

Rep. Lane, Merr. 16  
Rep. Qualey, Ches. 18  
Rep. Muirhead, Graf. 12  
Rep. Ward, Rock. 27  
Rep. Berry, Hills. 39  
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Amendment to SB 534-FN

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 Definitions; Candidate and Political Committee. RSA 664:2, II and III are repealed and  
4 reenacted to read as follows:

5 II. "Candidate" means an individual who seeks election to any public office or party position  
6 to be voted at a primary, general, or special election, whether or not the public office or party  
7 position has been specifically identified at such time and whether or not such individual is  
8 nominated or elected. An individual shall be considered a candidate seeking election, or re-election,  
9 if the individual has:

10 (a) Taken the action necessary to qualify for election, such as filing as a candidate;

11 (b) Taken the action or authorized any other person to obtain nominating petitions to  
12 qualify for election, or election to office; or

13 (c) Received contributions or made expenditures, or given consent to any other person to  
14 receive contributions or make expenditures, with the purpose to bring about the individual's  
15 nomination for election, or election, to office at any time during the election cycle.

16 III. "Political committee" means an organization that receives contributions or makes  
17 expenditures for the purpose of promoting the success or defeat of a political party, candidate,  
18 candidates, measure, or measures, including but not limited to the following:

19 (a) Candidate committee created by a candidate running for office under RSA 664:3 V;

20 (b) Political advocacy organization to promote issues and ideas that may influence  
21 voters' choices on the ballot as further defined in RSA 664:2, XXII;

22 (c) Political committee of a political party as further defined in RSA 664:2, V;

23 (d) The committee of a segregated fund established by any organization with a separate  
24 legal existence the purpose of which is to promote the success or defeat of a political party,  
25 candidate, candidates, measure, or measures.

26 2 Definitions; Political Advertising, Communication, Contribution, and Expenditure. RSA  
27 664:2, VI - IX are repealed and reenacted to read as follows:

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1 VI. "Political advertising" means any communication or expenditure by means of any  
2 medium or in any format, that expressly advocates, or is the functional equivalent of the express  
3 advocacy for the success or defeat of any party, candidate, candidates, measure, or measures.

4 VII. "Communication" means imparting, exchanging, or sending, of information by any  
5 medium or in any format, including, but not be limited to: publication in any newspaper or other  
6 periodical, Internet, social media, or other digital method; broadcasting on radio, television, or over  
7 any public address system; transmission by telephone, text message, email, or facsimile; placement  
8 on any billboards, trucks or mobile billboards, outdoor facilities, window displays, posters, cards,  
9 pamphlets, leaflets, flyers, or other circulars, or in any direct mailing, digital or otherwise.

10 VIII. "Contribution" means anything of value received for the purpose of promoting the  
11 success or defeat of a candidate, candidates, measure, measures, or political party, including but not  
12 limited to a payment, gift, subscription, assessment, contract, payment for services, dues advance,  
13 forbearance, loan to a candidate or political committee, personal or professional services for less than  
14 full consideration, or the use of anything of value. Contributions may be used by candidates for  
15 expenses incurred by a candidate for child care.

16 IX.(a) "Expenditure" means any of the following that promotes the success or defeat of a  
17 political party, candidate, candidates, measure, or measures: the purchase, payment, contribution,  
18 subscription distribution, loan, advance, deposit, or gift of money or anything of value; the making of  
19 a legally binding commitment to make a purchase, payment, contribution, subscription distribution,  
20 loan, advance, deposit, or gift of money or anything of value in the future; or the transfer of funds by  
21 a political committee to another political committee or to a candidate. "Expenditure" includes, but is  
22 not limited to disbursement of funds for:

23 (1) Communications:

24 (a) That contain express advocacy or its functional equivalent supporting or opposing the  
25 election of a candidate, candidates, measure, or measures; or

26 (b) That promote the success or defeat of a party, candidate, candidates, measure, or  
27 measures regardless of whether the communication or activities contain express advocacy or its  
28 functional equivalent.

29 (2) Partisan voter activity, partisan voter registration activity, partisan get-out-the-  
30 vote activity, or other partisan campaign-related activities.

31 (3) Research, design, production, polling, data analytics, mailing or social media list  
32 acquisition or other activities conducted in preparation for or conjunction with communications or  
33 activities described in this paragraph.

34 (4) Childcare expenses incurred by a candidate if the expenses are a direct result of  
35 the candidate's activities.

36 (5) An independent expenditure, as defined in paragraph XI.

37 (b) "Expenditure" does not include:

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- 1                   (1) The candidate's expenses for non-campaign travel and subsistence;
- 2                   (2) Activity designed to encourage individuals to register to vote or to vote, if that
- 3 activity or communication does not mention a clearly identified candidate;
- 4                   (3) Any communication by any membership organization or corporation to its
- 5 members or stockholders, if the primary purpose of that membership organization or corporation is
- 6 not for the purpose of promoting the success or defeat of a candidate or candidates and measure or
- 7 measures; or
- 8                   (4) Any communication by any political committee member that is not made for the
- 9 purpose of promoting the success or defeat of a candidate or candidates or measure or measures.
- 10                  (5) Payment for incidental items, such as auto expenses and child care that the
- 11 candidate chooses to pay for with personal funds.

12           3 Definitions; Independent Expenditures; Full Name; Person. RSA 664:2, XI-XIII is repealed

13 and reenacted to read as follows:

14           XI. "Independent expenditure" means the disbursement of funds for an expenditure made by

15 a political committee or person made without cooperation or consultation with any political

16 committee, political party, candidate, or agent of such candidate, and which are not made in concert

17 with, or at the request or suggestion of any political party, candidate, or agent of such candidate.

18           XII. "Full name" means the full legal name of a person making the identity of the

19 contributor apparent by unambiguous reference.

20           XIII. "Person's post office address" means:

- 21                   (a) If an individual, the address used by the individual for voter registration purposes;
- 22 and
- 23                   (b) If a person that is not an individual, the primary business location of the person,
- 24 both of which shall include a street and post office box, if any, city, state, and zip code.
- 25                   (c) "Person's post office address" shall not mean:
- 26                           (1) An individual's business address.
- 27                           (2) An individual's vacation home address or rental property address when the home
- 28 or rental property is owned, but not occupied by the contributor.
- 29                           (3) Any address not that of the contributor.

30           4 Definitions; Push-Polling. RSA 664:2, XVII is repealed and reenacted to read as follows:

31           XVII. "Push-polling" means:

- 32                   (a) Communications with voters promoting the success or defeat of any candidate,
- 33 candidates, measure, or measures for public office or measure by any means, including but not
- 34 limited to telephone, text, via the Internet, through social media, or digitally; and
- 35                   (b) Asking questions related to opposing candidates for public office which state, imply,
- 36 or convey information about the candidate's character, status, or political stance or record; and

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

11 (d) Conducting such communication for purposes other than bona fide survey and  
12 opinion research.

13 5 Definitions; Receipts. RSA 664:2, XIX is repealed and reenacted to read as follows:

14 XIX. "Receipts" shall mean the receipt of money or anything of value or the receipt of a  
15 legally binding commitment to receive money or thing of value in the future for the purpose of  
16 promoting the success or defeat of a political party, candidate, candidates, measure, or measures.  
17 Receipts shall not include amounts received by a political committee in commercial transactions in  
18 the ordinary course of any trade or business conducted by the political committee or in the form of  
19 investments in the political committee or amounts received by the political committee from payors  
20 who, at the time of payment, prohibited, in writing, the use of the payment as an expenditure.

21 6 Definitions; Political Advocacy Organization RSA 664:2, XXII is repealed and reenacted to  
22 read as follows:

23 XXII. "Political advocacy organization" means any entity that makes expenditures of \$1,000  
24 or more an election cycle for communication that is functionally equivalent to express advocacy such  
25 that, when taken as a whole, such communication is likely to be interpreted, all or in part, by a  
26 reasonable person as promoting the success or defeat of a candidate or candidates, of a measure or  
27 measures, or political party, taking into account whether the communication involved mentions a  
28 candidacy, a political party, or takes a position on a candidate's character, qualifications, or fitness  
29 for office. For the purposes of this chapter, a contribution from a political advocacy organization to a  
30 candidate or other political committee is communication that is functionally equivalent to express  
31 advocacy.

32 7 New Paragraphs; Definitions; Election Cycle; Person; Individual; Organization. Amend RSA  
33 664:2 by inserting after paragraph XXII the following new paragraphs:

34 XXIII. "Election cycle" means the period of time beginning on the twenty-second day after a  
35 state general election through 21 days after the next state general election. For special elections, the  
36 election cycle shall be the period of time from when a vacancy is created through 21 days after the  
37 special election.

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1           XXIV. "Person" is an individual, collection of individuals, business organization, club, or any  
2 other entity created under the law.

3           XXV. "Individual" means a human being.

4           XXVI. "Organization" includes: a group of 2 or more individuals, business entities formed  
5 under state law, except those entities qualified under section 501(c)(3) of the United States Internal  
6 Revenue Code of 1986, or any other association of individuals or entities formed under state law that  
7 is not registered as a business entity.

8           8 Registration of Political Committees. RSA 664:3 is repealed and reenacted to read as follows:  
9           664:3 Registration of Political Committees.

10           I.(a) Any political committee, except the political committee of a political party, shall  
11 register with the secretary of state as provided in this section. Registration shall be made through  
12 the secretary of state's online campaign finance system. A political committee may register at any  
13 time during the election cycle, but the committee's registration shall be received by the secretary of  
14 state not later than 48 hours after the committee meets at least one of the criteria under RSA 664:2,  
15 III. The registration shall be accompanied by an itemized statement of the receipts and  
16 expenditures, if any, made by the political committee in the current election cycle prior to  
17 registration. Such itemization shall be made pursuant to the manner set forth in RSA 664:6. The  
18 registration shall also be accompanied by an administration fee of \$50, unless exempt pursuant to  
19 subparagraph (c), which shall be deposited by the secretary of state into the general fund.

20           (b) Each political committee shall designate a treasurer who is a citizen of this state and  
21 who is authorized to receive all process and other legal documents on behalf of the political  
22 committee, and through whom may be obtained access to all books and records of the political  
23 committee. The political committee shall file with the secretary of state a statement of the purpose  
24 of the committee and shall indicate whether the committee will be making independent  
25 expenditures. The registration shall also include a statement of the name, address, occupation, and  
26 principal place of business of its chairperson and treasurer and the names and address of other  
27 officers. The committee shall file an amendment to its registration within 14 days of any change in  
28 the officers or purpose of the committee.

29           (c) The political committee of a candidate or a political committee of a political party that  
30 registers under this chapter shall not be required to pay the \$50 administration fee provided in  
31 subparagraph (a).

32           II. No member of a political committee which is required to register under RSA 664:3, I,  
33 shall do any act directly or indirectly on behalf of the committee to promote the success or defeat of a  
34 political party, a measure, or a candidate, unless the requirements of RSA 664:3, I are met.

35           III. All political committees' registrations under this chapter shall be valid from the date of  
36 registration through 21 days after the primary or general election, whichever is appropriate, unless  
37 terminated sooner, in writing, by the chairperson and the treasurer of the political committee.

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1 However, any political committee which has a continuing obligation to report as required under RSA  
2 664:6 shall have its registration automatically renewed according to RSA 664:6, V.

3 IV. Any political committee that is exempt from taxation under sections 501(c)(4), 501(c)(5),  
4 or 501(c)(6) of the United States Internal Revenue Code of 1986 may disclose, but shall not be  
5 required to disclose in its itemized statement of receipts, the identity of its donors. Any political  
6 committee affected by this section who chooses not to disclose the identity of its donors shall place  
7 the following disclosure on all communications to voters: "This organization has an exemption under  
8 federal law and is not required, and chooses not, to disclose its donors."

9 V. For purposes of filing campaign finance reports pursuant to RSA 664:6 and RSA 664:7, a  
10 candidate for office may choose to file as a candidate or, if such candidate creates a candidate  
11 committee, as a political committee.

12 9 Prohibited Political Contributions. RSA 664:4 is repealed and reenacted to read as follows:

13 664:4 Prohibited Political Contributions.

14 No contribution, whether tangible or intangible, shall be made to a candidate, a political  
15 committee, or political party, or on behalf of a candidate or political committee or political party,  
16 directly or indirectly, for the purpose of promoting the success or defeat of any candidate, measure,  
17 or political party during any state election cycle:

18 I. By any partnership as such or by any partner acting in behalf of such partnership.

19 II. By any labor union or group of labor unions, or by any officer, director, executive, agent,  
20 or employee acting on behalf of such union or group of unions, or by any organization representing or  
21 affiliated with any such union or group of unions, or by any officer, director, executive, agent, or  
22 employee acting on behalf of such organization.

23 III. By any person:

24 (a) If made anonymously or under a name not that of the donor.

25 (b) If made in the guise of a loan.

26 (c) If concealed in any other manner.

27 (d) In excess of the limits established in paragraph IV or V.

28 IV. By an individual or corporation in excess of the following amounts per election cycle:

29 Contributed to:	Maximum amount of contributions:
30 Candidate or political committee of a candidate	\$15,000
31 Any other political committee or political party	\$30,000

32 V. By any candidate or political committee in excess of the following amounts:

33 Contributed to:	Maximum amount of contributions:
34 Candidate or political committee of a candidate	Unlimited
35 Any other political committee	
36 or political party	Unlimited

1 VI. A partnership or labor organization may establish its own political committee, which  
2 may make contributions to a measure, candidate, political committee, or political party, so long as  
3 the funds used by the political committee are separate from the other partnership or labor  
4 organization funds.

5 10 Prohibited Coercion of Political Contributions. Amend RSA 664:4-a to read as follows:

6 664:4-a Prohibited Coercion of Political Contributions.

7 I. No person shall knowingly coerce, or attempt to coerce, any classified state employee to  
8 give or withhold a contribution to any political campaign or political committee, or to any candidate,  
9 party or cause, for the purpose of promoting the success or defeat of any candidate, **measure**, or  
10 political party.

11 II. No business organization, and no officer, director, executive, agent or employee acting in  
12 behalf of the business organization, and no enterprise representing or affiliated with one or more  
13 business organizations, and no officer, director, executive, agent or employee acting in behalf of such  
14 enterprise, shall knowingly coerce, or attempt to coerce, any employee of the business organization  
15 or of the enterprise, or any contractor or subcontractor or any employee of the contractor or  
16 subcontractor doing business with the business organization, to make a contribution to any political  
17 campaign or political committee, or to any candidate, party or cause, for the purpose of promoting  
18 the success or defeat of any candidate, **measure**, or political party:

19 (a) By means of the denial or deprivation, or the threat of the denial or deprivation, of  
20 any employment, position, or work in or for the business organization or enterprise.

21 (b) By means of the denial or deprivation, or threat of the denial or deprivation, of the  
22 loss of any compensation, payment, or benefit from such employment, position, or work.

23 (c) By means of the discharge, promotion, degradation, or change in any manner in the  
24 official rank or compensation of any employee, or by means of the promise or threat to do so, for  
25 giving or withholding a contribution.

26 11 Surplus Campaign Contributions and Deficits. Amend RSA 664:4-b to read as follows:

27 664:4-b Surplus Campaign Contributions **and Deficits**.

28 Surplus campaign contributions **and deficits at the end of an election cycle shall be**  
29 **reported as the opening balance in the next election cycle's first statement. Surplus**  
30 **contributions** may be used [~~after a general or special election~~] for fund raising activities and any  
31 other politically related activity sponsored by the candidate, or for donations to charitable  
32 organizations. Such surplus campaign contributions, however, shall not be used for personal  
33 purposes **or other prohibited expenditures under RSA 664:5. All expenditures shall be**  
34 **reported according to RSA 664:6 through RSA 664:9. Special election cycle surpluses and**  
35 **deficits shall continue to be reported according to RSA 664:6 until a zero balance is**  
36 **reported.**

37 12 Prohibited Political Expenditures. Amend RSA 664:5 to read as follows:

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1       664:5 Prohibited Political Expenditures.

2       No expenditure or use of a contribution, tangible or intangible, shall be made for the purpose of  
3 promoting the success or defeat of any political party, measure, or candidate:

4           I. By a political committee~~[- except the political committee of a political party-],~~ **except the**  
5 **political committee of a political party**, unless the political committee meets the requirements of  
6 RSA 664:3, I.

7           II. ~~[By a political committee which is organized to support a candidate in any election, or to~~  
8 ~~such candidate or the candidate's fiscal agent unless the committee secures and files the written~~  
9 ~~consent of the candidate or the candidate's fiscal agent with the secretary of state in accordance with~~  
10 ~~RSA 664:3, III.~~

11           ~~III.]~~ By any person, candidate, or political committee, for political advertising in **any**  
12 **format, including but not limited to** newspaper, periodical, or on a radio or television broadcast,  
13 or on a billboard, if at a rate more or less than the applicable rates to be filed with the secretary of  
14 state.

15           ~~[IV, V. [Repealed.]]~~

16           ~~[VI.]~~ **III.** By any foreign national, as defined in 52 U.S.C. section 30121(b) and 11 C.F.R.  
17 section 110.20(a)(3)~~[- for any purpose, including for the use of telephones, facsimile machines,~~  
18 ~~vehicles, and computers, for electioneering. For the purposes of this paragraph, "electioneering"~~  
19 ~~means to act in any way specifically designed to influence the vote of a voter on any question or~~  
20 ~~office].~~

21       13 Reporting by Political Committee. RSA 664:6 is repealed and reenacted to read as follows:

22       664:6 Reporting by Political Committees.

23           I. Any political committee whose receipts or expenditures exceed \$1,000 in an election cycle,  
24 shall file with the secretary of state an itemized statement, in the form prescribed by the secretary of  
25 state, signed by its chairman and treasurer. The \$1,000 threshold shall not apply to political  
26 committees renewed under RSA 664:6, V; these political committees shall continue to file until a zero  
27 balance is reported. The statement shall detail the full name and postal address of each contributor  
28 in alphabetical order, the amount of the contribution, the date it was received, and the aggregate  
29 total for each election cycle. For contributors who, in the aggregate, donate \$50 or less in an election  
30 cycle, their personal identifying information shall not be publicly available in the secretary of state's  
31 campaign finance system, and their personal identifying information shall be exempt from disclosure  
32 under RSA 91-A. Any receipts from a contributor with aggregate receipts of \$50 or under shall  
33 appear on the statements as unitemized receipts. Any receipt that exceeds a contributor's aggregate  
34 total of \$200 for each election cycle shall be reported with the contributor's occupation, the name of  
35 the contributor's employer, and the city or town of the contributor's principal place of business, if  
36 any. The statement shall also show each expenditure with the full name and postal address of the  
37 payee or promisee of payment, the date paid or obligated, whichever occurred first, and the specific

1 nature and amount of each expenditure. Statements shall cover the period beginning the day after  
2 the last day covered in the prior statement period up to and including the Sunday before the  
3 statement is due, ***except for the statement in subparagraph II(i) below which shall be***  
4 ***inclusive through the Tuesday before the statement is due.***

5 **II.** Statements shall be filed not later than 5 PM according to the following schedule:

- 6 (a) First Wednesday in June after the state general election;
- 7 (b) First Wednesday in December one year after the state general election;
- 8 (c) Wednesday 12 weeks before primary election;
- 9 (d) Wednesday 3 weeks before primary election;
- 10 (e) Wednesday before primary election;
- 11 (f) Second Wednesday after the primary election;
- 12 (g) Wednesday 3 weeks before general election;
- 13 (h) Wednesday before general election;
- 14 (i) Fourth Wednesday after the general election.

15 ~~III.~~ **III.** Any political committee whose receipts or expenditures do not exceed \$1,000 for an  
16 election cycle need not file. However, when a committee's accumulated receipts or expenditures for  
17 an election cycle exceed \$1,000, the ***political*** committee shall file a statement, inclusive of all  
18 receipts and expenditures for the election cycle, at the next reporting deadline, and shall continue to  
19 file at each reporting deadline.

20 ~~III.~~ **IV.** Any political committee whose independent expenditures, in aggregate, exceed  
21 \$1,000 shall file an itemized statement with the secretary of state which shall be received by the  
22 secretary of state not later than 48 hours after such expenditures are made, and thereafter each time  
23 a further \$1,000 is expended. Such itemized statements shall cover the period during which  
24 independent expenditures totaling \$1,000 were made. Each statement shall include a certification  
25 by the chairman of the political committee that the independent expenditure meets the definition in  
26 RSA 664:2, XI. Each statement shall contain the date of each independent expenditure; the name  
27 and address of the person to whom the expenditure was made; the name of the candidate on whose  
28 behalf or against whom each independent expenditure was made; the amount of each expenditure;  
29 the purpose of each expenditure, and the aggregate amount of all previous independent  
30 expenditures. If the independent expenditure is made in support of or in opposition to more than  
31 one candidate, the statement made under this paragraph shall allocate the way in which the  
32 expenditure was made among the candidates on a reasonable basis. For the purposes of this  
33 paragraph, "reasonable basis" means a statement that reflects the benefit, or the burden reasonably  
34 expected to be derived or suffered by each candidate. The filing requirements of this paragraph shall  
35 be in addition to all other filing requirements under this section, and shall not be limited to the filing  
36 periods during which expenditures must otherwise be reported.

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1           ~~[IV.]~~ **V.** Any political committee not subject to a registration fee under RSA 664:3 which has  
2 any outstanding debt, obligation, or surplus following the election cycle shall have its registration  
3 automatically renewed for the next election cycle. All other registered political committees will be  
4 conditionally renewed pending receipt by the secretary of state of the registration fee required under  
5 RSA 664:3. Political committees that report a zero balance and notify the secretary of state that  
6 they are filing their final statement will expire. Statements shall continue to be filed according to  
7 ~~[RSA 664:6, I]~~ **this section** until a zero balance is reported.

8           ~~[V.]~~ **VI.** Any national political party committee of a party as defined in RSA 652:11 may  
9 make contributions or expenditures on behalf of state candidates without complying with the  
10 requirements of paragraphs I through ~~[IV]~~ **V**, provided that the total contribution or expenditure  
11 made in behalf of a candidate or political committee in this state whether directly or indirectly does  
12 not exceed the limit for personal contributions in RSA 664:4.

13           ~~[VI.]~~ **VII.** The provisions of this section shall apply to a political committee for an individual  
14 candidate who is seeking a federal office whose holder is chosen by the voters of this state only.  
15 Such a committee which is required by federal law to file with the federal government reports  
16 relative to receipts and expenditures in support of such one candidate may choose to voluntarily file  
17 with the secretary of state copies of reports made to the federal government in accordance with the  
18 timetable established by federal laws for such reports.

19           ~~[VII.]~~ **VIII.** Any political committee that is exempt from taxation under sections 501(c)(4),  
20 501(c)(5), or 501(c)(6) of the United States Internal Revenue Code of 1986 may disclose, but shall not  
21 be required to disclose in its itemized statement of receipts, the identity of its donors. Any political  
22 committee affected by this section who chooses not to disclose the identity of its donors shall place  
23 the following disclosure on all communications to voters: "This organization has an exemption under  
24 the federal law and is not required, and chooses not, to disclose its donors."

25           14 Registering and Reporting by Candidates. Amend RSA 664:7 to read as follows:

26           664:7 **Registering and Reporting by Candidates. *Prior to filing any campaign finance***  
27 ***statements, each*** ~~[Each]~~ candidate at the primary or general election for governor, councilor, state  
28 senator, ***state*** representative ~~[to general court]~~, or county officer ***shall register with the secretary***  
29 ***of state through the secretary of state's online campaign finance system. Additionally, any***  
30 ***candidate***, who has ***receipts or*** expenditures exceeding \$1,000 ***in an election cycle***, shall file  
31 statements ***as required in RSA 664:9-a through RSA 664:9-c*** before and after an election in like  
32 manner and detail as prescribed in RSA 664:6, ~~I-VI~~ ~~[II, II-a, III, IV, and V, excepting, however, the~~  
33 ~~expenditures of political committees of the party to which the candidate belongs in elections other~~  
34 ~~than primaries]~~.

35           15 Reporting by Candidates for Speaker of the House of Representatives. Amend RSA 664:7-b  
36 to read as follows:

37           664:7-b Reporting by Candidates for Speaker of the House of Representatives.

1 I. Each candidate seeking election to the office of speaker of the house of representatives  
2 shall:

3 (a) *Have filed all statements required under RSA 664 that are then due relating*  
4 *to the candidates most recent election for state representative.*

5 (b) File statements before and after ~~such~~ *the election for speaker of the house of*  
6 *representatives* in like manner and detail prescribed in RSA 664:6, ~~[II, II-a, and III]~~ *I-III*, except  
7 that the date of the respective election, rather than the date of the primary or general election, shall  
8 determine the dates of such statements; and

9 ~~(b)~~ (c) Register as a political committee, pursuant to RSA 664:3, on the date that such  
10 ~~person~~ *individual* becomes a candidate for speaker of the house of representatives,  
11 notwithstanding the definition of the term "political committee" in RSA 664:2, III.

12 II. In this section, and notwithstanding RSA 664:2, II, the term "candidate" means ~~a~~  
13 ~~person~~ *an individual* who seeks nomination for election, or election, to the office of the speaker of  
14 the house of representatives, and for purposes of this section, a person shall be deemed to seek  
15 nomination for election, or election if such ~~person~~ *individual*:

16 (a) Has received gifts or contributions for such purposes; or

17 (b) Has given ~~his or her~~ consent to another person to receive gifts or contributions or  
18 make expenditures on behalf of such person and if such other person has received such gifts or  
19 contributions for such purposes.

20 III. No candidate shall be entitled to the office of speaker of the house of representatives  
21 until the sworn itemized statements, ~~[required to be filed by the candidate or on the candidate's~~  
22 ~~behalf]~~ *except for the final statement required to be filed after the election*, have been filed as  
23 required by this section.

24 16 Prohibition. Amend RSA 664:9 to read as follows:

25 664:9 Prohibition. No candidate shall be entitled to the nomination or election until the sworn  
26 itemized statements required to be filed by him or in his behalf have been filed as required by ~~[RSA~~  
27 ~~664:6 and 664:7]~~ *this chapter*.

28 17 Itemized Statements Filed by Facsimile Transmission; Mandatory Use of Online Campaign  
29 Finance System. RSA 646:9-a and RSA 664:9-b are repealed and reenacted to read as follows:

30 664:9-a Mandatory Use of Online Campaign Finance System. Except as set forth in  
31 subparagraph IV, the online campaign finance system of the secretary of state for filing reports  
32 required under this chapter shall be mandatory as of the dates set forth in this section.

33 I. As of November 27, 2024, candidates and political committees of candidates for the  
34 election of governor, executive council, and state senate shall file all reports required under this  
35 chapter pursuant to the online campaign finance system prescribed by the secretary of state.

36 II. As of November 25, 2026, candidates and political committees of candidates for the  
37 election of state house of representatives, county commissioner, and all other offices shall file all

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1 reports required under this chapter pursuant to the online campaign finance system prescribed by  
2 the secretary of state.

3 III. As of November 27, 2024, all political committees, other than political committees of  
4 candidates in RSA 664:9-a II, shall file all reports required under this chapter pursuant to the online  
5 campaign finance system prescribed by the secretary of state.

6 IV. Any political committee of a candidate or candidate may apply to the secretary of state  
7 on a form under oath prescribed by the secretary of state asking for a waiver of the requirements of  
8 RSA 664:9-a stating the following:

9 (a) The candidate has less than \$3,000 in receipts or expenditures; and

10 (b) The candidate does not possess a computer or the skills to file statements pursuant  
11 to the online campaign finance system prescribed by the secretary of state.

12 V. The secretary of state shall have the discretion to waive the requirements of RSA 664:9-a  
13 I-III for the election cycle during which the waiver is requested and shall notify the applicant in  
14 writing within 10 days of receiving the waiver whether the request is granted. The requirements of  
15 RSA:9-c and RSA:9-d cannot be waived and shall be followed if the waiver application is approved.  
16 664:9-b Reports of Receipts and Expenditures Filed Electronically. Until the provisions of RSA  
17 664:9-a take effect, a political committee of a candidate or a candidate may file the reports required  
18 under this chapter using the online campaign finance system of the secretary of state at any time  
19 during an election cycle. Statements filed via the online campaign finance system shall be publicly  
20 available on the secretary of state's website.

21 18 New Sections; Legibility Required. Amend RSA 664 by inserting after section 9-b the  
22 following new sections:

23 664:9-c Reports of Receipts and Expenditures Filed by Other Methods. Until the provisions of  
24 RSA 664:9-a take effect, a political committee of a candidate or a candidate may file the reports  
25 required under this chapter as an email attachment sent to elections@sos.nh.gov or a paper copy,  
26 provided that:

27 I. The font size of the document as printed is not less than an 8-point font.

28 II. Email attachments are to be in portable document format archive (PDF/A), or other  
29 acceptable format as determined by the secretary of state.

30 III. The report is mailed electronically or otherwise delivered to the secretary of state on or  
31 before the date and time that the report is due.

32 IV. Reports filed after June 24, 2026 shall be in a format that meets the web content  
33 accessibility guidelines of the rules and regulations issued by the United States Department of  
34 Justice under Article II of the Americans with Disabilities Act, 42 U.S.C. section 126.

35 664:9-d Reports; Legibility Required. A political committee of a candidate or a candidate who  
36 files a report pursuant to RSA 664:9-c shall be responsible for ensuring the report is legible. The  
37 political committee of a candidate or a candidate shall file an amended copy of such candidate's

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1 report within one week after being notified by the secretary of state or attorney general's office that  
2 such report is non-compliant. Non-compliant reports shall not be accepted by the secretary of state  
3 as filed and shall not be published to the online campaign finance system, pursuant to 664:11, until a  
4 legible amendment is received.

5 19 Public Inspection, Treasurers. Amend RSA 664:11-13 to read as follows:

6 664:11 Public Inspection. All statements~~[,—assents,]~~ and registrations filed by ~~[state~~  
7 ~~committees,]~~ candidates~~[,]~~ and political committees shall be open to public inspection. ~~[The]~~ **Such**  
8 **statements and registrations shall be published on the website of the** secretary of state~~[—shall~~  
9 ~~publish on the Internet information on all contributions reported under this chapter, including the~~  
10 ~~name of the contributor, the contributor's home state, and the date of the contribution].~~

11 664:12 ~~[Fiscal Agent]~~ **Treasurer.**

12 As part of the declaration of candidacies filed by candidates for governor, councilor, state  
13 senator, **state representative**, and county officer ~~[and other primary candidacies]~~, every such  
14 candidate shall designate some ~~[person]~~ **individual**, who may be the candidate ~~[himself]~~, as ~~[his~~  
15 ~~financial agent]~~ **the treasurer** for the purpose of the primary and general election campaign. If ~~[his]~~  
16 candidacy for such office is established by a primary petition or nomination petitions, there shall be  
17 filed together with such petitions the name of the ~~[fiscal agent]~~ **treasurer** for such candidate. A  
18 candidate who is nominated by write-in vote at the primary shall, prior to making any campaign  
19 expenditures, file with the secretary of state the name of ~~[his fiscal agent]~~ **the treasurer**. ~~[All]~~ **The**  
20 **treasurer shall approve all** sums expended or contracted for payment in the ~~[primary or general~~  
21 ~~election campaign in behalf of such candidate shall be reported by the candidate or his political~~  
22 ~~committee or both to his fiscal agent, and the candidate or his fiscal agent shall make or approve all~~  
23 ~~disbursements in behalf of his candidate subsequent to his designation as fiscal agent]~~ **election**  
24 **cycle** and join with the candidate in making and filing the statements required by this chapter.

25 664:13 Committee Treasurer.

26 If ~~[a political committee has no treasurer, or if]~~ the treasurer fails to make a report, it shall be  
27 the duty of each member of said committee who received or pays out any money on behalf of said  
28 committee to make such a report or to cause the same to be made. No member of such committee  
29 shall make or permit any unlawful expenditure or act by said committee, in whole or in part, or  
30 consent thereto, or aid, abet or conspire to make or permit the same.

31 20 Signature, Identification, and Lack of Authorization. RSA 664:14 is repealed and reenacted  
32 to read as follows:

33 664:14 Signature, Identification and Lack of Authorization.

34 I. All political advertising shall comply with this section.

35 II. All political advertising shall be signed at the beginning or the end. The signature shall  
36 state, "Paid for by (name of the candidate or political committee), (address of the candidate or  
37 political committee), (name of the treasurer) treasurer or (name of chairman) chairman". Political

1 advertising in the form of signs or placards may contain an Internet address in lieu of the signature  
2 requirements of this section, if the Internet address is printed or written in a size of type or lettering  
3 large enough to be clearly legible and the website immediately and prominently displays all of the  
4 information required by this section through the election cycle. In the case of political advertising or  
5 communication made on behalf of a political committee registered with the secretary of state  
6 pursuant to RSA 664:3, the name and address on the advertisement shall match the name and  
7 address registered with the secretary of state.

8 III. Political advertising to promote the success or defeat of a measure by a business  
9 organization, labor union, or other enterprise or organization shall be signed. The name of the  
10 enterprise or organization shall be indicated, and the chairman or treasurer of the enterprise or  
11 organization shall sign his or her name and the address of the signer. Nothing in this section shall  
12 be construed to permit contributions which are prohibited under RSA 664:4.

13 IV. For the purposes of this section, political advertising shall include any communication,  
14 including, but not limited to, yard signs, leaflets, and mailed or e-mailed messages, which expressly  
15 advocate the success or defeat of a warrant article to be voted on at a town, school district, or village  
16 district election. Nothing in this section shall be construed to apply to communications at a town,  
17 school, or village district meeting, at which communications shall be governed by the moderator.

18 V. Nothing in this section shall be construed to apply to a lone individual who independently  
19 authors, produces, and distributes political advertising.

20 VI.(a) In the case of printed or written communications, including material distributed by  
21 email, social media, or through other digital formats, the signature and address of the signer shall be  
22 printed or written in a size of type or lettering large enough to be clearly legible.

23 (b) All political advertising via video or oral media shall identify the name of the  
24 candidate or political committee paying for the political advertisement. Such identification shall be  
25 made both aurally and visually whenever possible in the format of the political advertisement. The  
26 visual presentation shall be clearly legible and shall use letters equal to or greater than 12 percent of  
27 the vertical picture height and shall air for not less than 4 seconds at the conclusion of the broadcast.

28 VII. Notwithstanding any other provision of this section, buttons or any printed or written  
29 political advertising which is attached to or displayed on any clothing or motor vehicle need not be  
30 signed.

31 VIII. Notwithstanding any other provision of this section, any political advertisement in  
32 support of or in opposition to a candidate by a candidate or political committee shall comply with this  
33 paragraph. If the political advertisement is not authorized by the candidate or political committee of  
34 the candidate, the political advertisement shall so state and shall identify the sponsor of the political  
35 advertisement. All such political advertising shall include the statement: "This advertisement has  
36 been paid for by (name of sponsor) and has not been authorized by any candidate." Such statement  
37 shall be made both aurally and visually if disseminated via video media, including but not limited to

1 television, social media, YouTube, or cable. The visual presentation on television shall be clearly  
2 legible and shall use letters equal to or greater than 12 percent of the vertical picture height and  
3 shall be broadcast for not less than 4 seconds at the conclusion of the advertisement.

4 IX. Any advertising that is not a political advertisement because it does not advocate the  
5 success or defeat of a party, measure, or candidate, but which mentions or depicts a candidate shall  
6 include the statement: "This advertisement has been paid for by (name of sponsor) and has not been  
7 authorized by any candidate."

8 X. Physical political advertisements purchased prior to January 1, 2025 may use the term  
9 fiscal agent in place of treasurer as required in this chapter.

10 21 Prerecorded Political Messages. RSA 644:14-a, I-II is repealed and reenacted to read as  
11 follows:

12 I. In this section, "prerecorded political message" means a prerecorded audio message  
13 delivered by a candidate, political committee, or any person when the content of the message  
14 expressly advocates or is the functional equivalent of express advocacy, candidate, promoting the  
15 success or defeat of any political party, candidate, or measure at any election, or contains  
16 information about any candidate, measure, or party.

17 II. No person shall deliver or knowingly cause to be delivered a prerecorded political  
18 message unless the message contains, or a live operator provides, within the first 30 seconds of the  
19 message, the following information:

20 (a) The name of the candidate, measure, or of any organization or organizations the  
21 person is calling on behalf of.

22 (b) The name of the person or organization paying for the delivery of the message and  
23 the name of the treasurer, if applicable.

24 22 Approval of Candidate or Treasurer. Amend RSA 664:15 to read as follows:

25 664:15 Approval of Candidate or ~~[Fiscal Agent]~~ **Treasurer.**

26 A person or business organization publishing a newspaper or periodical or selling billboard space  
27 or operating a radio or television station or public address system shall not publish, print, or  
28 broadcast any political advertising by or on behalf of a candidate in an election unless the same shall  
29 be signed by or authorized in writing by the candidate or ~~[his fiscal agent]~~ **treasurer.**

30 23 Complaints. Amend RSA 664:18, II to read as follows:

31 II. Following *an* investigation *under RSA 554:18, I*, the attorney general *determines that*  
32 *a provision of this chapter has been violated, the attorney general* is empowered~~[, if he~~  
33 ~~determines that a provision of this chapter has been violated,]~~ to:

34 (a) Issue an order requiring the violator to cease and desist from ~~[his or her]~~ **the**  
35 violation. If the attorney general's order is not obeyed, the attorney general or designee may petition  
36 the superior court of the county in which the violation occurred for an order of enforcement.

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1           (b) Prosecute to final judgment through ~~his~~ **a** designee if sufficient cause for such  
2 prosecution is found.

3           24 Subpoena Power. Amend RSA 664:20 to read as follows:  
4           664:20 Subpoena Power.

5           In the exercise of ~~his~~ **the** powers and duties **of the attorney general** under this chapter, the  
6 attorney general is authorized to require the appearance of individuals and to secure testimony and  
7 evidence by use of a subpoena duces tecum.

8           25 Penalty; Cross Reference Removed. Amend RSA 664:21, IX to read as follows:

9           IX. Any individual, **political** committee, or organization responsible for reporting under  
10 RSA 664:6~~[, 664:6-a,]~~ and 664:7 that files a report with illegible material content shall receive a  
11 written warning for a first offense and shall be charged a civil penalty of \$1,000 per offense for any  
12 subsequent offenses.

13          26 Repeal. The following are repealed:

- 14           I. RSA 664:3-a, relative to registration of political advocacy organizations.
- 15           II. RSA 664:6-a, relative to reporting by political advocacy organizations.
- 16           III. RSA 664:10, relative to social activities.

17          27 Effective Date.

- 18           I. Sections 18-19 and 27 of this act shall take effect upon its passage.
- 19           II. The remainder of this act shall take effect November 27, 2024.