

CHAPTER 168  
HB 263 - FINAL VERSION

8Apr2021... 0333h  
05/20/2021 1523s

2021 SESSION

21-0217  
11/10

HOUSE BILL           **263**

AN ACT               relative to campaign finance reform and increasing the threshold for reporting by political committees.

SPONSORS:         Rep. Sweeney, Rock. 8; Rep. Alexander Jr., Hills. 6; Rep. Berry, Hills. 44

COMMITTEE:       Election Law

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AMENDED ANALYSIS

This bill repeals voluntary expenditure limits, increases the expenditure and contribution reporting threshold for all political entities, and modifies the maximum contribution amount a person may contribute to candidate committees and political committees. This bill also increases the dollar threshold for reporting by political committees.

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Explanation:       Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struckthrough.]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT                   relative to campaign finance reform and increasing the threshold for reporting by political committees.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1           168:1 Nominations by Primary; Administrative Assessment. Amend the introductory paragraph  
2 of RSA 655:19-c, I to read as follows:

3           I. Candidates for governor, United States senator, representative to Congress, executive  
4 councilor, state senator, county officer, and state representative who file declarations of candidacy  
5 shall pay the administrative assessment in paragraph I or file primary petitions as provided in  
6 paragraph III. Candidates for governor, United States senator, representative to Congress,  
7 executive councilor, state senator, county officer, and state representative who file declarations of  
8 intent shall pay the administrative assessment in paragraph I and shall meet the requirements of  
9 RSA 655:40 through 655:45 for nomination by nomination papers. ~~[Neither the administrative  
10 assessment which is paid nor the primary petitions which are filed under this section, nor the  
11 nomination papers which must be submitted under RSA 655:41 and filed under RSA 655:43, shall be  
12 waived or refunded for a candidate for any of the offices listed in this section who, pursuant to RSA  
13 664:5 a, voluntarily accepts the expenditure limitation set forth in RSA 664:5 b.]~~ At the time of  
14 filing declarations of candidacy or declarations of intent, the administrative assessment shall be as  
15 follows:

16           168:2 New Paragraph; Registration of Political Committees. Amend RSA 664:3 by inserting  
17 after paragraph V the following new paragraph:

18           VI. For purposes of filing expenditure reports pursuant to RSA 664:6 and RSA 664:7, a  
19 candidate for office may choose to file as a candidate or, if such candidate creates a candidate  
20 committee, as a candidate committee.

21           168:3 Political Expenditures and Contributions; Prohibited Political Contributions. Amend RSA  
22 664:4, V to read as follows:

23           V. By any person (1) if in excess of \$5,000 in value **to a candidate or a candidate**  
24 **committee**, except for contributions made by a candidate in behalf of his own candidacy, ~~[or if in~~  
25 ~~excess of \$1,000 in value by any person or by any political committee to a candidate or a political~~  
26 ~~committee working on behalf of a candidate who does not voluntarily agree to limit his campaign~~  
27 ~~expenditures and those expenditures made on his behalf as provided in RSA 664:5 a,]~~ **or in excess**  
28 **of \$10,000 in value to a political committee other than a political committee of a candidate,**  
29 (2) if made anonymously or under a name not that of the donor, (3) if made in the guise of a loan, (4)

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1 if any other manner concealed, (5) if made without the knowledge and written consent of the  
2 candidate or his fiscal agent, a political committee or its treasurer, or not to any one of the same.

3 168:4 Political Expenditures and Contributions; Reporting by Political Committee. Amend RSA  
4 664:6, I to read as follows:

5 664:6 Reporting by Political Committee.

6 I. Any political committee whose receipts or expenditures exceed [~~\$500~~] **\$1,000** shall file  
7 with the secretary of state an itemized statement in the form prescribed by the secretary of state,  
8 signed by its chairman and treasurer showing each of its receipts exceeding \$25 with the full name  
9 and postal address of the contributor in alphabetical order and the amount of the contribution, the  
10 date it was received, and the aggregate total for each election for each contributor of over \$100.  
11 Statements shall be filed not later than the first Wednesday in June and December after the state  
12 general election and before the filing deadline established in RSA 655:14, after which statements  
13 shall be filed no later than the Wednesday 12 weeks immediately preceding a primary election,  
14 before 5 o'clock in the afternoon, and shall cover the period from the day of the committee  
15 registration up to and including the Monday before the statement is due. All receipts of \$25 or  
16 under shall appear on the statements as unitemized receipts. Any listing that exceeds an  
17 individual's aggregate total of \$100 for each election shall be accompanied by the contributor's  
18 occupation including official job title, the name of the contributor's employer, and the city or town of  
19 the contributor's principal place of business, if any. The statement shall also show each committee  
20 expenditure exceeding \$25 with the full name and postal address of the payee or promise of  
21 payment, the date paid or obligated, and the election for which the expenditure was made, with the  
22 specific nature and amount of each expenditure since the date of the registration.

23 168:5 Political Expenditures and Contributions; Reporting by Political Committee. Amend RSA  
24 664:6, IV and IV-a to read as follows:

25 IV. Any political committee whose receipts or expenditures do not exceed [~~\$500~~] **\$1,000** for a  
26 reporting period need not file. However, when a committee's accumulated receipts or expenditures  
27 for an election exceed [~~\$500~~] **\$1,000** the committee shall file a statement at the next reporting  
28 deadline, and shall continue to file at each reporting deadline.

29 IV-a. Any political committee whose independent expenditures, in aggregate, exceed [~~\$500~~]  
30 **\$1,000** shall file an itemized statement with the secretary of state which shall be received by the  
31 secretary of state not later than 48 hours after such expenditures are made, and thereafter each time  
32 a further [~~\$500~~] **\$1,000** is expended. Such itemized statements shall cover the period during which  
33 independent expenditures totaling [~~\$500~~] **\$1,000** were made. Each statement shall include a  
34 certification by the chairman of the political committee that the independent expenditure meets the  
35 definition in RSA 664:2, XI. Each statement shall contain the date of each independent expenditure;  
36 the name and address of the person to whom the expenditure was made; the name of the candidate  
37 on whose behalf or against whom each independent expenditure was made; the amount of each

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1 expenditure; the purpose of each expenditure, and the aggregate amount of all previous independent  
2 expenditures. If the independent expenditure is made in support of or in opposition to more than  
3 one candidate, the statement made under this paragraph shall allocate the way in which the  
4 expenditure was made among the candidates on a reasonable basis. For the purposes of this  
5 paragraph, "reasonable basis" means a statement that reflects the benefit or the burden reasonably  
6 expected to be derived or suffered by each candidate. The filing requirements of this paragraph shall  
7 be in addition to all other filing requirements under this section, and shall not be limited to the filing  
8 periods during which expenditures must otherwise be reported.

9 168:6 Political Expenditures and Contributions; Reporting by Candidate Committee. Amend  
10 RSA 664:7 to read as follows:

11 664:7 Reporting by Candidates. Each candidate at the primary or general election for governor,  
12 councilor, state senator, representative to general court, or county officer, who has expenditures  
13 exceeding [~~\$500~~] **\$1,000**, shall file statements before and after an election in like manner and detail  
14 as prescribed in RSA 664:6, II, II-a, III, IV, and V, excepting, however, the expenditures of political  
15 committees of the party to which the candidate belongs in elections other than primaries.

16 168:7 Political Expenditures and Contributions; Identification Required. Amend RSA 664:16-a,  
17 II to read as follows:

18 II. Any person or entity who violates paragraph I shall be subject to penalty under RSA  
19 664:21, [~~V and VI~~] **IV and V**.

20 168:8 Political Expenditures and Contributions; Penalty. Amend RSA 664:21 to read as follows:

21 664:21 Penalty.

22 [~~I. Any candidate who voluntarily agrees to limit campaign expenditures as provided in RSA~~  
23 ~~664:5-a, and who exceeds the total political expenditure limitation as provided in RSA 664:5-a and 5-~~  
24 ~~b in running for any office in either a state primary or state general election, or both, shall be subject~~  
25 ~~to a fine schedule which is based on the percentage by which the candidate exceeds permitted~~  
26 ~~campaign expenditures, so that the candidate shall pay a percentage of the excess campaign~~  
27 ~~expenditures as follows:~~

28 (a) ~~Candidates for United States Senate and governor:~~

29 ~~under \$1,000 one percent~~

30 ~~\$1,000-\$5,000 10 percent~~

31 ~~\$5,000-\$10,000 25 percent~~

32 ~~\$10,000-\$50,000 50 percent~~

33 ~~over \$50,000 100 percent~~

34 (b) ~~Candidates for representative to Congress:~~

35 ~~under \$1,000 one percent~~

36 ~~\$1,000-\$5,000 10 percent~~

37 ~~\$5,000-\$10,000 25 percent~~

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1 ~~\$10,000-\$25,000 50 percent~~

2 ~~over \$25,000 100 percent~~

3 ~~(c) Candidates for executive council and county officers:~~

4 ~~under \$500 one percent~~

5 ~~\$500-\$1,000 10 percent~~

6 ~~\$1,000-\$5,000 25 percent~~

7 ~~\$5,000-\$10,000 50 percent~~

8 ~~over \$10,000 100 percent~~

9 ~~(d) Candidates for state senate:~~

10 ~~under \$100 one percent~~

11 ~~\$100-\$500 10 percent~~

12 ~~\$500-\$1,000 25 percent~~

13 ~~\$1,000-\$5,000 50 percent~~

14 ~~over \$5,000 100 percent~~

15 ~~(e) Candidates for the general court:~~

16 ~~under \$100 one percent~~

17 ~~\$100-\$250 10 percent~~

18 ~~\$250-\$500 25 percent~~

19 ~~\$500-\$1,000 50 percent~~

20 ~~over \$1,000 100 percent~~

21 ~~H.] I.~~ Any fine assessed under the provision of this section shall be paid to the secretary of  
22 state for deposit into the general fund.

23 ~~[H.] II.~~ Nothing in this section shall be construed to limit the enforcement powers of the  
24 attorney general under RSA 664:18.

25 ~~[IV. In addition to the fines levied under paragraph I.] III.~~ Any person who fails to file any  
26 report or statement on the date on which the report or statement is due under this chapter shall be  
27 subject to a daily fine of \$25 for every weekday for which the report or statement is late and until the  
28 report or statement is actually filed, except that candidates for the general court shall be subject to a  
29 daily fine of \$5 under this paragraph.

30 ~~[V. The provisions of this paragraph shall apply to violations of this chapter other than the~~  
31 ~~violation of RSA 664:5-a and 5-b, and] IV.~~ A person liable under the provisions of this paragraph  
32 shall not also be subject to the penalties imposed under ~~[paragraphs I, II and IV]~~ **paragraph III.**  
33 Any person who otherwise violates any provision of this chapter shall be guilty of a misdemeanor if a  
34 natural person or shall be guilty of a felony if any other person.

35 ~~[VI.] V.(a)~~ Whoever violates any of the provisions of RSA 664:16-a or the provisions of RSA  
36 664:17 relative to removing, defacing, or destroying political advertising on private property shall be  
37 subject to a civil penalty not to exceed \$1,000.

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1 (b) The court, upon petition of the attorney general, may levy upon any person who  
2 violates the provisions of RSA 664:16-a or the provisions of RSA 664:17 relative to removing,  
3 defacing, or destroying political advertising on private property a civil penalty in an amount not to  
4 exceed \$1,000 per violation. All penalties assessed under this paragraph shall be paid to the  
5 secretary of state for deposit into the general fund.

6 (c) The attorney general shall have authority to notify suspected violators of RSA  
7 664:16-a or the provisions of RSA 664:17 relative to removing, defacing, or destroying political  
8 advertising on private property of the state's intention to seek a civil penalty, to negotiate, and to  
9 settle with such suspected violators without court action, provided any civil penalty paid as  
10 settlement shall be paid to the secretary of state for deposit into the general fund.

11 ~~[VII.]~~ **VI.**(a) A political committee other than a political committee of a candidate that fails  
12 to register in accordance with RSA 664:3 shall be subject to a fine up to 25 percent of the total  
13 amount of independent expenditures made during the period from the date the political committee  
14 was required to register to the date the political committee registered.

15 (b) A political committee that fails to report independent expenditures in accordance  
16 with RSA 664:6, IV-a shall be subject to a fine up to 25 percent of the total amount of independent  
17 expenditures not reported or reported late.

18 ~~[VIII.]~~ **VII.** Any person who willfully makes and subscribes to any statement filed under this  
19 chapter that he or she does not believe to be true and correct as to every material matter shall be  
20 guilty of false swearing under RSA 641:2.

21 168:9 Repeal. RSA 664:5-a and 664:5-b, relative to voluntary political expenditure limitations,  
22 are repealed.

23 168:10 Reporting by Political Committee. Amend RSA 664:6, I to read as follows:

24 I. Any political committee whose receipts or expenditures exceed \$500 shall file with the  
25 secretary of state an itemized statement in the form prescribed by the secretary of state, signed by  
26 its chairman and treasurer showing each of its receipts exceeding ~~[\$25]~~ **\$50** with the full name and  
27 postal address of the contributor in alphabetical order and the amount of the contribution, the date it  
28 was received, and the aggregate total for each election for each contributor of over ~~[\$100]~~ **\$200**.  
29 Statements shall be filed not later than the first Wednesday in June and December after the state  
30 general election and before the filing deadline established in RSA 655:14, after which statements  
31 shall be filed no later than the Wednesday 12 weeks immediately preceding a primary election,  
32 before 5 o'clock in the afternoon, and shall cover the period from the day of the committee  
33 registration up to and including the Monday before the statement is due. All receipts of ~~[\$25]~~ **\$50** or  
34 under shall appear on the statements as unitemized receipts. Any listing that exceeds an  
35 individual's aggregate total of ~~[\$100]~~ **\$200** for each election shall be accompanied by the contributor's  
36 occupation including official job title, the name of the contributor's employer, and the city or town of  
37 the contributor's principal place of business, if any. The statement shall also show each committee

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1 expenditure exceeding [~~\$25~~] **\$50** with the full name and postal address of the payee or promise of  
2 payment, the date paid or obligated, and the election for which the expenditure was made, with the  
3 specific nature and amount of each expenditure since the date of the registration.

168:11 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 30, 2021

Effective Date: September 28, 2021