

LEGISLATIVE COMMITTEE MINUTES

**SB230**

# Bill as Introduced

SB 230-FN - AS INTRODUCED

2019 SESSION

19-0985

05/10

SENATE BILL

***230-FN***

AN ACT

requiring the attorney general to hire staff to supervise election law, campaign finance law, and lobbying matters.

SPONSORS:

Sen. Feltes, Dist 15; Sen. Hennessey, Dist 5; Sen. Fuller Clark, Dist 21; Sen. Carson, Dist 14; Rep. Ebel, Merr. 5

COMMITTEE:

Election Law and Municipal Affairs

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ANALYSIS

This bill authorizes the attorney general to hire 2 additional attorneys, an investigator, and an investigative paralegal to be assigned to campaign finance, election law, and lobbying matters, in the civil law bureau.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT requiring the attorney general to hire staff to supervise election law, campaign finance law, and lobbying matters.

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

1       1 New Paragraph; Department of Justice; Bureau of Civil Law; Authority to Hire Additional  
2 Staff for Campaign Finance, Election Law, and Lobbying Matters. Amend RSA 21-M:11 by  
3 inserting after paragraph III the following new paragraph:

4           IV. To assist the attorney general in his or her duty to exercise supervision of campaign  
5 finance, election law, and lobbying matters, the department of justice may hire:

6           (a) Two unclassified full-time attorneys assigned the bureau, who shall work exclusively  
7 on election law and lobbying matters. The salary for the 2 full-time attorney positions shall be  
8 determined after assessment and review of the appropriate temporary letter grade allocation in  
9 RSA 94:1-a, I(c) for the position which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c.

10          (b) An unclassified full-time investigator assigned to the bureau, who shall work  
11 exclusively on, campaign finance, election law, and lobbying matters. The salary for the full-time  
12 investigator position shall be established as a salary grade BB.

13          (c) A classified full-time investigative paralegal assigned to the bureau, who shall work  
14 exclusively on campaign finance, election law, and lobbying matters. The classification shall be a  
15 paralegal II, labor grade 19.

16       2 Effective Date. This act shall take effect July 1, 2019.

**SB 230-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT requiring the attorney general to hire staff to supervise election law, campaign finance law, and lobbying matters.

FISCAL IMPACT:  State  County  Local  None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$391,000	\$403,000	\$415,000	\$429,000
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

**METHODOLOGY:**

This bill authorizes the attorney general to hire two additional attorneys, an investigator, and investigative paralegal to be assigned to campaign finance, elections law, and lobbying matters, in the civil law bureau.

The Department of Justice indicates there would be no additional revenue associated with the bill. The Department projected the costs for the additional positions as follows:

	FY 2020	FY 2021	FY 2022	FY 2023
2 Full Time Attorneys	\$214,000	\$220,000	\$222,000	\$226,000
1 Full Time Investigator	\$101,000	\$105,000	\$111,000	\$117,000
1 Full Time Investigative Paralegal	\$76,000	\$78,000	\$82,000	\$86,000
Total:	\$391,000	\$403,000	\$415,000	\$429,000

The amounts above include anticipated costs for equipment, travel, telecommunications and current expenses.

**AGENCIES CONTACTED:**

Department of Justice

SB 230-FN - AS INTRODUCED

2019 SESSION

19-0985  
05/10

SENATE BILL        **230-FN**

AN ACT            requiring the attorney general to hire staff to supervise election law, campaign finance law, and lobbying matters.

SPONSORS:        Sen. Feltes, Dist 15; Sen. Hennessey, Dist 5; Sen. Fuller Clark, Dist 21; Sen. Carson, Dist 14; Rep. Ebel, Merr. 5

COMMITTEE:      Election Law and Municipal Affairs

*OTP 5-0 CONSENT*

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LBAO  
19-0985  
1/18/19

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**AGENCIES CONTACTED:**

Department of Justice



# Committee Minutes

# AMENDED TIME CHANGE

## SENATE CALENDAR NOTICE Election Law and Municipal Affairs

Sen Melanie Levesque, Chair  
Sen Tom Sherman, Vice Chair  
Sen Jon Morgan, Member  
Sen Regina Birdsell, Member  
Sen James Gray, Member

Date: February 12, 2019

### HEARINGS

Wednesday		02/13/2019
(Day)		(Date)
Election Law and Municipal Affairs		LOB 102
(Name of Committee)		(Place)
		11:00 a.m.
		(Time)
11:00 a.m.	<b>SB 283-FN</b>	relative to post-election audits of electronic ballot counting devices.
11:30 a.m.	<b>SB 304-FN-A</b>	relative to campaign contributions and expenditures, and making an appropriation therefor.
12:00 p.m.	<b>SB 230-FN</b>	requiring the attorney general to hire staff to supervise election law, campaign finance law, and lobbying matters.
12:30 p.m.	<b>SB 71</b>	relative to the election of delegates to party conventions.

### EXECUTIVE SESSION MAY FOLLOW

#### Sponsors:

**SB 283-FN**

Sen. Gray

Rep. Hoelzel

**SB 304-FN-A**

Sen. Hennessey

Sen. Fuller Clark

Rep. Cushing

**SB 230-FN**

Sen. Feltes

Sen. Hennessey

Sen. Fuller Clark

Sen. Carson

Rep. Ebel

**SB 71**

Sen. Soucy

Sen. Feltes

Tricia Melillo 271-3077

Melanie Levesque  
Chairman

# Senate Election Law and Municipal Affairs Committee

*Tricia Melillo 271-3077*

SB 230-FN, requiring the attorney general to hire staff to supervise election law, campaign finance law, and lobbying matters.

**Hearing Date:** February 13, 2019

**Members of the Committee Present:** Senators Levesque, Sherman, Morgan, Birdsell and Gray

**Members of the Committee Absent :** None

**Bill Analysis:** This bill authorizes the attorney general to hire 2 additional attorneys, an investigator, and an investigative paralegal to be assigned to campaign finance, election law, and lobbying matters, in the civil law bureau.

**Sponsors:**

Sen. Feltes  
Sen. Carson

Sen. Hennessey  
Rep. Ebel

Sen. Fuller Clark

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**Who supports the bill:** Senator Fuller Clark, Senator Carson, Senator Feltes, Rep. Vann, Attorney General Gordon MacDonald, Deputy Secretary of State David Scanlan, Gordon Allen, Bob Perry, Kathy Cahill, Maureen Ellermann, Doris Hampton, Don Jorgensen, Olivia Zink

**Who opposes the bill:** Alvin See

**Summary of testimony presented in support:**

**Senator Feltes**

- This bill allows the attorney generals office to hire staff enough to oversee the election, campaign finance and lobbying laws.
- The legislation calls for the hiring of 2 full time attorneys, 1 full time investigator and 1 full time investigative paralegal.
- To make sure they can handle compliance with existing law, they need the reinforcements.

**Gordon MacDonald – Attorney General**

- Elections are the lifeblood of our democracy and they are co-administered by the Secretary of States office and the Attorney Generals office. One oversees the procedures and the other enforces the election laws.

- The election laws are numerous but very important to ensure the integrity of the election process.
- Currently there is one full time attorney and one full time investigator taking care of all the cases filed in the Election Law Unit of their office. The volume of the work that they handle needs additional resources.
- The five basic functions of the AGs office during the elections are, criminal prosecution, assisting local election officials and voters, counsel to the Secretary of State, defending election laws, and regulatory enforcement.
- The breadth of the challenge they face is huge in part because of the size of the legislature. There are more candidates that run for office in NH than any other state. 535 candidates filed campaign finance statements in 2018.
- Election hotline calls need to be responded to quickly. The total calls received and responded to in 2018 was 840.
- There has been an increase in the volume of cases opened over the last few years Affidavit investigations from elections alone totaled 817 hours in 2018 and the enforcement effort of campaign finance disclosures totaled 200+ hours.
- The investigations they undertake are very resource intensive and all have an overlay of legal issues.
- They would use the additional staff to improve the timeliness of investigations, meet statutory obligations, establish a standard review process for lobbyist reports and strengthen the review of campaign finance reports and compliance.
- Currently they have 112 cases pending and three outstanding affidavit investigations to complete all with only two full time professionals.
- Senator Sherman commented that it took almost four and ½ weeks to investigate a contribution complaint during his campaign and asked if the additional funding and manpower hours would help with the time it takes to solve those issues.
  - Four and ½ weeks is not acceptable but is a very good example of what can happen in real time. Yes, these resources will absolutely help with those kinds of delays.
- Senator Sherman asked if the critical information needed from financial reports would become timelier as well.
  - He believes it will.
- Senator Levesque asked what is the increase in number of cases attributed to.
  - Impart due to the increase in the volume of complaints and the added resources that they have allocated to respond to more of them.
- Senator Levesque asked if his office has been under staffed for a while.
  - Yes, it has a been
- Senator Sherman asked if this will be enough staff to handle the workload.
  - Yes.
- Senator Gray asked if this is consistent with the governor's budget.
  - He is not sure.

## **David Scanlan – Deputy Secretary of State**

- They work very closely with the Attorney General's office.
- He can express, that the volume of work they have is abundant and deserves additional resources.
- If the Attorney General's office can do their work better, it helps the Secretary of State's office.

## **Olivia Zink**

- She is in support of the bill.
- It is important that the Attorney General's office has the staff needed

## **Gordon Allen**

- He strongly supports this bill.
- Once the Attorney General's office can enforce the laws there won't be as many people trying to get around the laws.
- He has filed complaints many years ago when staffing was low and received investigations one year later.
- Laws are not real when they cannot be enforced.

**Summary of testimony presented in opposition: None**

TM

Date Hearing Report completed: February 18, 2019

# Speakers



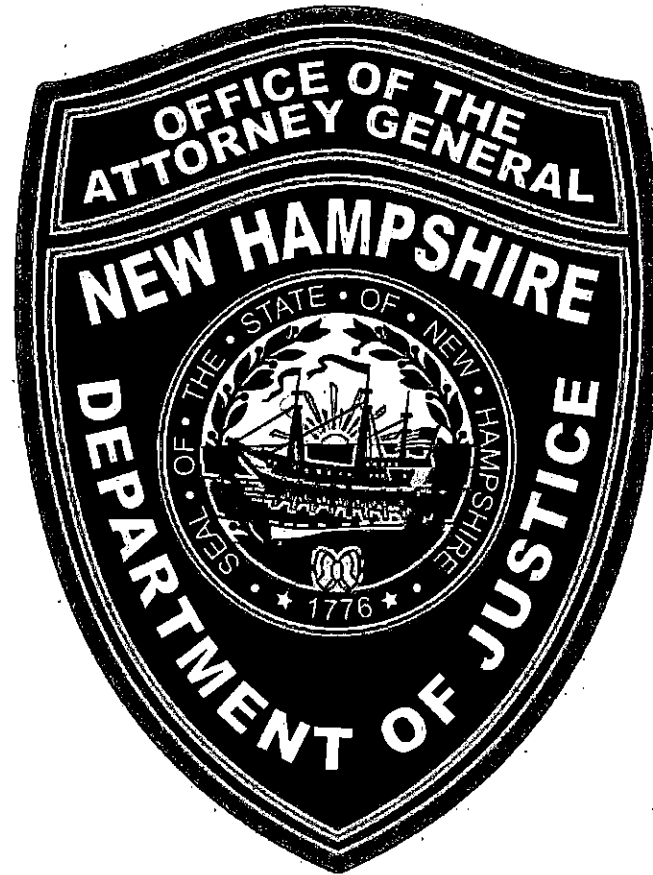




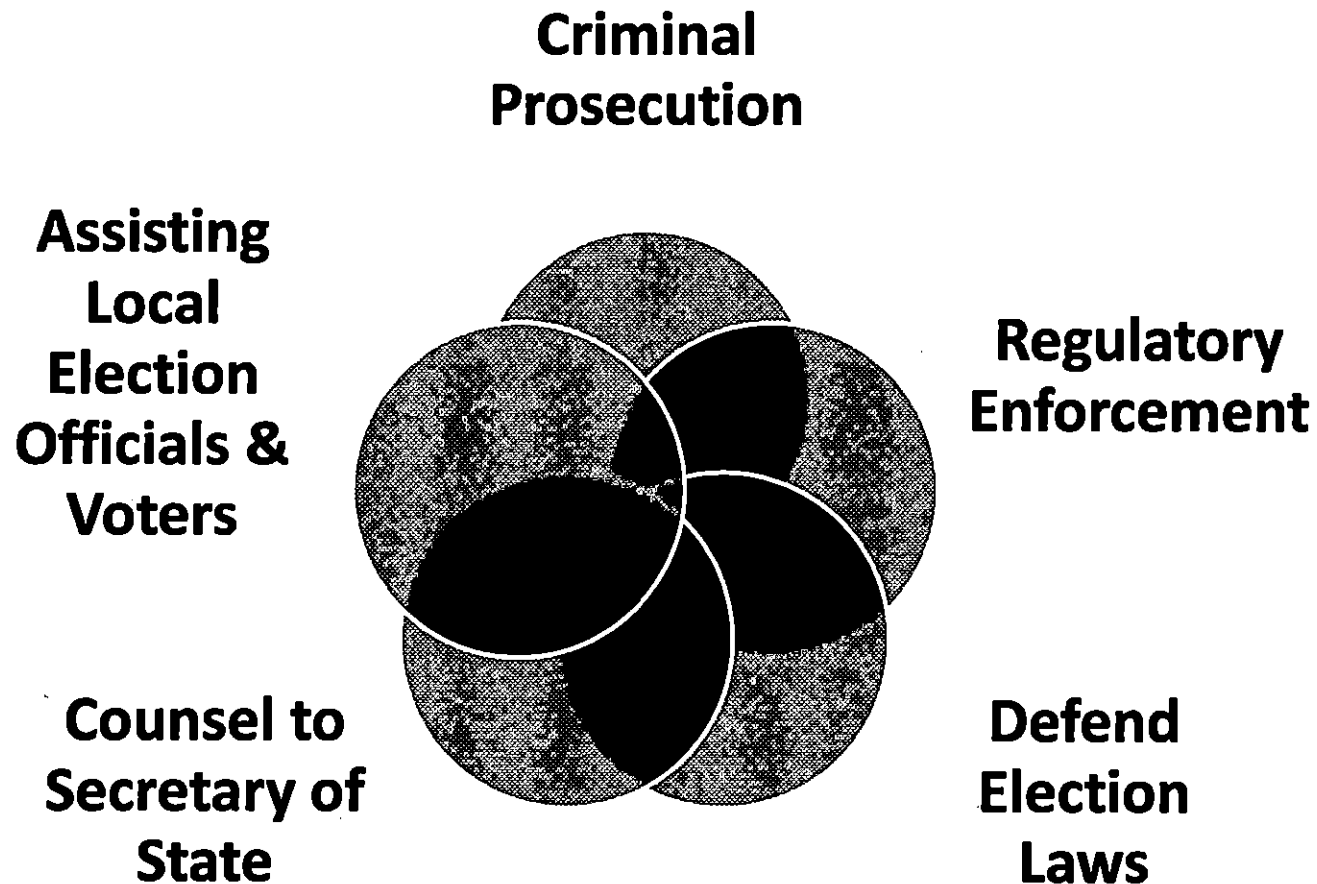
# Testimony

# Testimony for Senate Bill 230

February 13, 2019



# Election Law Unit Functions



# Election Law Unit Operations

## Elected Officials

- 2 – 4 Elections every year
- More candidates for elected state office than any other State
- 424 Senators & Representatives
- Governor, Executive Council, county & local officials

## Campaign Organizations

- 535 candidates filed campaign finance statements in 2018
- 233+ registered political committees & advocacy groups in 2018

## Election Hotline

- 374 Election Day Calls
- 466 calls/emails on non-election days since March 2018 (Avg. 10 calls/week)
- Total calls received and returned in 2018 = 840

# Election Law Unit Operations

## Regulatory and Enforcement Matters

- **2016: 58 cases or investigations opened**
- **2017: 65 cases or investigations opened**
- **2018: 108 cases or investigations opened**

## Investigations Required by Statute

- **Affidavit investigations: 817 hours in 2018**
- **Campaign Finance Reviews: 200+ hours in 2018**
- **Crosscheck investigation: 86 hours to date**
- **Lobbyist reports**

## Yearly Reports to the Legislature

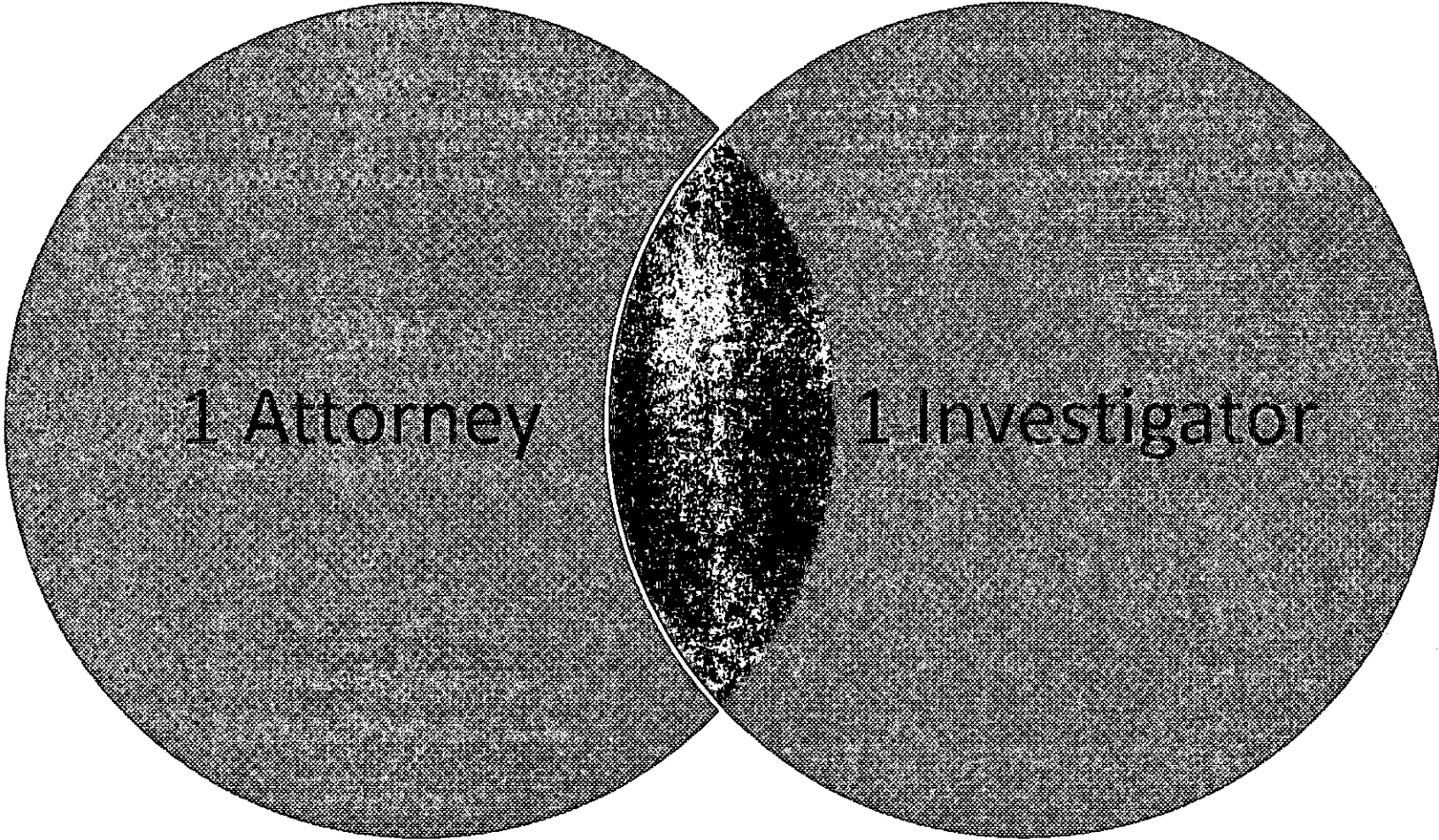
- **Biannual Report to the Legislature on Election-Related complaints: 40+ hours per year (RSA 7:6-c)**
- **Challenge Voter Affidavit Investigation Reports (RSA 659:13, IV)**
- **Domicile & Qualified Voter Affidavit Investigations (RSA 654:12, V)**

# Resource Intensive Investigations

**Typically  
Include:**

- Initial Review of Complaints
- Witness Interviews
- Document Review
- Meeting with local election officials
- Grand Jury
- Research and analysis of the law
- Preparation of final report or other action

# Current Composition of the Election Law Unit



# Limited Resources Require Prioritization & Discretion





# **Limited Resources Require Prioritization & Discretion**

**51 pending cases and investigations in response to  
complaints received from election officials & public**

**61 additional cases referred from Secretary of State  
following 2016 General Election**

**3 outstanding affidavit investigations**

# Voting Sheets

**Senate Election Law  
& Municipal Affairs Committee  
EXECUTIVE SESSION RECORD  
2019 Session**

Bill # 230-FN

Hearing date: 2-13-19

Executive Session date: 2-20-19

Motion of: OTP Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Levesque, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Morgan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Levesque, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Morgan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: \_\_\_\_\_ Vote: \_\_\_\_\_

Committee Member	Present	Made by	Second	Yes	No
Sen. Levesque, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Morgan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. Birdsell

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE  
FOR THE CONSENT CALENDAR

Wednesday, February 20, 2019

THE COMMITTEE ON Election Law and Municipal Affairs

to which was referred **SB 230-FN**

AN ACT

requiring the attorney general to hire staff to supervise election law, campaign finance law, and lobbying matters.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator Regina Birdsell  
For the Committee

This bill authorizes the Attorney General to hire 2 additional attorneys, an investigator, and an investigative paralegal to be assigned to campaign finance, election law and lobbying matters. The committee found that these positions are needed in order for the Attorney General's office to handle an increasing number of cases and stay in compliance with existing law.

Tricia Melillo 271-3077

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Tuesday, March 12, 2019

THE COMMITTEE ON Finance

to which was referred **SB 230-FN**

AN ACT

requiring the attorney general to hire staff to supervise election law, campaign finance law, and lobbying matters.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 3-2

Senator Dan Feltes  
For the Committee

Deb Martone 271-4980

# Docket of SB230

Docket Abbreviations

**Bill Title:** requiring the attorney general to hire staff to supervise election law, campaign finance law, and lobbying matters.

*Official Docket of SB230.:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/23/2019	S	<b>Introduced</b> 01/03/2019 and Referred to Election Law and Municipal Affairs; <b>SC 8</b>
2/7/2019	S	==TIME CHANGE== <b>Hearing:</b> 02/13/2019, Room 102, LOB, 12:00 pm; <b>SC 10</b>
2/21/2019	S	Committee Report: Ought to Pass, 03/07/2019; Vote 5-0; CC <b>SC 12</b>
3/7/2019	S	Ought to Pass: MA, VV; Refer to Finance Rule 4-5; 03/07/2019; <b>SJ 7</b>
3/13/2019	S	Committee Report: Ought to Pass, 03/21/2019; <b>SC 14</b>
3/21/2019	S	<b>Ought to Pass:</b> MA, VV; 03/21/2019; <b>SJ 9</b>
3/21/2019	S	Sen. Feltes Moved Laid on Table, MA, VV; 03/21/2019; <b>SJ 9</b>
3/21/2019	S	Pending Motion OT3rdg; 03/21/2019; <b>SJ 9</b>

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NH House

NH Senate

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# Other Referrals



## Senate Inventory Checklist for Archives

Bill Number: SB 230-FN

Senate Committee: Election Law + MA

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

### Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

### Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # \_\_\_\_\_  - amendment # \_\_\_\_\_

- amendment # \_\_\_\_\_  - amendment # \_\_\_\_\_

Executive Session Sheet

Committee Report

### Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # \_\_\_\_\_  - amendment # \_\_\_\_\_

- amendment # \_\_\_\_\_  - amendment # \_\_\_\_\_

### Post Floor Action: (if applicable) {Clerk's Office}

Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

Enrolled Bill Amendment(s)

Governor's Veto Message

### All available versions of the bill: {Clerk's Office}

as amended by the senate  as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

\_\_\_\_\_  
Committee Aide

\_\_\_\_\_  
Date

Senate Clerk's Office jm

## Senate Inventory Checklist for Archives

Bill Number: SB 230-FN

Senate Committee: Finance

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

### Bill Hearing Documents: {Legislative Aides}

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- Prepared testimony, presentations, & other submissions handed in at the public hearing
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- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

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Executive Session Sheet

Committee Report

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Committee Aide

\_\_\_\_\_  
Date

Senate Clerk's Office \_\_\_\_\_