### LEGISLATIVE COMMITTEE MINUTES

### **HB1503**

# Bill as Introduced

### **HB 1503 - AS INTRODUCED**

### 2016 SESSION

16-2636 03/01

HOUSE BILL

*1503* 

AN ACT

relative to distributing campaign materials at the polling place.

SPONSORS:

Rep. Fields, Belk. 4

COMMITTEE:

Election Law

### **ANALYSIS**

This bill expands the prohibition on distributing campaign materials at the polling place.

Explanation:

Matter added to current law appears in bold italics.

Matter removed from current law appears [in brackets and struckthrough.]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Sixteen

AN ACT

relative to distributing campaign materials at the polling place.

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

- 1 Distributing Campaign Materials at Polling Place. Amend RSA 659:43, I to read as follows:
  2 I. No person [who is a candidate for office or who is representing or working for a candidate] shall distribute or post at a polling place any campaign material in the form of a poster, card, handbill, placard, picture, or circular or articles of clothing which is intended to influence the action of the voter within the building where the election is being held.
- 6 2 Effective Date. This act shall take effect January 1, 2017.

# Speakers

### **SIGN UP SHEET**

To Register Opinion If Not Speaking

Bill # HB 1	503 HON LAW	Date	1/26/16		
Committee <u>LLRC</u>	4				
	** Please Prin	t All Informa	tion ** 	17	
Name	Address	Phone	Represent	L	check one) Pro Con
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## Hearing Minutes

### HOUSE COMMITTEE ON ELECTION LAW

### **PUBLIC HEARING ON HB 1503**

BILL TITLE: relative to distributing campaign materials at the polling place.

DATE: January 26, 2016

LOB ROOM: 308 Time Public Hearing Called to Order: 11:03 a.m.

Time Adjourned: 11:22 p.m.

<u>Committee Members</u>: Reps. Hoelzel, Souza, Luther, Hogan, D. Brown, Gannon, Cote, G. Ward, Moynihan, Pearson and B. Griffin

Bill Sponsors: Rep. Fields

### **TESTIMONY**

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

<u>Introduced by Representative Fields</u> - Bill to address campaign materials, adding clothing because there are T-shirts/shirts. Some people do it.

Question - Representative Souza - What would you do if someone came up to moderator? Answer - Up to moderator.

Question - Representative Hoelzel - There is a law against electioneering in the poll. Is a shirt electioneering?

Answer - Yes.

<u>Darryl Perry</u> - Discussed examples. But need to add wearing. This is completely subjective. Opposed to bill.

Question - Representative Moynihan - In regards to subjectiveness, do you have suggested wording I would propose?

Answer - No. There are on-line examples. Statutory differences from state to state.

Question - Representative Hogan - Is the problem the word "Vote"? Answer - Could still be subjective.

<u>Representative Hoell</u> - This is unenforceable. Article II of the Constitution doesn't allow, nor is there a need. Opposed.

<u>Deputy Secretary of State Scanlan</u> - In favor. Simple, not ambiguous. Language issue raised, applies to posters, etc. Now, people do show up and say law doesn't prevent. This addresses it.

Question - Representative Moynihan - If already have electioneering statute, why do we need this? Answer - This is just another tool.

Question - Representative Souza - How would moderator decide language of issue vs. candidate? Answer - Moderator discretion.

Question - Representative Gannon - So, I could wear a Bernie shirt? "F the draft". I think this is violating free speech.

Answer - Issues different

Question - Representative Hoelzel - Is this in the polling place? Answer - Yes

Question - Representative Cote - Has current law been challenged? Answer - Not aware of.

<u>H. Cady</u> - You should look at Londonderry case ten years ago saying shirt was legal.

Respectfully submitted,

Barbara Griffin, Clerk

### HOUSE COMMITTEE ON ELECTION LAW

### **PUBLIC HEARING ON HB 1503**

BILL TITLE: relative to distributing campaign materials at the polling place.
DATE: 1/26/2016
ROOM: 308 Time Public Hearing Called to Order:
Time Adjourned: 11.03
(please circle if present)
Committee Members: Reps. Hoelzel, Gray, Souza, J. Sweeney, Luther, Schroadter, R. Christie (Hogan, Dean-Bailey, N. Brown, Gannon Cote, Moody G. Ward, Burton, Moynihan, Bennett, DiFranco, Pearson, Silva and R. Griffin
Bill Sponsors: Rep. Fields
TESTIMONY
* Use asterisk if written testimony and/or amendments are submitted.
Intro by Rep. Freds - Bill to address
There are TShirts Shirts Some pople
<u>Cout</u>
. Rep Sovza - What would goo do it someme
Came (A) UD to Moduator
7 Hoezel - There is a law against electeneing
in the Poil. Is a Shut electroneery (A) Yes
Darry Plevery: Discussed examples. But reed
to old wearing, this is completely subjective
to sobrediument do monthual suggested
Deposed to Edl ? Mohymhau - In regards to so hedrueness, do you have suggested wording I woo id propose? P No. There or
on live examples Statutory differences
From State to State

2/5 ? Rep. Hogas: 15 the problem the word "Vob" (P) Covid stulbe Subjective. Rep Hoeld - this in menforceable. AA. Il A Coustet. doesn't allow, nor is there a need, Dep Sos Seaulen - in favor, Simple, not authorous : A Now peeple do show of and Say law doepn't prevent. This addresses of. language is sue raiscel apply to post-eles ets ? Rep Mohymhan - if already have eletiment Statute, why do we need this (A) Hus is just another tool ? Rep Soura - how world moderatore decide language of 188m VS. Condidate D Moderator descretion Rep. Ganum - So I comb ween a Bern Shut? "Fithe chapt" - 1 think this is Violaly free speech. A 1580es det Felice ? Hoerel- 15 this mithe polling Place & Yes ? Rep. Coto. has current law been charleged & Not awake of

H. Ready - You should look a Londerby Carle on 10 yrs ago strying Shut was Cegal

## Voting Sheets

### HOUSE COMMITTEE ON ELECTION LAW

### **EXECUTIVE SESSION on HB 1503**

BILL TITLE:

relative to distributing campaign materials at the polling place.

DATE:

March 1, 2016

LOB ROOM:

308

**MOTIONS**:

**OUGHT TO PASS** 

Moved by Rep. D. Brown

Seconded by Rep. Hogan

Vote: 15-2

CONSENT CALENDAR: YES

Statement of Intent:

Refer to Committee Report

Respectfully submi

Rep Barbara Griffin, Cler

### HOUSE COMMITTEE ON ELECTION LAW

### **EXECUTIVE SESSION on HB 1503**

BILL TITLE:	relative to distributing campaign materials at the polling place	
DATE:	3/1/2016	
LOB ROOM:	308	
MOTIONS:	OTP OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr) (Please circle one)	
Moved by Rep	Brown Seconded by Rep. Hoger	AM Vote:
Adoption	of Amendment#	
Moved by Rep	Seconded by Rep.	Vote:
	Amendment Adopted Amendment Failed	
<u>MOTIONS</u> :	OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr) (Please circle one)	
Moved by Rep	Seconded by Rep.	AM Vote:
Adoption	of Amendment#	
Moved by Rep	Seconded by Rep.	Vote:
	Amendment Adopted Amendment Failed	
	CONSENT CALENDAR: YESNO (Vote to place on Consent Calendar must be unanimous.)	
Statement of I	ntent: Refer to Committee Report	
,	Respectfully submitted,  Committee Clerk	,



### STATE OF NEW HAMPSHIRE OFFICE OF THE HOUSE CLERK

12/31/2015 10:49:49 AM Roll Call Committee Registers Report

### 2016 SESSION

MAMPS		Λ
ELECTION LAW	$\circ$	. // 1 10
Bill #: 1505 Title: 12 Lto Do	stirbuty Canpain	1 Malilials
PH Date: 1, 26, 2016	Exec Session Date: 30/	1 , 2016
Motion:	Amendment #:	· 
<u>MEMBER</u>	YEAS	<u>NAYS</u>
Hoelzel, Kathleen M., Chairman	V	,
Gray, James P., V Chairman		
Souza, Kathleen F. Jasper		
Sweeney, Joe AB		
Luther, Robert A.		
Schroadter, Adam R.		
Christie, Rick G.	" V	
Hogan, Edith A		
Dean-Bailey, Yvonne M.		
Brown, Duane R.		
Gannon, William M.	,	
Griffin, Barbara J., Clerk	V	
Cote, David E.		
Moody, Marcia G. Thebeuse		
Ward, Gerald W.R.		
Burton, Wayne M.		
Moynihan, Wayne T.		<u> </u>
Bennett, Travis		
DiFranco, Debbie Mo-F-61		
Pearson, William A.		
TOTAL VOTE:	15	

# Committee Report

### CONSENT CALENDAR

March 1, 2016

### HOUSE OF REPRESENTATIVES REPORT OF COMMITTEE

The Committee on Election Law to which was referred HB 1503,

AN ACT relative to distributing campaign materials at the polling place. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.

Rep. Duane Brown

FOR THE COMMITTEE

Original: House Clerk

Cc: Committee Bill File

### COMMITTEE REPORT

Committee:	Election Law
Bill Number:	HB 1503
Title:	relative to distributing campaign materials at
	the polling place.
Date:	March 1, 2016
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS

### STATEMENT OF INTENT

This bill helps to clarify, for the moderator and the general public, items that are deemed as electioneering and may not be distributed or posted within the building where an election is being held. It also prohibits any person from distributing such materials.

Vote 15-2.

Rep. Duane Brown FOR THE COMMITTEE

Original: House Clerk

Cc: Committee Bill File

### CONSENT CALENDAR

**Election Law** 

J

HB 1503, relative to distributing campaign materials at the polling place. OUGHT TO PASS.

Rep. Duane Brown for Election Law. This bill helps to clarify, for the moderator and the general public, items that are deemed as electioneering and may not be distributed or posted within the building where an election is being held. It also prohibits any person from distributing such materials. Vote 15-2.

Original: House Clerk

Cc: Committee Bill File

### COMMITTEE REPORT

COMMITTEE:	<u>Election</u>
BILL NUMBER:	1503
TITLE:	Rh to Distr. Campaign Haterials at Perline
DATE:	3.1.2016 CONSENT CALENDAR: YEST NO
	OUGHT TO PASS  OUGHT TO PASS W/ AMENDMENT  INEXPEDIENT TO LEGISLATE  INTERIM STUDY (Available only 2 <sup>nd</sup> year of biennium)
Moderator That are unaccep	NTENT:  nill helps to Clarify for the  and the general public, items  deemed as electioneering and are  table within the building where  ion is being held.
COMMITTEE VOT	E: <u>  15 ~ ス                                 </u>
:	RESPECTFULLY SUBMITTED,
Copy to Committee E     Use Another Report to	
Rev. 02/01/07 - Yellow	Brown H

### Other Referrals

RE: REC	Paul C. Smith, Clerk of the House  REQUIRED STATEMENTS FOR COMMITTEE OF CONFERENCE REPORTS  MAY, 2016			
explanatory stater		Committee of Conference must write a brief ted and distributed in the House Calendar prior . (Rule 49-d)		
Please use this for the conference rep	m to write your statem oort has been sübmitte	ent and bring it to the Clerk's Office as soon as d to OLS.		
House Bill # <u>H</u> 6	3 1503	Senate Bill #		
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James &	Lay	5/24_2016		

FIRST NAMED REPRESENTATIVES ON COMMITTEES OF CONFERENCE

TO:

### Smith, Paul

From:

Smith, Paul

Sent:

Tuesday, May 24, 2016 10:30 AM

To:

Smith, Paul; Gray, James

Subject:

RE: HB 1503 BLURB

Paul C. Smith Clerk of the House 603.271.2548

From: Gray, James

Sent: Tuesday, May 24, 2016 10:14 AM

To: Smith, Paul

Subject: HB 1503 BLURB

The Senate version bill contained three amendments: amendment 1850 made small changes to the House wording by adding the words "ware," "pin," and "sticker" clarifying the intent of the House bill. Amendment 1972 added a non-germane amendment about "Health and Dental Benefits for Temporary, Seasonal, and Part-Time Employees." This amendment was at the request of the Department of Administrative Services. Without enacting the provisions in this amendment the State may be subject to fines of up to \$1.8M a month beginning in January 2017. The employees would pay the entire cost of the insurance provided. This amendment has had no public hearing. Amendment 1973 added the wording about the tobacco tax from HB 1208 which was vetoed by the Governor. The committee of conference agreed to the Senate version of the bill, but wanted the effective date for the provisions for distribution of campaign materials and Health and Dental benefits to become effective upon passage. That shange is contained in the conference report.

James P Gray for the committee Rep JP Gray (Sent from my Tablet) Strafford District 8

Rochester Ward 6