

Link to RSA 664: <http://www.gencourt.state.nh.us/rsa/html/lxiii/664/664-mrg.htm>

Political committees are governed under RSA 664.

RSA 664 is clearly titled "POLITICAL EXPENDITURES AND CONTRIBUTIONS". It is applicable to elections. It does NOT expressly govern whether an entire organization is legitimate or not. It governs campaign finance.

RSA 652.11 indeed declares that to be considered a political party, you must have achieved automatic ballot access in the last election. HOWEVER, RSA 664.2.IV explicitly states that for the purposes of RSA 664, the definition of ""party" contained in RSA 652:11 shall not apply" immediately after declaring that ""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." This means that as an organization, if we nominate candidates for the current cycle using the petition process, we are a political party in terms of campaign finance requirements, and there is nothing to indicate this designation hinges on also having or being a "political committee". In fact, it defines "political committee of a political party" (emphasis mine) immediately after defining "political party" in manner that clearly describes the LPNH.

Registration and reporting requirements for political committees are only triggered if receipt or expenditure limits are met as described in the rest of RSA 664. But remember, this is for campaign finance. Receipts and expenditures are also clearly defined. And based on the definitions and what I just explained, the LPNH is a political party, not a political committee. We can establish and register a political committee, if we have receipts or expenditures that meet the definitions described; In other words, if we raise or spend money specifically for candidates campaigns (Note: Ballot access is not campaigning because you are not advocating for a candidate success or defeat, you are only getting them on the ballot.) A combined reading of RSA 664.3.I and RSA 664.6 indicates that we are not required to register a committee until we reached certain receipt/expenditure limits, though nothing prohibits us from doing so voluntarily like we did in 2019. Once the election cycle ends; unless there are still assets or liabilities with the committee, it simply dissolves. So the committee we registered in 2019 is no more.

I was Treasurer during the 2019-2020 election cycle. I did not file any reports as described by RSA 664 because none of our receipts or expenditures met the requirements. We did not raise money on behalf of candidates and we did not donate to candidates. I am quite confident in this interpretation because, remember, we had a lawsuit regarding ballot access and a challenge to one of our candidates. If we were in any violation of the basic campaign finance requirements, it would have been easy low-hanging fruit for our opponents to pounce on. They did not. Because we are a political party, not a political committee, and the political committee we registered essential sat dormant.

The current treasurer, Sean Brennan, has likewise not missed any campaign finance reporting requirements because there are yet to be any campaigns.

There is, however, an area where LPNH has fallen short in terms of its organization, and that is registration as a business with the state of New Hampshire. We registered in 2019 through the state web site but our application was rejected. No explanation was provided by the Secretary of State. No guidance was given as to how to not be rejected. I do not recall exactly but I remember trying to register again and the site, I believe, stated that we already had an application submitted. When I turned over the treasure to the new treasurer in March of this year, I explained that this was still an outstanding issue that needed to be resolved. However, this was specifically a matter of concern for the treasure only because it was indirectly affecting our Paypal account. Nothing in our bylaws explicitly states that the treasurer is solely responsible for this registration. In fact, the original application in 2019 was filed by Brian Shields; the sitting CHAIR at the time. So I reject the idea that any continuance of this status is a failing of the treasurer, either past or present. Neither do I think it lies solely with the chair. I happen to think the entire party leadership ought to work together to bring it to resolution.