

HB 1091 - AS AMENDED BY THE HOUSE

28Mar2024... 1215h

2024 SESSION

24-2442

08/05

HOUSE BILL

1091

AN ACT relative to the financing of political campaigns.

SPONSORS: Rep. Lane, Merr. 16; Rep. Muirhead, Graf. 12; Rep. Ward, Rock. 27; Rep. Berry,
 Hills. 39

COMMITTEE: Election Law

ANALYSIS

This bill makes various changes to the laws that regulate the financing of political campaigns.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to the financing of political campaigns.

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

1 1 Definitions; Candidate and Political Committee. RSA 664:2, II - III are repealed and
2 reenacted to read as follows:

3 II. "Candidate" means an individual who seeks election to any public office or party position
4 to be voted at a primary, general, or special election, whether or not the public office or party
5 position has been specifically identified at such time and whether or not such individual is
6 nominated or elected. An individual should be considered a candidate seeking election, or re-
7 election, if the individual has:

8 (a) Taken the action necessary to qualify for election, such as filing as a candidate;

9 (b) Taken the action or authorized any other person to obtain, nominating petitions to
10 qualify for election, or election to office; or

11 (c) Received contributions or made expenditures, or given consent to any other person to
12 receive contributions or make expenditures, with the purpose to bring about the individual's
13 nomination for election, or election, to office at any time during the election cycle.

14 III. "Political committee" means a group of 2 or more persons that receive contributions or
15 makes expenditures for the purpose of the success or defeat of a political party, candidate,
16 candidates, measure, or measures, including, but not limited to the following:

17 (a) Candidate committee created by a candidate running for office;

18 (b) Political committee of a political party as further defined in RSA 664:2, V; or

19 (c) The committee of a segregated fund established by any organization with a separate
20 legal existence the purpose of which is to support the success or defeat of a candidate or candidates
21 or measure or measures.

22 2 Definitions; Political Advertising, Communication, Contribution, and Expenditure. RSA
23 664:2, VI - IX are repealed and reenacted to read as follows:

24 VI. "Political advertising" means any paid communication that expressly advocates or is the
25 functional equivalent of express advocacy for the success or defeat of a party, candidate, candidates,
26 measure or measures.

27 VII. "Communication" means imparting, exchanging, or sending, of information by any
28 medium or in any format, including, but not limited to: publication in any newspaper or other
29 periodical, Internet, social media, or other digital method; broadcasting on radio, television, cable, or
30 over any public address system; transmission by telephone, email, or facsimile; placement on any

1 billboards, trucks or mobile billboards, outdoor facilities, window displays, posters, cards, pamphlets,
2 leaflets, flyers, signs, or other circulars, or any direct mailing, digital or otherwise.

3 VIII. "Contribution" means anything of value made for the purpose of promoting the success
4 or defeat of a candidate, candidates, measure, measures, or political party, including, but not limited
5 to a payment, gift, subscription, assessment, contract, payment for services, dues advance,
6 forbearance, loan to a candidate or political committee, or personal or professional services for less
7 than full consideration.

8 IX.(a) "Expenditure" means any of the following that promotes the success or defeat of a
9 candidate or measure: the purchase, payment, contribution, subscription, distribution, loan,
10 advance, deposit, or gift of money or anything of value; the making of a legally binding commitment
11 to make a purchase, payment, contribution, subscription, distribution, loan, advance, deposit, or gift
12 of money or anything of value in the future; or the transfer of funds by a political committee to
13 another political committee or to a candidate. "Expenditure" includes disbursement of funds for:

14 (1) Communications:

15 (A) That contain express advocacy or its functional equivalent supporting or
16 opposing the election of a candidate, candidates, measure, or measures; or

17 (B) That promote the success or defeat of a party, candidate, candidates,
18 measure, or measures regardless of whether the communication or activities contain express
19 advocacy or its functional equivalent.

20 (2) Partisan voter activity, partisan voter registration activity, partisan get-out-the-
21 vote activity, or other partisan campaign-related activities.

22 (3) Research, design, production, polling, data analytics, mailing or social media list
23 acquisition or other activities conducted in preparation for or conjunction with communications or
24 activities described in this paragraph.

25 (4) Childcare expenses incurred by a candidate if the expenses are a direct result of
26 the candidate's activities.

27 (5) An independent expenditure, as defined in paragraph XI.

28 (b) "Expenditure" does not include:

29 (1) The candidate's expenses for personal non-campaign travel and subsistence;

30 (2) Activity designed to encourage individuals to register to vote or to vote, if that
31 activity or communication is non-partisan;

32 (3) Any communication by any membership organization or corporation to its
33 members or stockholders, if the primary purpose of that membership organization or corporation is
34 not for the purpose of promoting the success or defeat of a candidate, candidates, measure, or
35 measures;

36 (4) The incidental expenses made by or on behalf of a person in the course of
37 volunteering that person's time on behalf of a candidate or political committee or the use of real or

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personal property and the cost of invitations, food, or beverages voluntarily provided by a person to a candidate in rendering voluntary personal services on the person's residential premises for candidate-related activity if the aggregate value of such activities by such person on behalf of any candidate does not exceed \$ 250 with respect to any election.

3 Definitions; Independent Expenditures. RSA 664:2, XI - XIII are repealed and reenacted to read as follows:

XI. "Independent expenditure" means the disbursement of funds for an expenditure made by a political committee without cooperation or consultation with any political committee, political party, candidate, or agent of such candidate, and which are not made in concert with, or at the request or suggestion of, any political committee, political party, candidate, or agent of such candidate.

XII. "Full name" means the full legal name of a person making the identity of the contributor apparent by unambiguous reference.

XIII. "Person's post office address" means:

(a) If an individual, the address used by the individual for voter registration purposes; and

(b) If a person that is not an individual, the primary business location of the person, both which shall include a street and post office box, if any, city, state, and zip code.

(c) "Person's post office address" shall not mean:

(1) An individual's business address.

(2) An individual's vacation home address or rental property address when the home or rental property is owned, but not occupied by the contributor.

(3) Any address not that of the contributor.

4 Definitions; Push-Polling. Amend RSA 664:2, XVII to read as follows:

XVII. "Push-polling" means:

(a) ~~[Calling]~~ **Communications with** voters on behalf of, in support of, or in opposition to, any candidate **or candidates** for public office **or measure or measures by any means, including, but not limited to** telephone, **text, via the Internet, through social media or digitally**; and

(b) Asking questions related to opposing candidates for public office which state, imply, or convey information about the ~~[candidates]~~ **candidate's** character, status, or political stance or record; and

(c) Conducting such ~~[calling]~~ **communication** in a manner which is likely to be construed by the voter to be a survey or poll to gather statistical data for entities or organizations which are acting independent of any particular political party, candidate, or interest group as part of a series of like ~~[telephone-calls]~~ **communications** that consist of more than 2,000 connected ~~[calls]~~ **communications** that last less than 2 minutes in presidential, gubernatorial, United States

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1 senatorial, or United States congressional elections; or conducting such calling as part of a series of
2 like ~~[telephone calls]~~ **communications** that consist of more than 500 connected ~~[calls]~~
3 **communications** that last less than 2 minutes in executive council, state senate, city, town, school
4 district, or village district elections; or conducting such calling as part of a series of like ~~[telephone~~
5 ~~calls]~~ **communications** that consist of more than 200 ~~[connected calls]~~ **communications** that last
6 less than 2 minutes in state representative elections; and

7 (d) Conducting such ~~[calling]~~ **communication** for purposes other than bona fide survey
8 and opinion research.

9 5 Definitions; Receipts. Amend RSA 664:2, XIX to read as follows:

10 XIX. "Receipts" shall mean the receipt of money or ~~[thing]~~ **anything** of value or the receipt
11 of a legally binding commitment to receive money or thing of value in the future for the purpose of
12 promoting the success or defeat of a **political party**, candidate, ~~[or]~~ candidates, ~~[or a]~~ measure, or
13 measures. Receipts shall not include amounts received by a political committee in commercial
14 transactions in the ordinary course of any trade or business conducted by the political committee or
15 in the form of investments in the political committee or amounts received by the political committee
16 from payors who, at the time of payment, prohibited, in writing, the use of the payment as an
17 expenditure.

18 6 Definitions; Organization. RSA 664:2, XXII is repealed and reenacted to read as follows:

19 XXII. "Organization" includes 2 or more natural persons; business entities formed under
20 state law, except those entities qualified under section 501(c)(3) of the United States Internal
21 Revenue Code of 1986; or any other association of natural persons or entities formed under state law
22 that is not registered as a business entity. Any candidate whose receipts or expenditures did not
23 exceed \$1,000 during the election cycle shall attest thereto in the report due under RSA 664:6, I(a)(9)
24 in the online campaign finance system prescribed by the secretary of state.

25 7 New Paragraphs; Definitions; Election Cycle, Person, Individual. Amend RSA 664:2 by
26 inserting after paragraph XXII the following new paragraphs:

27 XXIII. "Election cycle" means the period of time beginning on the twenty-second day after a
28 state general election through 21 days after the next state general election. For special elections, the
29 election cycle shall be the date of the event that necessitates the special election and continues
30 through 21 days after the end of the next state general election day.

31 XXIV. "Person" is an individual, collection of individuals, business organization, club, or any
32 other entity created under the law.

33 XXV. "Individual" means a human being.

34 8 Registration of Political Committees. RSA 664:3, I is repealed and reenacted to read as
35 follows:

36 I. Any political committee shall register with the secretary of state as provided in this
37 section. As of November 26, 2024 and thereafter, any political committee or candidate filing any

statements pursuant to this chapter for the election of governor, executive council, and senate shall file all such statements pursuant to the online campaign finance system prescribed by the secretary of state. As of November 26, 2026 and thereafter, any political committee or candidate filing any statements pursuant to this chapter for the election of the house of representatives, county commissioner, and all other offices shall file all such statements pursuant to the online campaign finance system prescribed by the secretary of state. A political committee may register for an election cycle at any time after the final report is due following the then-most-recent general election. The political committee's registration shall be received by the secretary of state not later than 48 hours after the political committee meets the criteria under RSA 664:2, III. The registration shall be accompanied by an itemized statement of the receipts and expenditures, if any, made by the political committee in the current election cycle prior to registration. Such itemization shall be made pursuant to the manner set forth in RSA 664:6. The registration shall also be accompanied by a fee of \$50, which shall be deposited by the secretary of state into the general fund; provided, however, that a candidate or a political committee of a political party that registers under this section shall not be required to pay the \$50 fee. Each political committee shall designate a treasurer who is a citizen of this state and who is authorized to receive all process and other legal documents on behalf of the political committee, and through whom may be obtained access to all books and records of the political committee. The political committee shall file with the secretary of state a statement of the purpose of the committee and shall indicate whether the committee will be making independent expenditures. The registration shall also include a statement of the name, address, occupation, and principal place of business of its chairperson and treasurer, and the names and addresses of other officers. The committee shall file an amendment to its registration within 14 days of any change in the officers or purpose of the committee.

9 Validity of Registrations. Amend RSA 664:3, IV to read as follows:

IV. All political committees' registrations under this chapter shall be valid from the date of registration until ~~[10]~~ **21** days after the primary or general election, whichever is appropriate, unless terminated sooner, in writing, by the chairman and the treasurer of the committee. However, any committee which has a continuing obligation to report as required under RSA 664:6 shall continue to exist for the purpose of making such reports.

10 New Paragraph; Political Committees and Candidates. Amend RSA 664:3 by inserting after paragraph VI the following new paragraph:

VII. Any political committee or candidate with the following may apply to the secretary of state on a form under oath prescribed by the secretary of state asking for a waiver of the requirements of RSA 664:3, I, RSA 664:7, and RSSA 664:9-b to file all statements pursuant to the online campaign finance system prescribed by the secretary of state:

(a) With less than \$3,000 in receipts or expenditures; and

(b) That does not possess a computer or the skills to file statements pursuant to the online campaign finance system prescribed by the secretary of state.

11 Prohibited Political Contributions. Amend the introductory paragraph of RSA 664:4 to read as follows:

664:4 Prohibited Political Contributions. No contribution, whether tangible or intangible, shall be made to a candidate, a political committee, or political party, or in behalf of a candidate or political committee or political party, directly or indirectly, for the purpose of promoting the success or defeat of any candidate, ***candidates measure, measures***, or political party at any state primary or general election:

12 Contribution Limits. RSA 664:4, IV - V is repealed and reenacted to read as follows:

IV. By an individual or corporation in excess of the following amounts:

Contributed to:	Maximum amount of contributions:
Candidate or candidate committee	\$15,000
Any other political committee or political party	\$30,000

V. By any candidate or political committee in excess of the following amounts:

Contributed to:	Maximum amount of contributions:
Candidate or candidate committee	Unlimited
Any other political committee or political party	Unlimited

13 Prohibited Coercion of Political Contributions. Amend RSA the introductory paragraph of 664:4-a, II to read as follows:

II. No business organization, and no officer, director, executive, agent or employee acting in behalf of the business organization, and no enterprise representing or affiliated with one or more business organizations, and no officer, director, executive, agent or employee acting in behalf of such enterprise, shall knowingly coerce, or attempt to coerce, any employee of the business organization or of the enterprise, or any contractor or subcontractor or any employee of the contractor or subcontractor doing business with the business organization, to make a contribution to any political campaign or political committee, or to any candidate, party, ***measure***, or cause, for the purpose of promoting the success or defeat of any candidate or political party:

14 Surplus Campaign Contributions and Deficits. Amend RSA 664:4-b to read as follows:

664:4-b Surplus Campaign Contributions ***and Deficits***. Surplus campaign contributions ***and deficits at the end of an election cycle shall be reported as the opening balance in the next election cycle's first statement. Surplus contributions*** may be used ~~[after a general or special election]~~ for fund raising activities and any other politically related activity sponsored by the candidate, or for donations to charitable organizations. Such surplus campaign contributions, however, shall not be used for personal purposes ***or other prohibited expenditures under RSA 664:5. All expenditures shall be reported according to RSA 664:6 through RSA 664:9.***

Special election cycle surpluses and deficits shall continue to be reported according to RSA 664:6 until a zero balance is reported.

15 Prohibited Political Expenditures. Amend RSA 664:5 to read as follows:

664:5 Prohibited Political Expenditures.

No expenditure or use of a contribution, tangible or intangible, shall be made for the purpose of promoting the success or defeat of any political party, measure, or candidate:

I. By a political committee, except the political committee of a political party, unless the political committee meets the requirements of RSA 664:3, I.

~~II. [By a political committee which is organized to support a candidate in any election, or to such candidate or the candidate's fiscal agent unless the committee secures and files the written consent of the candidate or the candidate's fiscal agent with the secretary of state in accordance with RSA 664:3, III.]~~

III. By any person, candidate, or political committee, for political advertising in ***any format, including, but not limited to*** a newspaper, periodical, or on a radio or television broadcast, or on a billboard, if at a rate more or less than the applicable rates to be filed with the secretary of state.

~~IV[, V. [Repealed.]~~

~~VII]. By any foreign national, as defined in 52 U.S.C. section 30121(b) and 11 C.F.R. section 110.20(a)(3)[, for any purpose, including for the use of telephones, facsimile machines, vehicles, and computers for electioneering. For the purposes of this paragraph, "electioneering" means to act in any way specifically designed to influence the vote of a voter on any question or office].~~

16 Reporting by Political Committee. RSA 664:6, I-III is repealed and reenacted to read as follows:

I. Any political committee whose receipts or expenditures exceed \$1,000 in an election cycle, shall file with the secretary of state an itemized statement, in the form prescribed by the secretary of state, signed by its chairman and treasurer. The \$1,000 threshold shall not apply to political committees renewed under 664:6, IV; these political committees shall continue to file until a zero balance is reported. For each receipt over \$50, the statement shall detail the full name and postal address of each contributor in alphabetical order, the amount of the contribution, the date it was received, and the aggregate total for each election cycle for each contributor of over \$200. Any receipts from a contributor with aggregate receipts of \$50 or under shall appear on the statements as unitemized receipts. Any receipt that exceeds a contributor's aggregate total of \$200 for each election cycle shall be reported with the contributor's occupation, the name of the contributor's employer, and the city or town of the contributor's principal place of business, if any. The statement shall also show each expenditure with the full name and postal address of the payee or promisee of payment, the date paid or obligated, whichever occurred first, and the specific nature and amount of each expenditure. Statements shall cover the period beginning the day after the last day covered in the prior statement period up to and including the Sunday before the statement is due.

II. Statements shall be filed not later than 5 PM according to the following schedule:

- (a) First Wednesday in June after the state general election;
- (b) First Wednesday in December one year after the state general election;
- (c) Wednesday 12 weeks before primary election;
- (d) Wednesday 3 weeks before primary election;
- (e) Wednesday before primary election;
- (f) Second Wednesday after the primary election;
- (g) Wednesday 3 weeks before general election;
- (h) Wednesday before general election;
- (i) Second Wednesday after the general election.

III. In addition to the reporting requirements contained in this section, the secretary of state shall be notified by the treasurer within 48 hours of any contribution exceeding \$500 that is received after the statement under subparagraph (h) is filed and prior to the election day.

17 Reporting by Political Committee. RSA 664:6, V is repealed and reenacted to read as follows:

V. Any political committee not subject to a registration fee under RSA 664:3 which has any outstanding debt, obligation, or surplus following the election cycle shall have its registration automatically renewed for the next election cycle. All other registered political committees will be conditionally renewed pending receipt by the secretary of state of the registration fee required under 664:3. Political committees that report a zero balance will expire. Statements shall continue to be filed according to RSA 664:6, I until a zero balance is reported.

18 Reporting by Political Committee. Amend RSA 664:6, VI to read as follows:

VI. Copies of the statements required by ~~[paragraphs II through V]~~ **this section** of the state committee of a political party shall be filed with the secretary of state in sufficient numbers so as to provide a copy for the state committee of each party on the ballot, which they may obtain by application to the secretary of state.

19 Registering and Reporting by Candidates. Amend RSA 664:7 to read as follows:

664:7 **Registering and Reporting by Candidates. Prior to filing any campaign finance statements during an election cycle, each** ~~[Each]~~ candidate ~~[at the primary or general election]~~ for governor, councilor, state senator, **state** representative ~~[to general court]~~, or county officer **shall register with the secretary of state through the secretary of state's online campaign finance system. Additionally, any candidate,** who has **receipts or** expenditures exceeding \$1,000, shall file statements before and after an election in like manner and detail as prescribed in RSA 664:6, ~~[H, H-a, III, IV, and V,]~~ excepting, however, the expenditures of political committees of the party to which the candidate belongs in elections other than primaries.

20 Reporting by Candidates for Speaker of the House of Representatives. Amend RSA 664:7-b to read as follows:

664:7-b Reporting by Candidates for Speaker of the House of Representatives.

I. Each candidate seeking election to the office of speaker of the house of representatives shall:

(a) *Have filed all statements required under RSA 664 that are then due relating to the candidates most recent election for state representative.*

(b) File statements before and after ~~[such]~~ *the election for the speaker of the house of representatives* in like manner and detail prescribed in RSA 664:6, ~~[H, H-a, and III]~~ *I-IV-a*, except that the date of the respective election, rather than the date of the primary or general election, shall determine the dates of such statements; and

~~[(b)]~~ (c) Register as a political committee, pursuant to RSA 664:3, on the date that such person becomes a candidate for speaker of the house of representatives, notwithstanding the definition of the term "political committee" in RSA 664:2, III.

II. In this section, and notwithstanding RSA 664:2, II, the term "candidate" means ~~[a person]~~ *an individual* who seeks nomination for election, or election, to the office of the speaker of the house of representatives, and for purposes of this section, ~~[a person]~~ *an individual* shall be deemed to seek nomination for election, or election if such ~~[person]~~ *individual*:

(a) Has received gifts or contributions for such purposes; or

(b) Has given ~~[his or her]~~ consent to another person to receive gifts or contributions or make expenditures on behalf of such person and if such other person has received such gifts or contributions for such purposes.

III. No candidate shall be entitled to the office of speaker of the house of representatives until the sworn itemized statements, ~~[required to be filed by the candidate or on the candidate's behalf]~~ *except for the final statement required to be filed after the election*, have been filed as required by this section.

21 Political Expenditures and Contributions; Reports of Receipts and Expenditures. RSA 664:9-a and RSA 664:9-b are repealed and reenacted to read as follows:

664:9-a Reports of Receipts and Expenditures Filed Electronically. A political committee or a candidate may file such candidate's report of receipts and expenditures, pursuant to RSA 664:6, RSA 664:7, and RSA 664:7-b, electronically online by using the New Hampshire campaign finance system, which may also be used to register, file reports, and search information filed by candidates, political committees, and candidate committees.

664:9-b Reports of Receipts and Expenditures Filed by Other Methods. A political committee of a candidate or a candidate may file such candidate's required reports as an email attachment or a paper copy, provided that:

I. The font size of the document as printed is not less than an 8-point font.

II. Email attachments are to be in portable document format archive (PDF/A), or other acceptable format as determined by the secretary of state.

III. The report is mailed electronically or otherwise delivered, or sent to the secretary of state on or before the date and time that the report is due.

22 New Sections; Reports; Legibility Required. Amend RSA 664 by inserting after section 9-b the following new sections:

664:9-c Reports; Legibility Required. A political committee of a candidate or a candidate who files a report pursuant to RSA 664:9-b shall be responsible for ensuring the report is legible. The political committee of a candidate or a candidate shall file an amended copy of such candidate's report within one week after being notified by the secretary of state or attorney general's office that such report is non-compliant. Non-compliant reports shall not be accepted by the secretary of state as filed and shall not be published to the online campaign finance system, pursuant to 664:11, until a legible amendment is received.

664:9-d Statements of Receipts and Expenditures Filed via Online Campaign Finance System.

After the dates specified in RSA 664:3, I, a political committee, or a candidate shall electronically file their statements of receipts and expenditures, as required by RSA 664:6, 664:7, and 664:7-b, by utilizing the online campaign finance system permitted by the secretary of state. The political committee or candidate may publicly release receipt and expenditure information under this section more frequently than is required by RSA 664 provided the receipt and expenditure report is up to date when due. Statements of receipts and expenditures, as required by RSA 664 may also be filed by means of electronic mail to elections@sos.nh.gov through the end of the 2024 election cycle. Statements filed via electronic mail shall be publicly available on the secretary of state's website within seven days after the statement is filed.

23 Inspection, Treasurers. Amend RSA 664:11-13 to read as follows:

664:11 Public Inspection. All statements, assents, and registrations filed by ~~[state committees,]~~ candidates~~[,]~~ and political committees shall be open to public inspection. ***Such statements, assents, and registrations shall be published on [The] the website of the*** secretary of state~~[shall publish on the Internet information on all contributions reported under this chapter, including the name of the contributor, the contributor's home state, and the date of the contribution].~~

664:12 ~~[Fiscal Agent]~~ ***Treasurer.***

As part of the declaration of candidacies filed by candidates for governor, councilor, state senator, ***state representative***, and county officer and other primary candidacies, every such candidate shall designate some person, who may be the ***individual*** candidate ~~[himself]~~, as ~~[his financial agent]~~ ***the treasurer*** for the purpose of the primary and general election campaign. If ~~[his]~~ candidacy for such office is established by a primary petition or nomination petitions, there shall be filed together with such petitions the name of the ~~[fiscal agent]~~ ***treasurer*** for such candidate. A candidate who is nominated by write-in vote at the primary shall, prior to making any campaign expenditures, file with the secretary of state the name of ~~[his fiscal agent]~~ ***the treasurer***. ~~[All]~~ ***The treasurer shall approve all*** sums expended or contracted for payment in the ~~[primary or general]~~

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~~election campaign in behalf of such candidate shall be reported by the candidate or his political committee or both to his fiscal agent, and the candidate or his fiscal agent shall make or approve all disbursements in behalf of his candidate subsequent to his designation as fiscal agent]~~ **election cycle** and join with the candidate in making and filing the statements required by this chapter.

664:13 Committee Treasurer.

If ~~a political committee has no treasurer, or if~~ the treasurer fails to make a report **required by this chapter**, it shall be the duty of each member of said **political** committee who received or pays out any money in behalf of said **political** committee to make such a report or to cause the same to be made. No member of such **political** committee shall make or permit any unlawful expenditure or act by said **political committee**, in whole or in part, or consent thereto, or aid, abet or conspire to make or permit the same.

24 Signature, Identification, and Lack of Authorization. RSA 664:14 is repealed and reenacted to read as follows:

664:14 Identification and Lack of Authorization.

I. All political advertising shall comply with the provisions of this section.

II. All political advertising shall be signed at the beginning or the end. The signature shall state, "Paid for by (name of the candidate or political committee), (address of the candidate or political committee), (name of the treasurer) treasurer or (name of chair) chair". Political advertising in the form of signs or placards may contain an Internet address in lieu of the signature requirements of this section, if the Internet address is printed or written in a size of type or lettering large enough to be clearly legible and the website immediately and prominently displays all of the information required by this section through the election cycle. In the case of political advertising made on behalf of a political committee registered with the secretary of state pursuant to RSA 664, the name and address on the advertisement shall match the name and address registered with the secretary of state.

III. Political advertising to promote the success or defeat of a candidate, candidates, measure, or measures by a business organization, labor union, or other enterprise or organization shall be signed. The name of the business organization, labor union, or other enterprise or organization shall be indicated in or on the political advertising, and the chairman or treasurer of the business organization, labor union, or other enterprise or organization shall sign the political advertisement, including the name, position, and address of the signer. Nothing in this section shall be construed to permit contributions which are prohibited under RSA 664:4.

IV. Nothing in this section shall be construed to apply to communications at a town, school, or village district meeting, which communications shall be governed by the moderator.

V. Nothing in this section shall be construed to apply to a lone individual who independently authors, produces, and distributes political advertising in any format, including a leaflet, pamphlet, handbill, or digitally.

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VI.(a) In the case of printed or written material, including material distributed by email, social media, or through other digital formats, the signature, position, and address of the signer shall be printed or written in a size or lettering large enough to be clearly legible.

(b) All political advertising via video media shall identify the name and address of the candidate or political committee paying for the political advertising. Such identification shall be made both aurally and visually whenever possible in the format of the political advertisement. The visual presentation shall be clearly legible and shall use letters equal to or greater than 12 percent of the vertical picture height and shall be present for not less than 4 seconds at the conclusion of the political advertisement.

VII. Notwithstanding any other provision of this section, buttons or any printed or written political advertising which is attached to or displayed on any clothing or motor vehicle need not be signed.

VIII. If the political advertisement is not authorized by the candidate or candidate committee, the advertising shall so state and shall identify the sponsor of the communication or political advertisement. All such political advertisements shall include the statement: "This advertisement has been paid for by (name of sponsor) and has not been authorized by any candidate." Such statement shall be made both aurally and visually if broadcast on television or similar medium, including social media, YouTube, or cable. The visual presentation on video media shall be clearly legible and shall use letters equal to or greater than 12 percent of the vertical picture height and shall be broadcast for not less than 4 seconds at the conclusion of the political advertisement.

IX. Any political advertisement that mentions or depicts a candidate, shall include the statement: "This advertisement has been paid for by (name of sponsor) and has not been authorized by any candidate."

25 Prerecorded Political Messages. Amend RSA 664:14-a, I-II to read as follows:

664:14-a Prerecorded Political Messages.

I. In this section, "prerecorded political message" means a prerecorded audio message delivered ~~[by telephone]~~ by:

(a) A candidate, ~~[or]~~ political committee, **or any other person**~~[-or]~~

~~[(b) Any person]~~ When the content of the message expressly ~~[or implicitly]~~ advocates **or is the functional equivalent of express advocacy, promoting** the success or defeat of any party, **candidate,** measure, or person at any election, or contains information about any candidate, **measure,** or party.

II. No person shall deliver or knowingly cause to be delivered a prerecorded political message unless the message contains, or a live operator provides, within the first 30 seconds of the message, the following information:

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(a) The name of the candidate, ***the measure***, or of any organization or organizations the person is calling on behalf of.

(b) The name of the person or organization paying for the delivery of the message and the name of the fiscal agent ***or treasurer***, if applicable.

26 Approval of Candidate or Treasurer. Amend RSA 664:15 to read as follows:

664:15 Approval of Candidate or [Fiscal Agent] ***Treasurer***.

A person or business organization publishing a newspaper or periodical or selling billboard space or operating a radio or television station or public address system shall not publish, print or broadcast any political advertising by or in behalf of a candidate in an election unless the same shall be signed by or authorized in writing by the candidate or [his fiscal agent] ***treasurer***.

27 Complaints. Amend RSA 664:18, II to read as follows:

II. Following ***an*** investigation ***under RSA 554:18, I***, the attorney general ***determines that a provision of this chapter has been violated, the attorney general*** is empowered~~[, if he determines that a provision of this chapter has been violated,]~~ to:

(a) Issue an order requiring the violator to cease and desist from [his or her] ***the*** violation. If the attorney general's order is not obeyed, the attorney general or designee may petition the superior court of the county in which the violation occurred for an order of enforcement.

(b) Prosecute to final judgment through [his] ***a*** designee if sufficient cause for such prosecution is found.

28 Subpoena Power. Amend RSA 664:20 to read as follows:

664:20 Subpoena Power.

In the exercise of [his] ***the*** powers and duties ***of the attorney general*** under this chapter, the attorney general is authorized to require the appearance of individuals and to secure testimony and evidence by use of a subpoena duces tecum.

29 Penalty; Cross Reference Removed. Amend RSA 664:21, IX to read as follows:

IX. Any individual, ***political*** committee, or organization responsible for reporting under RSA 664:6~~[, 664:6-a,]~~ and 664:7 that files a report with illegible material content shall receive a written warning for a first offense and shall be charged a civil penalty of \$1,000 per offense for any subsequent offenses.

30 Repeal. The following are repealed:

I. RSA 664:3, III, relative to requiring the written consent of a candidate before a fiscal agent may receive contributions or make expenditures.

II. RSA 664:3-a, relative to registration of political advocacy organizations.

III. RSA 664:6-a, relative to reporting by political advocacy organizations.

IV. RSA 664:9-a, relative to itemized statements filed by facsimile transmission.

31 Effective Date.

I. Sections 21-22 of this act shall take effect 60 days after its passage.

1 II. The remainder of this act shall take effect November 27, 2024.