

STATE OF NEW HAMPSHIRE
BALLOT LAW COMMISSION

Petition

Of

Howard Wilson
(Brewster matter)

BLC 2002-3

On September 13, 2002, the Ballot Law Commission ("the Commission") held a public hearing on a complaint filed by Howard Wilson against Candidates for State Representative, Richard Brewster and his wife Barbara Brewster.

Mr. Wilson alleged both in his written complaint and in his testimony before the Commission that Richard Brewster was committing fraud by displaying campaign signs which said "re-elect Mr. Brewster" instead of simply "elect" Mr. Brewster. Mr. Wilson's claim is that because Mr. Brewster was previously elected as a State Representative as a Republican and is now seeking another term in the New Hampshire House of Representatives as a Democrat that it was inappropriate for him to use the word "re-elect".

Mr. Wilson also alleged that it was fraudulent for Mrs. Brewster to use the slogan "re-elect" Brewster since she had not been previously elected as a State Representative.

Both Mr. and Mrs. Brewster testified that Mrs. Brewster had not used any of the re-elect Brewster signs and in fact only Mr. Brewster was using the re-elect Brewster signs. Mr. Richard Brewster also noted for the record that the signs simply state "re-elect Brewster", and do not note what office is being sought.

In reviewing the claims in this matter, the Commission is particularly cognizant of the implications for freedom of speech raised by this challenge. As such, the Commission rules the Brewsters' signage is constitutionally-protected speech. The Commission also finds no violation of the election laws and, in particular, no violation of RSA 664 the Political Advertising statute.

The Commission further notes that in the context of political advertising, individuals should not and can not be penalized for having the same last name.

Having found no fraudulent activity or other violations of law, the petition is hereby dismissed.

NEW HAMPSHIRE BALLOT LAW COMMISSION

Date: _____

9/20/02

By: _____



Gary B. Richardson, Chairman
Hugh Gregg, Commissioner
Emily Gray Rice, Commissioner