

## MASSACHUSETTS

### Ethics Agencies

**1. Is there an ethics agency, with the authority to conduct its own investigations, including public hearings and subpoena power?**

The State Ethics Commission has jurisdiction over two state ethics laws, the conflict of interest law, and the financial disclosure law. [MASS. GEN. LAWS ch. 268A](#), [268B](#). The conflict of interest law applies to all elected, appointed, contracted and volunteer state, county, and municipal employees in Massachusetts. State and county elected officials and state and county employees in major policy making positions are subject to the financial disclosure law and are required to file annual statements of financial interests. [MASS. GEN. LAWS ch. 268B §§ 1, 3](#). The commission has the power to initiate investigations upon its own initiative or upon referral. [MASS. GEN. LAWS ch. 268B § 4\(a\)](#). The commission may hold hearings, which are public unless the Commission “goes into executive session.” [MASS. GEN. LAWS ch. 268B § 4\(h\)](#). The commission may issue subpoenas “upon a majority vote.” [MASS. GEN. LAWS ch. 268B § 4\(d\)](#).

**2. Will the ethics agency accept anonymous complaints and is the ethics agency required to reveal the name of the complainant to the respondent?**

The Commission will accept anonymous complaints through phone or mail, but will not accept anonymous complaints online. [MASS. GEN. LAWS ch. 268B § 4\(a\)](#).

All materials relating to a complaint, including the identity of the complainant, are required by law to remain confidential. [MASS. GEN. LAWS ch. 268B § 4\(a\)](#); [930 MASS. CODE REGS. 3.01\(5\)](#).

**3. Does the ethics agency have the ability to sanction, including personnel actions, injunctions, and fines?**

**Personnel actions** – NONE

**Injunctions** – The Commission can order a person to cease and desist or comply with a requirement. [MASS. GEN. LAWS ch. 268B, § 4\(j\)\(1\)](#).

**Fines** – The Commission can issue fines of up to \$10,000 per violation, or, in the case of the prohibition on corruptly demanding or accepting anything of value, up to \$25,000 per violation. [MASS. GEN. LAWS ch. 268B § 4\(j\)\(3\)](#).

**4. Are the members of the ethics agency protected from removal without cause?**

Removal of a member requires a majority vote of the governor, state secretary, and attorney general. [MASS. GEN. LAWS ch. 268B § 2\(g\)](#). The removal power is specifically reserved for “substantial neglect of duty, inability to discharge the powers and duties of office, violation of subsection (f) of this section, gross misconduct, or conviction of a felony.” [MASS. GEN. LAWS ch. 268B, § 2\(g\)](#). Subsection (f) refers to the requirements that the member not be a candidate for

public office, hold office in a political party or contribute to a political campaign. [MASS. GEN. LAWS ch. 268B § 2\(f\)\(1\)–\(3\)](#).

## Gifts

### **5. Are elected and appointed executive branch officials and legislators prohibited from accepting gifts from high-risk sources (lobbyists, lobbyists' principals, government contractors) in an aggregate of \$250 or more?**

Elected and appointed officials in the executive and legislative branches and certain public employees are prohibited from receiving gifts from registered lobbyists. [MASS. GEN. LAWS ch. 268B, §§ 6, 1](#). All state employees, whether elected or not, in the legislative and executive branch are prohibited from accepting anything of “substantial value” given for or because of the officer or employee's official position or for or because of official acts performed or to be performed. [MASS. GEN. LAWS ch. 268A, § 23\(b\)\(2\)–\(3\)](#); [930 Mass. Code Regs. § 5.00 \(2018\)](#). “Substantial value” is defined as \$50 or more. [930 Mass. Code Regs. §§ 5.08–5.09 \(2019\)](#). Standard exceptions apply.

### **6. Are elected and appointed executive branch officials and legislators prohibited from accepting gifts from persons other than high-risk sources in an aggregate of \$250 or more?**

State employees (including elected and appointed officials) may accept gifts that are “entirely non-related” to official action, official position or performance of an employee’s official duties. [930 MASS. CODE REGS. § 5.06 \(2019\)](#). In addition to the statutes noted above, an employee may not accept a gift made “in return for” being influenced in his or her official actions. [MASS. GEN. LAWS ch. 268A § 2\(b\)\(1\)–\(2\)](#). Standard exceptions apply. [930 MASS. CODE REGS. §§ 5.08–5.09 \(2019\)](#).

### **7. Are elected and appointed executive branch officials and legislators required to publicly disclose gifts that they receive?**

Recipients must disclose the name and address of the donor for any gift or gifts totaling over \$100 throughout the course of a calendar year, if the giver has an interest in matters before the recipient’s governmental body. [MASS. GEN. LAWS ch. 268B § 5\(5\)](#). Even gifts under the \$50 “substantial value” threshold must be disclosed if they “could create the appearance of a conflict of interest.” [930 MASS. CODE REGS. § 5.07 \(2019\)](#).

## Campaigns

### **8. Does the state require reporting of contributors to independent spenders?**

Independent expenditure PACs, which include any individual or group who receive contributions for the purpose of making independent expenditures, are required to disclose the name, address

and amount of contribution for those over \$50 in a calendar year. [MASS. GEN. LAWS ch. 55 §§ 18\(h\)\(2\), 18A\(d\)](#).

There are no provisions requiring disclosure of funders of 501(c) organizations or beneficial owners of LLCs that make contributions to independent spenders.

**9. Does the state require the disclosure of the payors of political advertisements or other electioneering communications to appear directly on the communication made through print media, broadcast media (TV, radio etc.), and Internet-based media (Facebook, Twitter, Google, and other online platforms)?**

Funders of ballot measures and independent expenditures on electioneering communications through paid radio, television or Internet advertising must disclose the identity of the individual, corporation, or other entity paying for the advertisement. If an individual funder, disclosures must include the city or town of residence. If a corporation or group is the funder, a statement must be included by the chief executive officer or principal officer of the group, stating the name and title of the officer, and the name of the group. Independent expenditures for advertisements through television, internet advertising or print must disclose at the bottom of the advertisement "Top Contributors" and list the five persons or entities (or if fewer than five, all) that made the largest contributions to that entity. [MASS. GEN. LAWS ch. 55 § 18G](#).

## **Legislators**

**10. Do legislators have to disclose client names as part of their financial disclosure reports?**

There is no requirement to report client names on the financial disclosure reports. [MASS. GEN. LAWS, ch. 268B § 5](#).

## **Appendix: Sources of Law and Guidance**

### **Statutes**

Conduct of Public Officials and Employees ([MASS. GEN. LAWS ch. 268A](#))

Financial Disclosure by Certain Public Officials and Employees ([MASS. GEN. LAWS ch. 268B](#))

### **Regulations**

Exemptions from M.G.L. c. 268A and M.G.L. c. 268B Related to Gifts ([930 MASS. CODE REGS. § 5.00 \(2019\)](#))

### **Guidance**

[Statement of Financial Interests, Calendar Year 2019](#), State Ethics Commission