

HB 1364-FN – AS INTRODUCED

2014 SESSION

14-2017
03/05

HOUSE BILL

1364-FN

AN ACT

relative to political expenditure and contribution reporting requirements and relative to political expenditure limitations for state representative and county office candidates.

SPONSORS:

Rep. Gray, Straf 8; Rep. Jones, Straf 24; Rep. Marston, Hills 19; Sen. Cataldo, Dist 6

COMMITTEE:

Election Law

ANALYSIS

This bill increases the dollar amounts that trigger political expenditure and contribution reporting requirements. This bill also increases the voluntary political expenditure limitations for state representative and county office candidates.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through~~].

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to political expenditure and contribution reporting requirements and relative to political expenditure limitations for state representative and county office candidates.

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

1 1 Registration of Political Committees. Amend RSA 664:3, I to read as follows:

2 I. Any political committee, except the political committee of a political party, shall register
3 with the secretary of state as provided in this section. The committee shall register with the
4 secretary of state not later than 24 hours after receiving any contribution in excess of [~~\$500~~] **\$1,500**
5 or before making any expenditure in excess of [~~\$500~~] **\$1,500**, but in no event later than 14 days after
6 the formation of the committee. The registration shall be accompanied by a fee of \$50, which shall be
7 deposited by the secretary of state into the general fund; provided, however, that the political
8 committee of a candidate which registers under this section shall not be required to pay the \$50 fee.
9 Each political committee shall designate a treasurer or agent who is a citizen of this state and who is
10 authorized to receive all process and other legal documents on behalf of the political committee, and
11 through whom may be obtained access to all books and records of the political committee. The
12 political committee shall file with the secretary of state a statement of the purpose of the committee
13 and shall indicate whether the committee will be making independent expenditures in support of or
14 in opposition to any candidate including a statement of the name, address, occupation, and principal
15 place of business of its chairperson and treasurer or agent, and the names and addresses of other
16 officers. The committee shall file an amendment to its registration within 14 days of any change in
17 the officers or purpose of the committee.

18 2 Political Expenditure Limitation Amounts. Amend RSA 664:5-b, V to read as follows:

19 V. For representative to the general court and all county offices, based upon the latest
20 figures filed with the secretary of state:

21 (a) [~~\$-50~~] **\$1** per registered voter in the district or the county in a state primary election.

22 (b) [~~\$-50~~] **\$1** per registered voter in the district or the county in a state general election.

23 3 Reporting by Political Committee. Amend RSA 664:6, I to read as follows:

24 I. Any political committee whose receipts or expenditures in support of a candidate,
25 measure, or political party exceed [~~\$500~~] **\$1,500** except, for the purposes of this paragraph only, the
26 political committee of a political party or the political committee of a candidate, shall file with the
27 secretary of state an itemized statement, signed by its chairman and treasurer showing each of its
28 receipts exceeding \$25 with the full name and home post office address of the contributor in
29 alphabetical order and the amount of the contribution, the date it was received, and the aggregate

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1 total for each election for each contributor of over \$100. The statement shall be filed not later than
2 the Wednesday 12 weeks immediately preceding a primary election, before 5 o'clock in the afternoon,
3 and shall cover the period from the day of the committee registration up to and including the
4 Monday before the statement is due. All receipts of \$25 or under shall appear on the statements as
5 unitemized receipts. Any listing which exceeds an individual's aggregate total of \$100 for each
6 election shall be accompanied by the contributor's occupation including official job title, the name of
7 the contributor's employer, and the city or town of the contributor's principal place of business, if
8 any. The statement shall also show each committee expenditure with the full name and city or town
9 of persons, corporations, committees, or to whomever paid or to be paid, the date paid, and the
10 election for which the expenditure was made, with the specific nature and amount of each
11 expenditure since the date of the registration.

12 4 Reporting by Political Committee. Amend RSA 664:6, II-a to read as follows:

13 II-a. A political committee shall file a statement in the same form as in paragraph I with the
14 secretary of state not later than the Wednesday immediately preceding a primary and a general
15 election, before 5 o'clock in the afternoon. The statement shall summarize the statements under
16 paragraphs I and II if such statements are filed and itemize all receipts and expenditures since the
17 cutoff of the statement under paragraph II up until the Monday preceding the filing of the statement
18 under this paragraph. In addition to the reporting requirements contained in this section, the
19 secretary of state shall be notified by the fiscal agent within 24 hours of any contribution exceeding
20 ~~[\$500]~~ **\$1,500** which is received after the statement under this paragraph is filed and prior to the day
21 of election.

22 5 Reporting by Political Committee. Amend RSA 664:6, IV-IV-a to read as follows:

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

27 IV-a. Any political committee whose independent expenditures, in aggregate, exceed ~~[\$500]~~
28 **\$1,500** shall file an itemized statement with the secretary of state not later than 24 hours after such
29 expenditures are made, and thereafter each time a further ~~[\$500]~~ **\$1,500** is expended. Such itemized
30 statements shall cover the period during which independent expenditures totaling ~~[\$500]~~ **\$1,500**
31 were made. Each statement shall include a certification by the political committee that the
32 independent expenditure meets the definition in RSA 664:2, XI. Each statement shall contain the
33 date of each independent expenditure; the name and address of the person to whom the expenditure
34 was made; the name of the candidate on whose behalf or against whom each expenditure was made;
35 the amount of each expenditure; the purpose of each expenditure and the aggregate amount of all
36 previous independent expenditures. If the independent expenditure is made in support of or to
37 oppose more than one candidate, the statement made under this paragraph shall allocate the way in

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1 which the expenditure was made among the candidates on a reasonable basis. For the purposes of
2 this paragraph, "reasonable basis" means a statement which reflects the benefit or the burden
3 reasonably expected to be derived or suffered by each candidate. The filing requirements of this
4 paragraph shall be in addition to all other filing requirements under this section, and shall not be
5 limited to the filing periods during which expenditures must otherwise be reported.

6 6 Reporting by Candidates. Amend RSA 664:7 to read as follows:

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

12 7 Effective Date. This act shall take effect January 1, 2015.

LBAO
14-2017
11/15/13

HB 1364-FN - FISCAL NOTE

AN ACT relative to political expenditure and contribution reporting requirements and relative to political expenditure limitations for state representative and county office candidates.

FISCAL IMPACT:

The Judicial Branch states this bill, **as introduced**, may increase state expenditures by an indeterminable amount in FY 2015 and each year thereafter. There will be no impact on county and local expenditures, or state, county, and local revenue.

METHODOLOGY:

The Judicial Branch states this bill amends several sections of RSA chapter 664 to increase from \$500 to \$1,500 the dollar amounts that trigger political expenditure and reporting requirements. In addition, the proposed bill amends RSA 664:5-b, V to increase the voluntary political expenditure limitations for state representative and county office candidates. RSA 664:21, V makes most violations of RSA chapter 664 a misdemeanor for a natural person and a felony for any other person. The Branch has no information on which to estimate how many criminal charges will result from the proposed bill, but notes that between 2006 and 2013, no prosecutions at any level were brought for violations of RSA chapter 664. The Branch assumes this trend will continue, and therefore assumes the bill's fiscal impact will be minimal.