

# POLITCAL SIGN STATE STATUTES

(As of October 2020)

### ARIZONA

# <u>33-1261. Flag display; for sale rent or lease signs; political signs and activities; applicability</u> (Arizona Condo Act):

E. Notwithstanding any provision in the condominium documents, an association shall not prohibit the indoor or outdoor display of a political sign by a unit owner by placement of a sign on that unit owner's property, including any limited common elements for that unit that are doors, walls, patios or other limited common elements that touch the unit, other than the roof. An association may prohibit the display of political signs earlier than seventy-one days before the day of an election and later than three days after an election day. An association may regulate the size and number of political signs that may be placed in the common element ground, on a unit owner's property or on a limited common element for that unit if the association's regulation is no more restrictive than any applicable city, town or county ordinance that regulates the size and number of political signs on residential property. If the city, town or county in which the property is located does not regulate the size and number of political signs, the association shall not limit the number of political signs on residential property, except that the maximum aggregate total dimensions of all political signs on a unit owner's property shall not exceed nine square feet. An association shall not make any regulations regarding the number of candidates supported, the number of public officers supported or opposed in a recall or the number of propositions supported or opposed on a political sign. For the purposes of this subsection, "political sign" means a sign that attempts to influence the outcome of an election, including supporting or opposing the recall of a public officer or supporting or opposing the circulation of a petition for a ballot measure, question or proposition or the recall of a public officer.

F. An association shall not require political signs to be commercially produced or professionally manufactured or prohibit the utilization of both sides of a political sign.

<u>33-1808.</u> Flag display; political signs; caution signs; for sale, rent or lease signs; political activities (Arizona Planned Communities Act):

C. Notwithstanding any provision in the community documents, an association shall not prohibit the indoor or outdoor display of a political sign by an association member on that member's property, except that an association may prohibit the display of political signs earlier than seventy-one days before the day of an election and later than three days after an election day. An association may regulate the size and number of political signs that may be placed on a member's property if the association's regulation conforms to than any applicable city, town or county ordinance that regulates the size and number of political signs on residential property. If the city, town or county in which the property is located does not regulate the size and number of political signs on residential property, the association shall not limit the number of political signs, except that the maximum aggregate total dimensions of all political signs on a member's property shall not exceed nine square feet. This subsection applies only to a commercially produced sign and an association may prohibit the use of signs that are not commercially produced. For the purposes of this subsection, "political sign" means a sign that attempts to influence the outcome of an election, including supporting or opposing the recall of a public officer or supporting or opposing the circulation of a petition for a ballot measure, question or proposition or the recall of a public officer.

## CALIFORNIA

# California Civil Code 4710:

(a) The governing documents may not prohibit posting or displaying of noncommercial signs, posters, flags, or banners on or in a member's separate interest, except as required for the protection of public health or safety or if the posting or display would violate a local, state, or federal law.

(b) For purposes of this section, a noncommercial sign, poster, flag, or banner may be made of paper, cardboard, cloth, plastic, or fabric, and may be posted or displayed from the yard, window, door, balcony, or outside wall of the separate interest, but may not be made of lights, roofing, siding, paving materials, flora, or balloons, or any other similar building, landscaping, or decorative component, or include the painting of architectural surfaces.

(c) An association may prohibit noncommercial signs and posters that are more than nine square feet in size and noncommercial flags or banners that are more than 15 square feet in size.

## Added August 2020

Specifically, California Civil Code section 4710 provides as follows:

(a) The governing documents may not prohibit posting or displaying of noncommercial signs, posters, flags, or banners on or in a member's separate interest, except as required for the protection of public health or safety or if the posting or display would violate a local, state, or federal law.

(b) For purposes of this section, a noncommercial sign, poster, flag, or banner may be made of paper, cardboard, cloth, plastic, or fabric, and may be posted or displayed from the yard, window, door, balcony, or outside wall of the separate interest, but may not be made of lights, roofing, siding, paving materials, flora, or balloons, or any other similar building, landscaping, or decorative component, or include the painting of architectural surfaces.

(c) An association may prohibit noncommercial signs and posters that are more than nine square feet in size and noncommercial flags or banners that are more than 15 square feet in size.

Additionally, <u>California Civil Code section 4705</u> has similar provisions with respect to the flag of the United States:

(a) Except as required for the protection of the public health or safety, no governing document shall limit or prohibit, or be construed to limit or prohibit, the display of the flag of the United States by a member on or in the member's separate interest or within the member's exclusive use common area.

(b) For purposes of this section, "display of the flag of the United States" means a flag of the United States made of fabric, cloth, or paper displayed from a staff or pole or in a window, and does not mean a depiction or emblem of the flag of the United States made of lights, paint, roofing, siding, paving materials, flora, or balloons, or any other similar building, landscaping, or decorative component.

(c) In any action to enforce this section, the prevailing party shall be awarded reasonable attorney's fees and costs

# COLORADO

<u>Colorado Common Interest Ownership Act: 38-33.3-106.5. Prohibitions contrary to public</u> <u>policy - patriotic and political expression – emergency vehicles - fire prevention - renewable</u> <u>energy generation devices - affordable housing – drought prevention measures - definitions</u>

(1) Notwithstanding any provision in the declaration, bylaws, or rules and regulations of the association to the contrary, an association shall not prohibit any of the following:...

(c) (I) The display of a political sign by the owner or occupant of a unit on property within the boundaries of the unit or in a window of the unit; except that:

(A) An association may prohibit the display of political signs earlier than forty-five days before the day of an election and later than seven days after an election day; and

(B) An association may regulate the size and number of political signs in accordance with subparagraph (II) of this paragraph (c).

(II) The association shall permit at least one political sign per political office or ballot issue that is contested in a pending election. The maximum dimensions of each sign may be limited to the lesser of the following:

(A) The maximum size allowed by any applicable city, town, or county ordinance that regulates the size of political signs on residential property; or

(B) Thirty-six inches by forty-eight inches.

(III) As used in this paragraph (c), "political sign" means a sign that carries a message intended to influence the outcome of an election, including supporting or opposing the election of a candidate, the recall of a public official, or the passage of a ballot issue.

## CONNECTICUT

## Connecticut Common Interest Ownership Act: Sec. 47-261b. Rules. (d)

A rule regulating display of the flag of the United States must be consistent with federal law. In addition, the association may not prohibit display, on a unit or on a limited common element adjoining a unit, of the flag of this state, or signs regarding candidates for public or association office or ballot questions, but the association may adopt rules governing the time, place, size, number and manner of those displays.

## **IDAHO**

## 55-115(5). Homeowner's Association – Prohibited Conduct

(5)(a) No homeowner's association may add, amend, or enforce any covenant, condition, or restriction in such a way that prohibits or has the effect of prohibiting the display of a political sign.

(b) For the purpose of this subsection, "political sign" means any fixed, groundmounted display in support of or in opposition to a candidate for office or a ballot measure.

(c) A homeowner's association may adopt reasonable rules, subject to any applicable laws or ordinances, regarding the time, size, place, number, and manner of display of political signs.

(d) A homeowner's association may remove a political sign without liability if the sign:

- (i) Is placed within the common ground;
- (ii) Threatens the public health or safety;

(iii) Violates an applicable law or ordinance;

(iv) Is accompanied by sound or music or if any other materials are attached to the political sign.

(e) Except as provided in paragraph (d) of this subsection, a homeowner's association shall not remove a political sign from the property of a homeowner or impose any fine or penalty upon the homeowner unless it has first provided the homeowner three (3) days' written notice that specifically identifies the rule and the nature of the violation.

(6) (a) No homeowner's association may add, amend, or enforce any covenant, condition, or restriction in such a way that prohibits or has the effect of prohibiting the display of:

- (i) The flag of the United States of America;
- (ii) The flag of the state of Idaho;
- (iii) The POW/MIA flag; or
- (iv) An official or replica flag of any branch of the United States armed forces.

[55-115, added 2014, ch. 141, sec. 1, p. 385; am. 2016, ch. 209, sec. 1, p. 592; am. 2016, ch. 365, sec. 1, p. 1074; am. 2017, ch. 58, sec. 30, p. 125; am. 2019, ch. 199, sec. 1, p. 616; am. 2020, ch. 242, sec. 1, p. 708.]

## INDIANA

Indian Code 32-21-13 Display of Political Signs on Property Subject to Restrictive Covenants or Homeowners Association

## IC 32-21-13-1 Application of election law definitions

Sec. 1. The definitions in <u>IC 3-5-2</u> apply to this chapter. *As added by P.L.5-2010, SEC.1.* 

## IC 32-21-13-2 "Rules"

Sec. 2. As used in this chapter, "rules" refers to any of the following:

(1) A restrictive covenant.

(2) A homeowners association rule.

As added by P.L.5-2010, SEC.1.

## IC 32-21-13-3 "Sign"

Sec. 3. As used in this chapter, "sign" refers only to a sign advocating:

(1) the election or defeat of one (1) or more candidates for:

(A) nomination; or

(B) election;

to a public office;

(2) support for or opposition to:

(A) a political party; or

(B) a political party's candidates; or

(3) the approval or disapproval of a public question.

As added by P.L.5-2010, SEC.1.

# IC 32-21-13-4 Prohibition on homeowner association adoption or enforcement of rules relating to display of political signs; exceptions

Sec. 4. Except as provided in section 5 of this chapter, a homeowners association may not adopt or enforce a rule that prohibits a member of the homeowners association from displaying a sign on the member's property during the period:

(1) beginning thirty (30) days before; and

(2) ending five (5) days after;

the date of the election to which the sign relates.

As added by P.L.5-2010, SEC.1.

# IC 32-21-13-5 Permissible rules relating to display of political signs

Sec. 5. A homeowners association may adopt and enforce rules relating to a sign described in section 3 of this chapter if the rules do any of the following:

(1) Restrict the size of a sign if the rule permits a homeowner to display a sign that is at least as large as signs commonly displayed during election campaigns.

(2) Restrict the number of signs that may be displayed if the rule permits a homeowner to display a reasonable number of signs.

(3) Restrict the locations where a sign may be displayed. However, a restriction under this subdivision may not prohibit the display of a sign:

(A) in a window on the homeowner's property; or

(B) on the ground that is part of the homeowner's property.

As added by P.L.5-2010, SEC.1.

# IC 32-21-13-6 Homeowners association may remove sign that violates permitted rules

Sec. 6. A homeowners association may remove a sign that violates the rules permitted by this chapter.

As added by P.L.5-2010, SEC.1.

# IC 32-21-13-7 Political activity on homeowners association property may not be prohibited; exception

Sec. 7. (a) This section does not apply to homeowners association property if:

(1) access to the property from the outside is controlled by gates or other means; and

(2) the common areas, including roads and sidewalks, are privately owned and maintained.

(b) As used in this section, "homeowners association property" refers to real property owned by any of the following:

(1) A member of the homeowners association.

(2) The homeowners association.

(3) The members of the homeowners association in common.

(c) A homeowners association may not adopt or enforce a rule or covenant that prohibits, or has the effect of prohibiting:

(1) a candidate;

(2) an individual who holds an elected office;

(3) the spouse of a candidate or individual who holds an elected office; or

(4) a volunteer worker of a candidate or individual who holds an elected office;

from entering onto homeowners association property for purposes of conducting political activity.

As added by P.L.73-2014, SEC.1. Amended by P.L.174-2015, SEC.1.

# MAINE

# Maine Condominium Act §1603-106. Bylaws

(a) The bylaws of the association must provide for:

(1) The number of members of the executive board and the titles of the officers of the association; [PL 1981, c. 699 (NEW).]

(2) Election by the executive board of a president, treasurer, secretary and any other officers of the association the bylaws specify; [PL 1981, c. 699 (NEW).]

(3) The qualifications, powers and duties, terms of office and manner of electing and removing executive board members and officers and filling vacancies; [PL 1981, c. 699 (NEW).]

(4) Which, if any, of its powers the executive board or officers may delegate to other persons or to a managing agent; [PL 1981, c. 699 (NEW).]

(5) Which of its officers may prepare, execute, certify and record amendments to the declaration on behalf of the association; and [PL 1981, c. 699 (NEW).]

(6) The method of amending the bylaws. [PL 1981, c. 699 (NEW).]

(b) Subject to the provisions of the declaration, the bylaws may provide for any other matters the association deems necessary and appropriate. [PL 1981, c. 699 (NEW).]

(c) An association may not include in its bylaws or declaration, or any rule adopted pursuant to the bylaws or declaration, or any deed a restriction that prohibits a unit owner from displaying on that unit owner's unit a sign that supports or opposes a candidate for public office or a referendum question during the period from 6 weeks prior to the date that a primary or general election or special election is held regarding that candidate or referendum question to one week after the election for that political candidate or vote for that referendum question is held. [PL 2015, c. 271, §2 (NEW).]

SECTION HISTORY PL 1981, c. 699 (NEW). PL 2015, c. 271, §2 (AMD).

### MARYLAND

### Maryland Homeowners Association Act 11B–111.2.

(a) In this section, "candidate sign" means a sign on behalf of a candidate for public office or a slate of candidates for public office.

(b) Except as provided in subsection (c) of this section, a recorded covenant or restriction, a provision in a declaration, or a provision in the bylaws or rules of a homeowners association may not restrict or prohibit the display of:

(1) A candidate sign; or

(2) A sign that advertises the support or defeat of any question submitted to the voters in accordance with the Election Law Article.

(c) A recorded covenant or restriction, a provision in a declaration, or a provision in the bylaws or rules of a homeowners association may restrict the display of a candidate sign or a sign that advertises the support or defeat of any proposition:

(1) In the common areas;

(2) In accordance with provisions of federal, State, and local law; or

(3) If a limitation to the time period during which signs may be displayed is not specified by a law of the jurisdiction in which the homeowners association is located, to a time period not less than:

(i) 30 days before the primary election, general election, or vote on the proposition; and

(ii) 7 days after the primary election, general election, or vote on the proposition.

# Maryland Condominium Act Section 11-111.2 - Restrictions on candidate signs and propositions

(a) In this section, "candidate sign" means a sign on behalf of a candidate for public office or a slate of candidates for public office.

(b) Except as provided in subsection

(c) of this section, a recorded covenant or restriction, a provision in a declaration, or a provision in the bylaws or rules of a condominium may not restrict or prohibit the display of:

(1) A candidate sign; or

(2) A sign that advertises the support or defeat of any question submitted to voters in accordance with the Election Law Article.

(c) A recorded covenant or restriction, a provision in a declaration, or a provision in the bylaws or rules of a condominium may restrict the display of a candidate sign or a sign that advertises the support or defeat of any proposition:

(1) In the common elements;

(2) In accordance with provisions of federal, State, and local law; or

(3) If a limitation to the time period during which signs may be displayed is not specified by a law of the jurisdiction in which the condominium is located, to a time period not less than:

(i) 30 days before the primary election, general election, or vote on the proposition; and

(ii) 7 days after the primary election, general election, or vote on the proposition.

Md. Code, RP § 11-111.2

# MISSOURI

Missouri Title XXIX Ownership and Conveyance of Property 442.404. Political signs, homeowners' associations not to prohibit — reasonable restrictions and removal permitted, when. —

- 1. As used in this section, the following terms shall mean:
  - a. "Homeowners' association", a nonprofit corporation or unincorporated association of homeowners created under a declaration to own and operate portions of a planned community or other residential subdivision that has the power under the declaration to assess association members to pay the costs and expenses incurred in the performance of the association's obligations under the declaration or tenants-in-common with respect to the ownership of common ground or amenities of a planned community or other residential subdivision. This term shall not include a condominium unit owners' association as defined and provided for in subdivision (3) of section <u>448.1-103</u> or a residential cooperative;
  - b. "Political signs", any fixed, ground-mounted display in support of or in opposition to a person seeking elected office or a ballot measure excluding any materials that may be attached.

2. No deed restrictions, covenants, or similar binding agreements running with the land shall prohibit or have the effect of prohibiting the display of political signs.

3. A homeowners' association has the authority to adopt reasonable rules, subject to any applicable statutes or ordinances, regarding the time, size, place, number, and manner of display of political signs. 4. A homeowners' association may remove a political sign without liability if such sign is placed within the common ground, threatens the public health or safety, violates an applicable statute or ordinance, is accompanied by sound or music, or if any other materials are attached to the political sign. Subject to the foregoing, a homeowners' association shall not remove a political sign from the property of a homeowner or impose any fine or penalty upon the homeowner unless it has given such homeowner three days after providing written notice to the homeowner, which notice shall specifically identify the rule and the nature of the violation.

# (L. 2018 H.B. 1887)

### NEVADA

# <u>Nevada Common Interest Ownership Act: NRS 116.325</u> Right of units' owners to exhibit political signs in certain areas; conditions and limitations on exercise of right.

- The executive board shall not and the governing documents must not prohibit a unit's owner or an occupant of a unit from exhibiting one or more political signs within such physical portion of the common-interest community as that owner or occupant has a right to occupy and use exclusively, subject to the following conditions:
  - (a) All political signs exhibited must not be larger than 24 inches by 36 inches.
  - (b) If the unit is occupied by a tenant, the unit's owner may not exhibit any political sign unless the tenant consents, in writing, to the exhibition of the political sign.
  - (c) All political signs exhibited are subject to any applicable provisions of law governing the posting of political signs.
  - (d) (d) A unit's owner or an occupant of a unit may exhibit as many political signs as desired, but may not exhibit more than one political sign for each candidate, political party or ballot question.

2. The provisions of this section establish the minimum rights of a unit's owner or an occupant of a unit to exhibit political signs. The provisions of this section do not preempt any provisions of the governing documents that provide greater rights and do not require the governing documents or the executive board to impose any restrictions on the exhibition of political signs other than those established by other provisions of law.

3. As used in this section, "political sign" means a sign that expresses support for or opposition to a candidate, political party or ballot question in any federal, state or local election or any election of an association.

(Added to NRS by 2005, 2585; A 2009, 2896)

#### **NEW JERSEY**

Case Law: Reversing a February 2006 appeals court decision, the New Jersey Supreme Court ruled unanimously today that the Twin Rivers Community Association did not violate the state's constitutional guarantees of free expression by placing "reasonable" restrictions on residents posting yard signs, using the community room and having access to the association's newsletter.

The landmark ruling in Committee for a Better Twin Rivers v. Twin Rivers Homeowners' Association affirms the right of New Jersey homeowners to govern their own communities and properties as private organizations. The court said the state should not substitute its judgment for the reasonable rules adopted by the homeowners in community associations and confirms that associations are businesses and not governments. <u>Supreme Court Opinion</u>.

## NORTH CAROLINA

# North Carolina Planned Community Act § 47F-3-121. American and State flags and political sign displays.

Notwithstanding any provision in any declaration of covenants, no restriction on the use of land shall be construed to:

(1) Regulate or prohibit the display of the flag of the United States or North Carolina, of a size no greater than four feet by six feet, which is displayed in accordance with or in a manner consistent with the patriotic customs set forth in 4 U.S.C. §§ 5-10, as amended, governing the display and use of the flag of the United States unless:

a. For restrictions registered prior to October 1, 2005, the restriction specifically uses the following terms:

- 1. Flag of the United States of America;
- 2. American flag;
- 3. United States flag; or
- 4. North Carolina flag.

b. For restrictions registered on or after October 1, 2005, the restriction shall be written on the first page of the instrument or conveyance in print that is in boldface type, capital letters, and no smaller than the largest print used elsewhere in the instrument or conveyance. The restriction shall be construed to regulate or prohibit the display of the United States or North Carolina flag only if the restriction specifically states: "THIS DOCUMENT REGULATES OR PROHIBITS THE DISPLAY OF THE FLAG OF THE UNITED STATES OF AMERICA OR STATE OF NORTH CAROLINA".

This subdivision shall apply to owners of property who display the flag of the United States or North Carolina on property owned exclusively by them and does not apply to common areas, easements, rights-of-way, or other areas owned by others.

(2) Regulate or prohibit the indoor or outdoor display of a political sign by an association member on property owned exclusively by the member, unless:

a. For restrictions registered prior to October 1, 2005, the restriction specifically uses the term "political signs".

b. For restrictions registered on or after October 1, 2005, the restriction shall be written on the first page of the instrument or conveyance in print that is in boldface type, capital letters, and no smaller than the largest print used elsewhere in the instrument or conveyance. The restriction shall be construed to regulate or prohibit the display of political signs only if the restriction specifically states: "THIS DOCUMENT REGULATES OR PROHIBITS THE DISPLAY OF POLITICAL SIGNS".

Even when display of a political sign is permitted under this subdivision, an association (i) may prohibit the display of political signs earlier than 45 days before the day of the election and later than seven days after an election day, and (ii) may regulate the size and number of political signs that may be placed on a member's property if the association's regulation is no more restrictive than any applicable city, town, or county ordinance that regulates the size and number of political signs on residential property. If the local government in which the property is located does not regulate the size and number of political signs on residential property, the association shall permit at least one political sign with the maximum dimensions of 24 inches by 24 inches on a member's property. For the purposes of this subdivision, "political sign" means a sign that attempts to influence the outcome of an election, including supporting or opposing an issue on the election ballot. This subdivision shall apply to owners of property who display political signs on property owned exclusively by them and does not apply to common areas, easements, rights-of-way, or other areas owned by others.

# VIRGINIA

# § 55.1-1809. Contents of association disclosure packet; delivery of packet.

A. Within 14 days after receipt of a written request and instructions by a seller or the seller's authorized agent, the association shall deliver an association disclosure packet as directed in the written request. The information contained in the association disclosure packet shall be current as of a date specified on the association disclosure packet. If hand or electronically delivered, the written request is deemed received on the date of delivery. If sent by United States mail, the request is deemed received six days after the postmark date. An association disclosure packet shall contain the following:...

(12) A statement setting forth any restrictions as to the size, place, duration, or manner of placement or display of political signs by a lot owner on his lot.

### WASHINGTON STATE

Washington State Homeowners Association Act (associations created before July 1, 2018) RCW 64.38.034 Political yard signs—Governing documents.

(1) The governing documents may not prohibit the outdoor display of political yard signs by an owner or resident on the owner's or resident's property before any primary or general election. The governing documents may include reasonable rules and regulations regarding the placement and manner of display of political yard signs.

(2) This section applies retroactively to any governing documents in effect on July 24, 2005. Any provision in a governing document in effect on July 24, 2005, that is inconsistent with this section is void and unenforceable.

[ 2005 c 179 § 1.]

### WISCONSIN

Wisconsin Statutes and Annotations: Condominiums: 703.105 Display of the United States flag and political signs.

(1) No bylaw or rule may be adopted or provision included in a declaration or deed that prohibits a unit owner from respectfully displaying the United States flag.

(1m) No bylaw or rule may be adopted or provision included in a declaration or deed that prohibits a unit owner from displaying in his or her condominium a sign that supports or opposes a candidate for public office or a referendum question.

(2) Notwithstanding subs. (1) and (1m), bylaws or rules may be adopted that regulate the size and location of signs, flags and flagpoles.

History: 2003 a. 161; 2005 a. 303.

## 2020 INTRODUCED POLITICAL SIGN LEGISLATION

#### ARIZONA

## SB 1412: Homeowners' Associations; political; community activity

Summary: This bill would have amended Arizona's current statute on political signs in condominiums to not allow an association to prohibit or unreasonably restrict a unit

owner's ability to peacefully assemble and use private or common elements of the condominium if done in compliance with reasonable restrictions for the use of that property adopted by the Board of Directors.

Status: Failed

## GEORGIA

### HB 71: Lawful Expression of Speech

Summary: This bill would have added a new section to Georgia's Article on property owners' associations to provide that during the 30 days preceding any primary election, general election, special election, or other election or referendum, any provision in a declaration that prohibits the placement of three of fewer signs that do not each exceed six square feet in surface area on any lot shall be void and unenforceable.

Status: Failed

#### **IDAHO**

### H 503: Homeowners associations; political signs

Summary: This bill amended existing law to provide limitations on restrictions that homeowner's associations can put on the display of political signs and certain flags.

Status: Passed

#### SOUTH CAROLINA

#### H 3375: Political signs on property

Summary: This bill would have authorized a homeowner or tenant to display a political sign within a certain time frame and to allow a homeowners' association to establish certain rules for political signs.

Status: Failed

#### VIRGINIA

## HB 720: Property Owners' Association Act; display of political signs

Summary: This bill requires an association disclosure packet to contain a statement of any restrictions on the size, place, duration, and manner of placement or display of political signs by a lot owner on their lot.

Status: Passed

#### WISCONSIN

AB 941/SB 845: Relating to the rights of members of homeowners' associations and housing cooperatives to display political signs.

Summary: This bill prohibits a homeowners' association and a housing cooperative from restricting or preventing a member from displaying a political sign on property in which the member has a property interest or a right to exclusive use. Under the bill, a political sign is a sign that supports or opposes a candidate for public office or a referendum question.

Status: Failed