

Office of the NH Attorney General
33 Capitol Street
Concord, NH 03301

June 25, 2018

Dear Attorney General Gordon MacDonald and Secretary of State William M. Gardner,

We request a state review to see if recent targeted political mailings by the non-profit 401(c)(4) organization Americans for Prosperity Foundation in New Hampshire (AFP) are in compliance with the requirements for doing business as a non-profit 401(c)(4) in New Hampshire and if AFP should continue to legally operate in NH without registering with the state as a political committee under NH RSA 664. Additionally:


- Can AFP's recent targeting political mailings, flyers and internet advertisements be seen as being for the "purpose of which is to promote the success or defeat of a candidate or candidates or measure or measures" as defined by NH RSA 664 and if so, do such actions require AFP to register as a political committee subject to the reporting requirements for revenues and expenditures as defined in NH RSA 664:3, I? If AFP's actions require that they register as a political committee, is it also true, under NH RSA 664:II that "No member of a political committee which is required to register under RSA 664:3, I, except members of political committees of political parties, shall do any act directly or indirectly on behalf of the committee to promote the success or defeat of a political party, a measure or a candidate, unless the requirements of RSA 664:3, I are met"?
- Can AFP continue conducting business in NH as a 401(c)(4) social welfare organization if they violate the federal laws for 401(c)(4) organizations that state, according to the IRS, "The promotion of social welfare does not include direct or indirect participation or intervention in political campaigns on behalf of or in opposition to any candidate for public office"?

We have included some examples of targeted mailers, mailed out recently by AFP, for your review. These mailers were sent out to many of the constituents that we represent, as members of the NH House of Representatives. We believe that these paid advertisements are politically targeted attacks against individuals in office and/or candidates and violate the 401(c)(4) requirements for a social welfare organization doing business in NH. We believe that AFP is misusing their non-profit 401(c)(4) social welfare status by engaging in targeted political attack advertisements against many NH state representatives and/or candidates that have opposed AFP endorsed bills, including "Right to Work". We believe that AFP is intentionally avoiding the reporting requirements of NH RSA 664 by registering as a social welfare organization while acting in fact as a political committee by targeting individual public officials and/or candidates that do not support the AFP agenda. We believe groups acting as a political committee must register as a political committee and comply with NH RSA 664. We believe social welfare organizations in NH should be in compliance with state and federal laws and operate primarily to further the common good and general welfare of the people of New Hampshire.

Sincerely,

NH State Representative Matthew Scruton (195 Ten Rod Road Rochester, NH 03867)
NH State Representative Sean Morrison (98 Hamilton Drive Epping, NH 03042)
NH State Representative Michael McCarthy (34 Terry Street Nashua, NH 03064)
NH State Representative Jason Janvrin (PO Box 462 Seabrook, NH 03874)
NH State Representative Philip Bean (PO Box 660 Hampton, NH 03842)
NH State Representative Mark Proulx (76 Janet Court Manchester, NH 03103)
NH State Representative Marty Bove (3 Tinkham Lane Londonderry, NH 03053)

Attachments



WHY IS YOUR REPRESENTATIVE **RESTRICTING** WORKER FREEDOMS?

340 Granite St, 1st Floor
Manchester, NH 03102

NON-PROFIT ORG
POSTAGE
PAID
AMERICANS
FOR PROSPERITY

Matthew Scruton

REP. MATTHEW SCRUTON **VOTED AGAINST GIVING GRANITE STATE WORKERS OUR RIGHT-TO-WORK!**



Rep. Matthew Scruton voted against:

- ✗ Freedom to join a union or not
- ✗ Freedom to refuse payment to a union
- ✗ Saving more of our hard earned money

**CALL REP. MATTHEW SCRUTON AT 603-941-4956 AND TELL
HIM NEW HAMPSHIRE WORKERS DESERVE MORE FREEDOM,
AND DEMAND THAT HE SUPPORTS RIGHT-TO-WORK!**

1. SB 11 (2017), Roll Call #41

**GOVERNOR
SUNUNU
SUPPORTS
WORKER RIGHTS
— IN THE —
GRANITE STATE!**



340 Granite St, 1st Floor
Manchester, NH 03102

John Woodburn
5 Carlson Rd
Hampton, NH 03842-4051
603-271-2121

**CALL 603-271-2121 AND TELL
GOVERNOR SUNUNU TO KEEP
FIGHTING FOR WORKER RIGHTS
FOR ALL GRANITE STATERS.**

**BUT WHAT HAS REP. PHILIP BEAN
DONE FOR US?**



Rep. Philip Bean voted to side with union bosses instead of with Governor Sununu.

Rep. Philip Bean voted against:

- ✗ Freedom to join a union or not
- ✗ Freedom to refuse payment to a union
- ✗ Saving more of our hard earned money




CALL REP. PHILIP BEAN AT 603-502-7755.

**TELL HIM NEW HAMPSHIRE WORKERS DESERVE MORE FREEDOM
AND TO STAND WITH GOV. SUNUNU AND SUPPORT RIGHT-TO-WORK.**

This advertisement has been paid for by Americans for Prosperity and has not been authorized by a candidate.



BUT WHAT HAS REP. JASON JANVRIN DONE FOR US?

Rep. Jason Janvrin voted to side with union bosses instead of with Governor Sununu.

Rep. Jason Janvrin voted against:

- X Freedom to join a union or not
- X Freedom to refuse payment to a union
- X Saving more of our hard earned money

**CALL REP. JASON JANVRIN AT 603-944-7449.
TELL HIM NEW HAMPSHIRE WORKERS DESERVE MORE FREEDOM,
AND TO STAND WITH GOV. SUNUNU AND SUPPORT RIGHT-TO-WORK.**

This advertisement has been paid for by Americans for Prosperity and has not been authorized by a candidate.



REP. JASON JANVRIN VOTED AGAINST GIVING GRANITE STATE WORKERS OUR RIGHT-TO-WORK!

Rep. Jason Janvrin voted against:

- X Freedom to join a union or not
- X Freedom to refuse payment to a union
- X Saving more of our hard earned money

**CALL REP. JASON JANVRIN AT 603-944-7449 AND TELL HIM
NEW HAMPSHIRE WORKERS DESERVE MORE FREEDOM, AND
DEMAND THAT HE SUPPORTS RIGHT-TO-WORK!**

1. SB 11 (2017), Roll Call #41



BUT WHAT HAS REP. MARK PROULX DONE FOR US?

Rep. Mark Proulx voted to side with union bosses instead of with Governor Sununu.

Rep. Mark Proulx voted against:

- ✗ Freedom to join a union or not
- ✗ Freedom to refuse payment to a union
- ✗ Saving more of our hard earned money

1. SB 11 (2017), Roll Call #41



CALL REP. MARK PROULX AT 603-669-7179.

**TELL HIM NEW HAMPSHIRE WORKERS DESERVE MORE FREEDOM,
AND TO STAND WITH GOV. SUNUNU AND SUPPORT RIGHT-TO-WORK.**

This advertisement has been paid for by Americans for Prosperity and has not been authorized by a candidate.

REP. MARK PROULX VOTED AGAINST GIVING GRANITE STATE WORKERS OUR RIGHT-TO-WORK!



Rep. Mark Proulx voted against:

- ✗ Freedom to join a union or not
- ✗ Freedom to refuse payment to a union
- ✗ Saving more of our hard earned money

**CALL REP. MARK PROULX AT 603-669-7179 AND TELL HIM
NEW HAMPSHIRE WORKERS DESERVE MORE FREEDOM, AND
DEMAND THAT HE SUPPORTS RIGHT-TO-WORK!**

1. SB 11 (2017), Roll Call #41



BUT WHAT HAS REP. SEAN MORRISON DONE FOR US?

Rep. Sean Morrison voted to side with union bosses instead of with Governor Sununu.¹

Rep. Sean Morrison voted against:

- ✗ Freedom to join a union or not
- ✗ Freedom to refuse payment to a union
- ✗ Saving more of our hard earned money

1. SB 11 (20

**CALL REP. SEAN MORRISON AT 603-275-7494.
TELL HIM NEW HAMPSHIRE WORKERS DESERVE MORE FREEDOM
AND TO STAND WITH GOV. SUNUNU AND SUPPORT RIGHT-TO-WORK**

This advertisement has been paid for by Americans for Prosperity and has not been authorized by a candidate.