



# TOWN OF HUDSON

## Board of Selectmen



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### **Candidate and Political Advertising INFORMATIONAL REFERENCE**

#### **What constitutes *Political Advertising*?**

RSA 664:2 defines *Political Advertising* as "any communication...which expressly or implicitly advocates the success or defeat of any party, measure or person at any election."

This means things such as newspaper publications, internet publications, radio broadcast, television broadcasts, telephone transmission, fax, billboard or similar outdoor notices and direct mailings all must meet the following regulations outlined in this document and specifically within NH RSA 644. The term *Measure* refers to "any constitutional amendment or question which is submitted or intended to be submitted to a popular vote at an election" otherwise referred to as warrant articles.

#### **What basic requirements must political advertising contain?**

Pursuant to RSA 664:14; political advertising for a candidate "shall be signed at the beginning or the end... Said signature shall clearly designate the name of the candidate, party or political committee by or on whose behalf the same is published or broadcast." Meaning that the individual or party associated with the advertisement must be clearly defined on the marketing medium including the name and address of said individual or party.

Political advertising for a measure or warrant article; "Political advertising to promote the success or defeat of a measure by a business organization, labor union, or other enterprise or organization shall be signed. The name of the enterprise or organization shall be indicated, and the chairman or treasurer of the enterprise or organization shall sign his name and address." Additionally, information must be "printed or written in a legible size."

#### **Where can political advertising be placed**

Pursuant to RSA 644:17 "No political advertising shall be placed on or affixed to any public property including highway rights-of-way or private property without the owner's consent...Signs shall not be placed on or affixed to utility poles or highway signs. Political advertising may be placed within state-owned rights-of-way as long as the advertising does not obstruct the safe flow of traffic and the advertising is placed with the consent of the owner of the land over which the right-of-way passes."

Public property is understood as property owned by Hudson NH. State property would be understood as anything owned by NH or a department of NH such as the Department of Transportation.

### **Removal of Political Signs**

Pursuant to RSA 644:17 “All political advertising shall be removed by the candidate no later than the second Friday following the election”

“No person shall remove, deface, or knowingly destroy any political advertising which is placed on or affixed to public property or any private property except for removal by the owner of the property, persons authorized by the owner of the property, or a law enforcement officer removing improper advertising. Political advertising placed on or affixed to any public property may be removed by state, city, or town maintenance or law enforcement personnel. Political advertising removed prior to election day by state, city, or town maintenance or law enforcement personnel shall be kept until one week after the election at a place designated by the state, city, or town so that the candidate may retrieve the items.”

Political advertising held by town, or its associated departments, after the official retrieval deadline, are subject to disposal/destruction.

### **Littering of Political Signs**

If signs are left past their removal deadlines or are intentionally discarded haphazardly around the town of Hudson, enforcement of NH’s littering laws will take effect.

Pursuant to RSA 163-B:3, “It shall be unlawful for any person or persons to dump, deposit, throw or leave, or to cause or permit the dumping, depositing, placing, throwing or leaving of litter on any public or private property in this state, or in or on ice or in any waters in this state”

Penalties can include a misdemeanor charge a financial fine or community service to remove all litter per the court’s discretion.

### **Political Advertising Complaints**

It is recommended that any individual or party wishing to complain about political advertising should first reach out to a representative of Hudson town hall. As noted in the above paragraph, certain town official may have the ability to take corrective action if necessary. Otherwise for any other complaints or to raise a complaint above the officials within Hudson NH, please reach out to the New Hampshire Attorney Generals office.

Pursuant to RSA 644:18 “Any candidate or voter may make complaint in writing to the attorney general of any violation of any of the provisions of this chapter.” For more contact information reference, <https://www.doj.nh.gov/>

**For additional support with political advertising or if you have questions, please utilize the following contact information.**

**Political Advertising Resources:**

Hudson Cable Television	603 886 3959
Hudson Senior Center	603 578 3929
Hudson Chamber of Commerce	603 889 4731
General Federation of Woman (NH) <i>(Sponsoring Hudson Candidates night)</i>	<a href="mailto:info@gfwcnh.org">info@gfwcnh.org</a>

**Question and Concerns:**

Town Hall Administration	603 886 6024
Town Clerk	603 886 6003
Hudson Department of Public Works	603 886 6018
Hudson Police Department	603 886 6011

**Additional Information From the Hudson Town Moderator**

Article I. Display and Distribution of Campaign Materials (RSA 31:41-c)  
[Hudson Ord. No. O98-04; Adopted 8-25-1998 ]

§ 196-1. Prohibited activities.

Persons as candidates for elected office, or as representing or working for a candidate for office, or promoting a petition, resolution, referendum or measure on the ballot, may not solicit votes, display, exhibit, or distribute any campaign or electioneering materials within 75 feet of the polling place building. The Moderator shall exercise his powers under state law relative to the conduct of elections, distribution of campaign materials, and electioneering within the polling place.

**HUDSON COMMUNITY CENTER**



**ALVIRNE HIGH SCHOOL**



Also note: No political advertising may be affixed to the polling place building or property except for designated areas at each polling place. All electioneering signs and placards may not be left unattended at any time. Electioneering is prohibited within the polling place.

## **Hudson N.H. Ordinance 334 (subsection 57 through 69)**

The purpose of this document and its associated Hudson N.H. town ordinances is to encourage the effective use of signage to direct movement, advertise and inform while also protecting public safety, preserving neighborhood character, aesthetics and minimizing visual clutter.

A full list of Hudson N.H. Town sign ordinances can be reviewed under [334-58](#)

The following requirements apply to all signs:

A. No sign may be erected within a public right-of-way.

B. Except as noted in § [334-65](#), no off-premises advertising signs are permitted in any district.

C. All signs shall be set back from any public right-of-way a distance not less than 50% of the front setback requirement for other structures within the district in which the sign is located.

D. No sign may be erected in side or rear setback areas.

E. All signs shall be set back a distance not less than 25 feet from the point of intersecting rights-of-way.

F. No sign shall be erected in a residential district, except as allowed in § [334-67](#), Home occupation signs, § [334-62](#), Subdivision identification signs, and § [334-58](#), Residential real estate signs.

G. No flashing signs are permitted in any district.

H. Electronic changing signs are permitted in the Business (B) and Industrial (I) Zoning Districts subject to the requirements of § 336-64C below. Electronic changing signs shall be prohibited in the Town Residence (TR), Residential (R-1, R-2) and General (G and G-1) Zoning Districts.

I. Nonconforming signs and signs associated with nonconforming uses are governed by Article [VIII](#), Nonconforming Uses, Structures and Lots.

J. In zoning districts that allow freestanding signs, the maximum height of such signs shall be 30 feet. In addition to the language specific to advertising, all freestanding signs shall have the street number clearly identified. Numbers are to be four inches in height and black or white, whichever will contrast with the proposed sign colors.

K. No inflatable, balloon or portable signs are allowed in any DISTRICT unless specifically authorized in a permit issued by the TOWN Board of Selectmen for a fair, festival, limited-duration performance or other event of a temporary nature.

L. No sign in any zoning district shall include nudity, images of or reference to specific sexual conduct or activities, images of or references to specific anatomical areas, images of or references to instruments, devices or paraphernalia which are designed for use in connection with specific sexual conduct or activities in any district.

M. No sign in any zoning district shall emit audible sound, odor, smoke, steam, mist, laser, hologram or other visible matter, including any sign that employs any stereopticon or motion picture projection.

**Authoritative Powers:** It is the Hudson N.H. Board Of Selectmen's ultimate responsibility to enforce the zoning regulations under section 334 of Hudson N.H. town ordinance's but enforcement can also be carried out by the Zoning Administrator and Building Inspector per 334-77 and 334-78 respectfully.

**Violations and Penalties:** The Town is empowered to pursue violations to this chapter by means of any of the equitable or legal remedies available in state statute, including but not limited to the injunctive relief provision set forth in RSA 676:15; the fines and penalties provision set forth in RSA 676:15; the fines, penalties and award of attorney's fees as set forth in RSA 676:17; the provisions for cease and desist orders as set forth in RSA 676:17-a; the provisions for local land use citations and pleas by mail as set forth in RSA 676:17-b; and such other enforcement or penalty provisions which may be enacted by the New Hampshire Legislature.

**676:15 Injunctive Relief.** – In case any building or structure or part thereof is or is proposed to be erected, constructed, altered, or reconstructed, or any land is or is proposed to be used in violation of this title or of any local ordinance, code, or regulation adopted under this title, or of any provision or specification of an application, plat, or plan approved by, or any requirement or condition of a permit or decision issued by, any local administrator or land use board acting under the authority of this title, the building inspector or other official with authority to enforce the provisions of this title or any local ordinance, code, or regulation adopted under this title, or the owner of any adjacent or neighboring property who would be specially damaged by such violation may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, alteration, or reconstruction.

**676:17 Fines and Penalties; Second Offense.** –

- I. Any person who violates any of the provisions of this title, or any local ordinance, code, or regulation adopted under this title, or any provision or specification of any application, plat, or plan approved by, or any requirement or condition of a permit or decision issued by, any local administrator or land use board acting under the authority of this title shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person; and shall be subject to a civil penalty of \$275 for the first offense, and \$550 for subsequent offenses, for each day that such violation is found to continue after the conviction date or after the date on which the violator receives written notice from the municipality that the violator is in violation, whichever is earlier. Each day that a violation continues shall be a separate offense.
- II. In any legal action brought by a municipality to enforce, by way of injunctive relief as provided by RSA 676:15 or otherwise, any local ordinance, code or regulation adopted under this title, or to enforce any planning board, zoning board of adjustment or building code board of appeals decision made pursuant to this title, or to seek the payment of any fine levied under paragraph I, the municipality shall recover its costs and reasonable attorney's fees actually expended in pursuing the legal action if it is found to be a prevailing party in the action.

*This document is for informational purposes only and is not being provided as legal advice. Please refer to the New Hampshire Revised Statutes Annotated for all election laws, which are available on-line at [www.gencourt.state.nh.us/rsa/html/nhtoc.htm](http://www.gencourt.state.nh.us/rsa/html/nhtoc.htm)*

*Additional information may also be available from the Office of the NH Secretary of State at <https://sos.nh.gov/>*

*Approved by the Board of Selectmen 5-24-2022*