

SB 332-FN – AS INTRODUCED

2014 SESSION

14-2801  
03/01

SENATE BILL        **332-FN**

AN ACT            relative to the ballot law commission.

SPONSORS:        Sen. Pierce, Dist 5; Sen. Lasky, Dist 13; Rep. G. Richardson, Merr 10

COMMITTEE:      Public and Municipal Affairs

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ANALYSIS

This bill grants the ballot law commission jurisdiction over complaints that political advertising has been paid for by an organization that has failed to register or to report its receipts and expenditures as required by law.

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                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

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

1           1   New Section; Ballot Law Commission; Unreported Expenditures. Amend RSA 665 by  
2 inserting after section 9-a the following new section:

3           665:9-b Failure to Register as a Committee or Report Expenditures. Any candidate who is  
4 identified by name or whose image is used in political advertising, as defined in RSA 664:2, VI, may  
5 file a complaint with the ballot law commission to resolve whether the advertising has been paid for  
6 by an organization that has failed to register or to report its receipts and expenditures as required by  
7 law. If the commission determines that the advertising was paid for by an organization that was  
8 required to register as a political committee and that failed to register in accordance with RSA 664:3,  
9 the commission shall order the organization to register by the date specified in the order of the  
10 commission and to comply by that same date with the reporting requirements required of all political  
11 committees. If the commission determines that the advertising was paid for by a political committee  
12 that failed to report receipts and expenditures in accordance with RSA 664:6, the commission shall  
13 order the committee to file a report of receipts and expenditures by the date specified in the order of  
14 the commission. The commission may summon the organization or political committee to appear  
15 before it to answer the complaint and may receive evidence and make its determinations at any  
16 meeting under RSA 665:5 or at a special meeting of the commission convened for such purposes.  
17 Orders of the ballot law commission under this section may be appealed to the Merrimack county  
18 superior court.

19           2   Effective Date. This act shall take effect January 1, 2015.

**SB 332-FN - FISCAL NOTE**

AN ACT                    relative to the ballot law commission.

**FISCAL IMPACT:**

The Department of Justice and Judicial Branch state this bill, **as introduced**, may increase state general fund 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 Department of Justice states this bill allows any candidate whose name or image is used in political advertising to file a complaint with the Ballot Law Commission to resolve whether the advertising has been paid for by an organization that has failed to register or report its receipts and expenditures as required by law. The bill authorizes the Commission to issue orders against any organization not in compliance with RSA 664:3 or 664:6, and provides that any such orders may be appealed to the Merrimack County Superior Court. The Department states that an assistant attorney general will provide legal counsel to the Commission regarding any complaints filed, and will attend any hearings or meetings scheduled in accordance with the bill. If any appeal is taken to the Merrimack County Superior Court, the assistant attorney general will represent the Commission throughout the appeal. Because it is difficult to estimate how many complaints will be filed or the amount of general legal counsel the Commission will require, the Department states that the bill's fiscal impact is indeterminable.

The Judicial Branch states the bill makes orders of the ballot commission under the proposed section appealable to the Merrimack County Superior Court. The Branch has no information on how many appeals will be filed in the court as a result of the bill. The Branch does, however, have information on the projected cost of such appeals. Appeals are classified as complex equity cases, and are projected to cost \$668.25 per case in FY 2015, and \$683.30 per case in FY 2016. These numbers do not consider the cost of any appeals that may be undertaken following trial. All costs are estimated based on case weight information from the Branch's last needs assessment completed in 2005.