

# Bill as Introduced

**HR 8 - AS INTRODUCED**

2011 SESSION

11-0917  
03/09

HOUSE RESOLUTION      **8**

**A RESOLUTION**      urging the New Hampshire congressional delegation to sponsor and support a constitutional amendment to re-establish the authority of the states and Congress to regulate campaign spending by corporations.

**SPONSORS:**              Rep. Pierce, Graf 9; Rep. G. Richardson, Merr 4

**COMMITTEE:**            State-Federal Relations and Veterans Affairs

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**ANALYSIS**

This resolution urges the New Hampshire congressional delegation to sponsor and support a constitutional amendment to re-establish the authority of the states and Congress to regulate campaign spending by corporations.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Eleven*

A RESOLUTION urging the New Hampshire congressional delegation to sponsor and support a constitutional amendment to re-establish the authority of the states and Congress to regulate campaign spending by corporations.

1 Whereas, the authors of the First Amendment to the United States Constitution designed it to  
2 protect the free speech rights of people, not corporations; and

3 Whereas, the United States Supreme Court's ruling in Citizens United v. Federal Elections  
4 Commission overturned longstanding precedent prohibiting corporations from spending their general  
5 treasury funds in our elections; and

6 Whereas, the United States Supreme Court's ruling in Citizens United v. Federal Elections  
7 Commission has unleashed a torrent of corporate money into our political process that presents a  
8 serious and direct threat to our democracy by drowning out the voices of ordinary citizens; and

9 Whereas, the people of the United States have previously used the constitutional amendment  
10 process to correct egregiously wrong decisions on the part of the United States Supreme Court that  
11 threaten our democracy and self-government; and

12 Whereas, there is growing awareness in Congress of the urgent need to address the harm to our  
13 representative democracy of the Citizens United v. Federal Elections Commission decision via  
14 amendment to the U.S. Constitution; now, therefore, be it

15 Resolved by the House of Representatives:

16 That the New Hampshire house of representatives hereby urges the New Hampshire  
17 congressional delegation to sponsor and support an amendment to the United States Constitution to  
18 re-establish the authority of the states and Congress to regulate campaign spending by corporations,  
19 in the following form:

20 "The sovereign right of the people to govern and hold free elections being essential to a free  
21 democracy, the right of the people to cast an educated ballot shall not be abridged. Nothing in this  
22 constitution shall be construed to limit the authority of Congress or the States to regulate, with  
23 regard to the impact on any political campaign or campaign for election for public office, the spending  
24 and activities of any entity created by State or Federal law or the law of another nation. Nothing  
25 contained in this article shall be construed to abridge the freedom of the press;" and

26 That copies of this resolution be transmitted by the house clerk to each member of the New  
27 Hampshire congressional delegation.

# Speakers



# Hearing Minutes

HOUSE COMMITTEE ON STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

PUBLIC HEARING ON HR 8

**BILL TITLE:** urging the New Hampshire congressional delegation to sponsor and support a constitutional amendment to re-establish the authority of the states and Congress to regulate campaign spending by corporations.

**DATE:** February 10, 2011

**LOB ROOM:** 203      **Time Public Hearing Called to Order:** 10:30 a.m.

**Time Adjourned:** 11:10 a.m.

(please circle if present)

**Committee Members:** (Reps. Baldasaro, Blankenbaker, L. Christiansen, T. Smith, Cunningham, Kingsbury, Larsen, Lundgren, McCarthy, Notter, Pamburell, Vita, Rokas, Domingo, Hofemann, Theberge and Spainhower.)

**Bill Sponsors:** Rep. Pierce, Graf 9; Rep. G. Richardson, Merr 4

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

Rep. Pierce introduced the bill.

Role of 1<sup>st</sup> Amendment in election

Conversation with Rep. Kingsbury before hearing.

Not corporate/personhood bill.

Questions Rep. Kingsbury and Rep. McCarthy.

Testimony - Rep. Horrigan, Strat 2

Respectfully submitted,



Rep. Jeanine M. Notter,  
Acting Clerk

HOUSE COMMITTEE ON STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

PUBLIC HEARING ON HR 8

**BILL TITLE:** urging the New Hampshire congressional delegation to sponsor and support a constitutional amendment to re-establish the authority of the states and Congress to regulate campaign spending by corporations.

**DATE:** 2-10-11

**LOB ROOM:** 203

**Time Public Hearing Called to Order:** 10:30 am

**Time Adjourned:** 11:10 pm

(please circle if present)

**Committee Members:** Reps. Baldasaro, Blankenbeker, L. Christiansen, T. Smith, Cunningham, Kingsbury, Larsen, Lundgren, McCarthy, Notter, Tamburello, Vita, Rokas, Domingo, Hofemann, Theberge and Spanhower.

**Bill Sponsors:** Rep. Pierce, Graf 9; Rep. G. Richardson, Merr 4

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

Rep. Pierce introduced bill  
- role of 1st Amend. in election  
- conversation w Rep. Kingsbury before hearing  
- Not corporate/personhood bill

Questions - Rep. Kingsbury & Rep McCarthy

Testimony - Rep. Harrigen, Street 2

# Sub-Committee Minutes

HOUSE COMMITTEE ON STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

SUBCOMMITTEE WORK SESSION ON HR 8

**BILL TITLE:** urging the New Hampshire congressional delegation to sponsor and support a constitutional amendment to re-establish the authority of the states and Congress to regulate campaign spending by corporations.

**DATE:** February 2011

**Subcommittee Members:** Reps. Tamburello, Cunningham

**Comments and Recommendations:**

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL Retained (Please circle one.)

Moved by Rep. Tamburello

Seconded by Rep. Cunningham

Vote:

**Motions:** OTP, OTP/A, ITP. Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep.  
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

SUBCOMMITTEE WORK SESSION ON HR 8

**BILL TITLE:** urging the New Hampshire congressional delegation to sponsor and support a constitutional amendment to re-establish the authority of the states and Congress to regulate campaign spending by corporations.

**DATE:**

**Subcommittee Members:** Reps.

**Comments and Recommendations:**

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. *TAMBURELLO*

Seconded by Rep. *CUNNINGHAM*

Vote:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep.  
Subcommittee Chairman/Clerk

# Voting Sheets

HOUSE COMMITTEE ON STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

EXECUTIVE SESSION on HR 8

**BILL TITLE:** urging the New Hampshire congressional delegation to sponsor and support a constitutional amendment to re-establish the authority of the states and Congress to regulate campaign spending by corporations.

**DATE:** February 15, 2011

**LOB ROOM:** 203

Amendments:

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

Motions: OTP, OTP/A, (TL) Interim Study (Please circle one.)

Moved by Rep. Tamburello

Seconded by Rep. Cunningham

Vote: 8-3 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Daniel Tamburello, Acting Clerk



HOUSE COMMITTEE ON STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

EXECUTIVE SESSION on HR 8

BILL TITLE: urging the New Hampshire congressional delegation to sponsor and support a constitutional amendment to re-establish the authority of the states and Congress to regulate campaign spending by corporations.

DATE: 2/15/11

LOB ROOM: 203

Amendments:

Sponsor: Rep. OLS Document #:  
Sponsor: Rep. OLS Document #:  
Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, (TI), Interim Study (Please circle one.)

Moved by Rep. TAMBURELLO

Seconded by Rep. CUNNINGHAM

Vote: 8-3 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, I/TL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,  
Rep. ~~Kirsten Larsen~~ *Tamburello*, Clerk



# Committee Report

REGULAR CALENDAR

February 16, 2011

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on STATE-FEDERAL  
RELATIONS AND VETERANS AFFAIRS to which was  
referred HR8,

AN ACT urging the New Hampshire congressional  
delegation to sponsor and support a constitutional  
amendment to re-establish the authority of the states  
and Congress to regulate campaign spending by  
corporations. Having considered the same, report the  
same with the following Resolution: RESOLVED, That it  
is INEXPEDIENT TO LEGISLATE.

Rep. Daniel J Tamburello

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY  
COMMITTEE REPORT**

Committee: **STATE-FEDERAL RELATIONS AND  
VETERANS AFFAIRS**

Bill Number: **HR8**

Title: **urging the New Hampshire congressional  
delegation to sponsor and support a  
constitutional amendment to re-establish the  
authority of the states and Congress to regulate  
campaign spending by corporations.**

Date: **February 16, 2011**

Consent Calendar: **NO**

Recommendation: **INEXPEDIENT TO LEGISLATE**

**STATEMENT OF INTENT**

A constitutional amendment as requested by the bill is unnecessary and politically motivated. If there is an issue that needs to be addressed it should be submitted as a bill that results in a state law and not request a constitutional amendment.

Vote 8-3

Rep. Daniel J Tamburello  
FOR THE MAJORITY

Original: House Clerk  
Cc: Committee Bill File

REGULAR CALENDAR

STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

HR8, urging the New Hampshire congressional delegation to sponsor and support a constitutional amendment to re-establish the authority of the states and Congress to regulate campaign spending by corporations. **INEXPEDIENT TO LEGISLATE.**

Rep. Daniel J Tamburello for the **Majority** of STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS. A constitutional amendment as requested by the bill is unnecessary and politically motivated. If there is an issue that needs to be addressed it should be submitted as a bill that results in a state law and not request a constitutional amendment. **Vote 8-3.**

Original: House Clerk  
Cc: Committee Bill File

Blurbs

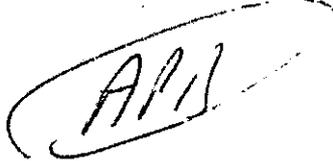
HR 8 majority

urging the New Hampshire congressional delegation to sponsor and support a constitutional amendment to re-establish the authority of the states and Congress to regulate campaign spending by corporations.

ITL Regular Calendar 8-3

A constitutional amendment as requested by the bill is unnecessary and politically motivated. If there is an issue that needs to be addressed it should be submitted as a bill that results in a state law and not request a constitutional amendment.

Rep. Tamburello

A handwritten signature, possibly 'APL', is written inside a hand-drawn oval.

# COMMITTEE REPORT

COMMITTEE: STATE FEDERAL

BILL NUMBER: HR 8

TITLE: urging NH Congressional delegation to sponsor + support a constit. amendment to re-establish authority of the states + Congress to regulate campaign spending by corporations

DATE: 2/15/11 CONSENT CALENDAR: YES  NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

Amendment No. _____
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STATEMENT OF INTENT:

~~STATES ALREADY~~ A CONSTITUTIONAL Amendment as Requested by the Bill is unnecessary and politically motivated. IF there is an issue that needs to be addressed it should be submitted as a bill that results in a law and state law and not request a constitutional amendment.

COMMITTEE VOTE: 8-3

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. [Signature]  
For the Committee  
[Signature]

REGULAR CALENDAR

February 16, 2011

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS to which was referred HR8,

AN ACT urging the New Hampshire congressional delegation to sponsor and support a constitutional amendment to re-establish the authority of the states and Congress to regulate campaign spending by corporations. Having considered the same, and being unable to agree with the Majority, report with the recommendation that the bill OUGHT TO PASS.

Rep. Robert L Theberge

FOR THE MINORITY OF THE COMMITTEE

## MINORITY COMMITTEE REPORT

Committee: STATE-FEDERAL RELATIONS AND  
VETERANS AFFAIRS  
Bill Number: HR8  
Title: urging the New Hampshire congressional  
delegation to sponsor and support a  
constitutional amendment to re-establish the  
authority of the states and Congress to regulate  
campaign spending by corporations.  
Date: February 16, 2011  
Consent Calendar: NO  
Recommendation: OUGHT TO PASS

### STATEMENT OF INTENT

The issue of money in politics pits fundamental constitutional rights against each other. On the one hand, we have the right to spend our own money to influence voter opinion. But on the other, the voters have an equally fundamental right to cast an educated ballot. An ill-informed electorate, Thomas Jefferson taught us, puts democracy and self-governance at grave risk. Before the US Supreme Court's opinion in Citizens' United v. FEC, the constitution gave Congress and the states the authority to strike this balance in the voters' favor. Citizens' United stripped the voters of their rights so that corporations can enjoy theirs. After Citizens' United, 2010 campaign spending by outside groups quadrupled over prior years' spending. Some of that new money came from foreign interests because of Citizens' United and the path to American citizenship that it created. Under Citizens' United, foreign special interests need only spend a few hundred bucks to form a US corporation to earn the same right as any other American corporation to spend money to influence our elections. No doubt this is part of the reason why 80% of Americans oppose Citizens' United and want constitutional authority restored to Congress and the states. HR8 simply urges our congressional delegation to work to restore the people's right to free and fair elections.

Original: House Clerk  
Cc: Committee Bill File

Rep. Robert L Theberge  
FOR THE MINORITY

Original: House Clerk  
Cc: Committee Bill File

REGULAR CALENDAR

STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

HR8, urging the New Hampshire congressional delegation to sponsor and support a constitutional amendment to re-establish the authority of the states and Congress to regulate campaign spending by corporations. **OUGHT TO PASS.**

Rep. Robert L Theberge for the **Minority** of STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS. The issue of money in politics pits fundamental constitutional rights against each other. On the one hand, we have the right to spend our own money to influence voter opinion. But on the other, the voters have an equally fundamental right to cast an educated ballot. An ill-informed electorate, Thomas Jefferson taught us, puts democracy and self-governance at grave risk. Before the US Supreme Court's opinion in Citizens' United v. FEC, the constitution gave Congress and the states the authority to strike this balance in the voters' favor. Citizens' United stripped the voters of their rights so that corporations can enjoy theirs. After Citizens' United, 2010 campaign spending by outside groups quadrupled over prior years' spending. Some of that new money came from foreign interests because of Citizens' United and the path to American citizenship that it created. Under Citizens' United, foreign special interests need only spend a few hundred bucks to form a US corporation to earn the same right as any other American corporation to spend money to influence our elections. No doubt this is part of the reason why 80% of Americans oppose Citizens' United and want constitutional authority restored to Congress and the states. HR8 simply urges our congressional delegation to work to restore the people's right to free and fair elections.

Original: House Clerk  
Cc: Committee Bill File

Below is the Minority Report for HR8

HR8, urging the New Hampshire congressional delegation to sponsor and support a constitutional amendment to re-establish the authority of the states and Congress to regulate campaign spending by corporations.

Ought to Pass

The issue of money in politics pits fundamental constitutional rights against each other. On the one hand, we have the right to spend our own money to influence voter opinion. But on the other, the voters have an equally fundamental right to cast an educated ballot. An ill-informed electorate, Thomas Jefferson taught us, puts democracy and self-governance at grave risk. Before the US Supreme Court's opinion in *Citizens' United v. FEC*, the constitution gave Congress and the states the authority to strike this balance in the voters' favor. *Citizens' United* stripped the voters of their rights so that corporations can enjoy theirs. After *Citizens' United*, 2010 campaign spending by outside groups quadrupled over prior years' spending. Some of that new money came from foreign interests because of *Citizens' United* and the path to American citizenship that it created. Under *Citizens' United*, foreign special interests need only spend a few hundred bucks to form a US corporation to earn the same right as any other American corporation to spend money to influence our elections. No doubt this is part of the reason why 80% of Americans oppose *Citizens' United* and want constitutional authority restored to Congress and the states. HR8 simply urges our congressional delegation to work to restore the people's right to free and fair elections.

Rep. Theberge

A handwritten signature in black ink, appearing to read "A. Theberge", enclosed within a hand-drawn oval.

**Maffucci, Dianna**

**From:** Theberge, Robert  
**Sent:** Wednesday, February 16, 2011 6:49 AM  
**To:** Maffucci, Dianna  
**Subject:** RE: HR8

Diana:

Below is the Minority Report for HR8

HR8, urging the New Hampshire congressional delegation to sponsor and support a constitutional amendment to re-establish the authority of the states and Congress to regulate campaign spending by corporations.  
Ought to Pass

The issue of money in politics pits fundamental constitutional rights against each other. On the one hand, we have the right to spend our own money to influence voter opinion. But on the other, the voters have an equally fundamental right to cast an educated ballot. An ill-informed electorate, Thomas Jefferson taught us, puts democracy and self-governance at grave risk. Before the US Supreme Court's opinion in *Citizens' United v. FEC*, the constitution gave Congress and the states the authority to strike this balance in the voters' favor. *Citizens' United* stripped the voters of their rights so that corporations can enjoy theirs. After *Citizens' United*, 2010 campaign spending by outside groups quadrupled over prior years' spending. Some of that new money came from foreign interests because of *Citizens' United* and the path to American citizenship that it created. Under *Citizens' United*, foreign special interests need only spend a few hundred bucks to form a US corporation to earn the same right as any other American corporation to spend money to influence our elections. No doubt this is part of the reason why 80% of Americans oppose *Citizens' United* and want constitutional authority restored to Congress and the states. HR8 simply urges our congressional delegation to work to restore the people's right to free and fair elections.

