

2024 Election Law Changes

(New sections and amended sections are in italics and red, deleted & repealed sections = strikethrough with highlight)

(Amended Effective: October 1, 2024 – HB1313 Chapter 335, 2024)

654:31 Availability of Checklist and Voter Information. –

II. In towns and cities, the public checklist as corrected by the supervisors shall be open for the examination of any person at all times before the opening of a meeting or election at which the list is to be used. The supervisors of the checklist or city or town clerk shall furnish a physical copy or an electronic copy of the most recent public checklist of their town or city to any person requesting such copy. If a person requests an electronic copy, the supervisors of the checklist, or the city or town clerk, shall notify the person requesting the copy of the electronic format options available from which the person requesting may choose. *Options shall include an electronic copy, to be sent via email, of at least one sortable format such as a spreadsheet or other electronic media provided by the clerk. One free request may be made per election before a fee of up to \$25 may be charged for such an electronic copy sent by email or provided via other electronic media provided by the clerk.* The supervisors of the checklist or city or town clerk may only provide checklist information for their town or city. The supervisors of the checklist or city or town clerk shall charge a fee of \$25 for each *paper* copy of the public checklist for a town or ward. For public checklists containing more than 2,500 names, the supervisors of the checklist or city or town clerk shall charge a fee of \$25, plus \$0.50 per thousand names or portion thereof in excess of 2,500, plus any shipping costs. The supervisors of the checklist or city or town clerk may provide public checklist information on paper, ~~computer disk, computer tape, electronic transfer,~~ *or in electronic formats,* or any other form.

(NEW Effective: September 17, 2024 – HB1310 Chapter 234, 2024)

654:27-a Checklist Maintenance. *In cities and towns, the supervisors of the checklist shall meet at least every 90 days for the purpose of periodic checklist maintenance. For the purposes of this section, "periodic checklist maintenance" means taking action on all requests to correct the checklist including, but not limited to those in RSA 654:36, RSA 654:36-a, RSA 654:36-b, RSA 654:37, RSA 654:37-a, RSA 654:39 III and RSA 74:18, VI. For the purposes of this section, "take action" means to strike a voter from the checklist, correct an address for a voter who has moved within the jurisdiction of the supervisors of the checklist, or to vote to mail a notice pursuant to RSA 654:44, I. The supervisors may also conduct other business at these meetings after performing periodic checklist maintenance. Notice of the day, hour, and place of each session of the board of supervisors shall be first posted in 2 appropriate places, one of which shall be the city or town's Internet website, if such exists, or shall be published in a newspaper of general circulation in the city or town at least 7 days prior to each such session.*

(Amended Effective: September 17, 2024 – HB1150 Chapter 224, 2024)

654:16 Identification of Political Advertising; Rates. – Political advertising printed in newspapers, periodicals or billboards shall be marked at the beginning or at the end thereof "Political Advertising." ~~Rates for advertising shall be filed, no later than 30 days prior to the deadline for filing for office for an election, with the secretary of state by each person or business organization publishing a newspaper or periodical, operating a radio or television station, or selling billboard space. Such schedule shall be open to public inspection, and such schedules may be amended. However, rates in such amendments shall not take effect until 5 days after they are filed with the secretary of state.~~ No person or business organization publishing a newspaper or periodical, operating a radio or television station, or selling billboard space shall charge an advertising rate to any candidate, political committee, party or cause that is different from that charged to any other candidate, political committee, party or cause.

664:14-c Synthetic Media and Deceptive and Fraudulent Deepfakes.

I. In this section:

(a) "Synthetic media" means an image, an audio recording, or a video recording of an individual's appearance, speech, or conduct that has been created or intentionally manipulated with the use of generative adversarial network techniques or other digital technology in a manner to create a realistic but false image, audio, or video.

(b) "Artificial intelligence" or "AI" is the ability of a machine to display human-like capabilities for cognitive tasks such as reasoning, learning, planning, and creativity. AI systems may adapt their behavior to a certain degree by analyzing the effects of previous actions and operating under varying and unpredictable circumstances without significant human oversight.

(c) "Generative AI" is AI that can generate text, images, or other media in response to prompts.

(d) "Deepfake" means a video, audio, or any other media of a person in which his or her face, body, or voice has been digitally altered so that he or she appears to be someone else, he or she appears to be saying something that he or she has never said, or he or she appears to be doing something that he or she has never done.

II. Except as provided in paragraph III, a person, corporation, committee, or other entity shall not, within 90 days of an election at which a candidate for elective office will appear on the ballot, distribute a message created using artificial intelligence or generative AI that the person, corporation, committee or other entity knows or should have known is a deepfake, as defined in paragraph I, of a candidate, election official, or party on the state or local ballot.

III.(a) The prohibition in paragraph II shall not apply if the audio or visual media includes a disclosure stating: "This _____ has been manipulated or generated by artificial intelligence technology and depicts speech or conduct that did not occur."

(b) The blank in the disclosure required by subparagraph (a) shall be filled with whichever of the following terms most accurately describes the media:

(1) Image.

(2) Video.

(3) Audio.

(c) For visual media, the text of the disclosure shall appear in a size that is easily readable by the average viewer and no smaller than the largest font size of other text appearing in the visual media. If the visual media does not include any other text, the disclosure shall appear in a size that is easily readable by the average viewer. For visual media that is video, the disclosure shall appear for the duration of the video.

(d) If the media consists of audio only, the disclosure shall be read in a clearly spoken manner and in a pitch that can be easily heard by the average listener, at the beginning of the audio, at the end of the audio, and, if the audio is greater than 2 minutes in length, interspersed within the audio at intervals of not greater than 2 minutes each.

IV.(a) A candidate or election official whose appearance, action, or speech is depicted through the use of a deceptive and fraudulent deepfake in violation of paragraph II may seek injunctive or other equitable relief prohibiting the publication of such deceptive and fraudulent deepfake.

(b) A candidate or election official whose appearance, action, or speech is depicted using a deceptive and fraudulent deepfake in violation of paragraph II may also bring an action for general or special damages against the sponsor. The court may award a prevailing party reasonable attorneys' fees and costs. This section shall not limit or preclude a plaintiff from securing or recovering any other available remedy.

V. This section shall not apply to any of the following:

(a) An interactive computer service provider as defined in 47 U.S.C. section 230 for content provided by another party.

(b) An individual who, within 90 days of an election at which a candidate for elective office will appear on the ballot, distributes a message created using artificial intelligence or generative AI that the individual did not know and had no reasonable way of knowing that the distributed material was a deepfake, as defined in paragraph I, of a candidate, election official, or party on the state or local ballot.

(c) Any radio or television broadcasting station or network, newspaper, magazine, cable or satellite radio or television operator, programmer, or producer, Internet website or online platform, or other periodical that publishes, distributes or broadcasts a deepfake prohibited by paragraph II as part of a bona fide news report, newscast, news story, news documentary or similar undertaking in which the deepfake is a subject of the report and in which publication, distribution, or broadcast there is contained a clear acknowledgment that there are questions about the authenticity of the materials which are the subject of the report.

(d) Any radio or television broadcasting station or network, newspaper, magazine, cable or satellite television operator, Internet website or online platform, or other periodical when such entity is paid to publish, distribute or broadcast an election communication including a deepfake prohibited by paragraph II, provided that the entity does not remove or modify any disclaimer provided by the creator or sponsor of the election communication.

(e) A video, audio or any other media that constitutes satire or parody or the production of which is substantially dependent on the ability of one or more individuals to physically or verbally impersonate another person without reliance on artificial intelligence.

VI. The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

(Amended Effective: September 17, 2024 – HB1126 Chapter 221, 2024)

657:15 Sending Absentee Ballots. –

III. Candidates whose names appear on the ballot for statewide office and persons bearing a notarized request from candidates whose names appear on the ballot for statewide office may obtain a statewide list of absentee voter applicants, excluding voters who have presented to the supervisors of the checklist valid protective orders pursuant to RSA 173-B from the secretary of state. Information on the statewide absentee voter list shall be limited to voter name *and address where registered*, voter ID number, *voter's party, the type of election the absentee ballot was requested in*, the date the absentee ballot was requested, *the date the absentee ballot was sent or handed to the voter*, and the date that the *absentee* ballot *envelope* was returned.

(NEW Effective: September 10, 2024 – HB1098 Chapter 185, 2024)

657:17-b Nursing Homes and Elder Care Facilities. A clerk, assistant clerk, or clerk pro tem may deliver absentee ballots to residents of nursing homes or elder care facilities for the convenience of the residents. The persons authorized in this section shall, to the extent possible, ensure the process of receiving, marking, and returning the absentee ballots is fair, private, and properly handled. Any activity related to the delivery of ballots to nursing homes or elder care facilities that appears to be inconsistent with this title shall be reported to the secretary of state.

(Amended Effective: September 10, 2024 – HB243 Chapter 178, 2024)

659:63 Counting *and Tabulation* to be Public. – The counting *and tabulation* of votes shall be public and conducted within the guardrail and shall not be adjourned nor postponed until it shall have been completed. No ballot shall be placed within 4 feet of the guardrail during the counting of votes. *In this section, "tabulation" means the aggregation of results from the printed results from the voting machine and hand counts to determine the final results of an election in a polling place or at the central polling location provided in RSA 659:59. Documents generated during the tabulation of votes shall be available for public review when election results are announced at the polling place. If RSA 659:75, II applies, the printed results from the voting machine shall be posted for public review at the polling place within 60 minutes of running the last ballot through the machine or machines.*

(Amended Effective: September 1, 2024 – SB576 Chapter 173, 2024)

654:37 Reports of Death. – Whenever there is filed in the office of the clerk an official notice of the death of any person or persons of the age of 18 years or over or the clerk receives notice of a death record of such person or persons under RSA 5-C:4, V with a full match, the town or city clerk shall notify the supervisors of the checklist of said deaths by submitting a notice of same to the supervisors at their next regular meeting. For reports under RSA 5-C:4, V with a possible match, the city or town clerk shall look for an official notice of death and if available shall proceed as described in this section. *The executor of the estate or personal representative shall provide the clerk an official notice of the death of any person or persons of the age of 18 years or older within 30 days of such appointment.* If there is no official verification, the city or town clerk shall follow the procedures in RSA 654:37-a. Upon receipt of such notice, the supervisors shall examine the checklist; and, if the name of said deceased person appears thereon, it shall be removed. The notice shall be retained in accordance with RSA 33-A:3-a. Any supervisor who shall neglect or refuse to erase the name of such deceased voter from the checklist after receiving such notice from the town or city clerk shall be guilty of a violation.

(NEW Effective: July 3, 2024 – SB489 Chapter 163, 2024)

Election Audits

660:33 Audit Authorized. *The secretary of state shall conduct an audit of the devices used to tabulate ballots after each state primary, general elections, and after the presidential primary.*

660:34 Equipment and Technical Assistance. *The secretary of state shall develop policies, procure the equipment, and arrange for any required technical assistance to support the audit process of ballot counting devices used in state elections in accordance with RSA 660:35.*

660:35 State Election Audit.

I. The secretary of state shall randomly select not less than 8 ballot counting devices used by towns or city wards to be audited. The secretary of state may divide towns or city wards into groups for the selection based on criteria such as the device vendor or estimated number of election day ballots to be processed. The selection of the devices to be audited shall be made after the ballot counting device memory cards have been programed. The devices and the towns or city wards where devices to be audited are located shall be non-public.

II. The secretary of state shall not announce which devices have been selected to be audited and the towns or city wards where they are located until after the polls are open on election day.

III. Each audit team shall consist of at least 2 individuals appointed by the secretary of state. One such individual shall have been trained by the secretary of state in the audit process and the use of audit equipment. The other individual, if not trained by the secretary of state in the audit process and the use of audit equipment, shall be an elected election official. The secretary of state may enlist the support of technical experts as an audit team member to assist with the technology being used.

IV. The audit shall be open to the public, but no one except audit team members shall be allowed to touch any ballot or any of the audit equipment.

V. The paper ballots for each device audited shall be processed by the audit equipment, and the results shall be compared with the results from the specific device being audited. The audit team shall announce the results of each comparison as it is completed. The secretary of state shall report final results pursuant to paragraph VII.

VI.(a) A random sample of the paper ballots processed by each device being audited shall be selected, and each selected paper ballot shall be physically examined and compared with the voters choices recorded by the audit equipment for that ballot. The sample size shall be as follows:

(1) If 2 percent of the ballots processed by the device is greater than 50, then 2 percent of the ballots counted and/or scanned shall be the sample size.

(2) If 2 percent is equal to or less than 50 ballots, then 50 ballots or the total number of ballots processed, whichever is smaller, shall be the sample size.

(b) Any differences identified during the comparison shall be documented. In the event of significant differences, the secretary of state may expand the number of ballots sampled and compared with the voters' choices recorded for each ballot and may order a full hand recount.

(c) To facilitate the review of the randomly selected ballots in subparagraph (a) the audit team may add marks to the ballots selected to allow the audit equipment or auditors to identify them for the review. The location of the added marks shall be prescribed by the secretary of state.

VII. The secretary of state shall make the results of the audits available prior to 12:00 p.m. on the Friday after the election, except that any full hand recount conducted under paragraph VI shall be performed under the provisions of RSA 660:4 through RSA 660:6 and no costs for such recount shall be assessed against any candidate. The secretary shall also report the results of all audits to the ballot law commission, and the chairpersons of the house of representatives and senate standing committees with jurisdiction over election law.

(Amended Effective: July 3, 2024 – SB489 Chapter 163, 2024)

659:36 Marking Ballot by Election Officers and Auditors. – *I. No mark of any nature shall be placed on any ballot by: (a) an election officer except as provided in RSA 659:20, 659:22, 659:26-a, and 659:51. (b) an auditor except as provided in RSA 660:34. II. Whoever knowingly violates this section shall be guilty of a misdemeanor.*

(NEW Effective: July 3, 2024 – SB489 Chapter 163, 2024)

660:17-c Recount and Audit Procedures; Publication.

The secretary of state shall publish all recount and audit procedures, as well as the times to hold any recounts and audits that may take place. The secretary of state shall complete any audit conducted under this chapter prior to the commencement of a recount for any recount requested.

(Amended Effective: September 1, 2024 – HB1345 Chapter 128, 2024)

653:1 Elected for 2-Year Term. –

V. One sheriff, one county attorney, one county treasurer, one register of deeds, and one register of probate by the voters in each county; provided that, at the 2022 state general election, and at each subsequent state general election, any such officer in Rockingham county shall be chosen in the county by the voters for a 4-year term; *and, provided that, at the 2024 state general election, and at each subsequent state general election, any such officer in Coos county shall be chosen in the county by the voters for a 4-year term;*

(Amended Effective: January 1, 2025 – HB1264 Chapter 123, 2024)

652:16-d Accessible Voting System. – "Accessible voting system" shall mean the system chosen by the state *in federal elections or by municipalities in local elections* to meet the accessibility for individuals with disabilities requirements of section 301 of the Help America Vote Act of 2002, 42 U.S.C. section 15481, *52 U.S.C section 21081, and Title II of the Americans with Disabilities Act, 42 U.S.C. section 12132*, that has the capacity to print a paper ballot marked with the votes chosen by the voter.

(NEW Effective: January 1, 2025 – HB1264 Chapter 123, 2024)

659:20-b Accessible Voting Systems.

- I. *Every city, every town, and every school district which has adopted an official ballot system shall:*
 - (a) *Ensure that each polling place has at least one accessible voting system.*
 - (b) *Enter into a pilot agreement with the secretary of state for the use of accessible voting systems in local elections.*
 - (c) *Bear the cost of programming for the city, town, or school district election with the vendor chosen and contracted with by the secretary of state, including any transfer of the system to and from the vendor.*
 - (d) *Store and maintain the accessible voting system or systems in a secure manner following election security guidance issued by the secretary of state.*
 - II. *The secretary of state shall:*
 - (a) *Enter into a pilot program agreement with cities and towns and provide accessible voting systems for use in city, town, and school elections.*
 - (b) *Provide guidance for programming the local ballots onto the accessible voting systems.*
 - (c) *Provide security guidance for the local storage and maintenance of the accessible voting system or systems used for city, town, and school district elections.*
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(Repealed Effective: June 30, 2025 – HB1264 Chapter 123, 2024) **659:20-b NEW above**

659:20-b Accessible Voting Systems.

- I. ~~(b) Enter into a pilot agreement with the secretary of state for the use of accessible voting systems in local elections.~~
 - II. ~~(a) Enter into a pilot program agreement with cities and towns and provide accessible voting systems for use in city, town, and school elections.~~
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(NEW Effective: September 1, 2024 – HB1125 Chapter 109, 2024)

91-A:2-c County Commissioner and Delegation Meetings; Public Notice and Comment.

I. In addition to all requirements set forth in RSA 91-A:2, county commissions and delegations shall allow public comment from county residents during a period specified by the chair of the delegation.

II. Any person who resides in the county for which the meeting is being held shall be permitted, within the parameters of this section, to participate in public comment session as designated by the chair. Every county resident wishing to provide spoken comment at a meeting shall be granted at least 3 minutes to speak. The allotted time for comment shall be the same for every person.

III. Notice for all non-emergency county commission and delegation meetings shall be posted as required in RSA 91-A:2.

(Amend Effective: July 19, 2024 – HB1302 Chapter 22, 2024)

669:17 Officers Who May be Elected; Election by Ballot or Other Means. –

The town officers specified in this section may be elected by ballot or by other means at annual town elections or meetings by the voters of the town as determined by said voters. Such an officer may not be elected by official ballot until the annual town election first following the establishment of the office. When a town votes to establish such an optional office, the town may also then vote to elect by any means at the same meeting an officer to serve until the next annual town election or meeting or may vote to authorize the officer with the power to fill a vacancy in the office as provided in RSA 669:61-669:75 to appoint someone until the next annual town election or meeting. This section applies to the following offices:

I. Town assessors (RSA 41:2-c through 2-i).

II. [Repealed.]

III. Overseers of public welfare (RSA 41:2).

IV. Constables or police officers, other than those elected under RSA 41:47 (RSA 41:2).

V. Elected planning board members (RSA 673:2).

V-a. Elected zoning board of adjustment members (RSA 673:3).

VI. Elected budget committee members (RSA 32:15).

VII. Tax collector for a 1-year term (RSA 41:2).

VIII. Fire chief or firewards for a term of one or more years, as determined by the local legislative body under RSA 154:1 through RSA 154:1-c.

VIII-a. Elected conservation commission members (RSA 36-A:3).

IX. Any other officers the town may judge necessary for managing its affairs under RSA 41:2.

(Amended Effective: July 13, 2024 – SB344 Chapter 16, 2024)

655:47 Declaration of Candidacy. –

I. The names of any persons to be voted upon as candidates for president at the presidential primary shall be printed on the ballots upon the filing of declarations of candidacy with the secretary of state in the following form and signed by the candidate:

I, _____, swear under penalties of perjury that I am qualified to be a candidate for president of the United States pursuant to article II, section 1, clause 4 of the United States Constitution, which states, "No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States." I further declare that I am domiciled in _____, in the city (or town or unincorporated place) of _____, county of _____, state of _____, that I am a registered member of the _____ party or that I am a recognized candidate for President in the party in which I desire to file; that I am a candidate for nomination for the office of president to be made at the primary election to be held on the _____ day of _____ *the date so designated by the secretary of state*; and I hereby request that my name be printed on the official primary ballot of said _____ party as a candidate for such nomination.

II. Declarations of candidacy shall be filed between the first Monday in November and the third Friday in November, or during such other time period as the secretary of state shall announce.

III. The decision of the secretary of state as to the regularity of declarations of candidacy filed under this section shall be final.

(Amended Effective: February 1, 2024 – HB154 Chapter 4, 2024)

652:16-c Absent Uniformed Services Voters. –

I. Members of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, *Space Force*, and National Guard, the commissioned corps of the National Oceanic and Atmospheric Administration, and the commissioned corps of the Public Health Service, and all regular and reserve components thereof, while in active service.

(Amended Effective: February 1, 2024 – HB154 Chapter 4, 2024)

656:12 Write-In Blanks. – At the end of the list of candidates for each office, there shall be left as many blank lines as there are offices to be filled which a voter may use to write in the name of any person for whom the voter desires to vote. *In cities and towns where an electronic ballot counting device is used for the counting of ballots, as provided in RSA 656:40, there shall be a square, box, oval, or other appropriate symbol for directing the voters where to make the appropriate mark directly to the right of each blank line.*

(Amended Effective: February 1, 2024 – HB154 Chapter 4, 2024)

656:13 Questions on the Ballot. – Except as provided in RSA 656:14, whenever a question is submitted to voters at a state general election as provided in RSA 663, the question shall be printed on the state general election ballot following the offices columns. Printed after the question there shall be 2 squares, *boxes, or ovals, or other appropriate symbol*, one with the word "yes" beside it and another with the word "no" beside it.

(Amended Effective: February 1, 2024 – HB154 Chapter 4, 2024)

656:15 Paper. – The state general election ballot shall be printed on plain white paper in weight not less than that of ordinary printing paper. A constitutional question submitted on a separate ballot shall be printed on colored paper, *or on plain white paper with a printed, colored header.*

(Amended Effective: February 1, 2024 – HB154 Chapter 4, 2024)

656:25 Color; Party Designation. – The state primary election ballots of all parties shall be printed upon colored paper *or on plain white paper with a printed, colored header*, but no ballots of any political party shall be printed upon paper *or printed with a printed, colored header*, of the same or a closely similar color as the ballots of another political party. On the back of each ballot *to be used in hand-count polling places* shall be printed in prominent type the name of the party.

(Amended Effective: February 1, 2024 – HB154 Chapter 4, 2024)

656:31 Form. – On the presidential primary election ballot of each political party, there shall be one column for the office of president. The column shall be headed "Candidate of the (insert name of party) Party for President of the United States." Underneath this heading there shall appear the words: "I hereby declare my preference for candidate for the office of President of the United States to be as follows." Below these words, there shall be printed **"(VOTE FOR NOT MORE THAN ONE)"** *"Vote for not more than 1"* followed by the name, town or city, and state of each candidate with *a square, box, boxes oval, or other appropriate symbol* directly to the right. There shall always be one blank space on the ballot below the candidates' names to allow for writing in the name of a candidate. *In cities and towns where an electronic ballot counting device is used for the counting of ballots, as provided in RSA 656:40, there shall be a square, box, oval, or other appropriate symbol for directing the voters where to make the appropriate mark directly to the right of the blank space.*

(Amended Effective: February 1, 2024 – HB154 Chapter 4, 2024)

656:40 Adoption. – The mayor and aldermen of any city or the selectmen of any town, subject to the approval of the ballot law commission, may authorize the use of one ~~or more of the~~ electronic ballot counting ~~devices~~ *devices approved by the ballot law commission and the number of those devices used* for the counting of ballots in such city or town ~~on a trial basis~~ for any regular or special election ~~and pay the expense of such trial from any available funds~~. The use of such ~~devices~~ *device* so authorized shall be valid for all purposes. Any town, or the mayor and aldermen of any city, may vote to lease or purchase electronic ballot counting devices *approved by the ballot law commission* for the elections held in said town or city. Any town, or the mayor and aldermen of any city, so acting shall notify the secretary of state of the action taken in regard to electronic ballot counting devices; and, after said action, electronic ballot counting devices shall be used in said town or city in accordance with said vote or authorization. If a special state election involving a state representative district occurs in a city or town that has adopted the provisions of RSA 656:40, the secretary of state may prepare and issue paper ballots which shall be used.

(Amended Effective: February 1, 2024 – HB154 Chapter 4, 2024)

656:41 Approval by Ballot Law Commission. – The ballot law commission shall act as a board to examine devices for the electronic counting of ballots. The commission shall, whenever requested, examine any device which may be capable of meeting the requirements for elections held in this state and shall, at least every 5 years, review current and new devices to determine whether the devices require upgrading. The commission, after such review, shall file an explanatory report with the secretary of state within 30 days of its determination that outlines the basis for its determination, taking into account such factors as hardware and software standards, policies and procedures, security requirements, and usability. The commission shall approve a device upon request in its discretion, and no device shall be used in any election in this state unless it reads the voter's choice on a paper ballot and is of a type so approved by the ballot law commission. Any device that is altered must be re-approved *by the ballot law commission* before it is used in any election in this state *in accordance with procedures set by the ballot law commission*. For the purposes of this section, a device shall be considered altered if any mechanical or electronic part, hardware, software, or programming has been altered.

(Amended Effective: February 1, 2024 – HB154 Chapter 4, 2024)

656:42 Rules. –

- VIII.
- (d)(1) To help ensure that the counting device cannot be tampered with or improperly accessed, the town or city clerk shall employ electronic ballot counting device seals *and seal the electronic ballot counting device in all places specified by the secretary of state in the election procedure manual published pursuant to RSA 652:22.* ~~specified by the secretary of state and seal the electronic ballot counting device in the following areas:~~
- (A) ~~The connection of the zippers on the closed canvas cover of the counting device carrying bag, case, or the device base for devices stored in their bases.~~
 - (B) ~~The memory device.~~
 - (C) ~~Electronic ballot counting device housing and all ports or access points to the device hardware or software, such that the seal(s) would be broken if the device is accessed.~~

(4) Before the moderator places into service a counting device on election day, the moderator *and clerk* shall *certify on the pre-election certificate required by RSA 658:32* ~~verify~~ all counting device seals have been maintained intact, and any seals which have been broken *in accordance with this section* have been ~~promptly~~ *appropriately* resealed and the activity log properly recorded and signed.

(11) Prior to placing the electronic ballot counting device or any memory device into service in an election, the moderator *and the clerk* shall *certify on the pre-election certificate required by RSA 658:32* that there is evidence that pre-election testing was conducted on each electronic ballot counting device and each memory device in the town or city clerk's possession, and that these ballot counting devices and memory devices have passed the test. *The moderator and clerk shall also certify on the pre-election certificate required by RSA 658:32 that all electronic ballot counting device seals are present, all seals have been maintained intact, and that any seals which have been broken in accordance with this section have been appropriately resealed and the activity log properly recorded and signed.*

(Amended Effective: February 1, 2024 – HB154 Chapter 4, 2024)

658:9 Arrangement. –

IV. In addition to the voting booths described in paragraphs II and III, each polling place shall have table-top voting *privacy* screens available for use in an election. Each voting *privacy* screen shall consist of 3 panels, to be positioned on a table or similar surface so that when a voter is marking a ballot he or she is provided privacy. Each panel of the *privacy* screen shall be at least 17 inches high and 15 inches wide.

V. (a) Each polling place shall have available for use in an election at least 2 of the voting booths described in paragraph II, one of the voting booths described in paragraph III, and 2 of the voting *privacy* screens described in paragraph IV.

(b) The minimum number of voting booths and *privacy* screens that shall be erected for an election shall be as follows:

(1) For a general election where votes will be cast for president, one for every 100 voters on the checklist. This requirement may be modified with the approval of the secretary of state and the attorney general for specific polling places, if conditions within the polling place will not permit the required number of voting booths. Under no circumstances shall the required number of voting booths drop below one booth for every 125 voters for a general election where votes will be cast for president.

(2) For a general election where votes will not be cast for president, one for every 125 voters on the checklist.

(3) For all other state elections, including the state primary election, one for every 150 voters on the checklist.

(4) For all city, town, school district, and village district elections, one for every 200 voters on the checklist.

(c) The minimum requirements established in subparagraph (b) may be satisfied with any combination of booths or *privacy* screens, provided that no more than 50 percent of the minimum requirement is satisfied by voting *privacy* screens and that the requirements of subparagraph (a) are also met. The moderator may require that booths or *privacy* screens exceeding the minimum number be erected or available at the polling place. ~~This section shall not be interpreted to mandate the erection of voting screens if there are sufficient booths to satisfy the requirements of subparagraph V(b).~~

(Amended Effective: February 1, 2024 – HB154 Chapter 4, 2024)

658:32 Moderator's Pre-Election Certificate. – The secretary of state shall prepare and distribute to each town or ward clerk ~~2~~ 3 copies of the ~~moderator's~~ *pre-election* certificate. When the ballots are counted, the moderator *and clerk* shall certify thereon the total number of ballots received. One copy shall be retained by the moderator for his or her records; *one copy shall be retained by the clerk for his or her records, and one copy* ~~the other~~ shall be ~~certified~~ *forwarded* by the clerk ~~and forwarded~~ to the secretary of state with the election returns pursuant to RSA 659:75.

(Amended Effective: February 1, 2024 – HB154 Chapter 4, 2024)

659:15 Voter Proceeds to Booth. – On receipt of his *or her* ballot, the voter shall forthwith without leaving the space enclosed by the guardrail proceed to one of the voting booths *or voting privacy screens* and shall mark his *or her* ballot.

(Amended Effective: February 1, 2024 – HB154 Chapter 4, 2024)

659:16 Number of Voters Allowed Within Guardrail. – The number of voters within the guardrail at any one time shall not exceed the number of voting booths *and voting privacy screens* at the polling place, provided that the number of voters shall not include election officers or any voter who is engaged in the act of handing his *or her* ballot to the moderator.

(Amended Effective: February 1, 2024 – HB154 Chapter 4, 2024)

659:17 Marking the Ballot; Instructions to Voters. –

The secretary of state shall provide on the top of the general election ballot the following voting instructions. The secretary of state is authorized to replace the phrase "Make the appropriate mark" with an appropriate description and example of the mark to be made for the type of ballot in use, such as "Make a cross (X) in the box;" or "Completely fill in the oval;" or ~~"Complete the arrow":~~

1) To Vote

Make the appropriate mark to the right of your choice. For each office vote for ~~not more than~~ up to the number of candidates stated in the ~~sentence~~ sentences: "Vote for not more than 1." (if there is only one office to be filled, such as governor or state senator); or "Vote for up to X;" "X will be elected" (insert the number of offices to be filled). If you vote for more than the stated number of candidates, your vote for that office will not be counted.

2) To Vote by Write-In

To vote for a person whose name is not printed on the ballot, write in the name of the person in the "write-in" space. ~~Make the appropriate mark to the right of your choice.~~ In cities and towns where an electronic ballot counting device is used for the counting of ballots, as provided in RSA 656:40, there shall be a square, box, oval, or other appropriate symbol for directing the voters where to make the appropriate mark directly to the right of each "write-in" space.

(Amended Effective: February 1, 2024 – HB154 Chapter 4, 2024)

659:21 Admittance Within Guardrail. – No person other than *representatives of the secretary of state, representatives of the attorney general*, the election officers, the voters admitted or those admitted to aid a voter pursuant to RSA 659:20 shall be permitted within the guardrail except by the authority of the election officers and, then, only for the purpose of keeping order and enforcing the law.

(Amended Effective: February 1, 2024 – HB154 Chapter 4, 2024)

659:23 ~~Folding and Depositing Ballot~~ Casting Ballots. –

I. Before leaving the voting booth *or voting privacy screen in a hand-count polling place*, the voter shall fold his ballot in the same way it was folded when received by him and shall keep it folded so that the marks on it cannot be seen. He shall then proceed to the checkout table and shall announce his name to the town clerk who shall repeat the name and place a mark beside it on his checklist. The voter shall then present his ballot with the official endorsement uppermost to the moderator who shall then deposit the ballot in the ballot box.

II. ~~The provisions of paragraph I shall not apply in cities and towns which use one or more electronic ballot counting devices for the counting of ballots, as provided in RSA 656:40.~~ In cities and towns where an electronic ballot counting device is used for the counting of ballots, as provided in RSA 656:40, a voter, after leaving the voting booth or voting privacy screen, shall feed their ballot into the electronic ballot counting device or follow the moderator's instruction for casting the ballot before leaving the guardrail. Privacy folders shall be available at the polling place for voters to use when carrying the marked ballot from the voting booth or voting privacy screen to the ballot counting device.

(Amended Effective: February 1, 2024 – HB154 Chapter 4, 2024)

659:25 Time Allowed for Voting. – The voter shall mark and deliver the ballot without undue delay and shall leave the enclosed space within the guardrail as soon as he or she has delivered the ballot to the moderator *or fed their ballot into the electronic ballot counting device in accordance with RSA 659:23. Except as provided in RSA 659:20, no* voter shall be allowed to occupy a voting booth *or voting privacy screen* already occupied by another voter nor be allowed to remain within the enclosed space more than the time determined by the moderator.

(Amended Effective: February 1, 2024 – HB154 Chapter 4, 2024)

658:28 Voter Instruction Cards to be Posted. – The secretary of state shall also prepare full instructions for the guidance of voters at such elections as to obtaining ballots, the manner of marking them, the method of gaining assistance and obtaining new ballots in place of those accidentally spoiled. He shall cause the same to be printed on separate cards to be called voter instruction cards and shall furnish a suitable number of the same to each town and ward clerk. Each town and ward clerk shall cause one voter instruction card to be posted in each voting booth *and voting privacy screen* and not less than 3 such cards to be posted immediately outside the guardrail in the polling place.

(Amended Effective: February 1, 2024 – HB154 Chapter 4, 2024)

659:41 Assault, Etc. – Any person who shall assault a town, city, or ward officer as provided in RSA 631 in the discharge of any duty of his office at any election shall be guilty of a class A felony or a class B felony, but never less than a class B felony, other provisions of the law to the contrary notwithstanding. Any person who shall take away, *tamper with*, injure, *attempt to injure*, *or* destroy, *or attempt to destroy* the ballot box or checklist when in use at any election shall be guilty of a class B felony.

(Amended Effective: February 1, 2024 – HB154 Chapter 4, 2024)

659:42 Tampering With Electronic Ballot Counting Devices. – Whoever shall *take away*, tamper with, *or* injure, *or* attempt to injure, *destroy, or attempt to destroy* any electronic ballot counting device for the counting of ballots to be used or being used in an election or whoever shall prevent or attempt to prevent the correct operation of such device or whoever shall tamper with software used in the counting of ballots or design such software so as to cause incorrect tabulation of the ballots or any unauthorized person who shall make or have in his or her possession a key to an electronic ballot counting device to be used or being used in an election shall be guilty of a class B felony if a natural person or guilty of a felony if any other person.

(Amended Effective: February 1, 2024 – HB154 Chapter 4, 2024)

659:47 Absentee Ballots Received Late. – No absentee ballot shall be processed or counted unless it is delivered to the moderator at the proper polling place *prior to the closing of the polls by the time identified in RSA 659:49, subject to exceptions identified in RSA 657:21-a and RSA 657:22.*

(Amended Effective: February 1, 2024 – HB154 Chapter 4, 2024)

659:53 Forms Not in Order. –

I. Except as provided in paragraph II, if the moderator finds that the absentee voter is not entitled to vote, the moderator shall not open the envelope containing the ballot and shall mark across the face of the envelope the reason the ballot is rejected, such as "rejected as not a voter" "voted in person," "affidavit improperly executed," "not signed by proper person," or whatever the reason is and shall record next to the name of the absentee voter on the clerk's list of absentee voter applicants prepared pursuant to RSA 657:15 the word "rejected" and the reason for the rejection. The clerk shall record this information in the statewide centralized voter registration database. The moderator shall save all the unopened envelopes and shall preserve the envelopes with the ballots cast at the election as provided in RSA 659:101.

II. If a UOCAVA voter or voter using the accessible system for voters with a print disability mails in their ballot using an envelope other than the affidavit and return envelope provided by the secretary of state under RSA 657:7, the moderator may open the envelope to determine if a signed affidavit is enclosed. If the moderator finds that the voter is not entitled to vote after opening the envelope to determine if a signed affidavit is enclosed, the moderator shall proceed as described in paragraph I.

659:64-a Counting Write-In Votes. –

I. In a town or city that uses a ballot counting device approved by the ballot law commission pursuant to RSA 656:40 and which prints *or digitally displays* an image of all write-in votes as part of the device's report of votes cast, a moderator may use the printed *or digitally displayed* images to count write-in votes in place of examining each ballot to obtain the name of the person who received a write-in vote.

II. The moderator shall cause all write-in votes, whether viewed on the ballot, ~~or~~ on the print out, *or on the digital display* to be examined for write-in votes that are for a person whose name is printed on the ballot as a candidate. Provided the voter did not overvote for that office, a write-in vote for a person whose name is on the ballot, shall be counted as a vote for that candidate. The moderator shall include that vote in the total of the number of votes cast for that candidate, adding votes by write-in to votes by a marked oval.
vote.

III. A ballot where the voter marked the oval beside the name of a candidate whose name is printed on the ballot and also wrote that same candidates name in as a write-in shall be counted as one vote for that candidate. The moderator shall include that one vote in the total number of votes cast for that candidate. The write-in shall not be counted separately as a write-in
vote.

~~IV. If the moderator shall not use the device report of printed images of write-in votes to fulfill the requirement for publicly announcing all persons receiving votes and the number of votes that person received, the printed images shall be stored for future reference and kept in the possession of the town or city clerk. If write in votes are tallied using the device report, the report shall be marked "name on ballot" or "NOB" beside each write-in vote that was counted as a vote for a candidate whose name was printed on the ballot.~~

~~V.~~ If the device report *or the digital image* is used to tally write-in votes, a copy of the report shall be preserved with the ballots used at the election. The printed report *or digital image* showing the write-in votes in the voter's handwriting shall be a non-public record, and shall be exempt from RSA 91-A. The moderator shall also provide the clerk with a copy of the printed *or digital* images of all write-in votes to be available as a non-public record to assist with post-election reporting.

~~V.~~ V. For all state elections, if used in the ballot counting process, the moderator and the clerk shall retain a copy of the printed *and the digital* images of all write-in votes to be available for reference if needed to resolve questions regarding the return of votes. The copy shall be a non-public document and shall be stored and used in a manner that limits the risk of exposing, through recognition of handwriting, the candidate written in by any voter.

659:73 General Content of Return. –

I. The election return forms shall be submitted on paper and electronically immediately after the completion of the vote count in the manner prescribed by the secretary of state. The return of votes shall include, but not be limited to:

(a) The name of each candidate printed on the ballot and the number of votes that candidate received for the listed office including any write-in votes for the same office on the same ballot where the voter did not mark the printed candidate name.

(b) For each office the *name and* total number of votes cast for each write-in candidate *who received 5 or more votes and the candidate's name, along with the aggregate number of all other write-in votes cast for each candidate receiving less than 5 votes*, excluding write-in votes for candidates whose names were printed on the ballot where the voter did not mark the printed candidate name and the vote is reported under subparagraph (a). *The return shall also include the sum of all write-in votes. In the sum do no include the write-in votes for candidates whose names are printed on the ballot where the vote is reported under subparagraph (a).*

(c) For any question submitted to the voters:

(1) The number of affirmative votes.

(2) The number of negative votes.

(d) In a primary, the number of ballots cast for each party.

(e) In a general election, the number of ballots cast.

(f) For each contest of ballot question, the number of overvotes and undervotes.

II. ~~Within 48 hours of the closing of the polls or other time ordered by the secretary of state, the moderator shall forward to the secretary of state a list of all write-in candidates receiving between one and 4 votes in the election.~~

III. The secretary of state shall provide guidance for completing the return of votes in the election procedure manual issued pursuant to RSA 652:22. The secretary of state may provide an electronic version of the return of votes capable of being used on a computer at the polling place to assist moderators and clerks in completing and submitting the paper and electronic forms.

IV. III. The moderator shall fill out a moderator's *post-election* certificate prepared by the secretary of state, which shall be recorded and signed by the moderator within 48 hours of the closing of the polls or other time ordered by the secretary of state and submitted to the clerk. The ~~worksheet~~ *post-election certificate* shall include, but not be limited to:

(a) The number of official ballots received from the secretary of state brought to the polling place by the city or town clerk on election day, excluding ballots marked as test ballots and used prior to election day to test an electronic ballot counting device.

(b) The number of official ballots cast on election day.

(c) If the polling place runs out of official ballots, the number of absentee ballots used as official ballots and cast.

(d) If the polling place runs out of official ballots, the number of ~~photocopy~~ *photocopied* ballots used as official ballots and cast.

~~(e) The number of Accessible Voting System ballots cast.~~

~~(f) The number of state absentee ballots cast.~~

~~(g) (f) The number of federal offices only absentee ballots cast.~~

~~(h) (g) The number of state write-in absentee ballots cast.~~

~~(i) (h) The number of federal write-in absentee ballots cast.~~

~~(j) (i) A comparison of the different methods of tallying ballots cast.~~

~~(k) For each election, the number of over voted ballots.~~

~~(l) For each contest or ballot question, the number of overvotes and undervotes.~~

V. IV. The moderator shall record and sign a names on checklist form within 48 hours of the closing of the polls, unless the secretary of state directs otherwise, and shall submit the form to the secretary of state, with a copy to the clerk. The names on checklist form shall include, but not be limited to:

VI. V. The moderator shall record and sign a ballots cast form prepared by the secretary of state within 48 hours of the closing of the polls, or other time ordered by the secretary of state, and shall submit the form to the secretary of state, with a copy to the clerk. The ballots cast form shall include, but not be limited to:

(a) The number of *official election day* ballots cast;

(b) The number of absentee ballots cast;

(c) The number of federal office only cast; and

(d) The total number of ballots cast.

VII. VI. The town or city clerk may require that forms be completed under this section earlier than the time required by the secretary of state.

(Amended Effective: February 1, 2024 – HB154 Chapter 4, 2024)

659:75 Forwarding; Retaining Copies of Return. –

II. For a city or town that uses an AccuVote electronic ballot counting device in a state election, the town or ward clerk shall print and forward a paper copy of the ~~long report tape~~ **results report** to the secretary of state with the return of votes form and shall keep a paper copy of the ~~long report tape~~ **results report** with the paper return of votes form that is retained by the town or city clerk in accordance with paragraph I.

(NEW Effective: February 1, 2024 – HB154 Chapter 4, 2024)

660:32 Audit Authorized. *The secretary of state is hereby authorized to conduct an audit of electronic ballot counting devices used in presidential primary, state primary, and state general elections. Except where otherwise provided by New Hampshire law, the secretary of state shall develop the audit plan. The secretary of state shall make the results of the audits available prior to 12:00 P.M. on the Friday following the election. The secretary of state shall also report the results to the ballot law commission and the chairs of the house of representatives and senate standing committees with jurisdiction over election law.*

(Amended Effective: February 1, 2024 – HB154 Chapter 4, 2024)

665:2 Alternate Member. – There shall be 5 members present in person at all meetings. In case any member of the commission is absent from any meeting or unable to perform his or her duties or disqualifies himself or herself as commissioner, an alternate member who shall have the same qualifications as those of the commissioner whose place he or she is temporarily filling shall perform the duties of the commissioner. *If a vacancy still exists the chair of the commission may choose a replacement from any other alternate attending the meeting.*

(Amended Effective: February 1, 2024 – HB154 Chapter 4, 2024)

669:23 Preparation of Voting Materials. –

I. The town clerk shall prepare the official ballots for the town and shall arrange the names of candidates upon said ballots in parallel columns. Immediately above the names of each block of candidates shall be printed the title of the office for which they are candidates, such as "For Selectman." Below the title of each office shall be printed in small but easily legible ~~type~~ **the words "Vote for not more than (here insert a number designating how many persons are to be voted for)."** **letters:**

- (a) "Vote for not more than 1: (if there is only one office to be filled)" or
- (b) "Vote for up to X; X will be elected" (insert the number of offices to be filled).

~~Directly to the right of the name of each candidate~~

II. *In cities and towns where an electronic ballot counting device is used for the counting of ballots, as provided in RSA 656:40, there shall be a square, box, oval, or other appropriate symbol for directing voters where to make the appropriate mark directly to the right of the name of each candidate. Whenever there are 2 or more candidates for the same office the names shall be printed upon the ballot in the alphabetical order of their surnames according to the alphabetization procedure established in RSA 656:5-a. Following the names printed on the ballot under the title of each office, there shall be as many blank lines as there are persons to be elected to that office which a voter may use to write in the name of any person for whom the voter desires to vote. In cities and towns where an electronic ballot counting device is used for the counting of ballots, as provided in RSA 656:40, there shall be a square, box, oval, or other appropriate symbol for directing the voters where to make the appropriate mark directly to the right of each blank line.*

(Amended Effective: February 1, 2024 – HB154 Chapter 4, 2024)

669:24 Paper, Uniformity, Endorsement. – The ballots shall be printed on plain white paper, in weight not less than that of ordinary printing paper; provided, however, that if more than one ballot is used during any town election, each ballot shall be of a different color, *or display a differently colored header on white paper*, than any other ballot used at the election. There shall be no impression or mark to distinguish one ballot from another. The names of all candidates shall be printed in uniform type and the ballots shall be folded so that their width and length when folded shall be uniform. On the back, or at the top of the face, of each ballot shall be printed the words "Official Ballot for the Town of _____," the date of the election, and a facsimile of the signature of the town clerk who prepared the ballot. For ballots transmitted electronically, the words "Official Ballot for the Town of _____" shall be located at the top of the face of the ballot.

(Repealed and Reenacted Effective: February 1, 2024 – HB154 Chapter 4, 2024)

~~**671:26 Counting Ballots.** – The town election officials shall act in like capacity for the school district in conducting the school district election. After the close of the polls, the town election officials shall turn all school district ballots over to the moderator of the school district, who shall then proceed to count the ballots publicly with the assistance of such legal voters of the district as the moderator of the school district shall appoint. Provided, however, that, in the case of cooperative school districts, the town election officials, immediately after the close of the polls, shall count the ballots for school district officers and, within 24 hours, forward to the school district clerk a list of the number of votes received by each candidate for school district office. The list shall be signed by the town clerk and witnessed by the town moderator. Upon receipt of the list, the cooperative school district clerk shall record the results from each town and shall, when the results from all towns within the district have been recorded, determine and announce the names of the winning candidates.~~

671:26 Counting Ballots.

I. The town election officials shall act in like capacity for the school district in conducting the school district election.

II. In a hand-count polling place, except as provided in RSA 671:26, IV, after the close of the polls, the town election officials shall turn all school district ballots over to the moderator of the school district, who shall then proceed to count the ballots publicly with the assistance of such legal voters of the district as the moderator of the school district shall appoint, and announce the name of every person voted for, the number of votes for each person, the winner of each office, and the results of each question.

III. In polling places which use an electronic ballot counting device for the counting of ballots, except as provided in RSA 671:26, IV, after the close of the polls, the town election officials, as provided in RSA 656:40, shall turn all school district ballots and device results over to the moderator of the school district, who shall then count write-in votes and ballots deposited into the hand-count bin of the electronic ballot counting device publicly with the assistance of such legal voters of the district as the moderator of the school district shall appoint. The moderator of the school district shall then proceed to combine the write-in and hand-count results with the electronic ballot counting device's results and announce the name of every person voted for, the number of votes for each person, the winner of each office, and the results of each question.

IV. In the case of cooperative school districts, within 24 hours, the town clerk shall forward to the school district clerk a list of the number of votes received by each candidate for school district office and for each question. The list shall be signed by the town clerk and witnessed by the town moderator. Upon receipt of the list the cooperative school district shall record the results from each town and shall, when the results from all towns within the district have been recorded, announce the name of every person voted for, the number of votes for each person, the winner of each office, and the results of each question.

(Amended Effective: February 1, 2024 – HB154 Chapter 4, 2024)

44:20 Color of Ballots. – In cities which use more than one ballot during any city election, each ballot shall be of a different color, *or display a differently colored header on white paper*, than any other ballot used at the election.

664:2 Definitions.—

As used in this chapter:

I. "Election" means any general biennial or special election, political party primary, or presidential preference primary as provided in RSA 664:1.

II. "Candidate" means any person publicly declared as such and for whom votes are sought in an election.

III. "Political committee" means:

(a) Any organization of 2 or more persons that promotes the success or defeat of a candidate or candidates or measure or measures, including the political committee of a political party;

(b) Any segregated fund established by any organization the purpose of which is to promote the success or defeat of a candidate or candidates or measure or measures;

(c) Any organization that has as its major purpose to promote the success or defeat of a candidate or candidates or measure or measures and whose receipts or expenditures total \$2,500 or more in a calendar year for that purpose;

(d) Any organization that does not have as its major purpose to promote the success or defeat of a candidate or candidates or measure or measures but that makes expenditures that total \$5,000 or more in a calendar year; or

(e) Any segregated fund that is voluntarily registered with the secretary of state for the purpose of reporting its receipts and expenditures under this chapter or any organization that voluntarily registers with the secretary of state, without regard to whether such segregated fund or organization meets the receipt or expenditure thresholds described in this paragraph.

As used in this paragraph, "organization" includes, but is not limited to, one or more natural persons; entities formed under state law, except those entities qualified under section 501(c)(3) of the United States Internal Revenue Code of 1986; committees formed by a candidate, exploratory campaign, or political party; and any other association of natural persons or entities formed under state law that is not registered as a business entity.

IV. "Political party" or "party" means any political organization or number of persons which can nominate candidates in any manner prescribed by law and has done so for the current election. The definition of the word "party" contained in RSA 652:11 shall not apply to this chapter.

V. "Political committee of a political party" means a state, county, regional, city, ward, or town committee of a political party. A regional committee shall be composed only of members who are residents of towns or cities that form a contiguous land area, and shall have been created and approved by the state committee of the political party. To establish regional committees, a party shall amend its by-laws to authorize them in principle; a copy of the by-law authorization and evidence of the approval for each regional committee by the state committee shall be filed by the political party with the secretary of state before the first Wednesday in June of that year.

VI. "Political advertising" means any communication, including buttons or printed material attached to motor vehicles, which expressly or implicitly advocates the success or defeat of any party, measure or person at any election.

VII. "Communication" shall include, but not be limited to, publication in any newspaper or other periodical or on any Internet site, broadcasting on radio, television, or over any public address system, transmission by telephone or facsimile, placement on any billboards, outdoor facilities, window displays, posters, cards, pamphlets, leaflets, flyers, or other circulars, or in any direct mailing.

VIII. "Contribution" shall mean a payment, gift, subscription, assessment, contract, payment for services, dues advance, forbearance or loan to a candidate or political committee made for the purpose of influencing the nomination or election of any candidate. "Contributions" shall include the use of any thing of value but shall not include the services of volunteers who receive no pay therefor or the use of personal resources by a candidate on behalf of his or her candidacy. Contributions may be used by candidates for expenses incurred by a candidate for child care.

IX. "Expenditure" shall mean the disbursement of money or thing of value or the making of a legally binding commitment to make such a disbursement in the future or the transfer of funds by a political committee to another political committee or to a candidate for the purpose of promoting the success or defeat of a candidate or candidates or measure or measures. "Expenditures" includes disbursements constituting independent expenditures, as defined in paragraph XI, and expenses incurred by a candidate for child care. It does not include:

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

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

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

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

X. "Measure" shall mean any constitutional amendment or question which is submitted or intended to be submitted to a popular vote at an election.

XI. "Independent expenditures" means expenditures that pay for the development and distribution of a communication that expressly advocates the election or defeat of a clearly identified candidate or candidates or the success or defeat of a measure or measures, which are made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, and which are not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate.

XII. "Full name" means an individual's full first name, middle name or initial, if any, and full legal last name, making the identity of the contributor apparent by unambiguous reference.

XIII. "Post office address" means an individual's principal place of residence and shall include a street and post office box, if any, city, state and zip code. "Post office address" shall not mean:

(a) An individual's business address.

(b) An individual's vacation home address or rental property address when the home or rental property is owned, but not occupied by the contributor.

(c) Any address not that of the contributor.

XIV. "Occupation" means an individual's official job title resulting from employment at or ownership of any agency or organization or other entity.

XV. "Principal place of business" means the primary organization or employer from which an individual derives his or her principal income and shall include the employer's official name and the employer's post office address.

XVI. "Business organization" means any enterprise, whether corporation, partnership, limited liability company, proprietorship, association, business trust, real estate trust or other form of organization, organized for gain or profit, and includes any enterprise which is expressly made exempt from income taxation under the United States Internal Revenue Code of 1986. It does not include a political committee as defined in RSA 664:2, III, or the political committee of a political party, as defined in RSA 664:2, V.

XVII. "Push polling" means:

(a) Calling voters on behalf of, in support of, or in opposition to, any candidate for public office by telephone; and
(b) Asking questions related to opposing candidates for public office which state, imply, or convey information about the candidates character, status, or political stance or record; and

(c) Conducting such calling in a manner which is likely to be construed by the voter to be a survey or poll to gather statistical data for entities or organizations which are acting independent of any particular political party, candidate, or interest group as part of a series of like telephone calls that consist of more than 2,000 connected calls that last less than 2 minutes in presidential, gubernatorial, United States senatorial, or United States congressional elections; or conducting such calling as part of a series of like telephone calls that consist of more than 500 connected calls that last less than 2 minutes in executive council, state senate, city, town, school district, or village district elections; or conducting such calling as part of a series of like telephone calls that consist of more than 200 connected calls that last less than 2 minutes in state representative elections; and

(d) Conducting such calling for purposes other than bona fide survey and opinion research.

XVIII. "Bona fide survey and opinion research" means the collection and analysis of data regarding opinions, needs, awareness, knowledge, views, experiences, and behaviors of a population, through the development and administration of surveys, interviews, focus groups, polls, observation, or other research methodologies, in which no sales, promotional, or marketing efforts are involved, and through which there is no attempt to influence a participant's attitudes or behavior. Bona fide survey and opinion research includes message testing, which is the study for research purposes of how randomly-selected individuals react to positive or negative information on a candidate, elected public official, or ballot question.

XIX. "Receipts" shall mean the receipt of money or thing of value or the receipt of a legally binding commitment to receive money or thing of value in the future for the purpose of promoting the success or defeat of a candidate or candidates or a measure or measures. Receipts shall not include amounts received by a political committee in commercial transactions in the ordinary course of any trade or business conducted by the political committee or in the form of investments in the political committee or amounts received by the political committee from payors who, at the time of payment, prohibited, in writing, the use of the payment as an expenditure.

XX. "Segregated fund" shall mean a segregated account of money that consists of funds that were paid directly to such account by persons other than the covered political committee that controls the account from which only expenditures defined in paragraph IX are made.

XXI. "Clearly identified candidate" means that the name of the candidate involved appears; a photograph or drawing of the candidate appears; or the identity of the candidate is otherwise apparent.

XXII. "Political advocacy organization" means any entity that makes expenditures of \$2,500 or more in a calendar year for communication that is functionally equivalent to express advocacy such that, when taken as a whole, such communication is likely to be interpreted, all or in part, by a reasonable person as advocating the election or defeat of a candidate or candidates, or the success or defeat of a measure or measures, taking into account whether the communication involved mentions a candidacy, a political party, or takes a position on a candidate's character, qualifications, or fitness for office.

664:2 Definitions.

As used in this chapter:

I. "Election" means any general biennial or special election, political party primary, or presidential preference primary as provided in RSA 664:1.

II. "Candidate" means an individual who seeks election to any public office or party position to be voted at a primary, general, or special election, whether or not the public office or party position has been specifically identified at such time and whether or not such individual is nominated or elected. An individual shall be considered a candidate seeking election, or re-election, if the individual has:

(a) Taken the action necessary to qualify for election, such as filing as a candidate;

(b) Taken the action or authorized any other person to obtain, nominating petitions to qualify for election, or election to office; or

(c) Received contributions or made expenditures, or given consent to any other person to receive contributions or make expenditures, with the purpose to bring about the individual's nomination for election, or election, to office at any time during the election cycle.

III. "Political committee" means any organization that receives contributions or makes expenditures for the purpose of promoting the success or defeat of a candidate, candidates, measure, or measures, including but not limited to the following:

(a) Candidate committee created by a candidate running for office;

(b) Political advocacy organization to promote issues and ideas that may influence voters' choices on the ballot as further defined in RSA 664:2, XXII;

(c) Political committee of a political party as further defined in RSA 664:2, V to support candidates of the party running for office; or

(d) The committee of a segregated fund established by any organization with a separate legal existence, the purpose of which is to promote the success or defeat of a candidate or candidates or measure or measures.

IV. "Political party" or "party" means any political organization or number of persons which can nominate candidates in any manner prescribed by law and has done so for the current election. The definition of the word "party" contained in RSA 652:11 shall not apply to this chapter.

V. "Political committee of a political party" means a state, county, regional, city, ward, or town committee of a political party. A regional committee shall be composed only of members who are residents of towns or cities that form a contiguous land area, and shall have been created and approved by the state committee of the political party. To establish regional committees, a party shall amend its by-laws to authorize them in principle; a copy of the by-law authorization and evidence of the approval for each regional committee by the state committee shall be filed by the political party with the secretary of state before the first Wednesday in June immediately following the amendment.

VI. "Political advertising" means any communication by any medium or in any format, including buttons or printed material attached to motor vehicles, which expressly advocates or is the functional equivalent of express advocacy for the success or defeat of any party, measure, candidate, or person at any election.

VII. "Communication" means imparting, exchanging, or sending, of information by any medium or in any format, including, but not be limited to, publication in any newspaper or other periodical or on any Internet site on social media, or other digital method, broadcasting on radio, television, or over any public address system, transmission by telephone or facsimile or text message or email, placement on any billboards, outdoor facilities, window displays, posters, cards, pamphlets, leaflets, flyers, or other circulars, or in any direct mailing.

VIII. "Contribution" means anything of value received or made for the purpose of promoting the success or defeat of a candidate, candidates, measure, measures, or political party, including, but not limited to a payment, gift, subscription, assessment, contract, payment for services, dues advance, forbearance, loan to a candidate or political committee, or personal or professional services for less than full consideration, or the use of anything of value.

IX.(a) "Expenditure" means any of the following that promotes the success or defeat of a political party, candidate, candidates, measure, or measures: the purchase, payment, contribution, subscription distribution, loan, advance deposit, or gift of money or any thing of value; the making of a legally binding commitment to make a purchase, payment, contribution, subscription distribution, loan, advance, deposit, or gift of money or anything of value in the future; or the transfer of funds by a political committee to another political committee or to a candidate. "Expenditure" includes, but is not limited to, disbursement of funds for:

(1) Communications:

(A) That contain express advocacy or its functional equivalent supporting or opposing the election of a candidate, candidates, measure, or measures; or

(B) That promote the success or defeat of a party, candidate, candidates, measure, or measures regardless of whether the communication or activities contain express advocacy or its functional equivalent.

(2) Partisan voter activity, partisan voter registration activity, partisan get-out-the-vote activity, or other partisan campaign-related activities.

(3) Research, design, production, polling, data analytics, mailing or social media list acquisition, or other activities conducted in preparation for or in conjunction with communications or activities described in this paragraph.

(4) Childcare expenses incurred by a candidate if the expenses are a direct result of the candidate's activities.

(5) An independent expenditures, as defined in paragraph XI.

(6) Travel and subsistence expenditures related to constituent service or to an office sought or held.

(b) "Expenditure" does not include:

(1) The candidate's expenses for non-campaign travel and subsistence.

(2) Activity designed to encourage individuals to register to vote or to vote, if that activity or communication is non-partisan.

(3) Any communication by any membership organization or corporation to its members or stockholders, if the primary purpose of that membership organization or corporation is not for the purpose of promoting the success or defeat of a candidate or candidates and measure or measures.

(4) Any communication by any political committee member that is not made for the purpose of promoting the success or defeat of a candidate or candidates or measure or measures or political party.

(5) Payment for incidental items, such as auto expenses and child care that the candidate chooses to pay for with personal funds.

X. "Measure" shall mean any constitutional amendment or question that is submitted or intended to be submitted to a popular vote at an election.

XI. "Independent expenditure" means the disbursement of funds for an expenditure made by a political committee or person that promotes the success or defeat of any candidate or measure that is made without cooperation or consultation with any candidate, political committee of a candidate, or any authorized agent of such candidate, and which are not made in concert with, or at the request or suggestion of any political party, candidate, political committee of a candidate, or any authorized agent of such candidate.

XII. "Full name" means an individual's full first name, middle name or initial, if any, and full legal last name, making the identity of the contributor apparent by unambiguous reference.

XIII. "Person's post office address" means:

(a) If an individual, the address used by the individual for voter registration purposes; and

(b) If a person that is not an individual, the primary business location of the person, which shall include a street and post office box, if any, city, state, and zip code.

(c) "Person's post office address" shall not mean:

(1) An individual's business address.

(2) An individual's vacation home address or rental property address when the home or rental property is owned, but not occupied by, the contributor.

(3) Any address not that of the contributor.

XIV. "Occupation" means an individual's official job title resulting from employment at or ownership of any agency or organization or other entity.

XV. "Principal place of business" means the primary organization or employer from which an individual's principal income is derived and shall include the employer's official name and the employer's post office address.

XVI. "Business organization" means any enterprise, whether corporation, partnership, limited liability company, proprietorship, association, business trust, real estate trust, or other form of organization, organized for gain or profit, and includes any enterprise which is expressly made exempt from income taxation under the United States Internal Revenue Code of 1986. It does not include a political committee of a political party as defined in RSA 664:2, III.

XVII. "Push-polling" means:

(a) Communications with voters on behalf of, in support of, or in opposition to, any candidate or candidates for public office or measure or measures by any means, including, but not limited to telephone, text, via the Internet, through social media or digitally; and

(b) Asking questions related to opposing candidates for public office which state, imply, or convey information about the candidate's character, status, or political stance or record; and

(c) Conducting such communication in a manner which is likely to be construed by the voter to be a survey or poll to gather statistical data for entities or organizations which are acting independent of any particular political party, candidate, measure, or interest group as part of a series of like communication that consist of more than 2,000 connected communications that last less than 2 minutes in presidential, gubernatorial, United States senatorial, or United States congressional elections; or conducting such communications as part of a series of like communications that consist of more than 500 communications that last less than 2 minutes in executive council, state senate, city, town, school district, or village district elections; or

conducting such communications as part of a series of like communications that consist of more than 200 communications that last less than 2 minutes in state representative elections; and

(d) Conducting such communication for purposes other than bona fide survey and opinion research.

XVIII. "Bona fide survey and opinion research" means the collection and analysis of data regarding opinions, needs, awareness, knowledge, views, experiences, and behaviors of a population, through the development and administration of surveys, interviews, focus groups, polls, observation, or other research methodologies, in which no sales, promotional, or marketing efforts are involved, and through which there is no attempt to influence a participant's attitudes or behavior. Bona fide survey and opinion research includes message testing, which is the study for research purposes of how randomly-selected individuals react to positive or negative information on a candidate, elected public official, or ballot question.

XIX. "Receipts" shall mean the receipt of money or anything of value or the receipt of a legally binding commitment to receive money or thing of value in the future for the purpose of promoting the success or defeat of a candidate or candidates or a measure or measures or political party. Receipts shall not include amounts received by a political committee in commercial transactions in the ordinary course of any trade or business conducted by the political committee or in the form of investments in the political committee or amounts received by the political committee from payors who, at the time of payment, prohibited, in writing, the use of the payment as an expenditure.

XX. "Segregated fund" shall mean a segregated account of money that consists of funds that were paid directly to such account by persons other than the covered political committee that controls the account from which only expenditures defined in paragraph IX are made.

XXI. "Clearly identified candidate" means that the name of the candidate involved appears; a photograph or drawing of the candidate appears; or the identity of the candidate is otherwise apparent.

XXII. "Political advocacy organization" means any entity that makes expenditures of \$1,000 or more in an election cycle for communication that is functionally equivalent to express advocacy such that, when taken as a whole, such communication is likely to be interpreted, all or in part, by a reasonable person as promoting the success or defeat of a candidate or candidates, of a measure or measures or a political party, taking into account whether the communication involved mentions a candidacy, a political party, or takes a position on a candidate's character, qualifications, or fitness for office. For the purposes of this chapter, a contribution from a political advocacy organization to a candidate or other political committee is communication that is functionally equivalent to express advocacy.

XXIII. "Election cycle" means the period of time beginning on the twenty-second day after a state general election through 21 days after the next state general election. For special elections, the election cycle shall be the period of time from when a vacancy is created through 21 days after the special election.

XXIV. "Success or defeat" means the support, praise, or promotion of, opposition to, or attack on a candidate or candidates or a measure or measures.

XXV. "Person" means an individual, collection of individuals, business organization, club, or any other entity created under the law.

XXVI. "Individual" means a human being.

XXVII. "Organization" means a group of 2 or more individuals, business entities formed under state law, except those entities qualified under section 501(c)(3) of the United States Internal Revenue Code of 1986, or any other association of individuals or entities formed under state law that is not registered as a business entity.

(Repealed and Reenacted Effective: January 1, 2025 – HB1091 Chapter 365, 2024)

664:3 Registration of Political Committees.—

I. Any political committee, except the political committee of a political party, shall register with the secretary of state as provided in this section. A political committee may register for an election cycle at any time after the final report is due following the then most recent general election. The committee's registration shall be received by the secretary of state not later than 48 hours after the committee meets at least one of the criteria under RSA 664:2, III. The registration shall be accompanied by an itemized statement of the receipts and expenditures, if any, made by the political committee in the election cycle prior to registration. Such itemization shall be made pursuant to the manner set forth in RSA 664:6. The registration shall also be accompanied by a fee of \$50, which shall be deposited by the secretary of state into the general fund; provided, however, that the political committee of a candidate that registers under this section shall not be required to pay the \$50 fee. Each political committee shall designate a treasurer or agent who is a citizen of this state and who is authorized to receive all process and other legal documents on behalf of the political committee, and through whom may be obtained access to all books and records of the political committee. The political committee shall file with the secretary of state a statement of the purpose of the committee and shall indicate whether the committee will be making independent expenditures. The registration shall also include a statement of the name, address, occupation, and principal place of business of its chairperson and treasurer or agent, and the names and addresses of other officers. The committee shall file

~~an amendment to its registration within 14 days of any change in the officers or purpose of the committee.~~
~~II. 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.~~
~~III. Any political committee which is organized to support a candidate in any election shall secure the written consent of the candidate or his fiscal agent before it receives contributions or makes expenditures. Such written consent shall be filed with the secretary of state when the statements required by paragraph I are filed.~~
~~IV. All political committees' registrations under this chapter shall be valid from the date of registration until 10 days after the primary or general election, whichever is appropriate, unless terminated sooner, in writing, by the chairman and the treasurer of the committee. However, any committee which has a continuing obligation to report as required under RSA 664:6 shall continue to exist for the purpose of making such reports.~~
~~V. Any political committee or political advocacy organization that is exempt from taxation under sections 501(c)(4), 501(c)(5), or 501(c)(6) of the United States Internal Revenue Code of 1986 may disclose, but shall not be required to disclose in its itemized statement of receipts, the identity of its donors.~~
~~VI. For purposes of filing expenditure reports pursuant to RSA 664:6 and RSA 664:7, a candidate for office may choose to file as a candidate or, if such candidate creates a candidate committee, as a candidate committee.~~

664:3 Registration of Political Committees.

I.(a) Any political committee, except the political committee of a political party, shall register with the secretary of state as provided in this section. Registration shall be made through the secretary of state's online campaign finance system. A political committee may register at any time during the election cycle, but the committee's registration shall be received by the secretary of state not later than 48 hours after the committee meets at least one of the criteria under RSA 664:2, III. The registration shall be accompanied by an itemized statement of the receipts and expenditures, if any, made by the political committee in the current election cycle prior to registration. Such itemization shall be made pursuant to the manner set forth in RSA 664:6. The registration shall also be accompanied by an administration fee of \$50, unless exempt pursuant to subparagraph (c), which shall be deposited by the secretary of state into the general fund.

(b) Each political committee shall designate a treasurer who is a citizen of this state and who is authorized to receive all process and other legal documents on behalf of the political committee, and through whom may be obtained access to all books and records of the political committee. The political committee shall file with the secretary of state a statement of the purpose of the committee and shall indicate whether the committee will be making independent expenditures. The registration shall also include a statement of the name, address, occupation, and principal place of business of its chairperson and treasurer and the names and address of other officers. The committee shall file an amendment to its registration within 14 days of any change in the officers or purpose of the committee.

(c) The political committee of a candidate or a political committee of a political party that registers under this chapter shall not be required to pay the \$50 administration fee provided in subparagraph (a).

II. No member of a political committee which is required to register under RSA 664:3, I, 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.

III. All political committees' registrations under this chapter shall be valid from the date of registration through 21 days after the primary or general election, whichever is appropriate, unless terminated sooner, in writing, by the chairperson and the treasurer of the political committee. However, any political committee which has a continuing obligation to report as required under RSA 664:6 shall have its registration automatically renewed according to RSA 664:6, V.

IV. Any political committee that is exempt from taxation under sections 501(c)(4), 501(c)(5), or 501(c)(6) of the United States Internal Revenue Code of 1986 may disclose, but shall not be required to disclose in its itemized statement of receipts, the identity of its donors. Any political committee affected by this section who chooses not to disclose the identity of its donors shall place the following disclosure on all communications to voters: "This organization has an exemption under federal law and is not required, and chooses not, to disclose its donors."

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

664:4 Prohibited Political Contributions.—

No contribution, whether tangible or intangible, shall be made to a candidate, a political committee, or political party, or in behalf of a candidate or political committee or political party, directly or indirectly, for the purpose of promoting the success or defeat of any candidate or political party at any state primary or general election:

- I. By any partnership as such or by any partner acting in behalf of such partnership.
- II. By any labor union or group of labor unions, or by any officer, director, executive, agent, or employee acting in behalf of such union or group of unions, or by any organization representing or affiliated with any such union or group of unions, or by any officer, director, executive, agent, or employee acting in behalf of such organization.
- III. By any person:
 - (a) If made anonymously or under a name not that of the donor.
 - (b) If made in the guise of a loan.
 - (c) If any other manner concealed.
 - (d) If made without the knowledge and written consent of the candidate or the candidate's fiscal agent, a political committee or its treasurer, or not to any one of the same.
 - (e) In excess of the limits established in paragraph IV.
- IV. By a person or corporation in excess of the following amounts:

	Maximum amount contributed during exploratory phase	Additional maximum amount that may be contributed for the primary election.	Additional maximum amount that may be contributed for the general election.	Total maximum amount of contributions:
Contributed to:				
Candidate or Candidate Committee	\$5,000	\$5,000	\$5,000	\$15,000
Non-candidate political committee or political party	\$10,000	\$10,000	\$10,000	\$30,000
Political advocacy organization	Unlimited	Unlimited	Unlimited	Unlimited

V. By any candidate committee, non-candidate political committee, or political advocacy organization in excess of the following amounts:

	Maximum amount contributed during exploratory phase	Additional maximum amount that may be contributed for the primary election.	Additional maximum amount that may be contributed for the general election.	Total maximum amount of contributions:
Contributed to:				
Candidate or Candidate Committee	Unlimited	Unlimited	Unlimited	Unlimited

[Redacted]

Non-candidate political committee or political party Unlimited Unlimited Unlimited Unlimited

[Redacted]

Political advocacy organization Unlimited Unlimited Unlimited Unlimited

~~VI. A partnership or labor organization may establish its own political committee, which may make contributions to a candidate, political committee, or political party, so long as the funds used by the political committee are separate from the other partnership or labor organization funds.~~

664:4 Prohibited Political Contributions.

No contribution, whether tangible or intangible, shall be made to a candidate, a political committee, or political party, or on behalf of a candidate or political committee or political party, directly or indirectly, for the purpose of promoting the success or defeat of any candidate or political party during any state election cycle:

- I. By any partnership as such or by any partner acting on behalf of such partnership.*
- II. By any labor union or group of labor unions, or by any officer, director, executive, agent, or employee acting on behalf of such union or group of unions, or by any organization representing or affiliated with any such union or group of unions, or by any officer, director, executive, agent, or employee acting on behalf of such organization.*
- III. By any person:*
 - (a) If made anonymously or under a name not that of the donor.*
 - (b) If made in the guise of a loan.*
 - (c) If any other manner concealed.*
 - (d) In excess of the limits established in paragraph IV or V.*

IV. By an individual or corporation in excess of the following amounts per election cycle:

<i>Contributed to:</i>	<i>Maximum amount of contributions:</i>
<i>Candidate or candidate committee</i>	<i>\$15,000</i>
<i>Political advocacy organization</i>	<i>Unlimited</i>
<i>Any other political committee or political party</i>	<i>\$30,000</i>

V. By any candidate or political committee in excess of the following amounts:

<i>Contributed to:</i>	<i>Maximum amount of contributions:</i>
<i>Candidate or candidate committee</i>	<i>Unlimited</i>
<i>Political advocacy organization</i>	<i>Unlimited</i>
<i>Any other political committee or political party</i>	<i>Unlimited</i>

~~VI. A partnership or labor organization may establish its own political committee, which may make contributions to a candidate, political committee, or political party, so long as the funds used by the political committee are separate from the other partnership or labor organization funds.~~

(Amended Effective: January 1, 2025 – HB1091 Chapter 365, 2024)

664:4-a Prohibited Coercion of Political Contributions. –

I. No person shall knowingly coerce, or attempt to coerce, any classified state employee to give or withhold a contribution to any political campaign or political committee, or to any candidate, or party or cause, for the purpose of promoting the success or defeat of any candidate or political party.

(Amended Effective: January 1, 2025 – HB1091 Chapter 365, 2024)

664:4-b Surplus Campaign Contributions and Deficits. – Surplus campaign contributions *and deficits at the end of an election cycle shall be reported as the opening balance in the next election cycle's first statement. Surplus contributions* may be used *after a general or special election* for fund raising activities and any other politically related activity sponsored by the candidate, or for donations to charitable organizations. Such surplus campaign contributions, however, shall not be used for personal purposes *or other prohibited expenditures under RSA 664:5. All expenditures shall be reported according to RSA 664:6 through RSA 664:9. Special election cycle surpluses and deficits shall continue to be reported according to RSA 664:6 until a zero balance is reported.*

(Amended Effective: January 1, 2025 – HB1091 Chapter 365, 2024)

664:5 Prohibited Political Expenditures. –

No expenditure or use of a contribution, tangible or intangible, shall be made for the purpose of promoting the success or defeat of any political party, measure or candidate:

I. By a political committee, ~~except the political committee of a political party,~~ unless the political committee meets the requirements of RSA 664:3, I.

II. ~~By a political committee which is organized to support a candidate in any election, or to such candidate or the candidate's fiscal agent unless the committee secures and files the written consent of the candidate or the candidate's fiscal agent with the secretary of state in accordance with RSA 664:3, III.~~

III. By any person, candidate or political committee, for political advertising in *any format, including, but not limited to* newspaper, periodical, or on a radio or television broadcast, or on a billboard, if at a rate more or less than the applicable rates to be filed with the secretary of state.

IV, V. ~~[Repealed.]~~

VI ~~III.~~ By any foreign national, as defined in 52 U.S.C. section 30121(b) and 11 C.F.R. section 110.20(a)(3), ~~for any purpose, including for the use of telephones, facsimile machines, vehicles, and computers, for electioneering. For the purposes of this paragraph, "electioneering" means to act in any way specifically designed to influence the vote of a voter on any question or office.~~

(Repealed and Reenacted Effective: January 1, 2025 – HB1091 Chapter 365, 2024)

664:6 Reporting by Political Committee. –

I. ~~Any political committee whose receipts or expenditures exceed \$1,000 shall file with the secretary of state an itemized statement in the form prescribed by the secretary of state, signed by its chairman and treasurer showing each of its receipts exceeding \$50 with the full name and postal address of the contributor in alphabetical order and the amount of the contribution, the date it was received, and the aggregate total for each election for each contributor of over \$200. Statements shall be filed not later than the first Wednesday in June and December after the state general election and before the filing deadline established in RSA 655:14, after which statements shall be filed no later than the Wednesday 12 weeks immediately preceding a primary election, before 5 o'clock in the afternoon, and shall cover the period from the day of the committee registration up to and including the Monday before the statement is due. All receipts of \$50 or under shall appear on the statements as unitemized receipts. Any listing that exceeds an individual's aggregate total of \$200 for each election shall be accompanied by the contributor's occupation including official job title, the name of the contributor's employer, and the city or town of the contributor's principal place of business, if any. The statement shall also show each committee expenditure exceeding \$50 with the full name and postal address of the payee or promise of payment, the date paid or obligated, and the election for which the expenditure was made, with the specific nature and amount of each expenditure since the date of the registration.~~

II. ~~A political committee shall file an itemized statement in the same form as in paragraph I with the secretary of state not later than the Wednesday 3 weeks immediately preceding a primary and a general election, before 5 o'clock in the afternoon. The statement shall summarize the period under paragraph I if a statement is filed and shall itemize all receipts and expenditures since the cutoff of that statement up until the Monday preceding the filing of the statement under this paragraph.~~

II-a. ~~A political committee shall file a statement in the same form as in paragraph I with the secretary of state not later than the Wednesday immediately preceding a primary and a general election, before 5 o'clock in the afternoon. The statement shall summarize the statements under paragraphs I and II if such statements are filed and itemize all receipts and expenditures since the cutoff of the statement under paragraph II up until the Monday preceding the filing of the statement under this paragraph. In addition to the reporting requirements contained in this section, the secretary of state shall be~~

notified by the fiscal agent within 48 hours of any contribution exceeding \$500 that is received after the statement under this paragraph is filed and prior to the day of election.

III. A political committee shall file an itemized statement in the same form as in paragraph I summarizing the previous statements if such statements are filed and itemizing all receipts and expenditures since the cutoff of the previous report and ending on the day of the primary or the general election with the secretary of state not later than the second Wednesday after the election, before 5 o'clock in the afternoon.

IV. Any political committee whose receipts or expenditures do not exceed \$1,000 for a reporting period need not file. However, when a committee's accumulated receipts or expenditures for an election exceed \$1,000 the committee shall file a statement at the next reporting deadline, and shall continue to file at each reporting deadline.

IV-a. Any political committee whose independent expenditures, in aggregate, exceed \$1,000 shall file an itemized statement with the secretary of state which shall be received by the secretary of state not later than 48 hours after such expenditures are made, and thereafter each time a further \$1,000 is expended. Such itemized statements shall cover the period during which independent expenditures totaling \$1,000 were made. Each statement shall include a certification by the chairman of the political committee that the independent expenditure meets the definition in RSA 664:2, XI. Each statement shall contain the date of each independent expenditure; the name and address of the person to whom the expenditure was made; the name of the candidate on whose behalf or against whom each independent expenditure was made; the amount of each expenditure; the purpose of each expenditure, and the aggregate amount of all previous independent expenditures. If the independent expenditure is made in support of or in opposition to more than one candidate, the statement made under this paragraph shall allocate the way in which the expenditure was made among the candidates on a reasonable basis. For the purposes of this paragraph, "reasonable basis" means a statement that reflects the benefit or the burden reasonably expected to be derived or suffered by each candidate. The filing requirements of this paragraph shall be in addition to all other filing requirements under this section, and shall not be limited to the filing periods during which expenditures must otherwise be reported.

V. Any political committee which has any outstanding debt, obligation, or surplus following the election shall file reports at least once every 6 months thereafter in the same form as in paragraph I until the obligation or indebtedness is entirely satisfied or surplus deleted, at which time a final report shall be filed.

VI. Copies of the statements required by paragraphs II through V of the state committee of a political party shall be filed with the secretary of state in sufficient numbers so as to provide a copy for the state committee of each party on the ballot, which they may obtain by application to the secretary of state.

VII. Any national political party committee of a party as defined in RSA 652:11 may make contributions or expenditures on behalf of state candidates without complying with the requirements of paragraphs I through V, provided that the total contribution or expenditure made in behalf of a candidate or political committee in this state whether directly or indirectly does not exceed the limit for personal contributions in RSA 664:4.

VIII. The provisions of this paragraph shall apply only to a political committee for an individual candidate who is seeking a federal office whose holder is chosen by the voters of this state only. Such a committee which is required by federal law to file with the federal government reports relative to receipts and expenditures in support of such one candidate may choose, at the time of registering under RSA 664:3, I, to file with the secretary of state copies of reports made to the federal government in accordance with the timetable established by federal laws for such reports in lieu of complying with the other reporting requirements of this section.

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

664:6 Reporting by Political Committees.

I. Any political committee whose receipts or expenditures exceed \$1,000 in an election cycle, shall file with the secretary of state an itemized statement, in the form prescribed by the secretary of state, signed by its chairman and treasurer. The \$1,000 threshold shall not apply to political committees renewed under RSA 664:6, V; these political committees shall continue to file until a zero balance is reported. The statement shall detail the full name and postal address of each contributor in alphabetical order, the amount of the contribution, the date it was received, and the aggregate total for each election cycle. For contributors who, in the aggregate, donate \$50 or less in an election cycle, their personal identifying information shall not be publicly available in the secretary of state's campaign finance system, and their personal identifying information shall be exempt from disclosure under RSA 91-A. Any receipts from a contributor with aggregate receipts of \$50 or under shall appear on the statements as unitemized receipts. Any receipt that exceeds a contributor's aggregate total of \$200 for each election cycle shall be reported with the contributor's occupation, the name of the contributor's employer, and the city or town of the contributor's principal place of business, if any. The statement shall also show each expenditure with the full name and postal address of the payee or promisee of payment, the date paid or obligated, whichever occurred first, and the specific nature and amount of each expenditure. Statements shall cover the period beginning the day after the last day covered in the prior statement period up to and including the Sunday before the statement is due, except for the statement in subparagraph (i) below which shall be inclusive through the Tuesday before the statement is due. For a candidate or a political committee of a candidate, as defined in RSA 664,

where the candidate has not filed a declaration of candidacy or intent, as defined in RSA 655, for the current election cycle, only subparagraphs (a), (b), (c), and (i) apply. Statements shall be filed not later than 5:00 p.m. according to the following schedule:

- (a) First Wednesday in June after the state general election;
- (b) First Wednesday in December one year after the state general election;
- (c) Wednesday 12 weeks before primary election;
- (d) Wednesday 3 weeks before primary election;
- (e) Wednesday before primary election;
- (f) Second Wednesday after the primary election;
- (g) Wednesday 3 weeks before general election;
- (h) Wednesday before general election;
- (i) Fourth Wednesday after the general election.

II. Any political committee whose receipts or expenditures do not exceed \$1,000 for an election cycle need not file. However, when a committee's accumulated receipts or expenditures for an election cycle exceed \$1,000 the committee shall file a statement, inclusive of all receipts and expenditures for the election cycle, at the next reporting deadline, and shall continue to file at each reporting deadline.

III. Any political committee whose independent expenditures, in aggregate, exceed \$1,000 shall file an itemized statement with the secretary of state which shall be received by the secretary of state not later than 48 hours after such expenditures are made, and thereafter each time a further \$1,000 is expended. Such itemized statements shall cover the period during which independent expenditures totaling \$1,000 were made. Each statement shall include a certification by the chairman of the political committee that the independent expenditure meets the definition in RSA 664:2, XI. Each statement shall contain the date of each independent expenditure; the name and address of the person to whom the expenditure was made; the name of the candidate on whose behalf or against whom each independent expenditure was made; the amount of each expenditure; the purpose of each expenditure, and the aggregate amount of all previous independent expenditures. If the independent expenditure is made in support of or in opposition to more than one candidate, the statement made under this paragraph shall allocate the way in which the expenditure was made among the candidates on a reasonable basis. For the purposes of this paragraph, "reasonable basis" means a statement that reflects the benefit or the burden reasonably expected to be derived or suffered by each candidate. The filing requirements of this paragraph shall be in addition to all other filing requirements under this section, and shall not be limited to the filing periods during which expenditures must otherwise be reported.

IV. Any political committee not subject to a registration fee under RSA 664:3 which has any outstanding debt, obligation, or surplus following the election cycle shall have its registration automatically renewed for the next election cycle. All other registered political committees will be conditionally renewed pending receipt by the secretary of state of the registration fee required under RSA 664:3. Political committees that report a zero balance and notify the secretary of state that they are filing their final statement will expire. Statements shall continue to be filed according to RSA 664:6, I until a zero balance is reported.

V. Any national political party committee of a party as defined in RSA 652:11 may make contributions or expenditures on behalf of state candidates without complying with the requirements of paragraphs I through IV, provided that the total contribution or expenditure made on behalf of a candidate or political committee in this state whether directly or indirectly does not exceed the limit for personal contributions in RSA 664:4.

VI. The provisions of this section shall apply to a political committee for an individual candidate who is seeking a federal office whose holder is chosen by the voters of this state only. Such a committee which is required by federal law to file with the federal government reports relative to receipts and expenditures in support of such one candidate may choose to voluntarily file with the secretary of state copies of reports made to the federal government in accordance with the timetable established by federal laws for such reports.

VII. Any political committee that is exempt from taxation under sections 501(c)(4), 501(c)(5), or 501(c)(6) of the United States Internal Revenue Code of 1986 may disclose, but shall not be required to disclose in its itemized statement of receipts, the identity of its donors. Any political committee affected by this section who chooses not to disclose the identity of its donors shall place the following disclosure on all communications to voters: "This organization has an exemption under the federal law and is not required, and chooses not, to disclose its donors."

(Amended Effective: January 1, 2025 – HB1091 Chapter 365, 2024)

664:7 Registering and Reporting by Candidates. – *Prior to filing any campaign finance statements, each* ~~Each~~ candidate at the primary or general election for governor, councilor, state senator, *state* representative ~~to general court,~~ or county officer *shall register with the secretary of state through the secretary of state's online campaign finance system. Additionally, any candidate,* who has *receipts or* expenditures exceeding \$1,000 *in an election cycle,* shall file statements *as required in RSA 664:9-a through 664:9-c* before and after an election in like manner and detail as prescribed in RSA 664:6, ~~I-VI~~ ~~II, II-a, III, IV, and V,~~ ~~excepting, however, the expenditures of political committees of the party to which the candidate belongs in elections other than primaries.~~

(Amended Effective: January 1, 2025 – HB1091 Chapter 365, 2024)

664:7-a Statement Retention. – Statements or reports required to be filed under RSA 664:6 and 664:7 shall be held in original form for 6 years from the election for which they are filed, after which time they may be destroyed. *The secretary of state shall be responsible for the retention of the original form of statements filed using the campaign finance system.*

(Amended Effective: January 1, 2025 – HB1091 Chapter 365, 2024)

664:7-b Reporting by Candidates for Speaker of the House of Representatives. –

I. Each candidate seeking election to the office of speaker of the house of representatives shall:

(a) *Have filed all statements required under RSA 664 that are then due related to the candidate's most recent election for state representative.*

(b) File statements before and after such election in like manner and detail prescribed in RSA 664:6, ~~II, II-a, and III~~ ~~I-III,~~ except that the date of the respective election, rather than the date of the primary or general election, shall determine the dates of such statements; and

~~(b)~~ (c) Register as a political committee, pursuant to RSA 664:3, on the date that such ~~person~~ *individual* becomes a candidate for speaker of the house of representatives, notwithstanding the definition of the term "political committee" in RSA 664:2, III.

II. In this section, and notwithstanding RSA 664:2, II, the term "candidate" means ~~a person~~ *an individual* who seeks nomination for election, or election, to the office of the speaker of the house of representatives, and for purposes of this section, ~~a person~~ *an individual* shall be deemed to seek nomination for election, or election if such person:

(a) Has received gifts or contributions for such purposes; or

(b) Has given ~~his or her~~ consent to another ~~person~~ *individual* to receive gifts or contributions or make expenditures on behalf of such ~~person~~ *individual* and if such other person has received such gifts or contributions for such purposes.

III. No candidate shall be entitled to the office of speaker of the house of representatives until the sworn itemized statements ~~required to be filed by the candidate or on the candidate's behalf~~ *except for the final statement required to be filed after the election,* have been filed as required by this section.

(Repealed and reenacted Effective: August 23, 2024 – HB1091 Chapter 365, 2024)

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

Source. 1992, 267:5. 2002, 99:2, eff. May 3, 2002.

Section 664:9-b

664:9-a Mandatory Use of Online Campaign Finance System. Except as set forth in subparagraph IV, the online campaign finance system of the secretary of state for filing reports required under this chapter shall be mandatory as of the dates set forth in this section.

I. As of November 27, 2024, candidates and political committees of candidates for the election of governor, executive council, and state senator shall file all reports required under this chapter pursuant to the online campaign finance system prescribed by the secretary of state.

II. As of November 25, 2026, candidates and political committees of candidates for the election of state house of representatives, county commissioner, and all other offices shall file all reports required under this chapter pursuant to the online campaign finance system prescribed by the secretary of state.

III. As of November 27, 2024, all political committees, other than political committees of candidates in RSA 664:9-a II, shall file all reports required under this chapter pursuant to the online campaign finance system prescribed by the secretary of state.

IV. Any political committee of a candidate or candidate may apply to the secretary of state on a form under oath prescribed by the secretary of state asking for a waiver of the requirements of RSA 664:9-a stating the following:

(a) The candidate has less than \$3,000 in receipts or expenditures; and

(b) The candidate does not possess a computer or the skills to file statements pursuant to the online campaign finance system prescribed by the secretary of state.

V. The secretary of state shall have the discretion to waive the requirements of RSA 664:9-a I-III for the election cycle during which the waiver is requested and shall notify the applicant in writing within 10 days of receiving the waiver whether the request is granted. The requirements of RSA:9-c and RSA:9-d cannot be waived and shall be followed if the waiver application is approved.

(Repealed and reenacted Effective: August 23, 2024 – HB1091 Chapter 365, 2024)

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

664:9-b Reports of Receipts and Expenditures Filed Electronically. A political committee or a candidate may file such candidate's report of receipts and expenditures, pursuant to RSA 664:6, RSA 664:7, and RSA 664:7-b, electronically online by using the New Hampshire campaign finance system, which may also be used to register and search information filed by candidates and political committees.

(NEW Effective: August 23, 2024 – HB1091 Chapter 365, 2024)

664:9-c Reports of Receipts and Expenditures Filed by Other Methods. A political committee or a candidate may file such candidate's required reports as an email attachment sent to the address elections@sos.nh.us, provided that:

- I. The font size of the reports as printed is not less than an 8 point font.
- II. Email attachments are in portable document format archive (PDF/A) or other acceptable format as determined by the secretary of state.
- III. The report is received by the secretary of state on or before the date and time that the report is due.
- IV. Reports filed June 24, 2026 and thereafter must be in a format that meets web content accessibility guidelines.

(NEW Effective: August 23, 2024 – HB1091 Chapter 365, 2024)

664:9-d Reports; Legibility Required. A political committee or a candidate who files a report pursuant to RSA 664:9-b shall be responsible for ensuring the report is legible. The political committee or a candidate shall file an amended copy of such candidate's report within one week after being notified by the secretary of state or attorney general's office that such report is non-compliant. Non-compliant reports shall not be accepted by the secretary of state as filed and shall not be published to the online campaign finance system pursuant to 664:11, until a legible amendment is received.

(Amended Effective: January 1, 2025 – HB1091 Chapter 365, 2024)

664:11 Public Inspection. – All statements, ~~assents,~~ and registrations filed by ~~state committees,~~ candidates, and political committees shall be open to public inspection. ~~Such statements and registrations shall be published on~~ **The the website of the** secretary of state shall publish on the Internet information on all contributions reported under this chapter, including the ~~name of the contributor, the contributor's home state, and the date of the contribution.~~

(Amended Effective: January 1, 2025 – HB1091 Chapter 365, 2024)

664:12 Fiscal Agent Treasurer. – As part of the declaration of candidacies filed by candidates for governor, councilor, state senator, ~~state representative,~~ and county officer ~~and other primary candidacies,~~ every such candidate shall designate some ~~person~~ **individual,** who may be the ~~individual~~ candidate ~~himself,~~ as ~~his financial agent~~ **the treasurer** for the purpose of the primary and general election campaign. If ~~his~~ candidacy for such office is established by a primary petition or nomination petitions, there shall be filed together with such petitions the name of the ~~fiscal agent~~ **treasurer** for such candidate. A candidate who is nominated by write-in vote at the primary shall, prior to making any campaign expenditures, file with the secretary of state the name of ~~his fiscal agent~~ **the treasurer.** ~~All~~ **The treasurer shall approve all** sums expended or contracted for payment in the ~~primary or general election campaign in behalf of such candidate shall be reported by the candidate or his political committee or both to his fiscal agent, and the candidate or his fiscal agent shall make or approve all disbursements in behalf of his candidate subsequent to his designation as fiscal agent~~ **election cycle** and join with the candidate in making and filing the statements required by this chapter.

(Amended Effective: January 1, 2025 – HB1091 Chapter 365, 2024)

664:13 Committee Treasurer. – If ~~a political committee has no treasurer, or if the treasurer fails to make a report,~~ it shall be the duty of each member of said ~~political~~ committee who received or pays out any money in behalf of said ~~political~~ committee to make such a report or to cause the same to be made. No member of such ~~political~~ committee shall make or permit any unlawful expenditure or act by said ~~political~~ committee, in whole or in part, or consent thereto, or aid, abet or conspire to make or permit the same.

664:14 Signature, Identification, and Lack of Authorization. –

I. All political advertising shall be signed at the beginning or the end with the names and addresses of the candidate, his fiscal agent, or the name and address of the chairman or the treasurer of a political committee, or the name and address of a natural person, according to whether a candidate, political committee, or natural person is responsible for it. Said signature shall clearly designate the name of the candidate, party or political committee by or on whose behalf the same is published or broadcast. In the case of political advertising made on behalf of a political committee registered with the secretary of state pursuant to RSA 664:3 or a political advocacy organization registered with the secretary of state pursuant to RSA 664:3-a, the name and address on the advertisement shall match the name and address registered with the secretary of state.

II. Political advertising to promote the success or defeat of a measure by a business organization, labor union, or other enterprise or organization shall be signed. The name of the enterprise or organization shall be indicated and the chairman or treasurer of the enterprise or organization shall sign his name and address. Nothing in this section shall be construed to permit contributions which are prohibited under RSA 664:4.

III. In the case of printed or written matter, the signature and address of signer shall be printed or written in a size of type or lettering large enough to be clearly legible.

IV. (a) In the case of political advertising broadcast on radio, television, or any public address system, the name and address of the signer shall be clearly identified.

(b) All political advertising broadcast on television shall identify the name of the candidate who pays for the advertisement or whose advertisement is paid for by a campaign committee. Such identification shall be made both aurally and visually. The visual presentation shall be clearly legible and shall use letters equal to or greater than 12 percent of the vertical picture height and shall air for not less than 4 seconds at the conclusion of the broadcast. For the purpose of this section, "campaign committee" means any committee established to elect a particular candidate to office, including raising funds for that purpose.

V. Notwithstanding any other provision of this section, buttons or any printed or written political advertising which is attached to or displayed on any motor vehicle need not be signed.

VI. Notwithstanding any other provision of this section, any advertising in support of or in opposition to a candidate by a political committee shall comply with this paragraph. If the advertising is not authorized by the candidate or candidate committee, the advertising shall so state and shall identify the sponsor of the advertisement. All such political advertising shall include the statement: "This advertisement has been paid for by (name of sponsor) and has not been authorized by any candidate." Such statement shall be made both aurally and visually if broadcast on television. The visual presentation on television shall be clearly legible and shall use letters equal to or greater than 12 percent of the vertical picture height and shall be broadcast for not less than 4 seconds at the conclusion of the advertisement.

VII. Any advertising which is not political advertising because it does not advocate the success or defeat of a party, measure, or person, but which mentions or depicts a candidate, shall include the statement: "This advertisement has been paid for by (name of sponsor) and has not been authorized by any candidate."

VIII. Political advertising in the form of signs or placards may contain an Internet address in lieu of the signature and identification requirements of this section, if the Internet address is printed or written in a size of type or lettering large enough to be clearly legible and the website immediately and prominently displays all of the information required by this section through election day.

664:14 Signature, Identification and Lack of Authorization.

I. All political advertising shall comply with the provisions of this section.

II. All political advertising shall be signed at the beginning or the end. The signature shall state, "Paid for by (name of the candidate or political committee), (address of the candidate or political committee), (name of the treasurer) treasurer or (name of chairman) chairman". Political advertising in the form of signs or placards may contain an Internet address in lieu of the signature requirements of this section, if the Internet address is printed or written in a size of type or lettering large enough to be clearly legible and the website immediately and prominently displays all of the information required by this section through the election cycle. In the case of political advertising or communication made on behalf of a political committee registered with the secretary of state pursuant to RSA 664:3, the name and address on the advertisement shall match the name and address registered with the secretary of state.

III. Political advertising to promote the success or defeat of a measure by a business organization, labor union, or other enterprise or organization shall be signed. The name of the enterprise or organization shall be indicated, and the chairman or treasurer of the enterprise or organization shall sign his or her name and the address of the signer. Nothing in this section shall be construed to permit contributions which are prohibited under RSA 664:4.

IV. For the purposes of RSA 664:14, political advertising shall include any communication, including, but not limited to, yard signs, leaflets, and mailed or e-mailed messages, which expressly advocate the success or defeat of a warrant article to be

voted on at a town, school district, or village district election. Nothing in this section shall be construed to apply to communications at a town, school, or village district meeting, at which communications shall be governed by the moderator.

V. Nothing in this section shall be construed to apply to a lone individual who independently authors, produces, and distributes political advertising.

VI. In the case of printed or written matter, including material distributed by email, social media, or through other digital formats, the signature, position, and address of the signer shall be printed or written in a size or lettering large enough to be clearly legible.

VII.(a) In the case of political advertising broadcast on radio, television, the Internet, or any public address system, the name and address of the signer shall be clearly identified.

(b) All political advertising broadcast on television or the Internet shall identify the name of the candidate who pays for the advertisement or whose advertisement is paid for by a political committee. Such identification shall be made both aurally and visually. The visual presentation shall be clearly legible and shall use letters equal to or greater than 12 percent of the vertical picture height and shall air for not less than 4 seconds at the conclusion of the broadcast.

VIII. Notwithstanding any other provision of this section, buttons or any printed or written political advertising which is attached to or displayed on any clothing or motor vehicle need not be signed if equal to or smaller than 72 square inches.

IX. Notwithstanding any other provision of this section, any advertising in support of or in opposition to a candidate by a political committee shall comply with this paragraph. If the advertising is not authorized by the candidate or candidate committee, the advertising shall so state and shall identify the sponsor of the advertisement. All such political advertising shall include the statement: "This advertisement has been paid for by (name of sponsor) and has not been authorized by any candidate." Such statement shall be made both aurally and visually if broadcast on television. The visual presentation on television shall be clearly legible and shall use letters equal to or greater than 12 percent of the vertical picture height and shall be broadcast for not less than 4 seconds at the conclusion of the advertisement.

X. Any advertising which is not political advertising because it does not advocate the success or defeat of a party, measure, or candidate, but which mentions or depicts a candidate shall include the statement: "This advertisement has been paid for by (name of sponsor) and has not been authorized by any candidate."

XI. Physical political advertisements purchased prior to January 1, 2025 may use the term fiscal agent in place of treasurer as required in this chapter.

(Amended Effective: January 1, 2025 – HB1091 Chapter 365, 2024)

664:14-a Prerecorded Political Messages. –

I. In this section, "prerecorded political message" means a prerecorded audio message delivered **by telephone by:**

(a) **By** a candidate, or political committee, or **any other person;**

(b) **Any person** When the content of the message expressly or implicitly advocates **or is the functional equivalent of express advocacy promoting** the success or defeat of any party, **candidate**, measure, or person at any election, or contains information about any candidate, **measure**, or party.

II. No person shall deliver or knowingly cause to be delivered a prerecorded political message unless the message contains, or a live operator provides, within the first 30 seconds of the message, the following information:

(a) The name of the candidate, **measure**, or of any organization or organizations the person is calling on behalf of.

(b) The name of the person or organization paying for the delivery of the message and the name of the **fiscal agent treasurer**, if applicable.

(Amended Effective: January 1, 2025 – HB1091 Chapter 365, 2024)

664:15 Approval of Candidate or Fiscal Agent Treasurer. – A person or business organization publishing a newspaper or periodical or selling billboard space or operating a radio or television station or public address system shall not publish, print or broadcast any political advertising by or in behalf of a candidate in an election unless the same shall be signed by or authorized in writing by the candidate or **his fiscal agent treasurer**.

(Amended Effective: January 1, 2025 – HB1091 Chapter 365, 2024)

664:18 Complaints. –

Any candidate or voter may make complaint in writing to the attorney general of any violation of any of the provisions of this chapter.

I. Upon receipt of such complaint, the attorney general or his designee shall review the complaint, and where sufficient evidence of a violation is presented, conduct investigations to determine whether a violation of this chapter has occurred.

II. Following *an investigation and determination by the attorney general that a provision of this chapter has been violated*, the attorney general is empowered, *if he determines that a provision of this chapter has been violated*, to:

(a) Issue an order requiring the violator to cease and desist from *his or her* *the* violation. If the attorney general's order is not obeyed, the attorney general or designee may petition the superior court of the county in which the violation occurred for an order of enforcement.

(b) Prosecute to final judgment through *his a* designee if sufficient cause for such prosecution is found.

III. If, in the opinion of any person making complaint, the family, business or political connection of the attorney general's designee is such as to make it unlikely that he will act diligently and earnestly in any proceeding therefor, the person complaining may state such facts to the attorney general.

IV. If the attorney general believes that his designee will be hampered by any existing facts or circumstances and in any manner prevented from vigorously proceeding against any respondent complained against for such violation, or that the service of more than one attorney in any proceeding would be in the interest of the state, he shall have authority to employ and assign additional attorneys, to conduct or assist in conducting such proceeding. Such attorneys shall be allowed reasonable compensation, to be approved by the governor and council and paid by the state out of funds not otherwise appropriated.

(Amended Effective: January 1, 2025 – HB1091 Chapter 365, 2024)

664:20 Subpoena Power. – In the exercise of *his the* powers and duties *of the attorney general* under this chapter, the attorney general is authorized to require the appearance of individuals and to secure testimony and evidence by use of a subpoena duces tecum.

(Amended Effective: January 1, 2025 – HB1091 Chapter 365, 2024)

664:21 Penalty. –

IX. Any individual, *political* committee, or organization responsible for reporting under RSA 664:6, *664:6-a*, and 664:7 that files a report with illegible material content shall receive a written warning for a first offense and shall be charged a civil penalty of \$1,000 per offense for any subsequent offenses.

(Repealed Effective: January 1, 2025 – HB1091 Chapter 365, 2024)

~~**664:3-a Registration of Political Advocacy Organizations. –** Political advocacy organizations shall register with the secretary of state under the same deadlines and in the same general form required of political committees under RSA 664:3-~~

(Repealed Effective: January 1, 2025 – HB1091 Chapter 365, 2024)

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

(Repealed Effective: January 1, 2025 – HB1091 Chapter 365, 2024)

664:10 Social Activities. — ~~Outings, dinners and social affairs conducted by political committees, clubs and others at which each person attending pays a sum approximating closely the cost of his own food, sustenance or entertainment shall not, as to such payments and disbursements therefrom, be deemed reportable or limited receipts or expenditures under this chapter.~~

Once the final bill (HB 1569) has gone through the enrolling process we will update these law changes for 2024