

March 29, 2018

Re: SB 363

Before: NH House Election Law Committee

From: Rick Bourdon, Open Democracy

Chairperson Griffin and Members of the Committee,

In answer to the question of who should be allowed to donate to a political campaign, or more broadly, be allowed to influence the outcome of an election, there seem to be two competing schools of thought.

The more restrictive position is that the donor population for a given election should be limited to only those persons eligible to vote in that election. That was the guiding principle of last year's House Resolution 7, a measure that passed in the New Hampshire House by a wide margin. Were the amendment envisioned in HR 7 to be the law of the land, a Vermont resident could not donate to a New Hampshire congressional campaign, and, more to the point, neither could a Washington, DC based PAC.

That is not the law of the land, however. Federal law is much less restrictive. It takes the position that anyone with a stake in the outcome of an election ought to be able to donate. Since we all have a stake in the composition of the US House and Senate, I regularly receive requests for money from congressional campaigns in South Dakota, California, and, it seems, about every other state.

The stakeholder approach is not without limits, however. Foreign nationals are not permitted to support campaigns for federal offices. That's not because they don't have a stake in the outcomes of US elections. They do. US government policy affects the lives of people all over the world. But we don't allow foreign influence in our elections because we suspect that the interests of foreigners may run counter to our own.

That thinking guides federal law, and I can think of no good reason why it should not guide New Hampshire law.

I urge members of the Committee to outlaw campaign donations from foreign nationals by supporting passage of SB 363.