

# Senate Election Law and Internal Affairs Committee

## *Kelly Flathers 271-3091*

**SB 32**, relative to penalties for violation of political advertising laws.

**Hearing Date:** January 17, 2017

**Time Opened:** 9:00 a.m.

**Time Closed:** 9:12 a.m.

**Members of the Committee Present:** Senators Birdsell, Gray, Sanborn, Soucy and Woodburn

**Members of the Committee Absent:** None

**Bill Analysis:** This bill adds civil penalties to the penalties for violating the requirements for signature, identification, and authorization of political advertising.

**Sponsors:**

Sen. Birdsell  
Rep. Hoelzel

Sen. Carson

Sen. Avar

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**Who supports the bill:** Sen. Regina Birdsell - District 19; Sen. Kevin Avar - District 12; Jean Lightfoot - Open Democracy Action; Sen. Sharon Carson - District 14; Mary Till - Derry Town Moderator; Gordon Allen - Open Democracy; Rep. Kathleen Hoelzel - Rockingham 3

**Who opposes the bill:** None

**Who is neutral on the bill:** None

**Summary of testimony presented in support:**

**Sen. Regina Birdsell (Prime) – District 19:** It's already a violation of the law to post signs with no ownership at the bottom. This adds a penalty if they find the individual who is responsible. I am willing to reduce the fines. I submitted this because in this past primary, signs started popping up against a certain candidate with no ownership. It affected her family and her daughter's life in school. I think that if someone is going to malign someone in an election, they should pay a fine if they are found in violation of the law.

**Sen. Sanborn:** This is a timely issue for people to discuss; we all hate the negativity in politics. People posting signs without having the gumption to put their name on it is something we should consider. However, how would we enforce a provision like

this? Someone could put up 500 signs. Is the intent to make the fine “per sign” or “per incident”? How do you recognize that there could be hundreds of signs out there?

**Sen. Birdsell:** The intent is “per event”, not “per sign”. If someone has done it the first time, it would be a \$500 fine for that event. If they do it again in another election, the fine would be scaled up to \$750. I can talk to Legislative Services ensure that this piece of legislation eliminates “per sign” language.

**Sen. Sanborn:** I have a concern with the difference between honest mistakes and malicious by intent. What if, through no fault of someone’s own, someone creates a sign and leaves off the disclosure of who was responsible for the sign. How do we create a provision for when people make honest mistakes that need to be corrected?

**Sen. Birdsell:** We could do a couple of things. I could change the wording to make the first offense a warning, but I don’t think that teaches them a lesson. If someone is going to post illegal signs, they should be fined some amount of money. If you’re going to be printing and putting up signs, then you should understand the laws.

**Sen. Woodburn:** Is this intended for just negative advertising?

**Sen. Birdsell:** No. Whether it’s positive or negative, the law says that you need to have ownership on the sign.

**Sen. Woodburn:** A lot of local offices don’t spend a lot of money and make hand painted signs. Do you think they should be fined if they don’t write who painted it?

**Sen. Birdsell:** I’m referring to campaign signs that are printed in the hundreds or thousands and impact people’s lives. It’s not likely that someone is going to post hundreds of hand painted signs. Even if you put up a hand painted sign you should have some ownership on there, but this isn’t intended to fine people who make hand painted signs.

**Sen. Woodburn:** Would you support some way to delineate that this is about large amounts of professionally printed signs, so people who make hand painted signs won’t be fined?

**Sen. Birdsell:** Absolutely.

**Sen. Sanborn:** For the record, I may or may not have a conflict with anything we are discussing here today. I am an elected official who has bought and utilized campaign signs and this bill would affect me and potentially create a conflict. I will still be participating in the hearing. Sen. Woodburn made a good point—I had not thought of hand painted signs. Do we have the capacity to say there’s a difference between hand painted and printed signs?

**Sen. Birdsell:** I need to check with Legislative Services first.

**Summary of testimony presented in opposition:** None

**Neutral Information Presented:** None

**Future Action:** Pending

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Date Hearing Report completed: January 18, 2017