

Amendment to HB 263

1 Amend the bill by replacing all after section 1 with the following:

2

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

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

8 3 Political Expenditures and Contributions; Prohibited Political Contributions. Amend RSA
9 664:4, V to read as follows:

10 V. By any person (1) if in excess of [~~\$5,000~~] **\$3,500** in value *to a candidate or a candidate*
11 *committee*, except for contributions made by a candidate in behalf of his own candidacy, [~~or if in~~
12 ~~excess of \$1,000 in value by any person or by any political committee to a candidate or a political~~
13 ~~committee working on behalf of a candidate who does not voluntarily agree to limit his campaign~~
14 ~~expenditures and those expenditures made on his behalf as provided in RSA 664:5-a,]~~ *or in excess*
15 *of \$10,000 in value to a political committee other than a political committee of a candidate*,
16 (2) if made anonymously or under a name not that of the donor, (3) if made in the guise of a loan, (4)
17 if any other manner concealed, (5) if made without the knowledge and written consent of the
18 candidate or his fiscal agent, a political committee or its treasurer, or not to any one of the same.

19 4 Political Expenditures and Contributions; Reporting by Political Committee. Amend RSA
20 664:6, I to read as follows:

21 664:6 Reporting by Political Committee.

22 I. Any political committee whose receipts or expenditures exceed [~~\$500~~] **\$1,500** shall file
23 with the secretary of state an itemized statement in the form prescribed by the secretary of state,
24 signed by its chairman and treasurer showing each of its receipts exceeding \$25 with the full name
25 and postal address of the contributor in alphabetical order and the amount of the contribution, the
26 date it was received, and the aggregate total for each election for each contributor of over \$100.
27 Statements shall be filed not later than the first Wednesday in June and December after the state
28 general election and before the filing deadline established in RSA 655:14, after which statements
29 shall be filed no later than the Wednesday 12 weeks immediately preceding a primary election,
30 before 5 o'clock in the afternoon, and shall cover the period from the day of the committee
31 registration up to and including the Monday before the statement is due. All receipts of \$25 or
32 under shall appear on the statements as unitemized receipts. Any listing that exceeds an

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1 individual's aggregate total of \$100 for each election shall be accompanied by the contributor's
2 occupation including official job title, the name of the contributor's employer, and the city or town of
3 the contributor's principal place of business, if any. The statement shall also show each committee
4 expenditure exceeding \$25 with the full name and postal address of the payee or promise of
5 payment, the date paid or obligated, and the election for which the expenditure was made, with the
6 specific nature and amount of each expenditure since the date of the registration.

7 5 Political Expenditures and Contributions; Reporting by Political Committee. Amend RSA
8 664:6, IV and IV-a to read as follows:

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

13 IV-a. Any political committee whose independent expenditures, in aggregate, exceed [~~\$500~~]
14 **\$1,500** shall file an itemized statement with the secretary of state which shall be received by the
15 secretary of state not later than 48 hours after such expenditures are made, and thereafter each time
16 a further [~~\$500~~] **\$1,500** is expended. Such itemized statements shall cover the period during which
17 independent expenditures totaling [~~\$500~~] **\$1,500** were made. Each statement shall include a
18 certification by the chairman of the political committee that the independent expenditure meets the
19 definition in RSA 664:2, XI. Each statement shall contain the date of each independent expenditure;
20 the name and address of the person to whom the expenditure was made; the name of the candidate
21 on whose behalf or against whom each independent expenditure was made; the amount of each
22 expenditure; the purpose of each expenditure, and the aggregate amount of all previous independent
23 expenditures. If the independent expenditure is made in support of or in opposition to more than
24 one candidate, the statement made under this paragraph shall allocate the way in which the
25 expenditure was made among the candidates on a reasonable basis. For the purposes of this
26 paragraph, "reasonable basis" means a statement that reflects the benefit or the burden reasonably
27 expected to be derived or suffered by each candidate. The filing requirements of this paragraph shall
28 be in addition to all other filing requirements under this section, and shall not be limited to the filing
29 periods during which expenditures must otherwise be reported.

30 6 Political Expenditures and Contributions; Reporting by Candidate Committee. Amend RSA
31 664:7 to read as follows:

32 664:7 Reporting by Candidates. Each candidate at the primary or general election for governor,
33 councilor, state senator, representative to general court, or county officer, who has expenditures
34 exceeding [~~\$500~~] **\$1,500**, shall file statements before and after an election in like manner and detail
35 as prescribed in RSA 664:6, II, II-a, III, IV, and V, excepting, however, the expenditures of political
36 committees of the party to which the candidate belongs in elections other than primaries.

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1 7 Political Expenditures and Contributions; Identification Required. Amend RSA 664:16-a, II to
2 read as follows:

3 II. Any person or entity who violates paragraph I shall be subject to penalty under RSA
4 664:21, [~~V and VI~~] **IV and V**.

5 8 Political Expenditures and Contributions; Penalty. Amend RSA 664:21 to read as follows:
6 664:21 Penalty.

7 ~~[I. Any candidate who voluntarily agrees to limit campaign expenditures as provided in RSA
8 664:5-a, and who exceeds the total political expenditure limitation as provided in RSA 664:5-a and 5-
9 b in running for any office in either a state primary or state general election, or both, shall be subject
10 to a fine schedule which is based on the percentage by which the candidate exceeds permitted
11 campaign expenditures, so that the candidate shall pay a percentage of the excess campaign
12 expenditures as follows:~~

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

14 ~~under \$1,000 one percent
15 \$1,000-\$5,000 10 percent
16 \$5,000-\$10,000 25 percent
17 \$10,000-\$50,000 50 percent
18 over \$50,000 100 percent~~

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

20 ~~under \$1,000 one percent
21 \$1,000-\$5,000 10 percent
22 \$5,000-\$10,000 25 percent
23 \$10,000-\$25,000 50 percent
24 over \$25,000 100 percent~~

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

26 ~~under \$500 one percent
27 \$500-\$1,000 10 percent
28 \$1,000-\$5,000 25 percent
29 \$5,000-\$10,000 50 percent
30 over \$10,000 100 percent~~

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

32 ~~under \$100 one percent
33 \$100-\$500 10 percent
34 \$500-\$1,000 25 percent
35 \$1,000-\$5,000 50 percent
36 over \$5,000 100 percent~~

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

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1 ~~under \$100 one percent~~
2 ~~\$100-\$250 10 percent~~
3 ~~\$250-\$500 25 percent~~
4 ~~\$500-\$1,000 50 percent~~
5 ~~over \$1,000 100 percent~~

6 ~~II.]~~ **I.** Any fine assessed under the provision of this section shall be paid to the secretary of
7 state for deposit into the general fund.

8 ~~III.]~~ **II.** Nothing in this section shall be construed to limit the enforcement powers of the
9 attorney general under RSA 664:18.

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

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

20 ~~VI.]~~ **V.(a)** Whoever violates any of the provisions of RSA 664:16-a or the provisions of RSA
21 664:17 relative to removing, defacing, or destroying political advertising on private property shall be
22 subject to a civil penalty not to exceed \$1,000.

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

28 (c) The attorney general shall have authority to notify suspected violators of RSA
29 664:16-a or the provisions of RSA 664:17 relative to removing, defacing, or destroying political
30 advertising on private property of the state's intention to seek a civil penalty, to negotiate, and to
31 settle with such suspected violators without court action, provided any civil penalty paid as
32 settlement shall be paid to the secretary of state for deposit into the general fund.

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

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

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

7 9 Repeal. RSA 664:5-a and 664:5-b, relative to voluntary political expenditure limitations, are
8 repealed.

9 10 Effective Date. This act shall take effect January 1, 2022.

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2021-0333h

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.