

Proposed Draft Ordinance:

Sec. 6-7: Campaign Communications Disclaimers

The purpose of this ordinance is to supplement the general laws of the Commonwealth concerning the disclaimers required of candidates for elected office and political action committees in their communications to the public.

(a) Disclaimer Required: Any communication that references an election or a candidate that is distributed by any means in the city of Newton that is within 90 days of an election must identify the person or entity responsible for the communication.

(b) Investigation Required:

(1) Upon receipt of a Complaint from any source, the City Clerk shall notify the subject of the complaint by mailing a copy thereof to the subject via electronic mail and by first class mail.

(2) The City Clerk shall review any evidence of a violation of this ordinance. The City Clerk shall evaluate whether there is sufficient credible, reliable evidence to support the complaint of a violation of this ordinance. If the City Clerk finds that there is sufficient credible, reliable evidence to support the claim, the City Clerk shall issue a notice of violation to the subject of the complaint. If the City Clerk finds that there is not sufficient evidence to support the claim, the City Clerk shall so notify the subject of the complaint.

(c) Notice of Violation: If the City Clerk finds that there is sufficient credible, reliable evidence to support the complaint, the City Clerk shall issue a notice of violation to the person or entity who is the subject of the complaint. The notice of violation shall state the nature of the violation and the evidence reviewed in making the determination. The notice of violation shall state the penalty and the available rights of appeal.

(d) Response to the Notice of Violation:

(1) The subject of the notice of violation shall have 30 days from the date of the notice of violation to respond to the City Clerk. Any information in any form received after the expiration of 30 days shall be deemed untimely and may not be considered by the City Clerk.

(2) The response of the subject may contain additional information for consideration or payment of any fine assessed as a penalty. The City Clerk shall consider any additional information submitted by the subject of the complaint and issue a final written determination. Payment of the fine assessed will render the matter resolved with no further action necessary.

(e) Appointment of a Designee: The City Clerk may assign a designee to carry out the responsibilities of all or any part of the obligations of this ordinance.

(f) Violations: Violations of this section shall be punishable by a fine of three hundred dollars (\$300.00) per day. Each day a violation continues shall constitute a separate offense. Where non-criminal disposition of this section by civil fine has been provided for in sections 17-22 and 17-23 of these revised ordinances, as amended, pursuant to the authority granted by G.L. c. 40, section 21D, said violation may be enforced in the manner provided in such statute. The civil penalty for each such violation is set forth in section 17-23(f).