



SENATE BILL 220: Removal of Political Signs by Citizens.

2019-2020 General Assembly

Committee:		Date:	December 6, 2019
Introduced by:		Prepared by:	Jessica Sammons Staff Attorney
Analysis of:	S.L. 2019-119		

OVERVIEW: *S.L. 2019-119 does all of the following:*

- *Deems abandoned any political sign remaining in the public right-of-way more than 40 days after the primary or election day, and authorizes a citizen to remove and dispose of the abandoned sign without penalty. This section became effective December 1, 2019.*
- *Requires county boards of elections to provide at least 36 hours prior to the opening of polls for political advertising to be placed and at least 36 hours after the close of polls for political advertising to be removed at publicly owned polling places. This section became effective December 1, 2019.*
- *Authorizes the Executive Director of the State Board of Elections to reduce the canvass period in the 2019 municipal elections, to resolve any conflicts in the election schedule. This section became effective July 11, 2019, and expired November 7, 2019.*

CURRENT LAW, BILL ANALYSIS, and EFFECTIVE DATE:

Section 1. Political Signs in the Public Right-of-Way.

G.S. 136-32 prevents the placement of signs on highways except as authorized in that statute. The statute allows for compliant political signs to be placed in the right-of-way of the State highway system during the period beginning on the 30th day before one-stop early voting begins and ending on the 10th day after the primary or election day. A "political sign" is any sign that advocates for political action.

To be compliant, a permittee must obtain permission from the property owner fronting the right-of-way where the sign would be erected. Signs must be placed according to the following requirements:

- No sign can be in the right-of-way of a fully controlled access highway.
- No sign can be closer than 3 feet from the edge of the pavement of the road.
- No sign can obstruct motorist visibility at an intersection.
- No sign can be higher than 42 inches above the edge of the pavement of the road.
- No sign can be larger than 864 square inches.
- No sign can obscure or replace another sign.

G.S. 136-32(f) allows a city to enact an ordinance prohibiting or regulating the placement of political signs on rights-of-way of streets located within the corporate limits of a municipality and maintained by the

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municipality. If a city does not have such an ordinance, the provisions of G.S. 136-32 for placement of signs in the right-of-way of the State highway system apply.

It is a Class 3 misdemeanor for a person to steal, deface, vandalize, or unlawfully remove a lawfully placed political sign. The Department of Transportation (DOT) is authorized to remove any sign erected without authority or that remains beyond the established deadline.

Effective December 1, 2019, this act deems any political sign remaining in the public right-of-way more than 30 days after the 10th day after primary or election day, or 40 days from the primary or election, to be abandoned property. On or after that date, any citizen is authorized to remove the abandoned political sign, and dispose of it without penalty.

Section 1.5. Political Signs at the Polling Place.

Political advertising is permitted at the polling place, outside the buffer zone prescribed by the county board of elections around the voting place. Persons or groups of persons can distribute campaign literature, place political advertising, solicit votes, or otherwise engage in election related activity in the area for election-related activity. The statutes are silent as to a time frame in which political advertising can be placed, or how long after an election the candidate has to retrieve any political advertising.

Effective December 1, 2019, this act requires, for public buildings used as a polling place, that candidates have at least 36 hours prior to the election to place signs, and at least 36 hours after the close of the polls to retrieve any signs so placed. Any political advertising placed outside those times can be removed by the property owner. This act also requires a county board requesting to use a nonpublic building as a polling place to provide documentation that the county board has attempted to secure the same terms with the property owner prior to the Executive Director approving the nonpublic building for use as a polling place.

Section 2. Flexibility in the 2019 Municipal Canvass Dates.

With the early one-stop voting period schedule for the municipal elections in 2019, there is some possibility that the canvass day required under the statutes for a primary election can occur after the early one-stop voting period for the next election.

This act grants authority to the Executive Director, for the 2019 municipal elections only, to reduce the canvass period by whatever amount of time the Executive Director believes is necessary in order to ensure orderly elections on the election schedule otherwise required by law, with at least two weeks' notice of the new canvass period. Similar language was enacted for the 2017 municipal elections. This section became effective July 11, 2019, and expired November 7, 2019.