

SB 126-FN - AS INTRODUCED

2015 SESSION

15-0937
03/01

SENATE BILL ***126-FN***

AN ACT prohibiting the placement of political signs in public rights-of-way.

SPONSORS: Sen. Soucy, Dist 18; Sen. D'Allesandro, Dist 20; Sen. Feltes, Dist 15;
Sen. Fuller Clark, Dist 21; Sen. Hosmer, Dist 7; Sen. Lasky, Dist 13; Sen. Pierce,
Dist 5

COMMITTEE: Public and Municipal Affairs

ANALYSIS

This bill prohibits the placement of political signs in public rights-of-way.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT prohibiting the placement of political signs in public rights-of-way.

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

- 1 1 Placement and Removal of Political Advertising. Amend RSA 664:17 to read as follows:
2 664:17 Placement and Removal of Political Advertising. **No political advertising shall be**
3 **placed on or affixed to any public rights-of-way.** No political advertising shall be placed on or
4 affixed to any public property [~~including~~] **other than** highway rights-of-way or private property
5 without the owner's consent. All political advertising shall be removed by the candidate no later
6 than the second Friday following the election unless the election is a primary and the advertising
7 concerns a candidate who is a winner in the primary. Signs shall not be placed on or affixed to
8 utility poles or highway signs. [~~Political advertising may be placed within state-owned rights of way~~
9 ~~as long as the advertising does not obstruct the safe flow of traffic and the advertising is placed with~~
10 ~~the consent of the owner of the land over which the right of way passes.] No person shall remove,
11 deface, or knowingly destroy any political advertising which is placed on [~~or affixed to public~~
12 ~~property or~~] any private property except for removal by the owner of the property, persons
13 authorized by the owner of the property, or a law enforcement officer removing improper advertising.
14 Political advertising placed on or affixed to any public property may be removed by state, city, or
15 town maintenance or law enforcement personnel. Political advertising removed prior to election day
16 by state, city, or town maintenance or law enforcement personnel shall be kept until one week after
17 the election at a place designated by the state, city, or town so that the candidate may retrieve the
18 items.
19 2 Effective Date. This act shall take effect 60 days after its passage.~~

SB 126-FN - FISCAL NOTE

AN ACT prohibiting the placement of political signs in public rights-of-way.

FISCAL IMPACT:

The Judicial Branch and Department of Justice state this bill, **as introduced**, may increase state expenditures by an indeterminable amount in FY 2016 and each year thereafter. There will be no fiscal impact on county and local expenditures or state, county, and local revenue.

METHODOLOGY:

The Judicial Branch states this bill will prohibit the placement of political advertisements on all public rights of way, and eliminate the limited exception for allowing political advertisements on state-owned rights of way. This bill contains an unspecified misdemeanor for a natural person which can be either class A or class B, with the presumption being a class B misdemeanor, and a felony for any other person. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the Judicial Branch has provided the potential costs associated with the penalties contained in this bill, where they can be determined, in the following table:

	FY 2016	FY 2017
<u>Judicial Branch*</u>		
Class B Misdemeanor	\$48	\$51
Class A Misdemeanor	\$69	\$71
Routine Criminal Felony Case	\$438	\$453
Complex Criminal Felony Case	\$847	\$862
Appeals	Varies	Varies
*Average case cost estimates for FY 2016 and FY 2017 are based on data that is more than nine years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types.		

The Department of Justice states it will be responsible for enforcing violations of this bill. However, the Department will not have an investigator or attorney assigned to election enforcement which the Department states will eliminate election enforcement activities. Enforcement would require the assistance of an investigator, an assistant attorney general, and

a secretary; the Department states that in general, responding to election-related complaints requires one full-time investigator, 80 percent of an assistant attorney general's time, and 20 percent of a secretary's time. The Department states that because it is difficult to estimate how many cases will be generated as a result of this bill, it is unable to determine how much of this staff time would be consumed by the activity contained in the bill.

The Judicial Council states this bill is unlikely to impact expenditures because if an employee or agent of a political campaign or party were charged under this legislation, the violation would take place in the context of their occupation and would likely not meet eligibility standards for the appointment of counsel.

The New Hampshire Association of Counties states this bill will not have any significant impact on county revenue or expenditures.