



SENATE BILL 220: Removal of Political Signs by Citizens.

2019-2020 General Assembly

Committee:	Senate Transportation. If favorable, re-refer to Rules and Operations of the Senate	Date:	March 20, 2019
Introduced by:	Sens. D. Davis, Tillman, Hise	Prepared by:	Howard Marsilio
Analysis of:	First Edition		Committee Counsel

OVERVIEW: *Senate Bill 220 would authorize a citizen to remove political signs that remain in public right-of-way after a specified time, and would require that the citizen deliver the signs to county boards of elections within 72 hours of removal, and would further require directors of county boards of elections to attempt to return political signs.*

CURRENT LAW: Currently, G.S. 136-32 permits the placement of political signs within the State highway right-of-way if they comply with the following requirements:

- Must only be placed during the period beginning on the 30th day before the beginning date of "one-stop" early voting and ending on the 10th day after the primary or election day.
- Must be removed by the end of the 10th day after the primary or election day.
- The permittee must obtain the permission of any property owner of a residence, business, or religious institution fronting the right-of-way where a sign would be erected.
- No sign shall be permitted in the right-of-way of a fully controlled access highway.
- No sign shall be closer than three feet from the edge of the pavement of the road.
- No sign shall obscure motorist visibility at an intersection.
- No sign shall be higher than 42 inches above the edge of the pavement of the road.
- No sign shall be larger than 864 square inches.
- No sign shall obscure or replace another sign.

The Department of Transportation may remove any signs erected without authority or allowed to remain beyond the 10 day deadline.

It is currently a Class 1 misdemeanor to violate any provision of G.S. 136-32.

It is currently a Class 3 misdemeanor, under G.S. 136-32(e), for a person to steal, deface, vandalize, or unlawfully remove a political sign that is lawfully placed.

BILL ANALYSIS: Senate Bill 220 would authorize a citizen to remove political signs that remain in the public right-of-way after 30 days after the deadline for political sign removal under current law.

The citizen that removed the signs would be required to deliver the sign to the county board of elections within 72 hours of removal. If the citizen fails to deliver a sign within the 72 hours, the person would be subject to the same penalties as a violation of the unlawful removal of signs prohibition under subsection (e) of G.S. 136-32 – a Class 3 misdemeanor.

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Upon receiving a sign, the director of the county board of elections would be required to attempt to notify and return the political sign to the appropriate candidate, committee, or organization's campaign. If after 15 days, attempts to notify the appropriate person is unsuccessful, the county board of elections would be allowed to dispose of the signs. Failure to comply with these requirements would be a Class 1 misdemeanor pursuant to subsection (a) of G.S. 136-32.

EFFECTIVE DATE: This act would be effective when it becomes law and would apply to the removal of political signs for a primary or election held on or after that date.