

Senate Election Law and Municipal Affairs Committee

Jessica Bourque 271-2104

SB 45, clarifying the placement of political signs on municipal property.

Hearing Date: January 14, 2025

Time Opened: 10:02 a.m.

Time Closed: 10:22 a.m.

Members of the Committee Present: Senators Gray, Lang, Rochefort, Perkins Kwoka and Long

Bill Analysis: This bill clarifies the conditions under which political advertising may be placed on municipal property.

Sponsors:
Sen. Gray

Who supports the bill: Senator Gray

Who opposes the bill: Ken Barnes, Henry Klementowicz

Who is neutral on the bill: Margaret Byrnes

Summary of testimony presented in support:

Senator James Gray, Prime Sponsor

- This bill is meant to open a conversation about the posting of political signs on State right-of ways.
- As the statute reads now, most of the signs posted in right-of-ways are not legal.
- If you are posting a sign in a State right-of-way, the current statute says you must get permission from the abutter. If you go to most intersections around the State during elections you will see signs. Senator Gray is not sure the owners of many of those properties granted permission for signs to be posted.

Senator Long asked whether the language regarding sign placement needing to be ten feet from the property line is just for public property or does that include private property?

- Senator Gray said that the intent of that wording is to make sure that signs are near the property of the property owner who gave permission and not hundreds of feet away.
- Senator Gray said that the Attorney General's office would like to see that language reworded to clarify.

Senator Long is concerned because in Manchester, many landlords will put up signs, then the tenants will put up opposing signs in their windows which are sometimes more than 10 feet away. Will this bill affect that?

- Senator Gray said that tenants would still have the right to do that as long as doing so is not against the tenants' lease or against a town ordinance. Senator Gray noted that the U.S. Supreme Court has said that political signs cannot be treated any differently than other signs.

Senator Lang asked about the ten-foot buffer in Section IV (c) of the bill.

- Senator Gray said the intent of that language is to ensure that signs are placed near the property owner's property, not 150 to 200 feet away.

Summary of testimony presented in opposition:

Ken Barnes, Contoocook

- Appreciates Senator Gray's initiative to clarify the law but is not sure this bill accomplishes that.
- Thinks the ten foot language might be wrong. Looks like a positive then a negative.
- Believes that it is free speech to place a sign wherever you want on your property.

Senator Lang clarified that the language only addresses state right-of-ways and not private property.

- Mr. Barnes suggested that the committee might consider rewriting that language to be more clear.

Senator Perkins Kwoka agreed with Mr. Barnes that it might be helpful if the language was written more clearly given the number of questions being asked about it.

Henry Klementowicz, American Civil Liberties Union

- There are two issues the ACLU is concerned about.
- The U.S. Supreme Court has said that political signs cannot be treated differently than other signs and this bill is in conflict of that.
- Asked what type of state interest and tailoring mechanism is there to justify treating political advertising differently than other advertising?
- When talking about state or town-owned right-of-ways, the underlying fee remains with the homeowner unless the homeowner explicitly gives away a right which means they still have First Amendment rights.
- If this is about protecting drivers, then it should have to do with roads not property ownership.

Neutral Information Presented:

Margaret Byrnes, NH Municipal Association

- Believes that some of the language does need clarification.
- There are potential constitutional concerns with this bill.

- It is within the municipalities' authority to make decisions regarding the placement of signs on right-of-ways. This bill retains that authority but it is more of an opt-out for towns.
- Does not see this affecting a municipality's authority to regulate other public property.