

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

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CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

February 22, 2018

Bill Tobin, Building Inspector/Code Enforcement
Debra A. Cornett, Town Clerk
Town of Gilmanton
PO Box 550
Gilmanton, NH 03237

Complainant: Bill Tobin, Code Enforcement, Town of Gilmanton
Debra A. Cornett, Town Clerk, Town of Gilmanton
Respondent: Thomas Place, et al.
Subject: Alleged Violation of RSA 664:14 – Anonymous Advertising

Dear Mr. Weeks:

On February 15, 2018, our office received your complaint regarding anonymous signs which have been displayed on various properties throughout Gilmanton. The subject signs state "We Support Gilmanton Police Even if the Selectmen Don't." The signs do not contain the name or address of the person or entity that is responsible for them. We note that there is currently pending litigation between the Chief of Police and the Board of Selectman over the authority to manage the operations of the Gilmanton Police Department.

Generally speaking, "[a]ll political advertising shall be signed at the beginning or the end with...the name and address of a natural person" who is responsible for the advertisement. RSA 664:14, I. "Political advertising" is defined as "any communication...which expressly or implicitly advocates the success or defeat of any party, measure or person at any election." RSA 664:2, VI. In 2001, the United States District Court for the District of New Hampshire issued an order enjoining the State from enforcing RSA 664:17 against "implicit" advocacy. *Stenson v. McLaughlin*, 2001 WL 1033614 (D.N.H. 2001). Therefore, our office enforces the disclosure requirements of RSA 664:17 on signs that constitute express advocacy of a party, measure or person at an election.

Having reviewed the warrant articles that are on the ballot for the March election, our office has concluded that these signs do not meet the definition of "political advertising" under RSA 664:2, VI. The statement on the signs does not expressly advocate for or against a particular party, measure or person. Therefore, the signs are not subject to the disclosure requirements under RSA 664:17. Furthermore, this decision is reached in light of the overall

context of the dispute between the Board of Selectman and the Chief of Police. The message at issue can reasonably be construed to speak to that dispute and, as such, it falls outside the scope of RSA Chapter 664.

Please note that we express no opinion about the applicability, if any, of local zoning ordinances described by Mr. Tobin in his February 2, 2018 letter as they relate to the subject signs. This matter is now closed. Please feel free to contact me if you have questions or concerns.

Sincerely,



Matthew T. Broadhead
Assistant Attorney General
603-271-3650

CC: Thomas Place, PO Box 219, Belmont, NH 03220
David Scanlan, Deputy Secretary of State