HB 402-FN - AS INTRODUCED

2023 SESSION

23-0613
06/10

HOUSE BILL ***402-FN***

AN ACT relative to prohibiting false statements against candidates.

SPONSORS: Rep. Hynes, Hills. 2

COMMITTEE: Election Law

ANALYSIS

This bill prohibits the publication of false statements by any candidate, political committee, or political party regarding another candidate's positions on issues.

- -

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 402-FN - AS INTRODUCED

23-0613
06/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to prohibiting false statements against candidates.

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

1 New Section; Political Advertising; Defamation. Amend RSA 664 by inserting after section 14-b the following new section:

644:14-c Prohibiting Political Defamation.

I. No candidate, political committee, or political party may knowingly or maliciously act with reckless disregard of the truth by publishing a false statement regarding a candidate's position on an issue or publish a false statement which would reasonably harm the candidate's reputation. False statements issued on the homepage of a candidate, political committee, or political party's website is evidence of their position on an issue and prima facie evidence of reckless disregard of the truth.

II.(a) A violation of this section shall include damages of $1 for each impression or for each recipient of a newspaper, radio, television, Internet, or similar media, or, $500 for each physical political sign belonging to a candidate, political committee, or political party.

(b) Any candidate injured by another candidate, political committee, or political party's violation of this section may bring an action for damages and for such equitable relief, including an injunction, as the court deems necessary and proper. If the court finds in favor of the plaintiff, recovery shall be in the amount of actual damages plus any damages awarded pursuant to this section. A prevailing plaintiff shall be awarded the costs of the suit and any reasonable attorney's fees, as determined by the court. Upon commencement of any action brought under this section, the clerk of the court shall mail a copy of the complaint or other initial pleadings to the attorney general and, upon entry of any judgment or decree in the action, shall mail a copy of such judgment or decree to the attorney general.

2 Effective Date. This act shall take effect January 1, 2024.

LBA
23-0613
1/3/23

HB 402-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to prohibiting false statements against candidates.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$0	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	[X] General	[ ] Education	[ ] Highway	[ ] Other

METHODOLOGY:

This bill prohibits the publication of false statements by any candidate, political committee, or political party regarding another candidate's positions on issues. The bill would create a private cause of action for damages and equitable relief and, if successful, costs and attorney's fees. The Court must file a copy of any complaints or judgments under the new law to the Attorney General. The Judicial Branch assumes this new private cause of action would result in additional litigation in the courts, but the Judicial Branch is unable to determine how many such additional lawsuits would be filed.

AGENCIES CONTACTED:

Judicial Branch