

SB 534-FN - AS AMENDED BY THE SENATE

02/19/2026 0645s

2026 SESSION

26-2116

07/08

SENATE BILL **534-FN**

AN ACT relative to foreign funding and influence in constitutional amendment and local ballot question campaigns.

SPONSORS: Sen. Avard, Dist 12; Sen. Birdsell, Dist 19; Sen. Carson, Dist 14; Rep. Sirois, Hills. 32; Rep. Kofalt, Hills. 32; Rep. D. Kelley, Hills. 32; Rep. Pauer, Hills. 36

COMMITTEE: Election Law and Municipal Affairs

ANALYSIS

This bill strengthens enforcement against foreign funding and foreign direction of campaigns for constitutional amendments and local ballot questions.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to foreign funding and influence in constitutional amendment and local ballot question campaigns.

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

1 1 New Subdivision; Foreign Funding and Influence in Covered Measure Campaigns. Amend
2 RSA 664 by inserting after section 23 the following new subdivision:

3 Foreign Funding and Influence in Covered Measure Campaigns
4 664:24 Definitions.

5 I. "Covered measure" means:

6 (a) Any constitutional amendment proposed pursuant to Article 100(b) of the New
7 Hampshire constitution and submitted to the statewide ballot; or

8 (b) Any "measure," as defined in RSA 664:2, X, that appears on the ballot of a city, town,
9 school district, village district, or county.

10 II. "Measure committee" means a political committee, as defined in RSA 664:2, III, whose
11 purpose is to promote the success or defeat of a covered measure.

12 III. "Independent expenditure" has the meaning in RSA 664:2, XI, when made to influence a
13 covered measure.

14 IV. "Foreign national" has the same meaning as in 52 U.S.C. section 30121(b) and 22 USC
15 Section 611 (b), except that the term shall also include domestic corporate entities whose principal
16 agent is a foreign national.

17 V. "Prohibited source" means a foreign national.

18 VI. "Directly or indirectly" means acting alone or jointly with, through, or on behalf of any
19 other person or entity.

20 VII. "Preliminary activity" means polling, drafting ballot language, focus groups, telephone
21 calls, or travel undertaken in furtherance of a covered measure.

22 664:25 Initial Certification by Measure Committees; Record Keeping.

23 I. Upon registering or forming a measure committee under RSA 664:3, the treasurer shall
24 file with the secretary of state a certification, under penalty of perjury, that no preliminary activity
25 for the covered measure conducted by or for the committee was funded, directly or indirectly, by a
26 prohibited source.

27 II. A measure committee shall maintain records of all contributions and expenditures
28 relating to the covered measure for 4 years after the election at which the covered measure appears,
29 and shall produce such records to the secretary of state or attorney general upon lawful request.

30 664:26 Contribution Certifications; Condition of Acceptance; Refund and Disgorgement.

1 I. As a condition of acceptance, upon receipt of each contribution a measure committee shall
2 obtain from the donor a written affirmation, on a form prescribed by the secretary of state, that the
3 donor is not a foreign national.

4 II. A measure committee shall not accept or deposit a contribution unless the affirmation
5 required under paragraph I has been obtained. A contribution received without the required
6 affirmation shall be returned to the donor unnegotiated or, if deposited, refunded within 10 business
7 days of discovery.

8 III. If a court or the attorney general determines that a contribution was accepted from a
9 prohibited source or based on a false affirmation, the committee shall refund such contribution
10 within 30 days of notice. If the funds are unavailable, the committee shall disgorge to the secretary
11 of state an amount equal to the contribution, and the directors, officers, or executive members
12 responsible for financial decisions shall be jointly and severally liable for the amount due.

13 IV. Periodic reports filed under RSA 664 shall include an affirmation of compliance with this
14 section and the total number of contributions returned or refunded pursuant to this section.

15 664:27 Certifications by Independent Expenditure Filers; Disgorgement.

16 I. Within 48 hours of making one or more independent expenditures supporting or opposing
17 a covered measure, any person that is not a registered political committee and that is required to
18 report such expenditures under RSA 664 shall file with the secretary of state a certification, under
19 penalty of perjury, that the filer is not a foreign national and that no foreign national directly or
20 indirectly directed, dictated, controlled, or participated in the decision to make the expenditure.

21 II. If a court or the attorney general determines that an independent expenditure violated
22 paragraph I, or RSA 664:5, the filer shall disgorge to the secretary of state an amount equal to the
23 reported cost of the independent expenditure within 30 days of notice. If the funds are unavailable,
24 the directors, officers, or executive members responsible for financial decisions shall be jointly and
25 severally liable for the amount due.

26 664:28 Prohibited Foreign Direction or Solicitation.

27 I. A foreign national shall not direct, dictate, control, or directly or indirectly participate in
28 the decision-making process of any person with respect to activities to influence a covered measure,
29 including decisions concerning contributions or expenditures.

30 II. A foreign national shall not solicit, directly or indirectly, any donation, contribution, or
31 expenditure by another person to influence a covered measure.

32 664:29 Administration; Publication; Audit.

33 I. The secretary of state shall maintain and publish on the department's website the
34 certifications filed under RSA 664:25 through RSA 664:27 to the extent permitted by law.

35 II. The secretary of state may adopt rules, pursuant to RSA 541-A, to implement this
36 subdivision, including creating forms and electronic filing standards.

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1 III. The secretary of state may audit compliance with RSA 664:25 through RSA 664:27 and
2 refer apparent violations to the attorney general.

3 664:30 Enforcement; Remedies; Presumption.

4 I. The attorney general shall enforce this subdivision pursuant to RSA 7:6-c and RSA 664:18
5 through RSA 664:21.

6 II. Knowingly filing a false certification, knowingly failing to obtain a required certification
7 before accepting a contribution, or knowingly failing to refund or disgorge as required by this
8 subdivision shall be subject to the penalties and remedies available under RSA 664:21 and any other
9 applicable law.

10 III. In addition to other remedies, a court of competent jurisdiction may order injunctive
11 relief to ensure compliance and may award civil penalties up to the amount of the unlawful
12 contribution or expenditure, not to exceed 2 times such amount, or up to 3 times for knowing or
13 willful violations.

14 IV. Evidence that a contribution or independent expenditure was made by, at the direction
15 of, or using funds provided by a foreign national within the meaning of 52 U.S.C. section 30121(b)
16 shall create a rebuttable presumption of a violation of this subdivision and RSA 664:5 with respect to
17 such contribution or independent expenditure.

18 664:31 Savings Clause; Applicability.

19 I. This subdivision shall be construed in addition to, and not to limit or supersede, the
20 prohibitions of RSA 664:5 or any other provision of law.

21 II. This subdivision shall apply only to covered measures as defined in RSA 664:24, and
22 shall not apply to candidates for public office or to committees organized primarily to support or
23 oppose candidates.

24 III. Nothing in this subdivision shall alter any reporting, registration, or disclaimer
25 obligations applicable under RSA 664.

26 2 Effective Date. This act shall take effect January 1, 2027.

SB 534-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2026-0645s)

AN ACT relative to foreign funding and influence in constitutional amendment and local ballot question campaigns.

FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	Indeterminable		
<i>Revenue Fund(s)</i>	General Fund			
Expenditures*	\$0	\$15,000-\$30,000	\$0	\$0
<i>Funding Source(s)</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

METHODOLOGY:

This bill strengthens enforcement against foreign influence in campaigns by prohibiting a foreign national from donating to a committee whose purpose is to promote the success or defeat of a Constitutional Amendment or a city, town, school, village, or county ballot question.

The Department of State indicates that to implement the necessary reporting changes, they will need to contract with the vendor that supports the campaign finance system. The proposed system changes include establishing a new measure committee; enabling the creation, upload, and storage of preliminary certifications affirming that no preliminary activity related to the covered measure was funded, directly or indirectly, by a prohibited source; enabling the creation, upload, and storage of contribution certifications and condition-of-acceptance affirmation forms; enabling the creation, upload, and storage of 48-hour independent expenditure certifications related to measures by non-political committees; enabling the creation and storage of measure committee-specific periodic reports filed under RSA 664, which must include certification under penalty of perjury that the filer is not a foreign national and that no foreign national influenced the expenditure decision; and publishing all of these reports and certifications on the Secretary of State’s website. Based on previous updates to campaign finance system, the estimated cost of this bill is between \$15,000 and \$30,000.

With the Attorney General being responsible for enforcement of these provisions, the Department of Justice states the fiscal impact of this bill is indeterminable with the associated expenditures being less than \$10,000.

AGENCIES CONTACTED:

Department of State and Department of Justice