

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 struck through~~].

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 1503 - AS INTRODUCED

16-2636  
03/01

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       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~~
- 3 ~~candidate~~] shall distribute or post at a polling place any campaign material in the form of a poster,
- 4 card, handbill, placard, picture, or circular **or articles of clothing** which is intended to influence
- 5 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



# Hearing Minutes





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

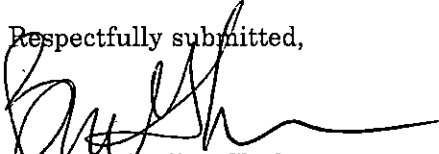
Answer - Yes

Question - Representative Cote - Has current law been challenged?

Answer - Not aware of.

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

Respectfully submitted,



Barbara Griffin, Clerk

113

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: 11:00

Time Adjourned: 11:03

11:22

(please circle if present)

Committee Members: Reps. Hoelzel, Gray, Souza, J. Sweeney, Luther, Schroadter, R. Christie, Hogan, Dean-Bailey, D. 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. Fields - Bill to address

Campaign materials & adding clothes because there are T Shirts / Shirts. Some people don't

? Rep Souza - What would you do if someone came (A) up to Moderator?

? Hoelzel - There is a law against electioneering in the poll. Is a shirt electioneering? (A) Yes

Darryl Kelley - Discussed examples. But need to add wearing. This is completely subjective.

Opposed to Bill ? Moynihan - In regards to subjectiveness, do you have suggested wording I would propose? (A) No. There is on line examples. Statutory differences from state to state

2/3 ? Rep. Hogan : Is the problem the word "vote"  
ⓐ Could state be subjective

Rep Hoell - This is unenforceable. AA.

If A Const. doesn't allow, nor is there a need.  
Oppose

Dep SOS Sealen - in favor. Simple, not

Ambiguous. Now people do show up and  
say law doesn't prevent. This addresses it.

language issue raised  
apply to posters etc

? Rep Mohrman - if already have  
election statute, why do we need  
this

ⓐ This is just another tool

? Rep Souza - how would moderator  
decide language of issue vs.  
candidate? ⓐ Moderator  
discretion

? Rep. Gannon - So I could wear a Bern shirt?

"The draft" - I think this is  
violates free speech. ⓐ Issues different

? Hoerzel - Is this in the polling place? ⓐ Yes

? Rep. Coto - has current law been challenged? ⓐ Not aware of

H. Ready

⇒ 13

- You should look @ Landerby  
Case in 10 yrs ago ~~staying~~  
shirt was legal

# 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 submitted,

  
Rep Barbara Griffin, Clerk

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 Secoded by Rep. Hager AM Vote:
Adoption of Amendment #

Moved by Rep. Secoded by Rep. Vote:
Amendment Adopted Amendment Failed

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

Moved by Rep. Secoded by Rep. AM Vote:
Adoption of Amendment #

Moved by Rep. Secoded by Rep. Vote:
Amendment Adopted Amendment Failed

CONSENT CALENDAR: YES NO
(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,
Rep. [Signature]
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

ELECTION LAW

Bill #: 1503 Title: RL to Distribute Campaign Materials  
PH Date: 1, 26, 2016 Exec Session Date: 3, 1, 2016  
Motion: OTP Amendment #: \_\_\_\_\_

| MEMBER                           | YEAS      | NAYS     |
|----------------------------------|-----------|----------|
| Hoelzel, Kathleen M., Chairman   | ✓         |          |
| Gray, James P., V Chairman       | ✓         |          |
| Souza, Kathleen F. <u>Jasper</u> | ✓         |          |
| Sweeney, Joe <u>AB</u>           |           |          |
| Luther, Robert A.                |           |          |
| Schroadter, Adam R.              | ✓         |          |
| Christie, Rick G.                | ✓         |          |
| Hogan, Edith A                   | ✓         |          |
| Dean-Bailey, Yvonne M.           | ✓         |          |
| Brown, Duane R.                  | ✓         |          |
| Gannon, William M.               |           | ✓        |
| Griffin, Barbara J., Clerk       | ✓         |          |
| Cote, David E.                   | ✓         |          |
| Moody, Marcia G. <u>Theberge</u> | ✓         |          |
| Ward, Gerald W.R.                | ✓         |          |
| Burton, Wayne M.                 |           | ✓        |
| Moynihan, Wayne T.               | ✓         |          |
| Bennett, Travis <u>AB</u>        |           |          |
| DiFranco, Debbie <u>Moffet</u>   | ✓         |          |
| Pearson, William A.              | ✓         |          |
| <b>TOTAL VOTE:</b>               | <b>15</b> | <b>2</b> |



# 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

**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: Election

BILL NUMBER: 1503

TITLE: RH to Distr. Campaign Materials at Polling Place

DATE: 3.1.2016 CONSENT CALENDAR: YES  NO

OUGHT TO PASS

OUGHT TO PASS W/ AMENDMENT

INEXPEDIENT TO LEGISLATE

INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

Amendment No.  
\_\_\_\_\_

## STATEMENT OF INTENT:

This bill helps to clarify for the moderator and the general public, items that are deemed as electioneering and are unacceptable within the building where an election is being held.



COMMITTEE VOTE: 15-2

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Duane R. Brown

For the Committee

BROWN

# Other Referrals



## Smith, Paul

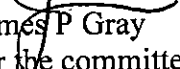
---

**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 change 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