

Committee Report

REGULAR CALENDAR

February 17, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Majority of the Committee on Election Law to
which was referred HB 263,**

**AN ACT relative to campaign finance reform. Having
considered the same, report the same with the following
amendment, and the recommendation that the bill
OUGHT TO PASS WITH AMENDMENT.**

Rep. Joe Sweeney

FOR THE MAJORITY OF THE COMMITTEE

MAJORITY COMMITTEE REPORT

Committee:	Election Law
Bill Number:	HB 263
Title:	relative to campaign finance reform.
Date:	February 17, 2021
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2021-0333h

STATEMENT OF INTENT

This bill as amended, provides for campaign finance reform by repealing voluntary expenditure limits, increasing the expenditure and contribution reporting threshold for all political entities, and modifying the maximum contribution amount a person may contribute to candidate committees and political committees. The amendment keeps the categories of candidate and candidate committee in response to testimony that indicated that a change to this would create confusion. The limits on reporting requirements were changed to reflect the realities of current expenses and federal law governing campaign contributions. The majority of the Election Law Committee believes that a significant amount of time has passed since our last comprehensive campaign finance reform. Limits on contributions to a candidate or candidate committee were changed from \$5,000 to \$3,500. Very few candidates take advantage of the voluntary expenditure limit law and it is not well understood, so that category is eliminated in the bill. The limit on total contribution is changed to \$10,000, making the law consistent with the federal law for federal candidates. The majority believes this is an opportunity to update our campaign finance framework in the Granite State by removing some barriers on candidate fundraising and allowing our state-focused political organizations to operate at the same level that federal political organizations in our state are currently operating.

Vote 11-9.

Rep. Joe Sweeney
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Election Law

HB 263, relative to campaign finance reform. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Joe Sweeney for the **Majority** of Election Law. This bill as amended, provides for campaign finance reform by repealing voluntary expenditure limits, increasing the expenditure and contribution reporting threshold for all political entities, and modifying the maximum contribution amount a person may contribute to candidate committees and political committees. The amendment keeps the categories of candidate and candidate committee in response to testimony that indicated that a change to this would create confusion. The limits on reporting requirements were changed to reflect the realities of current expenses and federal law governing campaign contributions. The majority of the Election Law Committee believes that a significant amount of time has passed since our last comprehensive campaign finance reform. Limits on contributions to a candidate or candidate committee were changed from \$5,000 to \$3,500. Very few candidates take advantage of the voluntary expenditure limit law and it is not well understood, so that category is eliminated in the bill. The limit on total contribution is changed to \$10,000, making the law consistent with the federal law for federal candidates. The majority believes this is an opportunity to update our campaign finance framework in the Granite State by removing some barriers on candidate fundraising and allowing our state-focused political organizations to operate at the same level that federal political organizations in our state are currently operating. **Vote 11-9.**

Original: House Clerk

Cc: Committee Bill File

Amendment to HB 263

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

2

3 2 New Paragraph; Registration of Political Committees. Amend RSA 664:3 by inserting after
4 paragraph V the following new paragraph:

5 VI. For purposes of filing expenditure reports pursuant to RSA 664:6 and RSA 664:7, a
6 candidate for office may choose to file as a candidate or, if such candidate creates a candidate
7 committee, as a candidate committee.

8 3 Political Expenditures and Contributions; Prohibited Political Contributions. Amend RSA
9 664:4, V to read as follows:

10 V. By any person (1) if in excess of [~~\$5,000~~] **\$3,500** in value *to a candidate or a candidate*
11 *committee*, except for contributions made by a candidate in behalf of his own candidacy, [~~or if in~~
12 ~~excess of \$1,000 in value by any person or by any political committee to a candidate or a political~~
13 ~~committee working on behalf of a candidate who does not voluntarily agree to limit his campaign~~
14 ~~expenditures and those expenditures made on his behalf as provided in RSA 664:5-a,]~~ *or in excess*
15 *of \$10,000 in value to a political committee other than a political committee of a candidate,*
16 (2) if made anonymously or under a name not that of the donor, (3) if made in the guise of a loan, (4)
17 if any other manner concealed, (5) if made without the knowledge and written consent of the
18 candidate or his fiscal agent, a political committee or its treasurer, or not to any one of the same.

19 4 Political Expenditures and Contributions; Reporting by Political Committee. Amend RSA
20 664:6, I to read as follows:

21 664:6 Reporting by Political Committee.

22 I. Any political committee whose receipts or expenditures exceed [~~\$500~~] **\$1,500** shall file
23 with the secretary of state an itemized statement in the form prescribed by the secretary of state,
24 signed by its chairman and treasurer showing each of its receipts exceeding \$25 with the full name
25 and postal address of the contributor in alphabetical order and the amount of the contribution, the
26 date it was received, and the aggregate total for each election for each contributor of over \$100.
27 Statements shall be filed not later than the first Wednesday in June and December after the state
28 general election and before the filing deadline established in RSA 655:14, after which statements
29 shall be filed no later than the Wednesday 12 weeks immediately preceding a primary election,
30 before 5 o'clock in the afternoon, and shall cover the period from the day of the committee
31 registration up to and including the Monday before the statement is due. All receipts of \$25 or
32 under shall appear on the statements as unitemized receipts. Any listing that exceeds an

Amendment to HB 263

- Page 2 -

1 individual's aggregate total of \$100 for each election shall be accompanied by the contributor's
2 occupation including official job title, the name of the contributor's employer, and the city or town of
3 the contributor's principal place of business, if any. The statement shall also show each committee
4 expenditure exceeding \$25 with the full name and postal address of the payee or promise of
5 payment, the date paid or obligated, and the election for which the expenditure was made, with the
6 specific nature and amount of each expenditure since the date of the registration.

7 5 Political Expenditures and Contributions; Reporting by Political Committee. Amend RSA
8 664:6, IV and IV-a to read as follows:

9 IV. Any political committee whose receipts or expenditures do not exceed [~~\$500~~] **\$1,500** for a
10 reporting period need not file. However, when a committee's accumulated receipts or expenditures
11 for an election exceed [~~\$500~~] **\$1,500** the committee shall file a statement at the next reporting
12 deadline, and shall continue to file at each reporting deadline.

13 IV-a. Any political committee whose independent expenditures, in aggregate, exceed [~~\$500~~]
14 **\$1,500** shall file an itemized statement with the secretary of state which shall be received by the
15 secretary of state not later than 48 hours after such expenditures are made, and thereafter each time
16 a further [~~\$500~~] **\$1,500** is expended. Such itemized statements shall cover the period during which
17 independent expenditures totaling [~~\$500~~] **\$1,500** were made. Each statement shall include a
18 certification by the chairman of the political committee that the independent expenditure meets the
19 definition in RSA 664:2, XI. Each statement shall contain the date of each independent expenditure;
20 the name and address of the person to whom the expenditure was made; the name of the candidate
21 on whose behalf or against whom each independent expenditure was made; the amount of each
22 expenditure; the purpose of each expenditure, and the aggregate amount of all previous independent
23 expenditures. If the independent expenditure is made in support of or in opposition to more than
24 one candidate, the statement made under this paragraph shall allocate the way in which the
25 expenditure was made among the candidates on a reasonable basis. For the purposes of this
26 paragraph, "reasonable basis" means a statement that reflects the benefit or the burden reasonably
27 expected to be derived or suffered by each candidate. The filing requirements of this paragraph shall
28 be in addition to all other filing requirements under this section, and shall not be limited to the filing
29 periods during which expenditures must otherwise be reported.

30 6 Political Expenditures and Contributions; Reporting by Candidate Committee. Amend RSA
31 664:7 to read as follows:

32 664:7 Reporting by Candidates. Each candidate at the primary or general election for governor,
33 councilor, state senator, representative to general court, or county officer, who has expenditures
34 exceeding [~~\$500~~] **\$1,500**, shall file statements before and after an election in like manner and detail
35 as prescribed in RSA 664:6, II, II-a, III, IV, and V, excepting, however, the expenditures of political
36 committees of the party to which the candidate belongs in elections other than primaries.

Amendment to HB 263

- Page 3 -

1 7 Political Expenditures and Contributions; Identification Required. Amend RSA 664:16-a, II to
2 read as follows:

3 II. Any person or entity who violates paragraph I shall be subject to penalty under RSA
4 664:21, [~~V and VI~~] **IV and V**.

5 8 Political Expenditures and Contributions; Penalty. Amend RSA 664:21 to read as follows:
6 664:21 Penalty.

7 ~~[I. Any candidate who voluntarily agrees to limit campaign expenditures as provided in RSA
8 664:5-a, and who exceeds the total political expenditure limitation as provided in RSA 664:5-a and 5-
9 b in running for any office in either a state primary or state general election, or both, shall be subject
10 to a fine schedule which is based on the percentage by which the candidate exceeds permitted
11 campaign expenditures, so that the candidate shall pay a percentage of the excess campaign
12 expenditures as follows:~~

13 ~~(a) Candidates for United States Senate and governor:~~

14 ~~under \$1,000 one percent
15 \$1,000-\$5,000 10 percent
16 \$5,000-\$10,000 25 percent
17 \$10,000-\$50,000 50 percent
18 over \$50,000 100 percent~~

19 ~~(b) Candidates for representative to Congress:~~

20 ~~under \$1,000 one percent
21 \$1,000-\$5,000 10 percent
22 \$5,000-\$10,000 25 percent
23 \$10,000-\$25,000 50 percent
24 over \$25,000 100 percent~~

25 ~~(c) Candidates for executive council and county officers:~~

26 ~~under \$500 one percent
27 \$500-\$1,000 10 percent
28 \$1,000-\$5,000 25 percent
29 \$5,000-\$10,000 50 percent
30 over \$10,000 100 percent~~

31 ~~(d) Candidates for state senate:~~

32 ~~under \$100 one percent
33 \$100-\$500 10 percent
34 \$500-\$1,000 25 percent
35 \$1,000-\$5,000 50 percent
36 over \$5,000 100 percent~~

37 ~~(e) Candidates for the general court:~~

Amendment to HB 263
- Page 4 -

1 ~~under \$100 one percent~~
2 ~~\$100-\$250 10 percent~~
3 ~~\$250-\$500 25 percent~~
4 ~~\$500-\$1,000 50 percent~~
5 ~~over \$1,000 100 percent~~

6 ~~II.]~~ **I.** Any fine assessed under the provision of this section shall be paid to the secretary of
7 state for deposit into the general fund.

8 ~~III.]~~ **II.** Nothing in this section shall be construed to limit the enforcement powers of the
9 attorney general under RSA 664:18.

10 ~~IV. In addition to the fines levied under paragraph I,]~~ **III.** Any person who fails to file any
11 report or statement on the date on which the report or statement is due under this chapter shall be
12 subject to a daily fine of \$25 for every weekday for which the report or statement is late and until the
13 report or statement is actually filed, except that candidates for the general court shall be subject to a
14 daily fine of \$5 under this paragraph.

15 ~~V. The provisions of this paragraph shall apply to violations of this chapter other than the~~
16 ~~violation of RSA 664:5 a and 5 b, and]~~ **IV.** A person liable under the provisions of this paragraph
17 shall not also be subject to the penalties imposed under ~~[paragraphs I, II and IV]~~ **paragraph III.**
18 Any person who otherwise violates any provision of this chapter shall be guilty of a misdemeanor if a
19 natural person or shall be guilty of a felony if any other person.

20 ~~VI.]~~ **V.(a)** Whoever violates any of the provisions of RSA 664:16-a or the provisions of RSA
21 664:17 relative to removing, defacing, or destroying political advertising on private property shall be
22 subject to a civil penalty not to exceed \$1,000.

23 (b) The court, upon petition of the attorney general, may levy upon any person who
24 violates the provisions of RSA 664:16-a or the provisions of RSA 664:17 relative to removing,
25 defacing, or destroying political advertising on private property a civil penalty in an amount not to
26 exceed \$1,000 per violation. All penalties assessed under this paragraph shall be paid to the
27 secretary of state for deposit into the general fund.

28 (c) The attorney general shall have authority to notify suspected violators of RSA
29 664:16-a or the provisions of RSA 664:17 relative to removing, defacing, or destroying political
30 advertising on private property of the state's intention to seek a civil penalty, to negotiate, and to
31 settle with such suspected violators without court action, provided any civil penalty paid as
32 settlement shall be paid to the secretary of state for deposit into the general fund.

33 ~~VII.]~~ **VI.(a)** A political committee other than a political committee of a candidate that fails
34 to register in accordance with RSA 664:3 shall be subject to a fine up to 25 percent of the total
35 amount of independent expenditures made during the period from the date the political committee
36 was required to register to the date the political committee registered.

Amendment to HB 263

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1 (b) A political committee that fails to report independent expenditures in accordance
2 with RSA 664:6, IV-a shall be subject to a fine up to 25 percent of the total amount of independent
3 expenditures not reported or reported late.

4 ~~[VIII.]~~ **VII.** Any person who willfully makes and subscribes to any statement filed under this
5 chapter that he or she does not believe to be true and correct as to every material matter shall be
6 guilty of false swearing under RSA 641:2.

7 9 Repeal. RSA 664:5-a and 664:5-b, relative to voluntary political expenditure limitations, are
8 repealed.

9 10 Effective Date. This act shall take effect January 1, 2022.

Amendment to HB 263
- Page 6 -

2021-0333h

AMENDED ANALYSIS

This bill repeals voluntary expenditure limits, increases the expenditure and contribution reporting threshold for all political entities, and modifies the maximum contribution amount a person may contribute to candidate committees and political committees.

REGULAR CALENDAR

February 17, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Minority of the Committee on Election Law to
which was referred HB 263,**

**AN ACT relative to campaign finance reform. Having
considered the same, and being unable to agree with
the Majority, report with the following resolution:
RESOLVED, that it is INEXPEDIENT TO LEGISLATE.**

Rep. Russell Muirhead

FOR THE MINORITY OF THE COMMITTEE

MINORITY COMMITTEE REPORT

Committee:	Election Law
Bill Number:	HB 263
Title:	relative to campaign finance reform.
Date:	February 17, 2021
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

The bill repeals voluntary campaign expenditure limits. It also increases the limit on contributions to political committees (other than committees of the candidate) to \$10,000 (from the current \$5,000 for candidates accepting voluntary limits and \$1000 for candidates not accepting limits). At the same time, this bill decreases the limit on individual donations to \$3,500 from the same \$5,000/\$1,000 caps that currently apply. The minority is concerned this would make campaigns for all offices more expensive and would invite bundling of donations to political committees. We do not believe that these changes to the campaign finance law should be made.

Rep. Russell Muirhead
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Election Law

HB 263, relative to campaign finance reform. **INEXPEDIENT TO LEGISLATE.**

Rep. Russell Muirhead for the **Minority** of Election Law. The bill repeals voluntary campaign expenditure limits. It also increases the limit on contributions to political committees (other than committees of the candidate) to \$10,000 (from the current \$5,000 for candidates accepting voluntary limits and \$1000 for candidates not accepting limits). At the same time, this bill decreases the limit on individual donations to \$3,500 from the same \$5,000/\$1,000 caps that currently apply. The minority is concerned this would make campaigns for all offices more expensive and would invite bundling of donations to political committees. We do not believe that these changes to the campaign finance law should be made.

Original: House Clerk

Cc: Committee Bill File

Archived: Thursday, April 22, 2021 11:18:25 AM

From: [Miriam Simmons](#)

Sent: Thursday, April 22, 2021 9:58:25 AM

To: [Miriam Simmons](#)

Subject: Com. Reports HB 263 EMAIL

Response requested: No

Importance: Normal

From: Barbara Griffin <Barbara.Griffin@leg.state.nh.us>

Sent: Sunday, February 28, 2021 12:04 PM

To: Miriam Simmons <miriam.simmons@leg.state.nh.us>

Cc: Pam Smarling <Pam.Smarling@leg.state.nh.us>; Joe Sweeney <Joe.Sweeney@leg.state.nh.us>

Subject: Com. Reports 263 468


For Joe Sweeney

263 BLURB:

This bill as amended, provides for campaign finance reform by repealing voluntary expenditure limits, increasing the expenditure and contribution reporting threshold for all political entities, and modifying the maximum contribution amount a person may contribute to candidate committees and political committees. The bill keeps the categories of candidate and candidate committee as public comment indicated that change would create confusion. The limits on reporting requirements were changed to reflect the realities of current expenses and Federal Law governing campaign contributions. The majority of the Election Law Committee believes that a significant amount of time passed since the limits of our last comprehensive campaign finance reform. Limits of contribution to the candidate or candidate committee were changed from \$5000 to \$3500. Very few candidates take advantage of doing the voluntary expenditure limit nor is it understood, so that category was eliminated and thus the \$1000 limit is incorporated in the \$5000. The limit on total contribution is changed to \$10,000 with constraints as required by Federal law to federal candidates making the law consistent. The majority believes this is an opportunity to update our campaign finance framework in the Granite State to remove some barriers on candidate fundraising and allow our state-focused political organizations to operate at the same level that that federal political organizations in our state are currently operating.

Joe

Rep. Joe Sweeney
Rockingham 8 | Town of Salem
Joe.Sweeney@leg.state.nh.us
C: (603) 327-7184

Archived: Thursday, April 22, 2021 11:18:24 AM
From: [Barbara Griffin](#)
Sent: Sunday, February 28, 2021 10:52:08 PM
To: [Miriam Simmons](#); [Pam Smarling](#)
Cc: [David Cote](#)
Subject: Fw: Minority report HB 263
Response requested: No
Importance: Normal
Attachments:
[HB 263 Minority Report Revised.docx](#) 

This is all set.

Barbara

From: Russ Muirhead <russmuirhead@gmail.com>
Sent: Sunday, February 28, 2021 8:21 PM
To: [Barbara Griffin](mailto:Barbara.Griffin@leg.state.nh.us) <Barbara.Griffin@leg.state.nh.us>
Subject: Re: Minority report HB 263

Dear Madame Chair,
I have attached a revised minority report, and I would like to thank you very much for the opportunity to revise the report taking stock of the amendment.
With best wishes,
Russ

From: [Barbara Griffin](mailto:Barbara.Griffin@leg.state.nh.us) <Barbara.Griffin@leg.state.nh.us>
Date: Sunday, February 28, 2021 at 12:01 PM
To: [Russ Muirhead](mailto:russmuirhead@gmail.com) <russmuirhead@gmail.com>
Cc: [David Cote](mailto:david.cote@leg.state.nh.us) <david.cote@leg.state.nh.us>
Subject: Re: Minority report HB 263

Representative

I am catching up on these matters and this bill did not make the cut off. My only comment would be that I think part of what the amendment did was return the option of candidate and candidate committees. So if my memory is accurate, I just wanted to know if you desired to change that reference before I put it in the pipeline for publication.

Thanks.

Barbara Griffin

From: [Russ Muirhead](mailto:russmuirhead@gmail.com) <russmuirhead@gmail.com>
Sent: Wednesday, February 17, 2021 6:00 PM
To: [Barbara Griffin](mailto:Barbara.Griffin@leg.state.nh.us) <Barbara.Griffin@leg.state.nh.us>

Cc: David Cote <david.cote@leg.state.nh.us>

Subject: Minority report HB 263

Dear Madame Chair:

I would like to respectfully submit a minority report for HB 263.

Best wishes and thank you kindly,

Russ

Rep. Russell Muirhead

Hanover-Lyme

Voting Sheets



2021 SESSION

Election Law

Bill #: HB263 Motion: OTPA AM #: HB263 2021-0333A Exec Session Date: 2-17-2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Griffin, Barbara J. Chairman	✓		
MacDonald, Wayne D. Vice Chairman	✓		
Prudhomme-O'Brien, Katherine J.	✓		
Sweeney, Joe	✓		
Hayward, Peter T.	✓		
Mooney, Maureen C.	✓		
Torosian, Peter E.	✓		
Berry, Ross	✓		
Groen, Fenton	✓		
Qualey, James R.	✓		
Wells, Natalie J. Clerk	✓		
Cote, David E.		✓	
Ward, Gerald W.R.		✓	
Bergeron, Paul R.		✓	
Sandler, Catt <i>Mannie Espitia</i>		✓	
Hamer, Heidi M.		✓	
Lane, Connie B.		✓	
Freitas, Mary C.		✓	
Hamblet, Joan L.		✓	
Muirhead, Russell		✓	
TOTAL VOTE:	11	9	



2021 SESSION

Election Law

Bill #: HB263 Motion: to Amend ~~XXXX~~ AM #: 2021-0333h Exec Session Date: 2-17-2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Griffin, Barbara J. Chairman	✓		
MacDonald, Wayne D. Vice Chairman	✓		
Prudhomme-O'Brien, Katherine J.	✓		
Sweeney, Joe	✓		
Hayward, Peter T.	✓		
Mooney, Maureen C.	✓		
Torosian, Peter E.	✓		
Berry, Ross	✓		
Groen, Fenton	✓		
Qualey, James R.	✓		
Wells, Natalie J. Clerk	✓		
Cote, David E.		✓	
Ward, Gerald W.R.		✓	
Bergeron, Paul R.		✓	
Sandler, Catt <i>Mannie Espitia</i>		✓	
Hamer, Heidi M.		✓	
Lane, Connie B.		✓	
Freitas, Mary C.		✓	
Hamblet, Joan L.		✓	
Muirhead, Russell		✓	
TOTAL VOTE:	11	9	

Amendment to HB 263

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

2

3 2 New Paragraph; Registration of Political Committees. Amend RSA 664:3 by inserting after
4 paragraph V the following new paragraph:

5 VI. For purposes of filing expenditure reports pursuant to RSA 664:6 and RSA 664:7, a
6 candidate for office may choose to file as a candidate or, if such candidate creates a candidate
7 committee, as a candidate committee.

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Amendment to HB 263
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19 ~~(b) Candidates for representative to Congress:~~

20 ~~under \$1,000 one percent~~
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25 ~~(c) Candidates for executive council and county officers:~~

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31 ~~(d) Candidates for state senate:~~

32 ~~under \$100 one percent~~
33 ~~\$100-\$500 10 percent~~
34 ~~\$500-\$1,000 25 percent~~
35 ~~\$1,000-\$5,000 50 percent~~
36 ~~over \$5,000 100 percent~~

37 ~~(e) Candidates for the general court:~~

Amendment to HB 263
- Page 4 -

1 ~~under \$100 one percent~~
2 ~~\$100-\$250 10 percent~~
3 ~~\$250-\$500 25 percent~~
4 ~~\$500-\$1,000 50 percent~~
5 ~~over \$1,000 100 percent~~

6 ~~II.]~~ **I.** Any fine assessed under the provision of this section shall be paid to the secretary of
7 state for deposit into the general fund.

8 ~~III.]~~ **II.** Nothing in this section shall be construed to limit the enforcement powers of the
9 attorney general under RSA 664:18.

10 ~~IV. In addition to the fines levied under paragraph I,]~~ **III.** Any person who fails to file any
11 report or statement on the date on which the report or statement is due under this chapter shall be
12 subject to a daily fine of \$25 for every weekday for which the report or statement is late and until the
13 report or statement is actually filed, except that candidates for the general court shall be subject to a
14 daily fine of \$5 under this paragraph.

15 ~~V. The provisions of this paragraph shall apply to violations of this chapter other than the~~
16 ~~violation of RSA 664:5 a and 5 b, and]~~ **IV.** A person liable under the provisions of this paragraph
17 shall not also be subject to the penalties imposed under ~~[paragraphs I, II and IV]~~ **paragraph III.**
18 Any person who otherwise violates any provision of this chapter shall be guilty of a misdemeanor if a
19 natural person or shall be guilty of a felony if any other person.

20 ~~VI.]~~ **V.(a)** Whoever violates any of the provisions of RSA 664:16-a or the provisions of RSA
21 664:17 relative to removing, defacing, or destroying political advertising on private property shall be
22 subject to a civil penalty not to exceed \$1,000.

23 (b) The court, upon petition of the attorney general, may levy upon any person who
24 violates the provisions of RSA 664:16-a or the provisions of RSA 664:17 relative to removing,
25 defacing, or destroying political advertising on private property a civil penalty in an amount not to
26 exceed \$1,000 per violation. All penalties assessed under this paragraph shall be paid to the
27 secretary of state for deposit into the general fund.

28 (c) The attorney general shall have authority to notify suspected violators of RSA
29 664:16-a or the provisions of RSA 664:17 relative to removing, defacing, or destroying political
30 advertising on private property of the state's intention to seek a civil penalty, to negotiate, and to
31 settle with such suspected violators without court action, provided any civil penalty paid as
32 settlement shall be paid to the secretary of state for deposit into the general fund.

33 ~~VII.]~~ **VI.(a)** A political committee other than a political committee of a candidate that fails
34 to register in accordance with RSA 664:3 shall be subject to a fine up to 25 percent of the total
35 amount of independent expenditures made during the period from the date the political committee
36 was required to register to the date the political committee registered.

Amendment to HB 263

- Page 5 -

1 (b) A political committee that fails to report independent expenditures in accordance
2 with RSA 664:6, IV-a shall be subject to a fine up to 25 percent of the total amount of independent
3 expenditures not reported or reported late.

4 ~~[VIII.]~~ **VII.** Any person who willfully makes and subscribes to any statement filed under this
5 chapter that he or she does not believe to be true and correct as to every material matter shall be
6 guilty of false swearing under RSA 641:2.

7 9 Repeal. RSA 664:5-a and 664:5-b, relative to voluntary political expenditure limitations, are
8 repealed.

9 10 Effective Date. This act shall take effect January 1, 2022.

UNAPPROVED

2021-0333h

AMENDED ANALYSIS

This bill repeals voluntary expenditure limits, increases the expenditure and contribution reporting threshold for all political entities, and modifies the maximum contribution amount a person may contribute to candidate committees and political committees.

UNAPPROVED

Hearing Minutes

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 263

BILL TITLE: relative to campaign finance reform.

DATE: February 5, 2021

LOB ROOM: LOB Hybrid **Time Public Hearing Called to Order:** 10:23 a.m.

Time Adjourned: 10:48 a.m.

Present

(please circle if present)

Committee Members: Reps. B. Griffin, W. MacDonald, Wells, Prudhomme-O'Brien, Sweeney, Hayward, Mooney, Torosian, Berry, Groen, Qualey, Cote, Ward, Bergeron, ~~Sandler~~, Hamer, Lane, Freitas, Hamblet and Muirhead

Bill Sponsors:

Rep. Sweeney

Rep. Alexander Jr.

Rep. Berry

TESTIMONY

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

***Rep. Sweeney, bill sponsor, to introduce the bill**

Goal of legislation to streamline, remove barriers, new officer, update finance law 1st time or 40th time, increase dollar.

- 3 times explore before filing, up to the day to file, and general. If you don't limit, can spend remove voluntary and expense.
- Change limit \$3,500 per donor
- Reduce filing form by 1/3
- Streamline finance reform primary and general
- 2nd provision upgrade,
- PACs are allowed \$5,000 Primary & Gen \$10,000 per cycle
- Now \$20,000 per cycle. Put NH in line with Federal
- By increasing NH laws in line with Federal
- Last final change, reduce confusion 1st time running
This leg candidate __directs

Question – Rep. Torosian; some benefits you propose, elaborate candidate vs form a committee. How is this a benefit requires of everyone?

Answer – It is a bookkeeping measure, No different cost. It really moves a way a candidate to file. I'm Joe Sweeney committee, president, treasurer. Making it so merging to entities into 1.

Comment – Rep Prudhomme-O'Brien; We have a citizen legislature in this state which is positive.

Are you concerned that some people might find more complicated.

- I understand both political parties, if a candidate raising \$500 has to file.
A committee is the harbinger here. I don't see candidate, candidate committee filing.

Question -Rep. Berry; Is there any different spending anything different or name only. I share concern, more complicated candidate filings. Some stay under \$500, don't have to file.

- Would you be receptive to \$1,500 not huge influence in today's?

Answer – I don't see a problem with that if the Committee wants to amend.

Question – Rep Lane; Why do we need to raise equal to Fed to local NH,

- allow candidates raise contribution, political organizations,
- Update laws from \$5000 statute between R&D Committees.

Answer: Not lack of dollars going to political organization increase donation to \$10,000

- 2021 update limits update limit to political organization

Question – Reducing recording?

Ans; same schedule report, here now only 2 reports to SOS doesn't change

Q; Why reduce exploration?

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No Exploratory. It protects Reports.

State Senate, Executive Council before dollars drop off once sign up to run.

Question - Rep Bergeron; I want to go back to candidate-committee. Is there no difference in filing as candidate or committee? A lot of Reps like to have separate accounts. Would this bill create more hurdles from personal and candidate?

Answer: I don't see why can be a committee and I am not aware a bank that requires it. My committee account just provides my soc sec at Citizens Savings Bank. Unlike Federal, the state of NH doesn't ask where do banking.

Question – Rep. Torosian; not really material, is it benefit allow candidate or have a committee?

Ans; If a committee, I view updating statute. see however Committee wants. I personally don't see a reason why ...

Question – Rep. Prudhomme-O'Brien; This bill encompasses few issues. Could it stand alone? I never felt I was affected with voluntary expense.

Ans; voluntary expense, ids an outdated piece state law. I am in favor of updating law when we can. Both sides of aisle, they know why their running and limit on campaign spending creates headaches.

Comment – Rep. Berry; \$5,000? Wouldn't prevent all candidate increase impact of smaller donors. I do want campaign finance laws as transparent as possible, candidates can comply easier.

Hearing adjourned at 10:48 am

Respectfully submitted by,
Rep. Natalie Wells, Committee Clerk
Election Law Committee

TESTIMONY

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

* *Rep Joe Sweeney*

Friday, February 5, 2021

HB 263 Testimony - relative to campaign finance reform

Time open 10:23 a.m.

End time : 10:48a.m.

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Comment – Rep. Berry; \$5,000? Wouldn't prevent all candidate increase impact of smaller donors. I do want campaign finance laws as transparent as possible, candidates can comply easier.

CLOSED at 10:48 pm

Respectfully submitted
Rep. Natalie Wells
Committee Clerk
Election Law

House Remote Testify

Election Law Committee Testify List for Bill HB263 on 2021-02-05

Support: 3 Oppose: 5 Neutral: 2 Total to Testify: 1

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>§</u>
Sweeney, Joe	Joe.Sweeney@leg.state.nh.us	603.327.7184	An Elected Official	Myself	Support	Yes (10m)	2
Potucek, John	potucek1@comcast.net	603.432.9049	An Elected Official	Myself	Support	No	1
Yokela, Josh	josh.yokela@leg.state.nh.us	603.722.0501	An Elected Official	Rockingham 33	Oppose	No	1
Fordey, Nicole	nikkif610@gmail.com	516.318.2296	A Member of the Public	Myself	Support	No	1
King, Marcia	mchking@gmail.com	603.924.3109	A Member of the Public	Myself	Neutral	No	2
King, Charles	mchking@gmail.com	603.924.3109	A Member of the Public	Myself	Neutral	No	2
See, Alvin	absee@4Liberty.net	7380656	A Member of the Public	Myself	Oppose	No	2
Gilman, Representative Julie	julie.gilman@leg.state.nh.us	603.957.1348	An Elected Official	Town of Exeter	Oppose	No	2
Nastasi, Sue	ctcoastmetro@gmail.com	603.842.4523	A Member of the Public	Myself	Oppose	No	2
Rathbun, Eric	ericrathbun@gmail.com	860.912.3751	A Member of the Public	Myself	Oppose	No	2

Testimony



New Hampshire

House of Representatives

Representative Joe Sweeney
Rockingham District 8 | Salem

Friday, February 5th, 2021

House Election Law Committee
Legislative Office Building Room 308
33 N State Street
Concord, NH 03301

Madam Chair and Members of the House Election Law Committee,

I am proud to introduce House Bill 263, relative to Campaign Finance Reform. The goal of this legislation is to streamline our existing practices, remove barriers to entry for new candidates for office, and decrease confusion surrounding candidate filing and update our state's campaign finance laws to ensure that all candidates, whether they are running for the first time or the fortieth time, can navigate and understand the system that governs campaign finance in New Hampshire.

Currently, New Hampshire law allows candidates to agree to a voluntary expenditure limit. The incentive provided under current law to voluntarily limit campaign expenditures is an increase in the amount of money candidates can raise per donor per election period. There are three current periods of time that are created via our current campaign finance structure - exploratory phase before filing, the primary election phase that runs from the day a candidate files to the state primary election, and the general election phase that runs from the day after the primary to the state general election.

If a candidate agrees to voluntarily limit their expenditures, they are limited according to which office they are seeking as to what they can spend, but can raise \$5,000 from a single source in each period - totaling \$15,000. They can raise more per donor, but they can spend less. The amounts are written into statute and do not increase cycle to cycle to reflect increase costs to campaigns or operations as a candidate.



New Hampshire

House of Representatives

Representative Joe Sweeney
Rockingham District 8 | Salem

If a candidate does not agree to voluntarily limit their expenditures, they can spend as much as they'd like on the effort, but can only raise \$1,000 in the primary and \$1,000 in the general election. Since they cannot agree or disagree to the expenditure limit before they file their candidacy, they can raise \$5,000 in the exploratory phase. As a result, candidates who don't agree to the voluntary expenditure limit are capped at raising \$7,000 per donor per complete two year cycle. This is referred to as the \$5,000 + \$1,000 + \$1,000 rule. Most candidates for office do not agree to the voluntary expenditure limits, thus they fall under this \$7,000 per cycle per donor limit.

The bill before the committee today removes the voluntary expenditure limit and the exploratory phase from existing state law, and changes the limits per election to \$3,500 per donor. This would maintain the \$7,000 per donor per cycle limit that currently exists for those candidates who do not voluntarily limit their expenditures.

This move would reduce the candidate filing form by about a third, as the last column on the state's filing paperwork regarding the voluntary expenditure limit would no longer be necessary. This would also streamline campaign finance reports by only having two periods of time - the primary and the general election. The primary phase would begin when a candidate starts running for office, and the threshold to file with the Secretary of State's office would remain unchanged at \$500 raised/spent for candidate committees and political organizations.

This campaign finance reform package also contains two additional provisions in efforts to upgrade and modernize our campaign finance process.

Currently, political organizations that are not candidate committees - commonly referred to as PACs - are allowed to raise \$5,000 per election (primary & general) so they can raise \$10,000 per donor during a two year cycle. This reform increases that limit to \$10,000 per election, or \$20,000 per cycle. While Federal Campaign finance operates on a yearly limit threshold of \$10,000 per year, instead of per election, this change would put our state limits for political organization fundraising in line with the Federal Limits. Organizations that are focused on state elections and issues taking place under this dome should not be expected to operate at half the limit



New Hampshire

House of Representatives

Representative Joe Sweeney
Rockingham District 8 | Salem

federal political organizations operate under. By increasing these limits, we will put our state laws more in line with Federal campaign finance laws, lessening the potential for confusion from political organizers in the Granite State.

The one final change this legislation makes truly seeks to clarify and reduce confusion from candidates for office. Currently, candidates for office can either report their campaign finances as a “Candidate” or as a “Candidate’s Committee”. This legislation removes the “Candidate” category from state campaign finance law and routes every candidate filing campaign finance reports towards the “Candidate’s Committee” registration process. This would not require more than one person to form the committee - a candidate for office in New Hampshire can be both committee Chair and Treasurer. This would go to great lengths to reduce confusion in the process - individuals today can go onto the Secretary of State’s website and file as a candidate for the purpose of campaign finance, declare what office they’re seeking and what party they’re part of. The current set up of the law can give the impression to first time candidates that this process of filing as a candidate for campaign finance reporting is the same as the process of filing as a candidate with their town or city clerks during the filing window; by directing all candidates to form a “Candidate’s Committee”, we will remove potential confusion while reducing the categories of entities for campaign finance reports, leading to greater transparency and a more cohesive system overall.

I know I have just presented a great deal of information regarding the proposed legislation, and I would be happy to field any questions from the committee.

Regards,

Rep. Joe Sweeney
Rockingham District 8 | Salem

Archived: Monday, April 12, 2021 9:29:24 AM
From: Joe Sweeney
Sent: Friday, February 5, 2021 8:13:52 AM
To: ~House Election Law Committee
Subject: HB 263, Relative to Campaign Finance Reform
Importance: Normal

Joe Sweeney has shared a OneDrive for Business file with you. To view it, click the link below.

 [HB 263, Campaign Finance Reform Testimony.pdf](#)

Fellow House Election Law Committee Members,

I wanted to pass along my introductory testimony regarding House Bill 263, relative to Campaign Finance Reform, that I will be introducing in committee later this morning.

Looking forward to our discussion on the proposed legislation.

Best,

Rep. Joe Sweeney
Rockingham 8 | Salem

Bill as
Introduced

HB 263 - AS INTRODUCED

2021 SESSION

21-0217

11/10

HOUSE BILL **263**

AN ACT relative to campaign finance reform.

SPONSORS: Rep. Sweeney, Rock. 8; Rep. Alexander Jr., Hills. 6; Rep. Berry, Hills. 44

COMMITTEE: Election Law

ANALYSIS

This bill repeals voluntary expenditure limits, requires candidates to form candidate committees, and modifies the maximum contribution amount a person may contribute to candidate committees and political committees.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
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 Twenty One

AN ACT relative to campaign finance reform.

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

1 1 Nominations by Primary; Administrative Assessment. Amend the introductory paragraph of
2 RSA 655:19-c, I to read as follows:

3 I. Candidates for governor, United States senator, representative to Congress, executive
4 councilor, state senator, county officer, and state representative who file declarations of candidacy
5 shall pay the administrative assessment in paragraph I or file primary petitions as provided in
6 paragraph III. Candidates for governor, United States senator, representative to Congress,
7 executive councilor, state senator, county officer, and state representative who file declarations of
8 intent shall pay the administrative assessment in paragraph I and shall meet the requirements of
9 RSA 655:40 through 655:45 for nomination by nomination papers. ~~[Neither the administrative
10 assessment which is paid nor the primary petitions which are filed under this section, nor the
11 nomination papers which must be submitted under RSA 655:41 and filed under RSA 655:43, shall be
12 waived or refunded for a candidate for any of the offices listed in this section who, pursuant to RSA
13 664:5-a, voluntarily accepts the expenditure limitation set forth in RSA 664:5-b.]~~ At the time of
14 filing declarations of candidacy or declarations of intent, the administrative assessment shall be as
15 follows:

16 2 New Paragraph; Registration of Political Committees. Amend RSA 664:3 by inserting after
17 paragraph V the following new paragraph:

18 VI. All candidates for office shall form and register a candidate committee for purposes of
19 filing expenditure reports pursuant to RSA 664:6 and RSA 664:7.

20 3 Political Expenditures and Contributions; Prohibited Political Contributions. Amend RSA
21 664:4, V to read as follows:

22 V. By any person (1) if in excess of ~~[\$5,000]~~ **\$3,500** in value **to a candidate committee**,
23 except for contributions made by a candidate in behalf of his own candidacy, ~~[or if in excess of \$1,000
24 in value by any person or by any political committee to a candidate or a political committee working
25 on behalf of a candidate who does not voluntarily agree to limit his campaign expenditures and those
26 expenditures made on his behalf as provided in RSA 664:5-a,]~~ **or in excess of \$10,000 in value to a
27 political committee other than a political committee of a candidate**, (2) if made anonymously
28 or under a name not that of the donor, (3) if made in the guise of a loan, (4) if any other manner
29 concealed, (5) if made without the knowledge and written consent of the candidate or his fiscal agent,
30 a political committee or its treasurer, or not to any one of the same.

HB 263 - AS INTRODUCED
- Page 2 -

1 4 Political Expenditures and Contributions; Reporting by Candidate Committee. Amend RSA
2 664:7 to read as follows:

3 664:7 Reporting by ~~[Candidates]~~ ***Candidate Committee***. Each candidate ***committee*** at the
4 primary or general election for governor, councilor, state senator, representative to general court, or
5 county officer~~[- who has expenditures exceeding \$500,]~~ shall file statements before and after an
6 election in like manner and detail as prescribed in RSA 664:6~~[- II, II-a, III, IV, and V, excepting,~~
7 ~~however, the expenditures of political committees of the party to which the candidate belongs in~~
8 ~~elections other than primaries]~~.

9 5 Itemized Statements Filed by Facsimile Transmission. Amend RSA 664:9-a to read as follows:

10 664:9-a Itemized Statements Filed by Facsimile Transmission. The sworn itemized statements
11 required to be filed by a political committee ~~[or a candidate]~~ or on the candidate's behalf as required
12 by RSA 664:6, 664:7, and 664:7-b may be filed by means of a facsimile transmission; provided,
13 however, that a statement which is transmitted electronically or telephonically by a facsimile device
14 shall also be filed by a political committee ~~[or a candidate]~~ or on the candidate's behalf not later than
15 the last day of each filing period under RSA 664:6, 664:7, and 664:7-b if a facsimile transmission is
16 used.

17 6 Reports of Receipts and Expenditures Filed Electronically. Amend RSA 664:9-b to read as
18 follows:

19 664:9-b Reports of Receipts and Expenditures Filed Electronically. A political committee of a
20 candidate ~~[or a candidate]~~ may electronically report receipts and expenditures, as required by RSA
21 664:6, 664:7, and 664:7-b, by uploading the report to the secretary of state's website. The report
22 shall be publicly available on the website on or before the date that an itemized statement of receipts
23 and expenditures is due. The committee ~~[or candidate]~~ may publicly release receipt and expenditure
24 information under this section more frequently than is required by RSA 664:6, 664:7, and 664:7-b
25 provided the receipt and expenditure report is up to date when due.

26 7 Political Expenditures and Contributions; Identification Required. Amend RSA 664:16-a, II to
27 read as follows:

28 II. Any person or entity who violates paragraph I shall be subject to penalty under RSA
29 664:21, ~~[V and VI]~~ ***IV and V***.

30 8 Political Expenditures and Contributions; Penalty. Amend RSA 664:21 to read as follows:

31 664:21 Penalty.

32 ~~[I. Any candidate who voluntarily agrees to limit campaign expenditures as provided in RSA~~
33 ~~664:5-a, and who exceeds the total political expenditure limitation as provided in RSA 664:5-a and 5-~~
34 ~~b in running for any office in either a state primary or state general election, or both, shall be subject~~
35 ~~to a fine schedule which is based on the percentage by which the candidate exceeds permitted~~
36 ~~campaign expenditures, so that the candidate shall pay a percentage of the excess campaign~~
37 ~~expenditures as follows:~~

HB 263 - AS INTRODUCED
- Page 3 -

1 ~~(a) Candidates for United States Senate and governor:~~
2 ~~under \$1,000 one percent~~
3 ~~\$1,000-\$5,000 10 percent~~
4 ~~\$5,000-\$10,000 25 percent~~
5 ~~\$10,000-\$50,000 50 percent~~
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31 ~~II.] I.~~ Any fine assessed under the provision of this section shall be paid to the secretary of
32 state for deposit into the general fund.

33 ~~III.] II.~~ Nothing in this section shall be construed to limit the enforcement powers of the
34 attorney general under RSA 664:18.

35 ~~IV.] In addition to the fines levied under paragraph I,] III.~~ Any person who fails to file any
36 report or statement on the date on which the report or statement is due under this chapter shall be
37 subject to a daily fine of \$25 for every weekday for which the report or statement is late and until the

HB 263 - AS INTRODUCED
- Page 4 -

1 report or statement is actually filed, except that candidates for the general court shall be subject to a
2 daily fine of \$5 under this paragraph.

3 ~~[V. The provisions of this paragraph shall apply to violations of this chapter other than the~~
4 ~~violation of RSA 664:5-a and 5-b, and] IV.~~ A person liable under the provisions of this paragraph
5 shall not also be subject to the penalties imposed under ~~[paragraphs I, II and IV]~~ **paragraph III**.
6 Any person who otherwise violates any provision of this chapter shall be guilty of a misdemeanor if a
7 natural person or shall be guilty of a felony if any other person.

8 ~~[VI.] V.(a)~~ Whoever violates any of the provisions of RSA 664:16-a or the provisions of RSA
9 664:17 relative to removing, defacing, or destroying political advertising on private property shall be
10 subject to a civil penalty not to exceed \$1,000.

11 (b) The court, upon petition of the attorney general, may levy upon any person who
12 violates the provisions of RSA 664:16-a or the provisions of RSA 664:17 relative to removing,
13 defacing, or destroying political advertising on private property a civil penalty in an amount not to
14 exceed \$1,000 per violation. All penalties assessed under this paragraph shall be paid to the
15 secretary of state for deposit into the general fund.

16 (c) The attorney general shall have authority to notify suspected violators of RSA
17 664:16-a or the provisions of RSA 664:17 relative to removing, defacing, or destroying political
18 advertising on private property of the state's intention to seek a civil penalty, to negotiate, and to
19 settle with such suspected violators without court action, provided any civil penalty paid as
20 settlement shall be paid to the secretary of state for deposit into the general fund.

21 ~~[VII.] VI.(a)~~ A political committee other than a political committee of a candidate that fails
22 to register in accordance with RSA 664:3 shall be subject to a fine up to 25 percent of the total
23 amount of independent expenditures made during the period from the date the political committee
24 was required to register to the date the political committee registered.

25 (b) A political committee that fails to report independent expenditures in accordance
26 with RSA 664:6, IV-a shall be subject to a fine up to 25 percent of the total amount of independent
27 expenditures not reported or reported late.

28 ~~[VIII.] VII.~~ Any person who willfully makes and subscribes to any statement filed under this
29 chapter that he or she does not believe to be true and correct as to every material matter shall be
30 guilty of false swearing under RSA 641:2.

31 9 Repeal. RSA 664:5-a and 664:5-b, relative to voluntary political expenditure limitations, are
32 repealed.

33 10 Effective Date. This act shall take effect January 1, 2022.