

Political Advertising

Summary of Relevant Law and Policy for Residents & Political Candidates

Town of Stratham, NH
September 2020

Adopted by Select Board 9-21-2020

This document is intended to serve as a summary of relevant law and policy concerning political advertising in Stratham. For additional detail and information, please refer directly to the relevant statute or resource referenced below. The NH Department of Justice Election Law Division has an online information resource for political advertising questions, which can be found here <https://www.doj.nh.gov/election-law/faq.htm#advertising>.

- ✓ All signage for political candidates must comply with **State law** (RSA 664:17 <http://www.gencourt.state.nh.us/rsa/html/LXIII/664/664-17.htm>), attached.
- ✓ Political advertising is also regulated through the **Stratham Zoning Ordinance** (see Section 7.6 and 7.6).
- ✓ **NHDOT** has also issued guidance to political candidates regarding signage on and near State-highways (see annual guidance from July 2020, attached and located at <https://www.nh.gov/dot/media/nr2020/20200722-political-signs.htm>).

Summary of key provisions from the law and ordinances above and Select Board policy:

- Signage placed in rights-of-way along State-owned roadways, is permitted so long as - in accordance with RSA 664:17 - the property owner over which the right-of-way passes has given permission. Please refer to State of NH DOT policy related to signage for political advertising (attached - <https://www.nh.gov/dot/media/nr2020/20200722-political-signs.htm>). State-owned roadways in Stratham include the following: NH Route 33 (Portsmouth Avenue) from Greenland to the Stratham Traffic Circle; NH Route 108 (College Road) from Newfields to Exeter); Bunker Hill Avenue; Winnicutt Road; and Squamscott Road.
- In Stratham, the Town - in its capacity as a property owner along various state highways - will not grant permission to candidates or residents to place political signage in the rights-of-way over Town-owned property.
- The Town will not grant permission to place signs for political candidates on Town-owned property.
- Political signage placed in rights-of-way along town-owned roadways, will be permitted so long as, in accordance with RSA 664:17, the property owner over which the right of

way passes has given permission. No permission will be granted for rights-of-way in front of Town-owned property along state or Town-owned roads.

- The Town of Stratham Code Enforcement Officer (CEO) will remove signage on utility poles and other structures on public property and public rights of way. CEO will remove signage on Town-owned property and within rights-of-way in front of Town-owned property (state or town-owned roads). To contact the Code Enforcement Officer, please contact the Town's Building Department at 772-4741 ext. 180.
- All signage shall be erected in a manner which does not disrupt the safe flow of traffic; non-compliant signage subject to removal at the direction of the Code Enforcement Officer.
- No signs shall be permitted on utility poles, or other structures on public property and are subject to removal by the Code Enforcement Officer.
- If signage is removed by the Town's Code Enforcement Officer, the signage will be held until one week after the election at the Public Works Facility at 70 Bunker Hill Avenue. Please call to arrange pick-up 603 772-5550.
- According to NHDOT, signage removed for safety or interference with maintenance operations, will be removed by State maintenance staffs and be located at the location DOT patrol headquarters. The District 6 office can be contacted by calling (603) 868-1133 (<https://www.nh.gov/dot/org/operations/highwaymaintenance/districts/6.htm>).

TITLE LXIII ELECTIONS

CHAPTER 664 POLITICAL EXPENDITURES AND CONTRIBUTIONS

Political Advertising

Section 664:17

664:17 Placement and Removal of Political Advertising. – 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. All political advertising shall be removed by the candidate no later than the second Friday following the election unless the election is a primary and the advertising concerns a candidate who is a winner in the primary. 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. 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.

Source. 1979, 436:1. 1994, 4:28. 2006, 273:1. 2013, 24:1, eff. July 15, 2013.



TOWN OF STRATHAM

INCORPORATED 1716

10 BUNKER HILL AVENUE • STRATHAM NH 03885

VOICE (603) 772-7391 • FAX (603) 775-0517 • www.strathamnh.gov

From the Stratham Zoning Sign Ordinance:

7.5 EXEMPT SIGNS (REV. 3/16, 3/18)

The following signs are exempt from the permit requirements of this Article, but are otherwise subject to the standards contained herein. Any failure to comply with these standards and any other provisions of this Article shall be considered a violation of the Zoning Ordinance.

l. Signs erected in connection with elections or political campaigns shall comply with all provisions of NH RSA 664:14-21. No such sign may exceed the sign area permitted for other signs within the zoning district in which it is located.

t. Temporary Signs not covered in the foregoing categories, provided that such signs meet the following restrictions: i. Not more than one (1) such sign may be located on any lot; ii. No such sign may exceed six (6) square feet in surface area; and, iii. The maximum sign height shall be six (6) feet above grade to the top of the sign and its supporting structure. iv. Such a sign may not be displayed for longer than seven (7) consecutive days or no more than fourteen (14) days out of any one (1) year period. v. The Code Enforcement Officer is authorized to mark temporary signs in any reasonable way that does not interfere with the content of the temporary sign so as to ensure compliance with this Article.

7.6 PROHIBITED SIGNS (AMENDED 3/19)

The following signs are prohibited:

a. Any sign located within, on, or projecting over a property line which borders a public or private street, highway, alley, lane, parkway, avenue, road, sidewalk, or other right of-way, except as provided in this Ordinance. The Code Enforcement Officer may cause to be removed any temporary or portable sign erected or displayed upon, or projecting into public property.

i. Any banners, pennants or temporary signs, except as provided for herein.

j. Any sign attached to any public utility pole or structure, streetlight, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, or other location on public property, also known as "snipe signs," except as provided herein.

Shanti Wolph

Building Inspector/Code Enforcement Officer
603-772-7391 x180
swolph@strathamnh.gov

NEWS RELEASE

For Immediate Release

July 22, 2020

Contacts:

Eileen P. Meaney, Chief Communications Officer, NHDOT (603)
271-6495

NHDOT Reminder To Candidates Regarding Placement Of Political Signs

Highway Safety is Paramount

Another election year is upon us and the Department of Transportation is once again reminding candidates and their campaign workers about proper placement of political signs:

- The law prohibits placement of political signs on the interstate highways, including the entrance and exit ramps.
- The law prohibits placement of political signs on or affixed to utility poles or highway signs, including delineators.
- Signs that create a traffic hazard or obstruct the safe flow of traffic will be removed. Signs affixed to bridges create a traffic hazard and will be removed.
- Signs will be removed to perform maintenance. This is prime mowing season, so it is best not to place signs in an area with long grass that is likely to be mowed in the near future.
- Placement of signs on private property requires permission from the landowner.
- Signs on private property that obstruct traffic signs or signals, or restrict a motorist's field of view at an intersection, will be removed as a traffic hazard. (RSA 236:1, 236:73.)
- Candidates are required to remove all political signs by the second Friday following the election, unless the election is a primary and the advertising concerns a winning candidate. (RSA 664:17.)

In an effort to best use the Department's resources, NHDOT Commissioner Victoria F. Sheehan has written to the political party chairs and political candidate regarding placement of political signs. In the event the Department needs to remove political signs for safety or maintenance, the signs will be held at the local patrol headquarters until one week after the election and then discarded. (RSA 664:17.)

New Hampshire Department of Transportation
PO Box 483 | 7 Hazen Drive | Concord, NH | 03302-0483
Tel: 603.271-3734 | Fax: 603.271.3914