

Amendment to HB 1091

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

2
3 1 Definitions; Political Expenditures and Contributions. RSA 664:2 and 664:3 are repealed and
4 reenacted to read as follows:

5 664:2 Definitions.

6 As used in this chapter:

7 I. "Election" means any general biennial or special election, political party primary, or
8 presidential preference primary as provided in RSA 664:1.

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

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

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

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

20 III.(a) "Political committee" means: Any organization of 2 or more persons that promotes the
21 success or defeat of a candidate or candidates or measure or measures. Types of political
22 committees:

23 (1) Candidate committee created by a candidate running for office;

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

26 (3) Political committee of a political party as further defined in RSA 664:2, V to
27 support candidates of the party running for office;

28 (4) The committee of a segregated fund established by any organization with a
29 separate legal existence the purpose of which is to promote the success or defeat of a candidate or
30 candidates or measure or measures; or

31 (5) Committee not created by a candidate and does not fall within RSA 664:2, III, (b)
32 through (d)

Amendment to HB 1091

- Page 2 -

(b) As used in this paragraph, "organization" includes, but is not limited to, 2 or more natural persons; entities formed under state law, except those entities qualified under section 501(c)(3) of the United States Internal Revenue Code of 1986; committees formed by a candidate exploratory campaign, or political party; and any other association of natural persons or entities formed under state law that is not registered as a business entity.

IV. "Political party" or "party" means any political organization or number of persons which can nominate candidates in any manner prescribed by law and has done so for the current election. The definition of the word "party" contained in RSA 652:11 shall not apply to this chapter.

V. "Political committee of a political party" means a state, county, regional, city, ward, or town committee of a political party. A regional committee shall be composed only of members who are residents of towns or cities that form a contiguous land area, and shall have been created and approved by the state committee of the political party. To establish regional committees, a party shall amend its by-laws to authorize them in principle; a copy of the by-law authorization and evidence of the approval for each regional committee by the state committee shall be filed by the political party with the secretary of state before the first Wednesday in June immediately following the amendment.

VI. "Political advertising" means any communication by any medium or in any format, including buttons or printed material attached to motor vehicles, which expressly advocates or is the functional equivalent of express advocacy for the success or defeat of any party, measure, candidate, or person at any election.

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

VIII. "Contribution" means anything of value made for the purpose of promoting the success or defeat of a candidate, candidates, measure, measures, or political party, including, but not limited to a payment, gift, subscription, assessment, contract, payment for services, dues advance, forbearance, loan to a candidate or political committee, or personal or professional services for less than full consideration.

IX. "Expenditure" means the disbursement of money or thing of value or the making of a legally binding commitment to make such a disbursement in the future; or the transfer of funds by a political committee to another political committee or to a candidate for the purposes of promoting the success or defeat of a candidate or candidates or measure or measures or political party. "Expenditure" includes disbursements constituting independent expenditures, as defined in paragraph XI, and expenses incurred by a candidate for child care. Travel and subsistence

Amendment to HB 1091

- Page 3 -

1 expenditures related to constituent service or to an office sought or held are permissible.

2 "Expenditure" does not include:

3 (a) The candidate's expenses for non-campaign travel and subsistence;

4 (b) Activity designed to encourage individuals to register to vote or to vote, if that
5 activity or communication is non-partisan;

6 (c) Any communication by any membership organization or corporation to its members
7 or stockholders, if the primary purpose of that membership organization or corporation is not for the
8 purpose of promoting the success or defeat of a candidate or candidates and measure or measures; or

9 (d) Any communication by any political committee member that is not made for the
10 purpose of promoting the success or defeat of a candidate or candidates or measure or measures or
11 political party.

12 (e) Payment for incidental items, such as auto expenses and child care that the
13 candidate chooses to pay for with personal funds.

14 X. "Measure" shall mean any constitutional amendment or question that is submitted or
15 intended to be submitted to a popular vote at an election.

16 XI. "Independent expenditures" means expenditures that pay for the development and
17 distribution of a communication that expressly advocates the election or defeat of a clearly identified
18 candidate or candidates or the success or defeat of a measure or measures, which are made without
19 cooperation or consultation with any candidate, or any authorized committee or agent of such
20 candidate, and which are not made in concert with, or at the request or suggestion of any candidate,
21 or any authorized committee or agent of such candidate.

22 XII. "Full name" means an individual's full first name, middle name or initial, if any, and
23 full legal last name, making the identity of the contributor apparent by unambiguous reference.

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

25 (a) If an individual, the address used by the individual for voter registration purposes;
26 and

27 (b) If a person that is not an individual, the primary business location of the person,
28 which shall include a street and post office box, if any, city, state, and zip code.

29 (c) "Person's post office address" shall not mean:

30 (1) An individual's business address.

31 (2) An individual's vacation home address or rental property address when the home
32 or rental property is owned, but not occupied by the contributor.

33 (3) Any address not that of the contributor.

34 XIV. "Occupation" means an individual's official job title resulting from employment at or
35 ownership of any agency or organization or other entity.

Amendment to HB 1091

- Page 4 -

1 XV. "Principal place of business" means the primary organization or employer from which
2 an individual's principal income is derived and shall include the employer's official name and the
3 employer's post office address.

4 XVI. "Business organization" means any enterprise, whether corporation, partnership,
5 limited liability company, proprietorship, association, business trust, real estate trust, or other form
6 of organization, organized for gain or profit, and includes any enterprise which is expressly made
7 exempt from income taxation under the United States Internal Revenue Code of 1986. It does not
8 include a political committee of a political party as defined in RSA 664:2, III.

9 XVII. "Push-polling" means:

10 (a) Communications with voters on behalf of, in support of, or in opposition to, any
11 candidate or candidates for public office or measure or measures by any means, including, but not
12 limited to telephone, text, via the Internet, through social media or digitally; and

13 (b) Asking questions related to opposing candidates for public office which state, imply,
14 or convey information about the candidate's character, status, or political stance or record; and

15 (c) Conducting such communication in a manner which is likely to be construed by the
16 voter to be a survey or poll to gather statistical data for entities or organizations which are acting
17 independent of any particular political party, candidate, measure, or interest group as part of a
18 series of like communication that consist of more than 2,000 connected communications that last less
19 than 2 minutes in presidential, gubernatorial, United States senatorial, or United States
20 congressional elections; or conducting such communications as part of a series of like
21 communications that consist of more than 500 communications that last less than 2 minutes in
22 executive council, state senate, city, town, school district, or village district elections; or conducting
23 such communications as part of a series of like communications that consist of more than 200
24 communications that last less than 2 minutes in state representative elections; and

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

27 XVIII. "Bona fide survey and opinion research" means the collection and analysis of data
28 regarding opinions, needs, awareness, knowledge, views, experiences, and behaviors of a population,
29 through the development and administration of surveys, interviews, focus groups, polls, observation,
30 or other research methodologies, in which no sales, promotional, or marketing efforts are involved,
31 and through which there is no attempt to influence a participant's attitudes or behavior. Bona fide
32 survey and opinion research includes message testing, which is the study for research purposes of
33 how randomly-selected individuals react to positive or negative information on a candidate, elected
34 public official, or ballot question.

35 XIX. "Receipts" shall mean the receipt of money or anything of value or the receipt of a
36 legally binding commitment to receive money or thing of value in the future for the purpose of
37 promoting the success or defeat of a candidate or candidates or a measure or measures or political

Amendment to HB 1091
- Page 5 -

1 party. Receipts shall not include amounts received by a political committee in commercial
2 transactions in the ordinary course of any trade or business conducted by the political committee or
3 in the form of investments in the political committee or amounts received by the political committee
4 from payors who, at the time of payment, prohibited, in writing, the use of the payment as an
5 expenditure.

6 XX. "Segregated fund" shall mean a segregated account of money that consists of funds that
7 were paid directly to such account by persons other than the covered political committee that
8 controls the account from which only expenditures defined in paragraph IX are made.

9 XXI. "Clearly identified candidate" means that the name of the candidate involved appears;
10 a photograph or drawing of the candidate appears; or the identity of the candidate is otherwise
11 apparent.

12 XXII. "Political advocacy organization" means any entity that makes expenditures of \$1000
13 or more an election cycle for communication that is functionally equivalent to express advocacy such
14 that, when taken as a whole, such communication is likely to be interpreted, all or in part, by a
15 reasonable person as promoting the success or defeat of a candidate or candidates, of a measure or
16 measures or a political party, taking into account whether the communication involved mentions a
17 candidacy, a political party, or takes a position on a candidate's character, qualifications, or fitness
18 for office. For the purposes of this chapter, a contribution from a political advocacy organization to a
19 candidate or other political committee is communication that is functionally equivalent to express
20 advocacy.

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

25 XXIV. "Success or defeat" means the support, praise, opposition, promotion, or attack of a
26 candidate or candidates or a measure or measures.

27 XXV. "Person" means an individual, collection of individuals, business organization, club, or
28 any other entity created under the law.

29 XXVI. "Individual" means a human being.

30 664:3 Registration of Political Committees.

31 I.(a) Any political committee, except the political committee of a political party, shall
32 register with the secretary of state as provided in this section. Registration shall be made through
33 the secretary of state's online campaign finance system. A political committee may register at any
34 time during the election cycle, but the committee's registration shall be received by the secretary of
35 state not later than 48 hours after the committee meets at least one of the criteria under RSA 664:2,
36 III. The registration shall be accompanied by an itemized statement of the receipts and
37 expenditures, if any, made by the political committee in the current election cycle prior to

Amendment to HB 1091

- Page 6 -

1 registration. Such itemization shall be made pursuant to the manner set forth in RSA 664:6. The
2 registration shall also be accompanied by an administration fee of \$50, unless exempt pursuant to
3 subparagraph (c), which shall be deposited by the secretary of state into the general fund.

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

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

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

19 III. All political committees' registrations under this chapter shall be valid from the date of
20 registration through 21 days after the primary or general election, whichever is appropriate, unless
21 terminated sooner, in writing, by the chairperson and the treasurer of the political committee.
22 However, any political committee which has a continuing obligation to report as required under RSA
23 664:6 shall have its registration automatically renewed according to RSA 664:6, V.

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

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

33 2 Prohibited Political Contributions. RSA 664:4 is repealed and reenacted to read as follows:

34 664:4 Prohibited Political Contributions.

35 No contribution, whether tangible or intangible, shall be made to a candidate, a political
36 committee, or political party, or on behalf of a candidate or political committee or political party,

Amendment to HB 1091
- Page 7 -

1 directly or indirectly, for the purpose of promoting the success or defeat of any candidate or political
2 party during any state election cycle:

3 I. By any partnership as such or by any partner acting on behalf of such partnership.

4 II. By any labor union or group of labor unions, or by any officer, director, executive, agent,
5 or employee acting on behalf of such union or group of unions, or by any organization representing or
6 affiliated with any such union or group of unions, or by any officer, director, executive, agent, or
7 employee acting on behalf of such organization.

8 III. By any person:

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

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

11 (c) If any other manner concealed.

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

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

14 Contributed to:	Maximum amount of contributions:
15 Candidate or candidate committee	\$15,000
16 Any other political committee or political party	\$30,000
17 Political advocacy organization	Unlimited

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

19 Contributed to:	Maximum amount of contributions:
20 Candidate or candidate committee	Unlimited
21 Any other political committee or political party	Unlimited
22 Political advocacy organization	Unlimited

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

26 3 Prohibited Coercion of Political Contributions. Amend RSA 664:4-a, I to read as follows:

27 I. No person shall knowingly coerce, or attempt to coerce, any classified state employee to
28 give or withhold a contribution to any political campaign or political committee, or to any candidate,
29 **or** party or cause, for the purpose of ***promoting the success or defeat*** of any candidate or political
30 party.

31 4 Surplus Campaign Contributions and Deficits. Amend RSA 664:4-b to read as follows:

32 664:4-b Surplus Campaign Contributions ***and Deficits***.

33 Surplus campaign contributions ***and deficits at the end of an election cycle shall be***
34 ***reported as the opening balance in the next election cycle's first statement. Surplus***
35 ***contributions*** may be used [~~after a general or special election~~] for fund raising activities and any
36 other politically related activity sponsored by the candidate, or for donations to charitable
37 organizations. Such surplus campaign contributions, however, shall not be used for personal

Amendment to HB 1091
- Page 8 -

1 purposes *or other prohibited expenditures under RSA 664:5. All expenditures shall be*
2 *reported according to RSA 664:6 through RSA 664:9. Special election cycle surpluses and*
3 *deficits shall continue to be reported according to RSA 664:6 until a zero balance is*
4 *reported.*

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

6 664:5 Prohibited Political Expenditures.

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

9 I. By a political committee~~[- except the political committee of a political party,]~~ unless the
10 political committee meets the requirements of RSA 664:3, I.

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

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

19 ~~[IV, V. [Repealed.]]~~

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

25 6 Reporting by Political Committee. RSA 664:6 is repealed and reenacted to read as follows:

26 664:6 Reporting by Political Committees.

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

Amendment to HB 1091

- Page 9 -

total of \$200 for each election cycle shall be reported with the contributor's occupation, the name of the contributor's employer, and the city or town of the contributor's principal place of business, if any. The statement shall also show each expenditure with the full name and postal address of the payee or promisee of payment, the date paid or obligated, whichever occurred first, and the specific nature and amount of each expenditure. Statements shall cover the period beginning the day after the last day covered in the prior statement period up to and including the Sunday before the statement is due. ***For a candidate or candidate political committee, as defined in RSA 664, where the candidate has not filed a declaration of candidacy or intent, as defined in RSA 655, for the current election cycle, only subparagraphs (a), (b), (c), and (i) apply.*** Statements shall be filed not later than 5 PM according to the following schedule:

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

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

III. Any political committee whose independent expenditures, in aggregate, exceed \$1,000 shall file an itemized statement with the secretary of state which shall be received by the secretary of state not later than 48 hours after such expenditures are made, and thereafter each time a further \$1,000 is expended. Such itemized statements shall cover the period during which independent expenditures totaling \$1,000 were made. Each statement shall include a certification by the chairman of the political committee that the independent expenditure meets the definition in RSA 664:2, XI. Each statement shall contain the date of each independent expenditure; the name and address of the person to whom the expenditure was made; the name of the candidate on whose behalf or against whom each independent expenditure was made; the amount of each expenditure; the purpose of each expenditure, and the aggregate amount of all previous independent expenditures. If the independent expenditure is made in support of or in opposition to more than one candidate, the statement made under this paragraph shall allocate the way in which the expenditure was made among the candidates on a reasonable basis. For the purposes of this

Amendment to HB 1091

- Page 10 -

paragraph, "reasonable basis" means a statement that reflects the benefit, or the burden reasonably expected to be derived or suffered by each candidate. The filing requirements of this paragraph shall be in addition to all other filing requirements under this section, and shall not be limited to the filing periods during which expenditures must otherwise be reported.

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

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

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

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

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

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

Amendment to HB 1091

- Page 11 -

~~expenditures of political committees of the party to which the candidate belongs in elections other than primaries].~~

8 Statement Retention. Amend RSA 664:7-a to read as follows:

664:7-a Statement Retention. Statements or reports required to be filed under RSA 664:6 and 664:7 shall be held in original form for 6 years from the election for which they are filed, after which time they may be destroyed. ***The secretary of state shall be responsible for the retention of the original form of statements filed using the campaign finance system.***

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

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

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

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

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

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

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

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

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

10 Political Expenditures and Contributions; Reports of Receipts and Expenditures. RSA 664:9-a and RSA 664:9-b are repealed and reenacted to read as follows:

664:9-a Reports of Receipts and Expenditures Filed Electronically. A political committee or a candidate may file such candidate's report of receipts and expenditures, pursuant to RSA 664:6, RSA 664:7, and RSA 664:7-b, electronically online by using the New Hampshire campaign finance system, which may also be used to register and search information filed by candidates and political committees.

Amendment to HB 1091

- Page 12 -

664:9-b Reports of Receipts and Expenditures Filed by Other Methods. A political committee or a candidate may file such candidate's required reports as an email, elections@sos.nh.gov, attachment provided that:

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

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

III. The report is received by the secretary of state on or before the date and time that the report is due.

IV. Reports filed June 24, 2026 and thereafter must be in a format that meets web content accessibility guidelines.

11 New Section; Reports; Legibility Required. Amend RSA 664 by inserting after section 9-b the following new section:

664:9-c Reports; Legibility Required. A political committee or a candidate who files a report pursuant to RSA 664:9-b shall be responsible for ensuring the report is legible. The political committee or a candidate shall file an amended copy of such candidate's report within one week after being notified by the secretary of state or attorney general's office that such report is non-compliant.

Non-compliant reports shall not be accepted by the secretary of state as filed and shall not be published to the online campaign finance system, pursuant to 664:11, until a legible amendment is received.

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

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

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

As part of the declaration of candidacies filed by candidates for governor, councilor, state senator, ***state representative***, and county officer ~~[and other primary candidacies]~~, every such candidate shall designate some ~~[person]~~ ***individual***, who may be the ***individual*** candidate ~~[himself]~~, as ~~[his financial agent]~~ ***the treasurer*** for the purpose of the primary and general election campaign. If ~~[his]~~ candidacy for such office is established by a primary petition or nomination petitions, there shall be filed together with such petitions the name of the ~~[fiscal agent]~~ ***treasurer*** for such candidate. A candidate who is nominated by write-in vote at the primary shall, prior to making any campaign expenditures, file with the secretary of state the name of ~~[his fiscal agent]~~ ***the treasurer***. ~~[All]~~ ***The treasurer shall approve all*** sums expended or contracted for payment in the ~~[primary or general election campaign in behalf of such candidate shall be reported by the candidate or his political committee or both to his fiscal agent, and the candidate or his fiscal agent shall make~~

Amendment to HB 1091

- Page 13 -

1 ~~or approve all disbursements in behalf of his candidate subsequent to his designation as fiscal agent]~~
2 ***election cycle*** and join with the candidate in making and filing the statements required by this
3 chapter.

4 664:13 Committee Treasurer.

5 If ~~a political committee has no treasurer, or if~~ the treasurer fails to make a report, it shall be
6 the duty of each member of said ***political*** committee who received or pays out any money on behalf
7 of said ***political*** committee to make such a report or to cause the same to be made. No member of
8 such ***political*** committee shall make or permit any unlawful expenditure or act by said ***political***
9 committee, in whole or in part, or consent thereto, or aid, abet or conspire to make or permit the
10 same.

11 13 Signature, Identification, and Lack of Authorization. RSA 664:14 is repealed and reenacted
12 to read as follows:

13 664:14 Signature, Identification and Lack of Authorization.

14 I. All political advertising shall comply with the provisions of this section

15 II. All political advertising shall be signed at the beginning or the end. The signature shall
16 state, "Paid for by (name of the candidate or political committee), (address of the candidate or
17 political committee), (name of the treasurer) treasurer or (name of chairman) chairman". Political
18 advertising in the form of signs or placards may contain an Internet address in lieu of the signature
19 requirements of this section, if the Internet address is printed or written in a size of type or lettering
20 large enough to be clearly legible and the website immediately and prominently displays all of the
21 information required by this section through the election cycle. In the case of political advertising or
22 communication made on behalf of a political committee registered with the secretary of state
23 pursuant to RSA 664:3, the name and address on the advertisement shall match the name and
24 address registered with the secretary of state.

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

30 IV. For the purposes of RSA 664:14, political advertising shall include any communication,
31 including, but not limited to, yard signs, leaflets, and mailed or e-mailed messages, which expressly
32 advocate the success or defeat of a warrant article to be voted on at a town, school district, or village
33 district election. Nothing in this section shall be construed to apply to communications at a town,
34 school, or village district meeting, at which communications shall be governed by the moderator.

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

Amendment to HB 1091
- Page 14 -

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

VII.(a) In the case of political advertising broadcast on radio, television, the Internet, or any public address system, the name and address of the signer shall be clearly identified.

(b) All political advertising broadcast on television or the Internet shall identify the name of the candidate who pays for the advertisement or whose advertisement is paid for by a political committee. Such identification shall be made both aurally and visually. The visual presentation shall be clearly legible and shall use letters equal to or greater than 12 percent of the vertical picture height and shall air for not less than 4 seconds at the conclusion of the broadcast.

VIII. Notwithstanding any other provision of this section, buttons or any printed or written political advertising which is attached to or displayed on any clothing or motor vehicle need not be signed if equal to or smaller than 72 square inches.

IX. Notwithstanding any other provision of this section, any advertising in support of or in opposition to a candidate by a political committee shall comply with this paragraph. If the advertising is not authorized by the candidate or candidate committee, the advertising shall so state and shall identify the sponsor of the advertisement. All such political advertising shall include the statement: "This advertisement has been paid for by (name of sponsor) and has not been authorized by any candidate." Such statement shall be made both aurally and visually if broadcast on television. The visual presentation on television shall be clearly legible and shall use letters equal to or greater than 12 percent of the vertical picture height and shall be broadcast for not less than 4 seconds at the conclusion of the advertisement.

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

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

14 Prerecorded Political Messages. Amend RSA 664:14-a, I-II to read as follows:

I. In this section, "prerecorded political message" means a prerecorded audio message delivered by ~~[telephone by]~~:

(a) A candidate, or political committee~~;~~, or **any other person**;

(b) ~~[Any person]~~ When the content of the message expressly ~~[or implicitly]~~ advocates **or is the functional equivalent of express advocacy promoting** the success or defeat of any party, **candidate**, measure, or person at any election, or contains information about any candidate, **measure**, or party.

Amendment to HB 1091

- Page 15 -

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

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

(b) The name of the person or organization paying for the delivery of the message and the name of the ~~[fiscal agent]~~ **treasurer**, if applicable.

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

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

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

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

II. Following **an** investigation **and determination by the attorney general that a provision of this chapter has been violated**, the attorney general is empowered~~[, if he determines that a provision of this chapter has been violated,]~~ to:

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

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

17 Subpoena Power. Amend RSA 664:20 to read as follows:

664:20 Subpoena Power.

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

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

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

19 Repeal. The following are repealed:

I. RSA 664:3-a, relative to registration of political advocacy organizations.

II. RSA 664:6-a, relative to reporting by political advocacy organizations.

III. RSA 664:10, relative to social activities.

20 Effective Date. This act shall take effect January 1, 2025.