

nefac

# New England First Amendment Coalition

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SENT VIA EMAIL TO [WILSHIREL@NASHUANH.GOV](mailto:WILSHIREL@NASHUANH.GOV)

Nashua Board of Aldermen  
229 Main Street  
Nashua, NH 03061  
Attn: President Lori Wilshire

April 10, 2026

## RE: Nashua Board of Aldermen Ordinance § 5-14(C)(3)

Dear President Wilshire,

I am writing on behalf of the New England First Amendment Coalition. NEFAC is the region's leading advocate for First Amendment freedoms and the public's right to know about government. The coalition is a non-partisan and non-profit organization that believes in the power of citizen engagement in a democratic society. Its Board of Directors and Advisors include many of the state's top media attorneys, journalists and open government advocates.<sup>1</sup>

While we are not involved in the pending litigation arising from the Board's name and address disclosure requirements in Nashua Ordinance § 5-14(C)(3)<sup>2</sup>, we are nonetheless concerned with the constitutional implications of that requirement and request that it be revised in accordance with our comments below.

### Requiring Name and Address Disclosure

The First Amendment has long protected the right to speak anonymously. In *McIntyre v. Ohio Elections Commission*, the U.S. Supreme Court stated that the right to speak without disclosing one's identity is an aspect of the freedom of speech guaranteed by the First Amendment, a tradition in this country since its founding.<sup>3</sup>

The *McIntyre* court recognized that the decision to remain anonymous may be motivated by fear of economic or official retaliation, by concern about social ostracism, or simply by a desire to preserve privacy, all legitimate reasons the First Amendment was designed to protect.

Requiring a speaker to publicly state their name, and especially their address, before being permitted to comment implicates these protections directly. Such a requirement can chill speech by making speakers vulnerable to threats, harassment, and reprisals, particularly when the topic is controversial or when the speaker has legitimate safety reasons to keep their personal information private. The prospect of having one's home address permanently attached to their commentary on public record may deter participation entirely and that is precisely what the First Amendment is designed to prevent.

### Constitutional Alternatives Remain

Despite our concerns, if the Board has a sufficiently important administrative interest in knowing who is addressing its members, that interest can be satisfied through alternative, reasonable means. We request that the Board adopt an alternative policy which adequately balances administrative interests with the public's First Amendment rights.

*The region's leading  
defender of First Amendment  
freedoms and government  
transparency — the foundation  
of a healthy democracy.*

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EXECUTIVE DIRECTOR  
**Justin Silverman, Esq.**

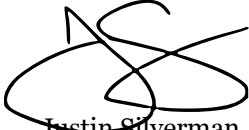
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*Affiliations appear for  
identification purposes only.*

We welcome the opportunity to discuss these concerns or to assist in revising the Board's public comment procedures. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Justin Silverman', written over a faint, larger version of the same signature.

Justin Silverman  
*Executive Director*

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<sup>1</sup> Please visit [nefac.org](http://nefac.org) to learn more about our coalition and its leadership.

<sup>2</sup> See <https://ecode360.com/8728259#8728304>.

<sup>3</sup> See *McIntyre v. Ohio Elections Commission*, 514 U.S. 334 (1995).