



ORDINANCE

REQUIRING EXPLORATORY COMMITTEE REPORTS

CITY OF NASHUA

In the Year Two Thousand and Fifteen

The City of Nashua ordains that Part I “Administrative Legislation”, Chapter 23 “Elections and Campaigns”, Article IV “Campaign Contributions” of the Nashua Revised Ordinances as amended, be hereby further amended by adding the following new underlined language and deleting the struck-through language as shown:

“§ 23-17. Definitions.

Certain words and phrases, as used in this article, shall have the meaning given in this section:

BALLOT MEASURE – Any Charter amendment or question which is submitted or intended to be submitted to a popular vote at a municipal election.

CANDIDATE – Any duly nominated person, ~~and~~ any person announcing as a write-in candidate and for whom votes are sought in that election, or any person who has knowingly and willingly taken affirmative action, including but not limited to solicitation of funds, for the purpose of seeking nomination for or election to municipal office.

COMMUNICATION – Includes, but is not 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.

ELECTION – Any special, regular or run-off municipal election.

EXPLORATORY COMMITTEE – Any organization of two or more persons formed solely for the purpose of determining the feasibility of an individual’s candidacy for office. The activities of exploratory committees may include polling, travel, and telephone calls to determine whether the individual should become a candidate. Certain activities, however, indicate that an individual has decided to become a candidate and is

not merely determining the feasibility of candidacy for office including, but not limited to: raising funds in excess of amounts reasonably required for exploratory activity or amassing funds to be used after candidacy is established; conducting activities over a protracted period of time or shortly before the election; using public political advertising to publicize his or her intention to campaign; making or authorizing statements that refer to him or her as a candidate; or seeking ballot access.

ITEMS OF VALUE – Any service or property, real or personal, being of a tangible nature, except the personal services or labors of volunteers who are not compensated therefor.

PERSON – Includes a natural person, corporation, company, partnership, firm, association, organization, society, labor union, business trust, trust, financial institution, or any other group, organization or entity of any nature.

POLITICAL COMMITTEE – Any organization of two or more persons to influence elections or ballot measures.

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§ 23-17.2. Registration of Exploratory Committee.

An exploratory committee shall register with the City Clerk not later than 24 hours after accepting any contributions or making or contracting for any expenditure relative to the purpose for which the exploratory committee is organized. The exploratory committee shall file with the City Clerk a statement of the purpose of the committee and a statement of the name, address, occupation and principal place of business, of the individual whose feasibility of candidacy is being explored, its chairman, treasurer and other officers.

§ 23-18. Publication.

- A. Each political committee that receives contributions or makes expenditures for the purpose of influencing the election of any candidate, and each person or political committee that receives contributions or makes expenditures for the purpose of influencing any ballot measure or referendum question shall file statements with the City Clerk detailing each receipt and expenditure, covering both the amount and source thereof, including dates, names and addresses of contributors. In cases where receipts from any one person total \$10 or less, the receipt will be entered by amount only.
- B. Each candidate shall file statements with the City Clerk detailing each receipt and expenditure, covering both the amount and source thereof, including dates, names and addresses of contributors. In cases where receipts from any one person total \$10 or less, the receipt will be entered by amount only. In cases where there are no receipts or expenditures, the filing shall state that fact.

- C. Statements of receipts and expenditures relative to a municipal election shall cover the period expiring two days prior to the filing of the statements, which shall be filed 20 days prior to the election, and again on October 1 following a mayoral primary election held on the second Tuesday of September under Charter Section 5a; on December 1 following a municipal election held on the first Tuesday following the first Monday in November; or 30 days following a special municipal election.
- D. Funds received and spent by exploratory committees are considered to be receipts and expenditures and will be reportable when the candidate files his or her first report required under this section and in the manner required by this section. On June 1st and December 1st of each calendar year, an individual for whom an exploratory committee was formed who has not included all receipts and expenditures on a report required under subsection B, herein, shall file an informational report on behalf of the exploratory committee. In the event an individual, for whom an exploratory committee was formed, chooses not to become a candidate for office, the surplus contributions may be used or disposed of in accordance with Sec. 23-18.1 and the semi-annual information report required of exploratory committees shall continue to be filed until such time as all outstanding surplus has been deleted and reported.
- ~~DE.~~ Any office holder who during the year shall have received any item of value, not a campaign receipt, shall file a statement with the City Clerk detailing each such receipt, including the value, date, and name and address of the contributor thereof, in accordance with Chapter 23, Article VI, Gifts, Testimonials, Honorariums.
- ~~EF.~~ Filings shall be in a form determined by the City Clerk. Filings may be submitted electronically, including by electronic mail, facsimile transmission or any other method approved by the City Clerk. However, electronic filers are responsible for ensuring that the City Clerk has received such reports within the time required.
- ~~FG.~~ Statements shall become public information immediately upon filing. Copies maybe furnished on request, and upon payment of reproduction costs to the City Clerk. The City Clerk shall post a copy of the statements required under Subsections ~~A, B and C~~ A – D on the Internet within three business days of the filing deadline, for a period of no less than four years.”

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

This legislation shall take effect following its passage.

LEGISLATIVE YEAR 2015

ORDINANCE: **O-15-049**

PURPOSE: **Requiring exploratory committee reports.**

ENDORSER(S): **Alderman-at-Large Daniel T. Moriarty
Alderman Ken Siegel**

**COMMITTEE
ASSIGNMENT:**

FISCAL NOTE: **None.**

ANALYSIS

This legislation amends the campaign contribution reporting requirements by adding a definition of an exploratory committee, and requiring the exploratory committee to register and file reports of receipts and expenditures prior to the time that a candidate or political committee must file such reports. It also broadens the definition of candidate to clarify when candidate reporting is required.

Approved as to form: **Office of Corporation Counsel**

By: *Douglas Clarke*

Date: *April 21, 2015*