



Amendment to SB 120-FN

1 Amend the bill by replacing sections 2 and 3 with the following:

2
3 2 Definitions; Expenditure. Amend RSA 664:2, IX to read as follows:

4 IX. "Expenditure" shall mean the disbursement of money or thing of value or the making of
5 a legally binding commitment to make such a disbursement in the future *or the transfer of funds*
6 *by a political committee to another political committee or to a candidate* for the purpose of
7 ~~[influencing the nomination for election or election of any candidate]~~ *promoting the success or*
8 *defeat of a candidate or candidates or measure or measures. "Expenditures" includes*
9 *disbursements constituting independent expenditures, as defined in paragraph XI.* It does
10 not include:

11 (a) The candidate's filing fee or his *or her* expenses for personal travel and subsistence;

12 (b) *Activity designed to encourage individuals to register to vote or to vote, if*
13 *that activity or communication does not mention a clearly identified candidate;*

14 (c) *Any communication by any membership organization or corporation to its*
15 *members or stockholders, if the primary purpose of that membership organization or*
16 *corporation is not for the purpose of promoting the success or defeat of a candidate or*
17 *candidates and measure or measures; or*

18 (d) *Any communication by any political committee member that is not made for*
19 *the purpose of promoting the success or defeat of a candidate or candidates or measure or*
20 *measures.*

21 3 Definitions; Independent Expenditures. Amend RSA 664:2, XI to read as follows:

22 XI. "Independent expenditures" means expenditures ~~[by a person, political committee, or~~
23 ~~other entity]~~ *that pay for the development and distribution of a communication that*
24 *expressly [advocating] advocates the election or defeat of a clearly identified candidate or*
25 *candidates or the success or defeat of a measure or measures, which are made without*
26 *cooperation or consultation with any candidate, or any authorized committee or agent of such*
27 *candidate, and which are not made in concert with, or at the request or suggestion of, any candidate,*
28 *or any authorized committee or agent of such candidate. [As used in this paragraph, "clearly*
29 *identified" means that the name of the candidate involved appears; a photograph or drawing of the*
30 *candidate appears; or the identity of the candidate is apparent by unambiguous reference.]*
31

32 Amend RSA 664:2, XX as inserted by section 4 of the bill by replacing it with the following:



1
2 XX. "Clearly identified candidate" means that the name of the candidate involved appears; a
3 photograph or drawing of the candidate appears; or the identity of the candidate is otherwise
4 apparent.

5 XXI. "Political advocacy organization" means any entity that spends \$5,000 or more in a
6 calendar year to pay for a communication that is functionally equivalent to express advocacy
7 because, when taken as a whole, such communication is likely to be interpreted by a reasonable
8 person only as advocating the election or defeat of a clearly identified candidate or candidates or the
9 success or defeat of a measure or measures, taking into account whether the communication involved
10 mentions a candidacy or a political party, or takes a position on a candidate's character,
11 qualifications, or fitness for office.

12
13 Amend the bill by replacing section 6 with the following:

14
15 6 New Paragraph; Registration of Political Committees. Amend RSA 664:3 by inserting after
16 paragraph IV the following new paragraph:

17 V. Any political committee or political advocacy organization that is exempt from taxation
18 under sections 501(c)(4), 501(c)(5), or 501(c)(6) of the United States Internal Revenue Code of 1986
19 may disclose, but shall not be required to disclose in its itemized statement of receipts, the identity of
20 its donors.

21
22 Amend the bill by replacing section 10 with the following:

23
24 10 New Paragraph; Reporting by Political Committee. Amend RSA 664:6 by inserting after
25 paragraph VIII the following new paragraph:

26 IX. Any political committee or political advocacy organization that is exempt from taxation
27 under sections 501(c)(4), 501(c)(5), or 501(c)(6) of the United States Internal Revenue Code of 1986
28 may disclose, but shall not be required to disclose in its itemized statement of receipts, the identity of
29 its donors.

30
31 Amend the bill by inserting after section 11 the following and renumbering the original section 12 to
32 read as 14:

33
34 12 New Section; Registration of Political Advocacy Organizations. Amend RSA 664 by inserting
35 after section 3 the following new section:

36 664:3-a Registration of Political Advocacy Organizations. Political advocacy organizations shall
37 register with the secretary of state under the same deadlines and in the same general form required



1 of political committees under RSA 664:3.

2 13 New Section; Reporting by Political Advocacy Organizations. Amend RSA 664 by inserting
3 after section 6 the following new section:

4 664:6-a Reporting by Political Advocacy Organizations. Political advocacy organizations shall
5 report with the secretary of state any funds received or expenses incurred in connection with
6 communications described in RSA 664:2, VII, under the same deadlines and in the same general
7 form required of political committees under RSA 664:6, IV-a.



2014-1654h

AMENDED ANALYSIS

This bill:

- I. Modifies the definitions of "political committee," "expenditure," and "independent expenditure" and establishes a definition of "receipts."
- II. Modifies registration and reporting requirements for political committees.
- III. Requires registration of and reporting by political advocacy organizations, as defined in the bill.