

HB 649-FN - AS INTRODUCED

2015 SESSION

15-0493
03/04

HOUSE BILL **649-FN**
AN ACT relative to campaign contributions.
SPONSORS: Rep. Ulery, Hills 37
COMMITTEE: Election Law

ANALYSIS

This bill prohibits an individual who is not a resident of New Hampshire from making a campaign contribution to a candidate in excess of \$250, and prohibits a candidate from accepting any such contribution. This bill also establishes additional reporting requirements immediately before an election for contributions received from out-of-state sources.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to campaign contributions.

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

1 1 Prohibited Political Contributions. Amend RSA 664:4, V to read as follows:

2 V. By any person (1) if in excess of \$5,000 in value, except for contributions made by a
3 candidate in behalf of his **or her** own candidacy, or if in excess of \$1,000 in value by any person or by
4 any political committee to a candidate or a political committee working on behalf of a candidate who
5 does not voluntarily agree to limit his **or her** campaign expenditures and those expenditures made
6 on his **or her** behalf as provided in RSA 664:5-a, **or if in excess of \$250 in value by an individual**
7 **who is not a resident of New Hampshire to a candidate or a political committee working on**
8 **behalf of a candidate**, (2) if made anonymously or under a name not that of the donor, (3) if made
9 in the guise of a loan, (4) if any other manner concealed, (5) if made without the knowledge and
10 written consent of the candidate or his fiscal agent, a political committee or its treasurer, or not to
11 any one of the same.

12 2 New Section; Prohibited Acceptance of Contributions. Amend RSA 664 by inserting after
13 section 4-b the following new section:

14 664:4-c Prohibited Acceptance of Contributions. No candidate or political committee working on
15 behalf of a candidate shall accept any contribution, whether tangible or intangible, from an
16 individual who is not a resident of New Hampshire in excess of \$250 in value.

17 3 Reporting. Amend RSA 664:6, II-a to read as follows:

18 II-a. A political committee shall file a statement in the same form as in paragraph I with the
19 secretary of state not later than the Wednesday immediately preceding a primary and a general
20 election, before 5 o'clock in the afternoon. The statement shall summarize the statements under
21 paragraphs I and II if such statements are filed and itemize all receipts and expenditures since the
22 cutoff of the statement under paragraph II up until the Monday preceding the filing of the statement
23 under this paragraph. In addition to the reporting requirements contained in this section, the
24 secretary of state shall be notified by the fiscal agent within 48 hours of any contribution exceeding
25 \$500 **or from any out-of-state source** that is received after the statement under this paragraph is
26 filed and prior to the day of election.

27 4 Effective Date. This act shall take effect January 1, 2016.

HB 649-FN FISCAL NOTE

AN ACT relative to campaign contributions.

FISCAL IMPACT:

The Department of Justice and Judicial Branch state this bill, **as introduced**, may increase state expenditures by an indeterminable amount in FY 2016 and each year thereafter. There will be no fiscal impact on county and local expenditures, or state, county, and local revenue.

METHODOLOGY:

The Department of Justice states this bill amends RSA 644 to limit political contributions by individual non-residents to \$250. The Department states that it does not currently receive funding related to elections enforcement, and expects that, in general, responding to elections-related complaints will require the assistance of a full-time investigator, 90 percent of an assistant attorney general, and 20 percent of secretarial staff time. The Department is unable to estimate the percentage of the above time that would be spent addressing complaints generated by this particular bill.

The Judicial Branch states that violations under this bill are punishable as an unspecified misdemeanor for a natural person and as a felony for any other person. The Branch states that no prosecutions of RSA 664 have been brought since FY 2005. Therefore, the Branch expects the fiscal impact of this bill to be minimal.

The Department of State, Judicial Council, and New Hampshire Association of Counties state this bill will have no fiscal impact.