

SB 142-FN-A – AS INTRODUCED

2013 SESSION

13-0928

03/04

SENATE BILL ***142-FN-A***

AN ACT relative to campaign contributions and expenditures.

SPONSORS: Sen. Fuller Clark, Dist 21; Sen. Pierce, Dist 5; Rep. Perry, Straf 3

COMMITTEE: Public and Municipal Affairs

ANALYSIS

This bill establishes a fund to provide campaign financing for eligible candidates for governor, councilor, and state senator. Candidates qualify for the financing by collecting a requisite number of contributions and complying with other provisions of the financing law. The candidate will then use money received from the fund instead of private contributions to finance the candidate's campaign.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to campaign contributions and expenditures.

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

1 1 New Subparagraph; Application of Receipts; General Revenue Exceptions; Clean Elections
2 Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (310) the following new subparagraph:

3 (311) Moneys deposited in the New Hampshire clean elections fund established in
4 RSA 664-A:2.

5 2 Elections; Political Expenditures and Contributions; Enforcement; Complaints; References
6 Added. Amend RSA 664:18 to read as follows:

7 664:18 Complaints. Any candidate or voter may make complaint in writing to the attorney
8 general of any violation of any of the provisions of this chapter **or RSA 664-A**.

9 I. Upon receipt of such complaint, the attorney general or [~~his~~] designee shall review the
10 complaint, and where sufficient evidence of a violation is presented, conduct investigations to
11 determine whether a violation of this chapter **or RSA 664-A** has occurred.

12 II. Following investigation, the attorney general is empowered, if [~~he~~] **the attorney general**
13 determines that a provision of this chapter **or RSA 664-A** has been violated, to:

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

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

19 III. If, in the opinion of any person making complaint, the family, business, or political
20 connection of the attorney general's designee is such as to make it unlikely that [~~he~~] **the designee**
21 will act diligently and earnestly in any proceeding therefor, the person complaining may state such
22 facts to the attorney general.

23 IV. If the attorney general believes that [~~his~~] **a** designee will be hampered by any existing
24 facts or circumstances and in any manner prevented from vigorously proceeding against any
25 respondent complained against for such violation, or that the service of more than one attorney in
26 any proceeding would be in the interest of the state, [~~he~~] **the attorney general** shall have authority
27 to employ and assign additional attorneys, to conduct or assist in conducting such proceeding. Such
28 attorneys shall be allowed reasonable compensation, to be approved by the governor and council and
29 paid by the state out of funds not otherwise appropriated.

30 3 Elections; Ballot Law Commission; Hearing Date; Reference Added. Amend RSA 665:5, III to
31 read as follows:

1 III. The ballot law commission shall also meet at such other times as may be necessary as
2 provided in RSA 655:31, **RSA 664-A:7**, RSA 665:8, II, and RSA 665:9.

3 4 New Paragraph; Elections; Ballot Law Commission; Jurisdiction; General Duties; Objection to
4 Candidate Registration. Amend RSA 665:6 by inserting after paragraph II the following new
5 paragraph:

6 II-a. When a candidate’s registration as a participating candidate pursuant to RSA 664-A:3
7 is in apparent conformity with law, it shall be valid unless written objection thereto shall be filed
8 with the ballot law commission within the time limit provided in RSA 664-A:7. The ballot law
9 commission shall then meet as provided in RSA 665:5 in order to hear and decide all the objections.
10 The decision of the ballot law commission in such case shall be final as to questions of law and fact,
11 and no court shall have jurisdiction to review such decision.

12 5 Elections; Ballot Law Commission; Jurisdiction; General Duties; Reference Added. Amend
13 RSA 665:6, III to read as follows:

14 III. The jurisdiction vested in the ballot law commission under paragraphs I, ~~and~~ II, **and**
15 **II-a** of this section shall be exclusive of all other remedies.

16 6 Elections; Ballot Law Commission; Jurisdiction; Filing Disputes; Reference Added. Amend
17 RSA 665:7 to read as follows:

18 665:7 Filing Disputes. The ballot law commission shall hear and determine disputes arising
19 over whether nomination papers, ~~or~~ declarations of candidacy, **or registration of candidates for**
20 **clean elections funding** with the secretary of state conform with the law. The decision of the
21 ballot law commission in such cases shall be final as to questions both of law and fact, and no court
22 shall have jurisdiction to review such decision.

23 7 New Chapter; Clean Elections Financing. Amend RSA by inserting after chapter 664 the
24 following new chapter:

25 CHAPTER 664-A

26 CLEAN ELECTIONS FINANCING

27 664-A:1 Definitions. In this chapter:

28 I. “Additional primary contributions” means contributions a participating candidate may
29 raise and spend for the primary election only, according to procedures developed by the secretary of
30 state, after the maximum amount from the fund under RSA 664-A:8 has been received. These are
31 not to exceed a limit of \$25 per individual contributor who is an in-district New Hampshire
32 registered voter for state senate and councilor candidates and \$100 per individual contributor who is
33 a registered New Hampshire voter for a gubernatorial candidate.

34 II. “Additional general contributions” means contributions a participating candidate may
35 raise and spend for the general election only, according to procedures developed by the secretary of
36 state, after the maximum amount from the fund under RSA 664-A:8 has been received. These are
37 not to exceed a limit of \$25 per individual contributor who is an in-district New Hampshire

1 registered voter for state senate and councilor candidates and \$100 per individual contributor who is
2 a registered New Hampshire voter for a gubernatorial candidate.

3 III. “Affidavit of registration” means a form completed and filed by a candidate according to
4 procedures and forms developed by the secretary of state demonstrating and certifying that the
5 candidate has collected the required number of qualifying contributions and has and will comply
6 with all the requirements of this chapter.

7 IV. “Commission” means the clean elections funding commission established in RSA 664-
8 A:14.

9 V. “Contested primary election” means when 2 or more candidates for a gubernatorial,
10 council, or senate race each report expenditures of \$50,000, \$10,000, and \$5,000 respectively or more
11 before a primary election.

12 VI. “Contested general election” means when 2 or more candidates for a gubernatorial,
13 council, or senate race each report expenditures of \$100,000, \$10,000, and \$5,000 respectively or
14 more in campaign contributions, expenditures, or funds held over from prior campaigns.

15 VII. “Declaration of intent” means a form completed and filed by a candidate, according to
16 procedures, forms, and deadlines developed by the secretary of state, declaring intent to seek
17 certification as a “participating candidate” under this chapter and agreeing not to run as a
18 nonparticipating candidate. Declaration of intent forms must be received by the secretary of state
19 between November 1 in the year prior to the election year and the end of the qualifying period for
20 candidates for governor and between January 1 of the election year and the end of the qualifying
21 period for candidates for executive council and state senate.

22 VIII. “Fund” means the New Hampshire clean elections fund established in RSA 664-A:2.

23 IX. “General election campaign period” means the period beginning the day after the state
24 primary election and ending the day of the state general election.

25 X. “Participating candidate” means a candidate who receives clean elections funding
26 pursuant to this chapter, and a “nonparticipating candidate” means a candidate who does not choose
27 to participate in the clean elections financing in this chapter and is not seeking certification as a
28 “participating candidate.”

29 XI. “Primary election” means a state primary election. For purposes of this chapter, primary
30 election shall include only those elections held to nominate candidates of a party, as defined by
31 RSA 652:11.

32 XII. “Primary election campaign period” means the period beginning the day of the filing
33 deadline in RSA 655:14 and ending the day of the state primary election.

34 XIII. “Qualifying contribution” means a contribution meeting the requirements of RSA 664-A:4.

35 XIV. “Qualifying form” means a form completed by a contributor according to procedures and
36 forms developed by the secretary of state that acknowledges a qualifying contribution and meets the
37 requirements of RSA 664-A:4.

1 XV. “Qualifying period” means the period during which a candidate seeking to be a
2 participating candidate under this chapter must file an affidavit of registration. This period is
3 between 180 and 90 days before the party primary election for which a party candidate is seeking
4 public funds, and from January 1 to the date petitions to be placed on the ballot are due for
5 independent candidates beginning January 1 of the year of the state general election and ending 60
6 days from the date on which the candidate files for office.

7 XVI. “Seed money contribution” means a contribution meeting the requirements of RSA 664-A:5.
8 664-A:2 New Hampshire Clean Elections Fund Established.

9 I. There is established the New Hampshire clean elections fund to be used for the purposes
10 of providing public financing for the primary and general election campaigns of participating
11 candidates and paying for the administrative and enforcement costs of this chapter.

12 II. This nonlapsing, revolving special fund is hereby continually appropriated to be expended
13 by the secretary of state in accordance with RSA 664-A for the purpose of implementing RSA 664-A,
14 including grants and all costs necessary to administer and enforce the provisions of RSA 664-A. The
15 state treasurer shall invest the moneys deposited in the fund as provided by law. Interest received
16 on investments made by the state treasurer shall also be credited to the fund.

17 III. The following moneys shall be deposited in the fund:

18 (a) Voluntary donations made directly to the fund.

19 (b) Unspent seed money contributions and qualifying contributions remaining at the end
20 of the qualifying period and not returned to contributors.

21 (c) Unspent additional primary contributions remaining after the primary election
22 campaign period and unspent additional general contributions remaining after the general election
23 campaign period.

24 (d) Money distributed from the fund and returned by a participating candidate who does
25 not remain a candidate until the primary or general election for which the money was distributed.

26 (e) Money distributed from the fund that is returned by the participating candidate
27 because it is not spent by the date of the primary or general election for which the money was
28 distributed.

29 (f) Fines levied for violations of the elections laws, including fines assessed under
30 RSA 664:21.

31 (g) Interest generated by the fund.

32 664-A:3 Qualifications of Participating Candidates.

33 I. A candidate qualifies as a participating candidate for the primary election campaign
34 period if the candidate collects the required number of qualifying contributions and files an affidavit
35 of registration, signed by the candidate and the candidate’s fiscal agent with the secretary of state,
36 according to procedures developed by the secretary of state, certifying that the candidate has
37 complied and shall comply with the requirements of this chapter.

1 II. A candidate qualifies as a participating candidate for the general election campaign
2 period if the candidate was a participating candidate for the primary election campaign period and:

3 (a) Has been declared nominated; or

4 (b) Did not have a primary contest.

5 III. A candidate shall not qualify as a participating candidate if the candidate accepted any
6 private contributions other than seed money contributions and qualifying contributions allowable
7 under this chapter prior to the primary election campaign period.

8 664-A:4 Qualifying Contribution Requirements.

9 I. A candidate shall collect at least the following number of contributions:

10 (a) 2,500 for a candidate for governor.

11 (b) 500 for a candidate for councilor.

12 (c) 250 for a candidate for state senator.

13 II. Each qualifying contribution shall be acknowledged by a qualifying form, according to
14 procedures developed by the secretary of state, signed under penalty of perjury by the contributor.
15 The form shall include but not be limited to the contributor's printed name and domicile for voting
16 purposes, the name of the candidate, certification by the contributor that the contribution was all
17 from his or her personal funds, and certification that the purpose of the contribution is to help the
18 candidate qualify for clean elections funding and involved no exchange of value.

19 III. Qualifying forms shall be submitted to the secretary of state in bulk and with a list in
20 electronic format which may be made readily accessible to the public according to procedures
21 developed by the secretary of state during and by the close of the qualifying period.

22 IV. The candidate shall retain copies of the qualifying forms.

23 V. Qualifying contributions shall be made by check, money order, or credit card payable to
24 the candidate according to procedures developed by the secretary of state.

25 VI. Qualifying contributions shall be made only from personal moneys by individuals who
26 are registered to vote and qualified to vote for the candidate.

27 VII. Qualifying contributions shall be between \$5 and \$25 for candidates for executive
28 council and state senate and between \$5 and \$100 for candidates for governor and must be received
29 by the candidate during the period starting the day that the candidate's declaration of intent has
30 been received by the secretary of state and the end of the qualifying period.

31 VIII. Qualifying contributions shall be subject to review and audit in number, amount,
32 source, and qualifications according to procedures developed by the secretary of state and attorney
33 general.

34 664-A:5 Seed Money.

35 I. Participating candidates may spend up to \$500 in seed money in personal, noncontributed
36 funds for senate and council and up to \$1,000 for gubernatorial candidates, during the primary
37 election campaign period only.

1 II. A candidate who spends seed money exceeding the amount in paragraph I shall not be
2 eligible for funding from the clean elections fund.

3 III. By the final day of the qualifying period, the candidate shall return all unexpended seed
4 money contributions to the most recent contributors. In the alternative, the candidate may donate
5 the unexpended seed money contributions to the New Hampshire clean elections fund.

6 IV. The candidate shall itemize all seed money contributions in reports filed pursuant to
7 RSA 664:7. For seed money contributions of \$25 or less, the candidate shall list the name of the
8 contributor and the contributor's voting domicile. Candidates shall not accept seed money
9 contributions without the required disclosure information.

10 664-A:5-a Additional Primary and General Election Contributions Allowed.

11 I. Participating candidates may raise, according to procedures and reporting rules developed
12 by the secretary of state, additional primary contributions only after the maximum amount from the
13 fund under RSA 664-A:8 has been received.

14 II. Additional primary contributions shall be spent only on the primary election during the
15 primary election period and any unspent contributions returned to the contributors or the fund.

16 III. Additional primary contributions shall not exceed a limit of \$25 per individual
17 contributor who is an in-district New Hampshire registered voter for state senate and councilor
18 candidates and \$100 per individual contributor who is a registered New Hampshire voter for a
19 gubernatorial candidate.

20 IV. Participating candidates may raise, according to procedures and reporting rules
21 developed by the secretary of state, additional general contributions only after the maximum public
22 grant has been received.

23 V. Additional general contributions shall be spent only on the general election during the
24 general election period and any unspent contributions returned to the contributors or the fund.

25 VI. Additional general contributions shall not exceed a limit of \$25 per individual
26 contributor who is an in-district New Hampshire registered voter for state senate and councilor
27 candidates and \$100 per individual contributor who is a registered New Hampshire voter for a
28 gubernatorial candidate.

29 VII. Additional primary and general contributions shall be subject to audit and review and
30 shall be reported promptly in accessible electronic format according to procedures developed by the
31 secretary of state and attorney general.

32 664-A:6 Contributions and Expenditures.

33 I. During the primary and general election campaign periods, a participating candidate shall
34 not accept private contributions from any source except additional primary contributions and
35 additional general contributions allowed under this chapter.

36 II. Participating candidates shall include seed money contributions, qualifying contributions,
37 and additional primary and general contributions in their reports filed pursuant to RSA 664:7.

1 III. Participating candidates shall cooperate with any audit or examination by the state.

2 IV. Participating candidates shall not accept any nonmonetary contributions except the
3 volunteer donations permitted by this paragraph and according to procedures, rules, and reporting
4 requirements developed by the secretary of state. A volunteer may donate up to \$100 worth of goods
5 and services to a participating candidate per month. A volunteer's time or voluntary use of personal
6 vehicles shall not be considered a donation for purposes of this paragraph.

7 V. Funding from the clean elections fund shall not be used for any purpose other than
8 campaign expenses for the period for which it is allocated.

9 664-A:7 Objection to Registration. The registration of a candidate in accordance with the
10 provisions of this chapter shall be regarded as valid and shall be received by the secretary of state
11 unless an objection is made in writing to the ballot law commission no later than 7 days following the
12 last day of the qualifying period. Upon receipt of the objection, the commission shall notify the
13 candidate in writing of the time and place for its hearing. The ballot law commission shall determine
14 whether a candidate qualifies as a participating candidate within 7 days of receiving the objection. If
15 the ballot law commission determines that the candidate does not meet the requirements of this
16 chapter, it may revoke the candidate's eligibility and order the candidate to return to the fund any
17 payments received pursuant to this chapter.

18 664-A:8 Clean Elections Fund Financing.

19 I. A participating candidate shall be eligible for the following amounts from the fund:

20 (a) Candidate for governor:

21 (1) \$1,750,000 maximum from the fund for a contested primary election campaign for
22 a party nomination at the rate of \$4 from the fund for every \$1 in certified qualifying contributions
23 raised by the candidate.

24 (2) \$750,000 maximum from the fund for an uncontested primary election for a party
25 nomination at the rate of \$4 from the fund for every \$1 in certified qualifying contributions raised by
26 the candidate.

27 (3) \$312,500 maximum from the fund for the primary election campaign period if the
28 candidate is not seeking the nomination of a party, as defined in RSA 652:11, at the rate of \$4 from
29 the fund for every \$1 in certified qualifying contributions raised by the candidate.

30 (4) \$2,250,000 grant from the fund for a contested general election.

31 (5) \$225,000 grant from the fund for an uncontested general election.

32 (b) Candidate for councilor:

33 (1) \$70,000 maximum from the fund for a contested primary election campaign for a
34 party nomination at the rate of \$2 from the fund for every \$1 in certified qualifying contributions
35 raised by the candidate.

36 (2) \$40,000 maximum from the fund for an uncontested primary election for a party
37 nomination at the rate of \$2 from the fund for every \$1 in certified qualifying contributions raised by
38 the candidate.

1 (3) \$40,000 maximum from the fund for the primary election campaign period if the
2 candidate is not seeking the nomination of a party, as defined in RSA 652:11, at the rate of \$2 from
3 the fund for every \$1 in certified qualifying contributions raised by the candidate.

4 (4) \$100,000 grant from the fund for a contested general election.

5 (5) \$10,000 grant from the fund for an uncontested general election.

6 (c) Candidate for state senator:

7 (1) \$35,000 maximum from the fund for a contested primary election campaign for a
8 party nomination at the rate of \$2 from the fund for every \$1 in certified qualifying contributions
9 raised by the candidate.

10 (2) \$20,000 maximum from the fund for an uncontested primary election for a party
11 nomination at the rate of \$2 from the fund for every \$1 in certified qualifying contributions raised by
12 the candidate.

13 (3) \$20,000 maximum from the fund for the primary election campaign period if the
14 candidate is not seeking the nomination of a party, as defined in RSA 652:11, at the rate of \$2 from
15 the fund for every \$1 in certified qualifying contributions raised by the candidate.

16 (4) \$50,000 grant from the fund for a contested general election.

17 (5) \$5,000 grant from the fund for an uncontested general election.

18 II. A participating candidate shall receive payments from the fund according to the following
19 schedule:

20 (a) Fifteen percent of the funding for the primary election period by the close of the
21 business day immediately following fulfillment of the qualification requirements and certification of
22 such by the secretary of state.

23 (b) Eighty-five percent of the funding for the primary election period 2 weeks after the
24 end of the qualifying period.

25 (c) Funding for the general election upon qualification for general election funding.

26 III.(a) Once a candidate is certified as a participating candidate, the candidate may borrow
27 in anticipation of the payments to be received by the primary in accordance with procedures
28 developed by the secretary of state.

29 (b) Additional primary and general contributions permitted under this chapter will be
30 paid in accordance with timelines and procedures developed by the secretary of state.

31 IV.(a) Not more than 60 percent of the money in the fund at the close of the qualifying period
32 shall be disbursed for the primary election period.

33 (b) Not more than 40 percent of the money in the fund at the close of the qualifying
34 period shall be disbursed for the general election period.

35 664-A:9 Reports. In addition to the reports required by RSA 664:6 and RSA 664:7, a
36 nonparticipating candidate whose total expenditures for either the primary election campaign period
37 or the general election campaign period exceeds \$625,000 for governor, \$50,000 for councilor, or
38 \$20,000 for state senator shall file the following additional reports in the form required by
39 RSA 664:6, I:

1 I. Weekly reports to be filed every Friday of the election campaign period by 4 o'clock in the
2 afternoon until 20 days before the election date.

3 II. Daily reports during the 20 days preceding the election date to be filed by 4 o'clock in the
4 afternoon.

5 664-A:10 Shortfall in Fund. In the event that the fund does not have sufficient money to fund
6 all participating candidates in accordance with RSA 664-A:8, payments to participating candidates
7 shall be pro-rated so that each qualifying candidate receives a proportional share based on the
8 amount to which the candidate would have been entitled under RSA 664-A:8. A participating
9 candidate may supplement the pro-rated payments with private contributions up to an amount equal
10 to the difference between the pro-rated payment amount and the amount to which the candidate
11 would have been entitled.

12 664-A:11 Administration. The secretary of state shall prepare and distribute all forms required
13 by this chapter. The secretary of state shall also prepare a manual for clean elections, which shall be
14 written in nontechnical language and shall include simple instructions on qualifying as a
15 participating candidate.

16 664-A:12 Reports to Legislature.

17 I. The secretary of state shall report to the general court after each election cycle regarding
18 the clean elections fund. The report shall include a detailed summary of all seed money
19 contributions, qualifying contributions, payments from the fund, and expenditures made by all
20 participating candidates. The report shall also include a summary and evaluation of the secretary of
21 state's activities, and recommendations relative to the implementation and administration of this
22 chapter.

23 II. The ballot law commission shall report to the general court after each election cycle
24 regarding the clean elections fund. The report shall also include a summary and evaluation of the
25 ballot law commission's activities, and recommendations relative to the enforcement of this chapter.

26 664-A:13 Fines for Excess Expenditures. Any participating candidate who spends or obligates to
27 spend more than the clean elections funding permitted by this chapter shall be subject to a fine in an
28 amount equal to 10 times the excess expenditures. The fine shall be paid from the candidate's
29 personal assets into the clean elections fund.

30 664-A:14 Clean Elections Funding Commission; Public Information.

31 I. There is established a clean elections funding commission. The members of the
32 commission shall be as follows:

33 (a) Two members appointed by the president of the senate.

34 (b) Two members appointed by the speaker of the house of representatives.

35 (c) Two members appointed by the governor.

36 (d) Five members representing the executive council districts; each member of the
37 executive council shall appoint one member from his or her district.

1 (e) One member appointed by the secretary of state.

2 II. No person may serve on the commission who is a candidate for office. No member of the
3 commission may publicly endorse any candidate for office or financially contribute to a candidate for
4 office while serving on the commission.

5 III. The members of the commission shall elect a chairman from among the members.

6 IV.(a) The commission shall evaluate and implement strategies for soliciting voluntary
7 donations to the New Hampshire clean elections fund established in RSA 664-A:2. The commission
8 shall develop solicitation strategies targeting individuals, businesses, nonprofit organizations, and
9 political organizations.

10 (b) The commission shall develop printed material with the secretary of state to be
11 enclosed with mailings under paragraph V that explains the New Hampshire clean elections
12 financing system and instructs recipients on how to donate to the New Hampshire clean elections
13 fund.

14 (c) The commission shall evaluate methods for encouraging donated advertising that
15 may, consistent with state and federal law, be distributed on an equal basis to participating
16 candidates. Such advertising may include broadcast media, print media, and donated services from
17 printers, mailing services, and consultants.

18 (d) The commission shall develop estimates at least every 4 years after the effective date
19 of this chapter to determine the amount of funds to be distributed to participating candidates.

20 V. All state agencies and political subdivisions acting on behalf of any state agency, sending
21 any tax bill, tax form, registration form, or license or certificate application or renewal by mail or
22 online shall include upon request of the commission and the secretary of state a brief statement on
23 the form or bill on the New Hampshire clean elections financing system including a website
24 providing information and a way to contribute. Copies of the materials developed under
25 subparagraph IV(b) shall also be made available to agencies requesting them.

26 664-A:15 Requirements.

27 I. All participating candidates in contested elections shall participate in one primary election
28 and one general election debate in accordance with procedures developed by the secretary of state.

29 II. All participating candidates shall file information required under this chapter online in
30 accordance with procedures developed by the secretary of state.

31 8 Certification and Applicability.

32 I. The state treasurer shall certify to the secretary of state the date that the balance in the
33 New Hampshire clean elections fund reaches \$8,000,000. On the November 1 next following such
34 certification at least one year prior to the elections, the secretary of state shall commence
35 administering the clean elections financing provisions of RSA 664-A relating to campaigns for
36 governor and state senator.

1 II. The state treasurer shall certify to the secretary of state the date that the balance in the
2 New Hampshire clean elections fund is \$1,500,000. On the November 1 next following such
3 certification at least one year prior to the election, the secretary of state shall commence
4 administering the clean elections procedural provisions of RSA 664-A relating to the campaign for
5 the executive council.

6 9 Effective Date. This act shall take effect upon its passage.

SB 142 FISCAL NOTE

AN ACT relative to campaign contributions and expenditures.

FISCAL IMPACT:

The Department of State and Department of Justice state this bill, **as introduced**, will have an indeterminable fiscal impact on state expenditures in FY 2014 and each year thereafter. This bill will have no fiscal impact on state, county, and local revenue, or county and local expenditures.

METHODOLOGY:

The Department of State (DOS) states this bill would create a new campaign finance program that would fund election campaigns for eligible candidates. DOS notes the complete fiscal impact is indeterminable at this time because it does not have enough information about the program. However, DOS estimates needing at least one position at Labor Grade 23 to carry out this new program. The table below shows the additional personnel costs related to this new program.

| | FY 2014 | FY 2015 | FY 2016 | FY 2017 |
|-----------------------------|------------------------|------------------------|------------------------|------------------------|
| Salary (LG 23) | \$41,086 | \$42,842 | \$44,752 | \$46,722 |
| Benefits | <u>\$24,298</u> | <u>\$26,075</u> | <u>\$27,990</u> | <u>\$30,051</u> |
| TOTAL POSITION COSTS | <u>\$65,384</u> | <u>\$68,917</u> | <u>\$72,742</u> | <u>\$76,773</u> |

The Department of Justice (DOJ) states this bill creates a new statutory section but has no penalty provision so the general election penalty provisions would apply. DOJ states it does not have any information on how many additional investigations and prosecutions would result from the new law so it cannot determine the complete fiscal impact. DOJ anticipates working with DOS to develop procedures and any costs would be absorbed by DOJ's regular budget. DOJ states contributions would be subject to review and audit. If the DOJ is responsible for conducting and funding such audits, an auditor would need to be hired. The table below shows the potential personnel and other expenditure costs related to this new program.

| | FY 2014 | FY 2015 | FY 2016 | FY 2017 |
|------------------------------|----------------|----------------|----------------|----------------|
| Salary (LG DD) | \$55,822 | \$59,469 | \$63,117 | \$66,765 |
| Benefits | \$27,213 | \$29,364 | \$31,623 | \$34,015 |
| Current Expenses & Equipment | <u>\$4,950</u> | <u>\$750</u> | <u>\$750</u> | <u>\$750</u> |

| | | | | |
|-----------------------------|------------------------|------------------------|------------------------|-------------------------|
| TOTAL POSITION COSTS | <u>\$87,985</u> | <u>\$89,583</u> | <u>\$95,490</u> | <u>\$101,530</u> |
|-----------------------------|------------------------|------------------------|------------------------|-------------------------|

This bill does not contain an appropriation or authorization for any new positions.