written request, waive the filing fees not a not-for-profit client or a lobbyist entity which registers to exclusively represent not-for-profit clients.

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

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

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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.

Chapter 3: Section 42. Agreements to influence decisions of executive branch employees or legislation for consideration prohibited

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.

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Chapter 3: Section 43. Executive and legislative agents; itemized statement of expenditures; notification of legislators; public inspection; family gifts restricted

Section 43. On or before the fifteenth day of July, complete from January first through June thirtieth; and the fifteenth day of January, complete from July first to December thirty-first of the preceding year, every executive and legislative agent shall render to the state secretary an itemized statement, under oath, listing all campaign contributions as defined in section one of chapter fifty-five; all expenditures, and the total amount thereof, incurred, contributed or paid during the reporting period in the course of his employment as an executive or legislative agent and all expenditures made for or on behalf of statewide constitutional officers, officers and employees of such offices, members of the general court, officers and employees of the general court, officers and employees of the executive branch and officers and employees of an authority, incurred or paid during the reporting period, except that the executive or legislative agent shall not be required to report such expenditures not in the course of his employment made for or on behalf of the immediate family of such executive or legislative agent or a relative within the third degree of consanguinity of the executive or legislative agent or of his spouse or the spouse of any such relative; and except that in the case of all expenditures the executive or legislative agent shall not be required to itemize the expenditures of any one day in which the amount incurred or paid did not total thirty-five dollars or more. Such itemized accounting shall include, but not be limited to, specific expenditures for meals, gifts, transportation, entertainment, advertising, public relations, printing, mailing and telephone; and shall also include the names of the payees and the amount paid to each payee and shall further include the names of the candidate or political committee to whom or to which the contribution was made, and the amount and date of each contribution.

When such expenditure is for meals, entertainment or transportation, said expenditure shall be identified by date, place, amount, and the names of all persons

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in the group partaking in or of such meal, entertainment or transportation. No expenditure shall be split or divided for the purpose of evading any provision of this section. The state secretary shall, within thirty days of receipt of such accounting, notify persons whose names appear therein as having received campaign contributions, meals, transportation or entertainment, as to the nature of the contribution or expenditure claimed, the date and amount of the contribution or expenditure, and the person or persons who reported the contribution or expenditure.

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.

The state secretary shall assess a penalty for any statement which is filed by an executive or legislative agent later than the prescribed date; or, if such statement has been filed by mailing, where the postmark on such mailing is later than the prescribed date. Said penalty shall be in the amount of \$50 per day up to the twentieth day and an additional \$100 per day for every day after the twentieth day until the statement is filed. The state secretary may waive these penalties for good cause. A waiver for good cause shall not be granted for statements filed more than

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sixty days late by executive or legislative agents, or groups and organizations employing executive or legislative agents, which have never filed or have never been required to file such statements. In all other instances no waiver for good cause shall be granted when a statement has been filed more than thirty days late.

The state secretary shall prescribe and make available the appropriate statement forms which shall be open and accessible for public inspection during normal working hours.

Notwithstanding the provisions of any general or special law to the contrary, no executive or legislative agent shall knowingly offer or knowingly give to any public official or public employee, as defined in section one of chapter two hundred and sixty-eight B, or to a member of such person's immediate family any gift, as defined in said section one of said chapter two hundred and sixty-eight B, of any kind or nature, nor knowingly pay for any meal, beverage, or other item to be consumed; by such public official or employee, whether or not such gift or meal, beverage or other item to be consumed is offered, given or paid for in the course of such agent's business or in connection with a personal or social event; provided, however, that an executive or legislative agent shall not be prohibited from offering or giving to a public official or public employee who is a member of his immediate family or a relative within the third degree of consanguinity or of such agent's spouse or the spouse of any such relative any such gift or meal, beverage or other item to be consumed; provided, however, that regulations promulgated by the state ethics commission under section 6 of chapter 268B, shall apply to this provision.

Chapter 3: Section 44. Registration of organizations attempting to influence legislation; statement of expenditures; public inspection; penalty

Section 44. On or before the fifteenth day of July, complete from January first through June thirtieth; and the fifteenth day of January, complete from July first to

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December thirty-first of the preceding year, any group or organization, however constituted, not employing an executive or legislative agent which as part of an organized effort, expends in excess of two hundred and fifty dollars during any calendar year to promote, oppose, or influence legislation, or the governor's veto or approval thereof, or to influence the decision of any officer or employee of the executive branch or an authority, including, but not limited to, statewide constitutional officers and employees thereof, where such decision concerns legislation or the adoption, defeat or postponement of a standard, rate, rule or regulation pursuant thereto, or to do any act to communicate directly with a covered executive official to influence a decision concerning policy or procurement shall register with the state secretary by rendering a statement, under oath, containing the names and addresses of the principals of such group or organization, the purposes of the organization, such aforesaid decisions of such employees of the executive branch or an authority or legislation which affects those purposes, the total amount of expenditures, incurred or paid during the reporting period in furtherance of the foregoing objectives and an itemized statement containing all expenditures made for or on behalf of statewide constitutional officers, officers and employees of such offices, members of the general court, officers and employees of the general court, officers and employees of the executive branch and officers and employees of an authority. Such itemized accounting shall include, but shall not be limited to, specific expenditures for meals, transportation, entertainment, advertising, public relations, printing, mailing and telephone and the names of the payees and the amount paid to each payee. Where such expenditure is for meals, entertainment or transportation, said expenditure shall be identified by date, place, amount, and the names of all persons in the group partaking in, or of, such meal, entertainment or transportation. The itemized accounting shall also include a list of all campaign contributions, as defined in section one of chapter fifty-five, made by the group to a political candidate or committee, the name of each candidate or committee, the amount

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contributed and the date of the contribution. The statement of the group or organization shall also include a listing of the names and addresses of every person, group or organization from whom fifteen dollars or more was contributed during the year for the objectives hereinabove stated. No expenditure or contribution shall be split or divided for the purpose of evading any provision of this section. The state secretary shall prescribe and make available the appropriate statement forms which after being completed and filed with the secretary shall be organized alphabetically according to the name of the group and such files shall be open and accessible for public inspection during normal business hours.

The state secretary shall assess a penalty for any statement which is filed by such a group or organization later than the prescribed date; or, if such statement has been filed by mailing, where the postmark on such mailing is later than the prescribed date. Said penalty shall be in the amount of \$50 per day up to the twentieth day and an additional \$100 per day for every day after the twentieth day until the statement is filed. The state secretary may waive these penalties for good cause. A waiver for good cause shall not be granted for statements filed more than sixty days late by executive or legislative agents, or groups and organizations employing executive or legislative agents, which have never filed or have never been required to file such statements. In all other instances no waiver for good cause shall be granted when a statement has been filed more than thirty days late.

This section shall not apply to any group or organization that (i) does not employ an executive or legislative agent; (ii) does not realize a profit; (iii) does not make a contribution, as defined in section one of chapter fifty-five, to a political candidate or committee; (iv) does not pay a salary or fee to any member for any activities performed for the benefit of the group or organization; and (v) expends two thousand dollars or less during any calendar year to promote, oppose, or influence legislation, or the governor's veto or approval thereof, or to influence the decision of any officer or employee of the executive branch or an authority, including, but not limited to, statewide constitutional officers and employees thereof, where such

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decision concerns legislation or the adoption, defeat or postponement of a standard, rate, rule or regulation pursuant thereto, or to do any act to communicate directly with a covered executive official to influence a decision concerning policy or procurement.

Chapter 3: Section 45. Disqualification of executive or legislative agent; hearing; effect

Section 45. (a) Upon receipt of a sworn complaint signed under pains and penalties of perjury, or upon receipt of evidence which is deemed sufficient by the state secretary, the state secretary shall initiate a preliminary inquiry into any alleged violation of sections 39 to 50, inclusive. At the commencement of a preliminary inquiry into any such alleged violation, the state secretary shall notify the attorney general. All proceedings and records relating to a preliminary inquiry or initial staff review used to determine whether to initiate an inquiry shall be confidential, except that the state secretary may provide to the attorney general, the United States Attorney or a district attorney of competent jurisdiction evidence which may be used in a criminal proceeding. Any information provided by the state secretary pursuant to this section shall be confidential pursuant to this section and section 4 of chapter 268B, except that such information may be used by the officer or agency to whom it was provided in any investigation or subsequent proceedings. The state secretary shall notify any person who is the subject of the preliminary inquiry of the existence of such inquiry and the general nature of the alleged violation within 30 days of the commencement of the inquiry.

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

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

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

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

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

(g) Any person whose name is mentioned during an adjudicatory proceeding of the state secretary and who may be adversely affected thereby may appear personally before the state secretary on his own behalf, with or without counsel, to

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give a statement in opposition to such adverse mention or file a written statement of such opposition for incorporation into the record of the proceeding.

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

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

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

(k) Final action by the state secretary under this section shall be subject to review in superior court upon petition of any party in interest filed within 30 days after the action for which review is sought. The court shall enter a judgment enforcing, modifying, or setting aside the order of the state secretary, or it may remand the proceedings to the state secretary for such 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 modification, set aside, or remand is substantial. If the court does find such modification, set aside, or remand to be substantial, the petitioner shall be entitled to be reimbursed from the treasury of the commonwealth for reasonable attorneys' fees and all court costs incurred by him in the defense of the charges contained in the proceedings. The amount of such reimbursement shall be awarded by the court but shall not exceed \$20,000 per person, per case.

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

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not more than 1 year, or both.

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

Chapter 3: Section 46. Docket of executive and legislative agents; maintenance; legislative year

Section 46. The docket of executive and legislative agents shall be maintained for each legislative year, beginning on the first Wednesday of January and ending at the conclusion of business on the final day before the succeeding legislative session.

Chapter 3: Section 47. Employers of executive or legislative agents; statement of expenditures; filing; penalty; public inspection

Section 47. On or before the fifteenth day of July, complete from January first through June thirtieth; and the fifteenth day of January, complete from July first to December thirty-first of the preceding year, every employer of an executive or legislative agent shall render to the state secretary a complete and detailed itemized statement, under oath, listing all expenditures incurred or paid separately by such employer during the reporting period in connection with promoting, opposing or influencing legislation, or the governor's approval or veto thereof, or influencing the decision of any officer or employee of the executive branch or an authority, including, but not limited to, statewide constitutional officers and employees

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thereof, where such decision concerns legislation or the adoption, defeat or postponement of a standard, rate, rule or regulation pursuant thereto, or doing any act to communicate directly with a covered executive official to influence a decision concerning policy or procurement and all expenditures for or on behalf of the statewide constitutional officers, officers and employees of such offices, members of the general court, officers and employees of the general court, officers and employees of the executive branch and officers and employees of an authority, and the total amount thereof incurred or paid separately by such employer during the reporting period; and except that in the case of all expenditures the employer shall not be required to itemize the expenditures of any one day in which the amount incurred or paid did not total thirty-five dollars or more. Such itemized accounting shall include, but shall not be limited to, specific expenditures for meals, gifts, transportation, entertainment, advertising, public relations, printing, mailing, and telephone; and the names of the payees and the amount paid to each payee. Where such expenditure is for meals, entertainment or transportation, said expenditure shall be identified by the date, place, amount, and names of all persons in the group partaking in, or of, such meal, entertainment, or transportation. When such compensation is included as part of a regular salary or retainer, the statement shall specify the amount of the agent's salary or retainer allocable to his legislative duties. If no such apportionment is possible, the statement shall indicate such impossibility and disclose the full salary or retainer. No expenditure shall be split or divided for the purpose of evading any provision of this section.

The state secretary shall assess a penalty for any statement which is filed by such an employer later than the prescribed date; or, if such statement has been filed by mailing, where the postmark on such mailing is later than the prescribed date. Said penalty shall be in the amount of \$50 per day up to the twentieth day and an additional \$100 per day for every day after the twentieth day until the statement is filed. The state secretary may waive these penalties for good cause. A waiver for good cause shall not be granted for statements filed more than sixty days late by

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executive or legislative agents, or groups and organizations employing executive or legislative agents, which have never filed or have never been required to file such statements. In all other instances no waiver for good cause shall be granted when a statement has been filed more than thirty days late.

The state secretary shall prescribe and make available the appropriate statement forms which after being completed and filed with the secretary shall be organized alphabetically, according to the name of the employer and such files shall be open and accessible for public inspection during normal business hours.

Chapter 3: Section 48. Violation of Secs. 40 to 44 or 47 respecting executive or legislative agents; penalties; prosecutions; enforcement procedures

Section 48. Violation of any provision of sections forty, forty-one, forty-two, forty-three and forty-four, or forty-seven shall be punished by a fine of not less than one hundred, nor more \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or both. Any person acting as an executive or legislative agent who has been found guilty of violating any provisions of said sections shall in addition to such fine, be disqualified from acting as an executive or legislative agent until the termination of the third regular session of the general court after the date of conviction of such offense. Upon investigation and when deemed appropriate the attorney general shall cause prosecutions to be instituted for violation of any provision of sections forty, forty-one and forty-two.

The state secretary shall inspect all statements required by sections forty-three, forty-four and forty-seven filed with him if it appears that any person has failed to file such statement as required by said sections, or if it appears to the state secretary that any such statement filed with him does not conform to law, the state

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secretary shall within a reasonable time notify the delinquent person, group or organization in writing.

Upon failure to file a statement within fourteen days after receiving notice under this section, or if any statement filed after receiving notice indicates any violation of sections forty-three, forty-four, or forty-seven, the state secretary shall within a reasonable time notify the attorney general thereof and shall furnish him with copies of all papers relating thereto. The attorney general shall examine every such case and upon investigation and when deemed appropriate shall cause prosecutions to be instituted in the name of the commonwealth or shall institute appropriate civil proceedings pursuant to section forty-nine or refer the case to the proper district attorney for such action as may be appropriate.

Chapter 3: Section 49. Proceedings to compel filing of proper statement required by Secs. 43, 44 or 47; jurisdiction; speedy trial

Section 49. The supreme judicial court or superior court may compel any person, group, or organization failing to file a statement required by sections forty-three, forty-four or forty-seven, or filing a statement not conforming to the requirements of said sections in respect to its truth, sufficiently in detail, or otherwise to file a sufficient statement, upon the application of the attorney general. The supreme judicial court or superior court may, upon application of the attorney general, grant equitable or mandamus relief to enforce sections 41 to 43, inclusive, prohibiting the offering or giving of or paying for gifts, meals, beverages, or other items. Relief under this section may include (a) an order to pay to the commonwealth an amount equal to the value of any compensation or thing paid or received in violation of section 42, or the value of any gift, meal, beverage, or other item given or received in violation of section 43; and (b) a civil penalty of up to \$10,000 for

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each violation of sections 41 to 47, inclusive. Proceedings under this section shall be advanced for speedy trial upon the request of either party.

Chapter 3: Section 50. Sections inapplicable to public employees or agents or other persons requested to appear before committee or commission

Section 50. Sections thirty-nine to forty-nine, inclusive, shall not apply to employees or agents of the commonwealth or of a city, town, district or regional school district who are acting in their capacity as such employees or agents or to any person requested to appear before any committee or commission of the general court by a majority of the members of such committee or commission; provided, that such person performs no other act to influence legislation; and provided further, that the name of such person be recorded in the official records of such committee or commission.