

Committee Report

CONSENT CALENDAR

February 12, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Election Law to which was referred
HB 483,**

AN ACT prohibiting certain political advertising.

**Having considered the same, report the same with the
following resolution: RESOLVED, that it is
INEXPEDIENT TO LEGISLATE.**

Rep. Peter Torosian

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Election Law
Bill Number:	HB 483
Title:	prohibiting certain political advertising.
Date:	February 12, 2021
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill proposes to ban political advertising that directly states or suggests a candidate for office would have opposed legislation when that candidate was not a legislator at the time to vote for it. Issues were raised with potential discrepancies with federal standards that govern broadcast mediums. The committee believes the proposal is also problematic as it raises First Amendment protection concerns. Additionally it might prevent new candidates from taking a position on prior legislation while incumbent candidates would not have such restrictions. The committee agreed with the sponsor that while there are concerns with certain practices, this legislation as presented is not the way to deal with it.

Vote 20-0.

Rep. Peter Torosian
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Election Law

HB 483, prohibiting certain political advertising. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter Torosian for Election Law. This bill proposes to ban political advertising that directly states or suggests a candidate for office would have opposed legislation when that candidate was not a legislator at the time to vote for it. Issues were raised with potential discrepancies with federal standards that govern broadcast mediums. The committee believes the proposal is also problematic as it raises First Amendment protection concerns. Additionally it might prevent new candidates from taking a position on prior legislation while incumbent candidates would not have such restrictions. The committee agreed with the sponsor that while there are concerns with certain practices, this legislation as presented is not the way to deal with it. **Vote 20-0.**

Original: House Clerk

Cc: Committee Bill File


Committee reports

Peter Torosian

HB-483 ITL 0 consent calendar

This Bill proposes to ban political advertising that directly states or suggests a candidate for office would have opposed legislation when that candidate was not a legislator at the time to vote for it. Issues were raised with potential discrepancies with federal standards that govern broadcast mediums. The committee believes the proposal is also problematic as it raises First Amendment protection concerns. Additionally it might prevent new candidates from taking a position on prior legislation while incumbent candidates would not have such restrictions. The committee agreed with the sponsor that while there are concerns with certain practices, this legislation as presented is not the way to deal with it.

Submitted for the committee, by Rep Torosian

Archived: Thursday, April 22, 2021 11:18:23 AM
From: [Miriam Simmons](#)
Sent: Thursday, April 22, 2021 10:33:47 AM
To: [Miriam Simmons](#)
Subject: HB 483 Email committee reports
Response requested: Yes
Importance: Normal
Attachments:
[HB483 CR EMail.docx](#) 

From: Barbara Griffin <Barbara.Griffin@leg.state.nh.us>
Sent: Tuesday, February 16, 2021 11:27 PM
To: [Miriam Simmons](#) <miriam.simmons@leg.state.nh.us>; [Pam Smarling](#) <Pam.Smarling@leg.state.nh.us>
Subject: committee reports

Here are 4. I think this brings us up to speed on what has been sent. And I have only seen the one minority report that you got.

Barbara.

Voting Sheets

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 483

BILL TITLE: prohibiting certain political advertising.

DATE: February 12, 2021

LOB ROOM: Remote / Hybrid

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Torosian

Seconded by Rep. Qualey

Vote: 20-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Natalie Wells, Clerk



consent

1/21/2021 9:37:57 AM
Roll Call Committee Registers
Report

2021 SESSION

Election Law

Bill #: HB 483 Motion: ITL AM #: _____ Exec Session Date: 2/12/2021

<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	✓		
Wayward, Peter T.	✓		
Mooney, Maureen C.	✓		
Torosian, Peter E.	✓		
Berry, Ross	✓		
Groen, Fenton	✓		
Qualey, James R.	✓		
Nells, Natalie J. Clerk	✓		
Cote, David E.	✓		
Ward, Gerald W.R.	✓		
Bergeron, Paul R.	✓		
Sandler, Catt	✓		
Hamer, Heidi M.	✓		
Lane, Connie B.	✓		
Freitas, Mary C.	✓		
Hamblet, Joan L.	✓		
Muirhead, Russell	✓		
TOTAL VOTE:	20		

Hearing Minutes

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 483

BILL TITLE: prohibiting certain political advertising.

DATE: February 5, 2021

LOB ROOM: LOB Hybrid **Time Public Hearing Called to Order:** 10:16 a.m.

Time Adjourned: 10:23 a.m.

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. Infantine

TESTIMONY

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

* Rep. William Infantine

* Scott Spradling

***Rep. William Infantine, Sponsor, introduced bill**

- I spent first term in Election Law across from Ray Buckley
- I don't like the political advertising that goes on. I have emails each of us Senate district goes beyond pale.
- Opposing Legislation before your even elected
- AG says it's free speech ____
- start doing the way both parties, putting mails of half truths,
- take a stand for especially someone who's never been elected

***Scott Spradling, NH Association of Broadcasters. Opposed, see written testimony**

Government affiliate of broadcasters which represents 98% airways in NH

- I appreciate Rep. Infantine challenges with this conversation. We are regulated by Fed Comm federal or state, rules strict, very clear, unless defamatory, they are protected under free speech.
- I Simply say from this particular bill ITL because of constitution
- And difficult route set up to review process
- I understand an example mailer ,a print document mailed may be different than broadcast
- Ask to vote ITL

Comment – Rep Berry; Thank you, Mr. Spradling, constituent of mine.

Hearing adjourned at 10:23 a.m.

Respectfully submitted,
Rep. Natalie Wells, Committee Clerk

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING on Bill # HB 483

BILL TITLE: PROHIBITING CERTAIN Political Advertising

DATE: 2-5-21

ROOM: 306

Time Public Hearing Called to Order: 10:16 AM

Time Adjourned: 10:23 AM

(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

TESTIMONY

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

* Rep. William Infantine

* Scott Spradling

Friday, February 5, 2021

HB 483 .. prohibiting certain political advertising

Time open 10:16 a.m.

End time : 10:23 a.m.

***Rep. William Infantine, Sponsor, introduced bill**

- I spent first term in Election Law across from Ray Buckley
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- And difficult route set up to review process
- I understand an example mailer ,a print document mailed may be different than broadcast
- Ask to vote ITL

Comment – Rep Berry; Thank you, Mr. Spradling, constituent of mine.

CLOSED at 10:23 a.m.

Respectfully submitted

Rep. Natalie Wells

Committee Clerk

Election Law

House Remote Testify

Election Law Committee Testify List for Bill HB483 on 2021-02-05

Support: 2 Oppose: 9 Neutral: 2 Total to Testify: 2

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>§</u>
Spradling, Scott	scott@spradlinggroup.com	603.724.8092	A Lobbyist	NH Association of Broadcasters	Oppose	Yes (3m)	2
Infantine, William	winfantine@aspen-ins.com	603.493.9779	An Elected Official	Myself	Support	Yes (2m)	2
See, Alvin	absee@4Liberty.net	7380656	A Member of the Public	Myself	Oppose	No	2
Mennella, Alexandra	amennella1@protonmail.com	646.610.9858	A Member of the Public	Myself	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
Thomas, Nicholas	nicholas.w.thomas@uconn.edu	734.355.3870	A Member of the Public	Myself	Oppose	No	2
Gericke, Carla	carlagericke@gmail.com	917.607.4353	A Member of the Public	Myself	Oppose	No	2
Calitz, Louis	lc_gencourt@free603.org	917.519.2528	A Member of the Public	Myself	Oppose	No	2
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	State Agency Staff	Myself	Neutral	No	2
Potucek, John	potucek1@comcast.net	603.432.9049	An Elected Official	Myself	Support	No	1
Fordey, Nicole	nikkif610@gmail.com	516.318.2296	A Member of the Public	Myself	Oppose	No	1

Testimony



NEW HAMPSHIRE ASSOCIATION OF BROADCASTERS

Tracy Caruso, Executive Director
NHAB
PO Box 5578
Manchester, NH 03109

To the NH House Election Law Committee:

On behalf of the New Hampshire Association of Broadcasters, which represents the state's radio and television stations, I am writing to express concerns about HB 483 on the basis of both free speech and enforceability. If enacted, this bill would tell NH broadcasters to violate federal law by infringing on the political free speech of candidates.

It is understandable to try and regulate the back and forth between candidates on paid advertising. Our current political climate has triggered many conversations about how to "keep 'em honest" when it comes to candidates' campaign claims in political advertising. Unfortunately, this proposal as offered will likely run afoul of basic individual rights.

For brief background, NH Broadcasters operate their airwaves under laws, rules and regulations set by the Federal Communications Commission. It's important to understand the laws and regulations under which we operate.

Most importantly, federal law expressly forbids federal and state candidates from having their ads censored in the manner suggested by HB 483. The law is clear here: it is unconstitutional to limit political free speech in the manner in which HB 483 proposes political advertising rules for New Hampshire candidates. In addition, this bill does not establish any clear rules and oversight. For example, it's not clear who is liable for violations of HB483. Is it the candidate? Is it the FCC license holder/broadcaster? These are complications that prevent the practical application of HB 483 to New Hampshire tv and radio political advertising.

For those reasons, we respectfully ask that you vote "Inexpedient to Legislate" on this proposal.

Sincerely,

Tracy Caruso, Executive Director
NHAB



NEW HAMPSHIRE ASSOCIATION OF BROADCASTERS

Archived: Monday, April 12, 2021 9:35:58 AM
From: [scott](#)
Sent: Thursday, February 4, 2021 2:33:10 PM
To: [~House Election Law Committee](#)
Subject: HB 483 - NHAB Letter to the Committee
Importance: Normal
Attachments:

[NHAB - 2021 - House Election Law Letter Opposing HB 483.docx](#) 

Good afternoon,

Here is a letter from the Executive Director of the NH Association of Broadcasters relative to HB 483.

Thank you,

Scott Spradling

Archived: Monday, April 12, 2021 9:35:58 AM
From: Will Infantine
Sent: Thursday, February 4, 2021 6:16:01 PM
To: ~House Election Law Committee
Cc: Will Infantine
Subject: HB483
Importance: Normal
Attachments:
3488_001.pdf ;

Mailer subject of HB 483

Thanks,
Will Infantine



Will Infantine
Managing Director
Aspen Insurance Agency

T: 603-296-0358
F: 603-647-0330

40 Stark St, Manchester, NH 03101
www.optisure.com will.infantine@optisure.com

Please remember we cannot bind or change coverage via email. This email message and any attachments are confidential. If you are not the intended recipient, please immediately reply to the sender and delete the message from your email system. For your protection, please note insurance coverage cannot be bound or changed via voice mail, email, fax or online via our website, and is not effective until confirmed directly with a licensed agent. In addition, the sender does not intend that this email, including any related emails, to be a transaction or transactions by electronic means subject to the Massachusetts Uniform Electronic Transactions Act or any such similar act or law, unless expressly stated otherwise in the body of the email by the sender.

From: ASP Canon01 <ASP.Canon01@optisure.com>
Sent: Thursday, February 4, 2021 6:04 PM
To: Will Infantine <will.infantine@optisure.com>
Subject: Scanned from ASP Canon 01

STATE SENATOR JEANNE DIETSCH BRINGING NEW HAMPSHIRE TOGETHER



JEANNE DIETSCH Unifying New Hampshire Building A Stronger Future

JEANNE'S PRIORITIES INCLUDE

- ✓ Slowing the spread of the coronavirus
- ✓ The safe opening of our economy and schools
- ✓ Sending property tax relief to cities, towns and schools, reducing small business taxes, and opposing an income tax
- ✓ Making health care more affordable
- ✓ Vigilant defense of women's health care rights
- ✓ Protecting voting rights

DENISE RICCIARDI Divisive Politics A Roadblock to NH Families



DENISE RICCIARDI'S SUPPORTERS HAD THEIR CHANCE TO BUILD A STRONGER FUTURE - THEY FAILED

- FAILED to address local water quality issues
- VOTES resulted in property tax downshifting and massive local property tax increases
- OPPOSED support for full-day kindergarten & K-12 funding
- OPPOSED legislation making health care more affordable and accessible

CHECK THE FACTS: HB 1234, 2020; HB 144, 2019; 2019; HB 2, 2020; SB 486, 2020



Covid-19 has been hard on
New Hampshire families.
**Denise Ricciardi's backers
have made it worse.**

While over 7600 Granite Staters have been
infected with coronavirus, Denise Ricciardi
OPPOSES efforts to provide New Hampshire
families with medical, financial and job security
while they care for loved ones.
**Denise Ricciardi -
A Roadblock To A Stronger Future**

CHECK THE FACTS: HB 628, 2018; SB 1, 2019; HB 1164, 2020

PAID FOR BY THE NEW HAMPSHIRE DEMOCRATIC PARTY, RAY BUCKLEY CHAIR
105 NORTH STATE ST. CONCORD, NH 03301. NHDP.ORG



NHDP
105 North
Concord

Bill as
Introduced

HB 483 - AS INTRODUCED

2021 SESSION

21-0649

11/05

HOUSE BILL **483**

AN ACT prohibiting certain political advertising.

SPONSORS: Rep. Infantine, Hills. 13

COMMITTEE: Election Law

ANALYSIS

This bill prohibits political advertising that states or suggests a candidate for office would have opposed legislation from prior legislative sessions when the candidate in question has either never been a legislator or was not a legislator when such legislation was voted on.

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 prohibiting certain political advertising.

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

1 1 New Section; Certain Political Advertising Prohibited. Amend RSA 664 by inserting after
2 section 17-a the following new section:

3 664:17-b Political Advertising; Prohibitions. No political advertisement shall explicitly state or
4 suggest that a candidate for office would have opposed legislation from prior legislative sessions
5 when the candidate in question has either never been a legislator or was not a legislator when such
6 legislation was voted on.

7 2 Effective Date. This act shall take effect 60 days after its passage.