

Bill as  
Introduced

HB 1218 - AS INTRODUCED

2008 SESSION

08-2301  
03/05

HOUSE BILL        **1218**

AN ACT            relative to signs at polling places.

SPONSORS:       Rep. Vaillancourt, Hills 15

COMMITTEE:      Election Law

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ANALYSIS

This bill restricts the display of certain signs at polling places.

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Explanation:      Matter added to current law appears in ***bold italics***.  
                     Matter removed from current law appears ~~[in brackets and struck through.]~~  
                     Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Eight*

AN ACT                    relative to signs at polling places.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1            1 Distributing Campaign Materials at Polling Place; Signs. Amend RSA 659:43, I to read as  
2 follows:

3            I. No person who is a candidate for office or who is representing or working for a candidate  
4 shall distribute or post at a polling place any campaign material in the form of a poster, card,  
5 handbill, placard, picture, or circular which is intended to influence the action of the voter within the  
6 building where the election is being held. ***No person shall hold or display more than one***  
7 ***campaign sign or placard or hold or display any campaign sign that is larger than 3 feet***  
8 ***by 2 feet within 100 feet of the entrance to the building where the election is being held or***  
9 ***within a corridor 10 feet wide and extending a distance from the entrance door of the***  
10 ***building as determined by the moderator where the election is being held.***

11           2 Effective Date. This act shall take effect January 1, 2009.

# Speakers

# SIGN UP SHEET

## To Register Opinion If Not Speaking

Bill # HB 1218 Date JAN 15, 2008  
Committee Electoral Law

**\*\* Please Print All Information \*\***

[illegible]

# Hearing Minutes

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 1218

**BILL TITLE:** relative to signs at polling places.

**DATE:** January 15, 2008

**LOB ROOM:** 308      **Time Public Hearing Called to Order:** 10:30 AM

**Time Adjourned:** 11:00 AM

(please circle if present)

**Committee Members:** Reps. Clemons, Weed, Splaine, C. Chase, Hall, Billian, Ehlers, McKenna, Oppenheimer, Perry, Pierce, Drisko, Reeves, J. Allen, Forsing, Jasper, Hopfgarten, Denley, Humphries and Boutin

**Bill Sponsors:** Rep. Vaillancourt, Hills 15

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

Rep. Vaillancourt, sponsor, introduced the bill. This bill will set some reasonable limits as to signage at the polling places. The benefit to holding signs is minimal. Freedom of speech would require not eliminating the right to hold signs altogether. This bill will try to balance freedom of speech with the safety and intimidation issues of the voter. Signs might alienate some potential voters. The moderator's will is almost absolute in terms of signs. A totem with various signs takes away individuality.

Rep. Pierce: Does not believe this bill addresses a safety issue. The corridor should be widened between sign holders and voters.

Rep. Vaillancourt: Widen the corridor would be more restrictive.

Rep. Splaine: Can we put one sign at the top of the ten foot pole along with another sign that says, "for example, marriage equality?"

Rep. Vaillancourt: If you go in this direction, we could address that.

Rep. Splaine: Conflict of individuality and freedom of speech.

Rep. Vaillancourt: In Manchester, there is a narrow path where you walk between rows of sign holders.

Respectfully submitted,



Rep. Claudia A. Chase, Clerk

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 1218

BILL TITLE: relative to signs at polling places.

DATE: 11/15/08

LOB ROOM: 308

Time Public Hearing Called to Order: 10:30

Time Adjourned: 11:00

(please circle if present)

Committee Members: Reps. Clemons, Weed, Salaine, C. Chase, Hall, Billias, Ehlers, McKenna, Oppenheimer, Perry, Pierce, Drisko, Reeves, J. Allen, Forsing, Jasper, Hopfgarten, Denley, Humphries and Boutin

Bill Sponsors: Rep. Vaillancourt, Hills 15

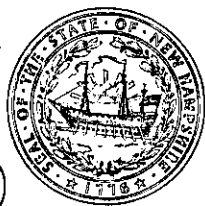
TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

Rep. Vaillancourt:

this bill will set some reasonable limits as to signage at the polling place. The conflict to holding sign is minimal. Freedom of speech would require not eliminating the right to hold sign altogether. This bill will try to balance freedom of speech with the safety and intimidation issues of the voter. Signs might alienate some potential voters. The moderator's will is almost absolute in terms of sign. A item with various signs takes away individuality.





# State of New Hampshire

HOUSE OF REPRESENTATIVES

CONCORD

Rep. Pinnel: Does not believe this bill addresses a safety issue.

The corridor should be widened between sign holders and voters.

Rep. Vallancourt: widening the corridor would be more restrictive.

Rep. Splaine: Can we put one sign at the top of ten-foot pole along with another sign that says, for example, marriage equality.

Rep. Vallancourt: If you go in this direction we could address that.

Rep. Splaine: conflict of individuality and freedom of speech.



# State of New Hampshire

HOUSE OF REPRESENTATIVES

CONCORD

③

Rep. Vetterliest: In Manchester there is  
a narrow path where you  
walk between rows of sign  
holders.

Rep. Claudin Chase

# Testimony

Howard L. Wilson  
POBox 91  
Andover, NH 03216  
[stoneanarch@tds.net](mailto:stoneanarch@tds.net)  
603-735-5427

Election Law Committee  
January 15, 2008 10:30AM 308 LOB

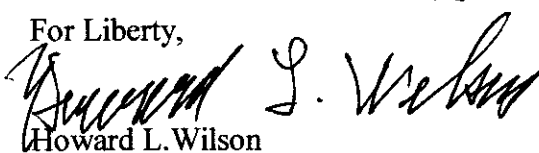
Re: HB 1218

Absent the violation of Article 1, of the Federal Bill of Rights, with the restraint applied, I can agree with the presumed "need" to reduce the number of held signs, and to reduce the number of left-over signs, at each polling place & road intersection.

A short survey of signs from the latest election, for 2 approved Presidential candidates, will show that one set of signs, largely disappeared from Polling locations & most intersections, immediately the election was closed, despite no mandate to clean-up any area.

HB 1218 seems a good idea, yet for the violation of the Rights of individuals to hold sign, as a speech substitute, for their favored candidate, it is bad law. As such I would see HB 1218 found Inexpedient to Legislate.

For Liberty,



Howard L. Wilson

Member: NH Civil Liberties Union  
Coalition for Free & Open Elections  
Libertarian Party

# Voting Sheets

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 1218

**BILL TITLE:** relative to signs at polling places.

**DATE:** February 12, 2008

**LOB ROOM:** 308

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Pierce

Seconded by Rep. Jasper

Vote: 15-0 (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE: 15-0**

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. Robert J. Perry, Acting Clerk

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 1218

BILL TITLE: relative to signs at polling places.

DATE: 2/13/08

LOB ROOM: 308

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. RIDGE

Seconded by Rep. JASPER

Vote: 15-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: YES

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Claudia A. Chase, Clerk

## ELECTION LAW

Bill #: HB 1218 Title: Relative to signs at polling places

PH Date: 1 / 15 / 08

Exec Session Date: 2 / ~~12~~ / 08

Motion: 1 TC

Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
Clemons, Jane A, Chairman	✓	
Weed, Charles F, V Chairman	✓	
Splaine, James R	✓	
Chase, Claudia A, Clerk <i>ABSENT</i>		
Hall, Betty B <i>ABSENT</i>		
Billian, Deborah L	✓	
Ehlers, Eileen S	✓	
McKenna, Daniel W	✓	
Oppenheimer, Kay <i>ABSENT</i>		
Perry, Robert J	✓	
Pierce, David M	✓	
Drisko, Richard B	✓	
Reeves, Sandra J	✓	
Allen, Janet F	✓	
Boutin, David R	✓	
Jasper, Shawn N	✓	
Hopfgarten, Paul <i>ABSENT</i>		
Denley, William P <i>ABSENT</i>		
Humphries, Charlie J	✓	
<i>HARTMAN, ROBERT</i>	✓	
TOTAL VOTE: <u>15-0</u>		



# Committee Report

# **CONSENT CALENDAR**

**February 14, 2008**

## **HOUSE OF REPRESENTATIVES**

### **REPORT OF COMMITTEE**

**The Committee on ELECTION LAW to which was  
referred HB1218,**

**AN ACT relative to signs at polling places. Having  
considered the same, report the same with the following  
Resolution: RESOLVED, That it is INEXPEDIENT TO  
LEGISLATE.**

**Rep. David M Pierce**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	ELECTION LAW
Bill Number:	HB1218
Title:	relative to signs at polling places.
Date:	February 14, 2008
Consent Calendar:	YES
Recommendation:	INEXPEDIENT TO LEGISLATE

### STATEMENT OF INTENT

This bill would limit polling place visibility workers to holding only one sign no larger than 3 feet by 2 feet. The bill's sponsor testified that he brought the bill to minimize the risk of physical injury to voters and the chance that large signs may intimidate voters. The solution to these problems – if they exist at all -- is not to restrict the right to freely express political opinion, but to restrict the proximity of the signs to the voters. Because this bill opts to suppress free speech instead of proposing a real solution that does not infringe a fundamental constitutional right, the Committee voted unanimously against it.

Vote 15-0.

Rep. David M Pierce  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

### ELECTION LAW

**HB1218**, relative to signs at polling places. **INEXPEDIENT TO LEGISLATE.**

Rep. David M Pierce for ELECTION LAW. This bill would limit polling place visibility workers to holding only one sign no larger than 3 feet by 2 feet. The bill's sponsor testified that he brought the bill to minimize the risk of physical injury to voters and the chance that large signs may intimidate voters. The solution to these problems -- if they exist at all -- is not to restrict the right to freely express political opinion, but to restrict the proximity of the signs to the voters. Because this bill opts to suppress free speech instead of proposing a real solution that does not infringe a fundamental constitutional right, the Committee voted unanimously against it. **Vote 15-0.**

Original: House Clerk  
Cc: Committee Bill File

## Election Law

### HB 1218

This bill would limit polling place visibility workers to holding only one sign no larger than 3 feet by 2 feet. The bill's sponsor testified that he brought the bill to minimize the risk of physical injury to voters and the chance that large signs may intimidate voters. The solution to these problems – if they exist at all -- is not to restrict the right to freely express political opinion, but to restrict the proximity of the signs to the voters. Because this bill opts to suppress free speech instead of proposing a real solution that does not infringe a fundamental constitutional right, the Committee voted unanimously against it.

Rep. Pierce

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Rep. Clemons, Chair

Election Law Committee  
HB 1218  
Relative to signs at polling places  
12 February 2008

Consent Calendar: YES

#### INEXPEDIENT TO LEGISLATE

HB 1218 would limit polling place visibility workers to holding only one sign no larger than 3 feet by 2 feet. The bill's sponsor testified that he brought the bill to minimize the risk of physical injury to voters and the chance that large signs may intimidate voters. The solution to these problems – if they exist at all -- is not to restrict the right to freely express political opinion, but to restrict the proximity of the signs to the voters. Because this bill opts to suppress free speech instead of proposing a real solution that does not infringe a fundamental constitutional right, the Committee voted unanimously against it.

Committee Vote: 15-0

Respectfully Submitted,

Rep. David M. Pierce