

Bill as Introduced

SB 169-FN - AS INTRODUCED

2011 SESSION

11-1055
03/09

SENATE BILL **169-FN**

AN ACT relative to campaign expenditures and contributions by business organizations and labor unions.

SPONSORS: Sen. Houde, Dist 5; Sen. Merrill, Dist 21; Sen. Larsen, Dist 15; Sen. D'Allesandro, Dist 20; Sen. Kelly, Dist 10

COMMITTEE: Public and Municipal Affairs

ANALYSIS

This bill:

I. Establishes additional reporting requirements for contributions made by political committees of business organizations.

II. Establishes reporting requirements for business organizations and labor unions making independent expenditures.

Explanation: Matter added to current law appears in **bold italics**.
 Matter removed from current law appears [~~in brackets and struck through~~].
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT relative to campaign expenditures and contributions by business organizations and labor unions.

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

1 1 New Paragraph; Reporting by Political Committees; Business Organization Political
2 Committees. Amend RSA 664:6 by inserting after paragraph VIII the following new paragraph:

3 IX. A political committee established by a business organization shall report to the secretary
4 of state each contribution made by the committee. The report shall be made in writing or by
5 electronic or facsimile transmission and shall be received by the secretary of state by noon on the
6 business day next following the contribution. The report shall identify the recipient and amount of
7 the contribution. Reports under this paragraph shall be in addition to any other reports required by
8 this section.

9 2 New Section; Reporting by Business Organizations and Labor Unions. Amend RSA 664 by
10 inserting after section 6 the following new section:

11 664:6-a Reporting by Business Organizations and Labor Unions. Any business organization or
12 labor union whose independent expenditures, in the aggregate, exceed \$500 shall file an itemized
13 statement with the secretary of state by noon on the business day after such expenditures are made,
14 and thereafter each time a further \$500 is expended. Such itemized statements shall cover the
15 period during which independent expenditures totaling \$500 were made. Each statement shall
16 include a certification by the business organization or labor union that the independent expenditure
17 meets the definition in RSA 664:2, XI. Each statement shall contain the date of each independent
18 expenditure; the name and address of the person to whom the expenditure was made; the name of
19 the candidate on whose behalf or against whom each expenditure was made; the amount of each
20 expenditure; the purpose of each expenditure; and the aggregate amount of all previous independent
21 expenditures. If the independent expenditure is made in support of or to oppose more than one
22 candidate, the statement made under this section shall allocate the way in which the expenditure
23 was made among the candidates on a reasonable basis. For the purposes of this section, "reasonable
24 basis" means a statement which reflects the benefit or the burden reasonably expected to be derived
25 or suffered by each candidate. The filing requirements under this section shall be in addition to any
26 other filings required under this chapter, and shall not be limited to the filing periods during which
27 expenditures must otherwise be reported.

28 3 Effective Date. This act shall take effect January 1, 2012.

LBAO
11-1055
02/02/11

SB 169-FN - FISCAL NOTE

AN ACT relative to campaign expenditures and contributions by business organizations and labor unions.

FISCAL IMPACT:

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill as it is awaiting information from the Judicial Branch and Department of Justice. When completed, the fiscal note will be forwarded to the Senate Clerk's Office.

Amendments

Sen. Houde, Dist. 5
February 18, 2011
2011-0413s
03/04

Amendment to SB 169-FN

1 Amend the bill by replacing section 1 with the following:

2

3 1 New Paragraph; Reporting by Political Committees; Business Organization Political
4 Committees. Amend RSA 664:6 by inserting after paragraph VIII the following new paragraph:

5 IX. A political committee established by a business organization shall report to the secretary
6 of state each contribution of \$500 or more made by the committee. The report shall be made in
7 writing or by electronic or facsimile transmission and shall be received by the secretary of state by
8 noon on the business day next following the contribution. The report shall identify the recipient and
9 amount of the contribution. Reports under this paragraph shall be in addition to any other reports
10 required by this section.

Committee Minutes

ATTENDANCE

**SENATE CALENDAR NOTICE
PUBLIC AND MUNICIPAL AFFAIRS**

- ✓ Senator John Barnes, Jr. Chairman
- ✓ Senator Jeanie Forrester V Chairman
- ✓ Senator David Boutin
- ✓ Senator Amanda Merrill
- ✓ Senator Nancy Stiles

START: 11:41 AM
STOP: 11:50 AM

For Use by Senate Clerk's
Office ONLY

Bill Status

Docket

Calendar

Proof: Calendar Bill Status

Date: February 16, 2011

HEARINGS

Tuesday

2/22/2011

PUBLIC AND MUNICIPAL AFFAIRS

Reps. Hall

9:00 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

Comments: Please note room change to Representatives Hall from LOB 101.

- 9:00 AM SB2 relative to adoption of spending caps by municipalities.
- 11:00 AM SB83-FN enabling municipalities to create other post-employment benefits (OPEB) trusts.
- 11:30 AM SB169-FN relative to campaign expenditures and contributions by business organizations and labor unions.

Sponsors:

SB2

- | | | | |
|---------------------|-----------------------|-------------------------|-------------------|
| Sen. David Boutin | Sen. Jeb Bradley | Sen. Peter Bragdon | Sen. John Gallus |
| Sen. Bob Odell | Sen. John Barnes, Jr. | Rep. William Infantine | Rep. Phil Greazzo |
| Rep. Larry Gagne | Rep. Carlos Gonzalez | Rep. Winfred Hutchinson | Sen. Tom De Blois |
| Sen. James Forsythe | Sen. Fenton Groen | Sen. Gary Lambert | Sen. Andy Sanborn |

SB83-FN

- | | | | |
|----------------------|----------------------|--------------------|-----------------------|
| Sen. Amanda Merrill | Rep. David Watters | Rep. Peter Schmidt | Rep. Marsha Pelletier |
| Rep. Donald Andolina | Rep. Dorothea Hooper | | |

SB169-FN

- | | | | |
|--------------------|---------------------|--------------------|-----------------------|
| Sen. Matthew Houde | Sen. Amanda Merrill | Sen. Sylvia Larsen | Sen. Lou D'Allesandro |
| Sen. Molly Kelly | | | |

Debra Martone 271-3092

Sen. John Barnes, Jr.

Chairman

Public and Municipal Affairs Committee

Hearing Report

TO: Members of the Senate

FROM: Deb Martone, Legislative Aide

RE: Hearing report on SB 169-FN – relative to campaign expenditures and contributions by business organizations and labor unions.

HEARING DATE: February 22, 2011

MEMBERS OF THE COMMITTEE PRESENT: Senators Barnes, Forrester, Merrill, Boutin and Stiles.

MEMBERS OF THE COMMITTEE ABSENT: No one.

Sponsor(s): Senators Houde, Merrill, Larsen, D'Allesandro and Kelly.

What the bill does: (I) establishes additional reporting requirements for contributions made by political committees of business organizations; (II) establishes reporting requirements for business organizations and labor unions making independent expenditures.

Who supports the bill: Senators Houde, Merrill, Larsen, D'Allesandro and Kelly; Representative Duarte;

Who opposes the bill: No one.

Summary of testimony received:

•Senator Houde introduced the bill and explained he had an amendment, #2011-0413s, that clarifies the contribution amount that would trigger the proposed reporting. That amount, \$500, is consistent with the threshold for other contributions. He suggested, however, that an additional amendment was needed to include labor unions, which was inadvertently omitted from the original bill's text.

•SB 169-FN seeks to address the issue of anonymous, large political expenditures and contributions which have the potential to significantly influence New Hampshire's political process. The bill would implement

reporting requirements for business organizations and labor unions, in addition to political committees established by these entities.

- SB 169-FN contains no prohibitions or limitations on expenditures or contributions. It establishes no new infrastructures, agencies or levels of bureaucracy. All reporting requirements remain through the Secretary of State's Office as is presently the case.

- The bill requires only two new basic reporting requirements. First, there would be a greater frequency of reporting for large dollar contributions (\$500 or more) from political committees. Reporting would be required to the Secretary of State's Office by noon on the next business day following the contribution. Secondly, it would establish reporting requirements for independent expenditures made through the general treasury funds of a business organization or a labor union. Again, the threshold is \$500 and above and reporting to the Secretary of State's Office would be by noon on the business date directly following the expenditure. New Hampshire currently is the only northeastern state without this type of reporting requirement for such expenditures.

- This bill is about disclosure. It seeks to better inform about campaign spending.

- SB 169-FN focuses on spending activity of business organizations and labor unions as filings suggest, on both the state and national levels, that campaign spending associated with these entities is far more prolific than other organizations.

- SB 169-FN is very similar to HB 1367, which last session passed the House on a voice vote, and the Senate Election Law Committee by a vote of 4-0.

- Senator Merrill sought reassurance of a second amendment to the bill, which would add labor union language to Section 1. Senator Houde was in agreement with such an amendment.

Action: Senator Merrill made a motion to accept Amendment #2011-0413s. Senator Forrester seconded the motion. The vote was 4-1 in favor. Senator Merrill then sought approval of a second amendment with the inclusion of the labor union language in Section 1. Senator Stiles seconded the motion. The motion failed on a 2-3 vote. Senator Barnes suggested Senator Merrill might consider a floor amendment. Senator Boutin then made a motion of Inexpedient to Legislate on SB 169-FN. His motion was seconded by Senator Forrester. The vote was 4-1 in favor. Senator Boutin will report the bill out of committee.

dam

[file: SB 169-FN report]
Date: February 25, 2011

Speakers

Senate Public and Municipal Affairs Committee: Sign-In Sheet

Date: February 22, 2011 Time: 11:30 am Public Hearing on SB 169-FN

SB 169-FN relative to campaign expenditures and contributions by business organizations and labor unions.

Name	Representing	Support	Oppose	Please Check		
Sen Larsen	SD #15	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen Kelly	SD #10	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rep Duarte	Rockingham CANDIDATE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator M. Hilde	Distr. 5	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
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		<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: February 22, 2011

THE COMMITTEE ON Public and Municipal Affairs

to which was referred Senate Bill 169-FN

AN ACT relative to campaign expenditures and contributions by
business organizations and labor unions.

Having considered the same, the committee recommends that the Bill:

IS INEXPEDIENT TO LEGISLATE

BY A VOTE OF: 4-1

AMENDMENT # s

Senator David R. Boutin
For the Committee

Debra Martone 271-3092

New Hampshire General Court - Bill Status System

Docket of SB169

Docket Abbreviations

Bill Title: relative to campaign expenditures and contributions by business organizations and labor unions.*Official Docket of SB169:*

Date	Body	Description
2/3/2011	S	Introduced and Referred to Public and Municipal Affairs, SJ 5 , Pg.47
2/17/2011	S	Hearing: 2/22/11, Representatives' Hall, 11:30 a.m.; SC12
2/23/2011	S	Committee Report: Inexpedient to Legislate, 3/9/11; SC14
3/9/2011	S	Inexpedient to Legislate, RC 18Y-5N, MA === BILL KILLED ===; SJ 8 , Pg.97

NH HouseNH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

SB/69-Fnl ORIGINAL REFERRAL

_____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

X DOCKET (Submit only the latest docket found in Bill Status)

X COMMITTEE REPORT

X CALENDAR NOTICE

X HEARING REPORT

_____ PREPARED TESTIMONY AND OTHER SUBMISSIONS HANDED IN AT THE PUBLIC HEARING

X SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

X - AMENDMENT # 2011-0413.S _____ - AMENDMENT # _____
_____ - AMENDMENT # _____ _____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

X AS INTRODUCED _____ AS AMENDED BY THE HOUSE
_____ FINAL VERSION _____ AS AMENDED BY THE SENATE

_____ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

DATE DELIVERED TO SENATE CLERK

07/29/11

By:

Debra A. Martore
COMMITTEE AIDE