

CHAPTER 6
SB 196-FN – FINAL VERSION

04/18/13 1258s
8Jan2014... 2204h
03/27/14 1214EBA

2014 SESSION

13-1010
03/09

SENATE BILL ***196-FN***

AN ACT relative to the definition of push-polling.

SPONSORS: Sen. Pierce, Dist 5; Sen. Bradley, Dist 3

COMMITTEE: Public and Municipal Affairs

AMENDED ANALYSIS

This bill modifies the definition of push-polling and the identification requirements for a person engaging in push-polling.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT relative to the definition of push-polling.

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

1 6:1 Definitions; Push-Polling. Amend RSA 664:2, XVII(c) to read as follows:

2 (c) Conducting such calling in a manner which is likely to be construed by the voter to be
3 a survey or poll to gather statistical data for entities or organizations which are acting independent
4 of any particular political party, candidate, or interest group ***as part of a series of like telephone***
5 ***calls that consist of more than 2,000 connected calls that last less than 2 minutes in***
6 ***presidential, gubernatorial, United States senatorial, or United States congressional***
7 ***elections; or conducting such calling as part of a series of like telephone calls that consist***
8 ***of more than 500 connected calls that last less than 2 minutes in executive council, state***
9 ***senate, city, town, school district, or village district elections; or conducting such calling***
10 ***as part of a series of like telephone calls that consist of more than 200 connected calls that***
11 ***last less than 2 minutes in state representative elections; and***

12 (d) ***Conducting such calling for purposes other than bona fide survey and***
13 ***opinion research.***

14 6:2 New Paragraph; Definitions; Bona Fide Survey and Opinion Research. Amend RSA 664:2 by
15 inserting after paragraph XVII the following new paragraph:

16 XVIII. “Bona fide survey and opinion research” means the collection and analysis of data
17 regarding opinions, needs, awareness, knowledge, views, experiences, and behaviors of a population,
18 through the development and administration of surveys, interviews, focus groups, polls, observation,
19 or other research methodologies, in which no sales, promotional, or marketing efforts are involved,
20 and through which there is no attempt to influence a participant’s attitudes or behavior. Bona fide
21 survey and opinion research includes message testing, which is the study for research purposes of
22 how randomly-selected individuals react to positive or negative information on a candidate, elected
23 public official, or ballot question.

24 6:3 Push-Polling; Identification. Amend RSA 664:16-a, I to read as follows:

25 I. Any person who engages in push-polling, as defined in RSA 664:2, XVII, shall ~~inform~~,
26 ***prior to asking*** any person contacted ***a question relating to a candidate:***

27 (a) ***Inform the person that the telephone call is a “paid political advertisement;”***

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1 *and*

2 **(b) Identify the organization making the call and the organization paying for**
3 ***the call; and***

4 **(c) Provide a valid, current, publicly-listed telephone number for the**
5 ***organization making the call; and***

6 **(d) Identify** that the telephone call is being made on behalf of, in support of, or in
7 opposition to a particular candidate ***or candidates*** for public office[~~]~~ ***and*** identify that candidate ***or***
8 ***candidates*** by name[~~, and provide a telephone number from where the push-polling is conducted].~~

9 6:4 Effective Date. This act shall take effect January 1, 2015.

10

11 Approved: April 23, 2014

12 Effective Date: January 1, 2015