

NEW HAMPSHIRE

Governing Agency

- 1. What agency is charged with administering the state’s campaign finance laws? Does it have authority to conduct its own investigations, including public hearings and subpoena power?**

The Secretary of State is charged with administering the state’s campaign finance laws and the Attorney General is charged with enforcing those laws. [N.H. REV. STAT. ANN. §§ 664:3, :5, :6, :14, :18, :21](#). The Attorney General may conduct investigations, but there is no mention of public hearings. [N.H. REV. STAT. ANN. § 664:18\(I\)](#). The Attorney General has subpoena power. [N.H. REV. STAT. ANN. § 664:20](#).

- 2. Does the agency have the ability to sanction, including injunctions and fines?**

Injunctions – The Attorney General may issue a cease-and-desist order or prosecute to final judgment through his designee. [N.H. REV. STAT. ANN. § 664:18\(II\)](#).

Fines – The Secretary of State has the authority to assess the following fines:

- Candidates who fail to file a required report by the deadline are subject to a late fee of \$25 per weekday. [N.H. REV. STAT. ANN. § 664:21\(III\)](#).
- Political committees not associated with a candidate that fail to register are subject to a fine of up to 25 percent of the total amount of independent expenditures made during the unregistered period. [N.H. REV. STAT. ANN. § 664:21\(VI\)\(a\)](#).
- Political committees that fail to report independent expenditures are subject to a fine of up to 25 percent of the unreported expenditures. [N.H. REV. STAT. ANN. § 664:21\(VI\)\(b\)](#).

- 3. Is the agency headed by an elected official? If not, are the members of the agency protected from removal without cause?**

The Secretary of State is elected every two years by the State Senate and State House of Representatives. [N.H. REV. STAT. ANN. §§ 5:1\(I\), 14:2-b](#). The Attorney General is appointed for a four-year term by the Governor and Council. [N.H. REV. STAT. ANN. § 21-M:3\(I\)](#); [N.H. CONST. art. XLVI](#). The relevant statutes are silent on removal.

Campaign Coordination

- 4. (a) Are there rules defining the types of conduct and campaign spending that presumptively establish coordination between campaigns and independent expenditure committees?**

An independent expenditure is an expenditure for a communication expressly advocating for the election or defeat of a candidate that is made “without cooperation or consultation with any

candidate” and “not made in concert with, or at the request or suggestion of, any candidate.” [N.H. REV. STAT. ANN. § 664:2\(XI\)](#). There are no rules defining the kinds of campaign spending by an independent expenditure committee that would count as a contribution to a candidate.

(b) Does the state have a safe harbor rule and, if so, what does it allow?

No.

Campaign Contributions

5. (a) Does the state limit the amount of contributions to political candidates for state level offices by individuals, corporations, other entities (PACs, 501(c)(4)s)?

Persons other than PACs cannot contribute more than \$5,000 to a political candidate, except for contributions made by a candidate on behalf of his own candidacy. PACs can contribute up to \$10,000 to a candidate. [N.H. Rev. Stat. Ann. § 664:4\(V\)](#).

Contributions from unions are prohibited. [N.H. Rev. Stat. Ann. § 664:4\(III\)](#).

(b) Does the state limit the amount of contributions to state political parties?

No contributor may give more than \$10,000 per election to a political party. [N.H. REV. STAT. ANN. § 664:4\(V\)](#).

Campaign Disclosure Requirements

6. What is the dollar amount for disclosure of campaign contributions to candidates?

Candidates must file campaign finance reports listing the name and address of each person that contributed over \$50, the date and amount of each contribution, plus the occupation, job title, employer, and principal place of business for each person that contributed at least \$200. [N.H. REV. STAT. ANN. §§ 664:6\(I\), 664:7](#).

7. Does the state require reporting of contributors to independent expenditure committees, including second level disclosure of members of contributing LLCs and donors to contributing 501(c)(4)s or similar entities?

Organizations that make expenditures advocating for the success or defeat of a candidate must file a disclosure report that lists the name and address of each person that contributed at least \$50, the date and amount of each contribution, plus the occupation, job title, employer, and principle place of business for each person that contributed at least \$200. [N.H. REV. STAT. ANN. §§ 664:2\(III\), \(IX\), :6\(I\)](#). 501(c)(4), 501(c)(5), and 501(c)(6) organizations are explicitly excluded from the requirement to disclose their donors, although they may do so. [N.H. REV. STAT. ANN. § 664:6\(IX\)](#). There are no provisions requiring disclosure of beneficial owners of LLCs that contribute to independent spenders.

8. Does the state require the disclosure of the payors of political advertisements or other electioneering communications to appear directly on the communication made through print media, broadcast media (TV, radio etc.), and Internet-based media (Facebook, Twitter, Google, and other online platforms)?

All political advertising must be signed with the name and address of the person responsible for them. [N.H. REV. STAT. ANN. § 664:14\(I\)–\(IV\)](#). Political advertisements that are not authorized by any candidate must include the statement: “This advertisement has been paid for by (name of sponsor) and has not been authorized by any candidate.” [N.H. REV. STAT. ANN. § 664:14\(VI\)](#). This information is not required to be displayed on the surface of signs or placards if they contain a legible Internet address that immediately and prominently displays the required information through election day. [N.H. REV. STAT. ANN. § 664:14\(VIII\)](#). There is no specific reference to disclosure requirements for political advertisements made through Internet-based media.

Campaign Finance Filing Requirements

9. (a) Is there a requirement for candidates to report contributions of \$1,000 or more received within 30 days prior to an election and, if so, what is the filing deadline?

Candidates whose expenditures exceed \$1,000 must file a campaign finance report by 5:00 pm on the Wednesday three weeks before an election and another one on the Wednesday immediately before an election. [N.H. REV. STAT. ANN. §§ 664:7; 664:6\(II\)](#). Additionally, they must disclose any contribution exceeding \$500 that is received between the Wednesday immediately preceding the election and the day of the election within 48 hours of receiving the contribution. [N.H. REV. STAT. ANN. §§ 664:6\(II\)–\(II-a\), :7](#).

(b) Is there a requirement for independent spenders to report expenditures of \$5000 or more that are made during the 30 days prior to an election and, if so, what is the filing deadline? Also do these reports include information on contributions received, as well as expenditures made?

Organizations that make expenditures exceeding \$1,000 must file a campaign finance report by 5:00 pm on the Wednesday three weeks before an election and another one on the Wednesday immediately before an election. [N.H. REV. STAT. ANN. §§ 664:6\(II\)](#); Additionally, they must disclose any contribution exceeding \$500 that is received between the latter statement and the election within 48 hours of receiving the contribution. [N.H. REV. STAT. ANN. §§ 664:2\(III\), \(IX\), :6\(II\)–\(II-a\), \(IV\)–\(IV-a\)](#). The reports must include information on contributors. [N.H. REV. STAT. ANN. § 664:6\(I\)](#).

(c) Is there a requirement for candidates and independent spenders to file a post-election report within 30 days of an election and, if so, what is the filing deadline?

Candidates whose expenditures exceed \$1,000 and organizations that make expenditures advocating for the success or defeat of a candidate exceeding \$1,000 must file a campaign

finance report by 5:00 pm on the second Wednesday after an election. [N.H. REV. STAT. ANN. §§ 664:2\(III\), \(IX\), :6\(III\)-\(IV-a\)](#).

Accessibility of Reports

10. (a) Can the reports be filed through an online portal provided by the agency?

Reports may be filed through New Hampshire's [Campaign Finance System](#) by direct data entry. [Account Login](#), [Campaign Finance System](#), N.H. SEC'Y OF STATE, <https://cfs.sos.nh.gov/>

(b) Are reports available on an easily searchable and sortable website?

New Hampshire's [Campaign Finance System](#) provides a website where filed reports can be searched the public.

Search by candidates/committee - YES

- Name - YES
- Election Year - YES
- Office - YES
- Date and Amount of Contribution - YES
- Date and Amount of Expenditure - YES
- Contributor - YES

Search by independent expenditure - YES

- Election Year - YES
- Amount of Expenditure - YES
- Candidate Supported or Opposed - NO

[Campaign Finance System](#), N.H. SEC'Y OF STATE, <https://cfs.sos.nh.gov/Public/ViewFiledReports>

Appendix: Sources of Law & Guidance

Constitution

[N.H. CONST. art. XLVI](#)

Statutes

[N.H. REV. STAT. ANN. § 5:1\(I\)](#) (Department of State)

[N.H. REV. STAT. ANN. § 14:2-b](#) (Legislative Officers and Proceedings)

[N.H. REV. STAT. ANN. § 21-M:3\(I\)](#) (Department of Justice)

[N.H. REV. STAT. ANN. § 664](#) (Political Expenditures and Contributions)

Guidance

[Campaign Finance System](#), N.H. SEC'Y OF STATE.,

<https://cfs.sos.nh.gov/Public/ViewFiledReports> (last visited Sept. 19, 2021).

[State Campaign Finance Reform Bill Approved by NH House, Sent to Governor](#), WMUR (2021).
[Account Login, Campaign Finance System](#), N.H. SEC'Y OF STATE, <https://cfs.sos.nh.gov/>