

POLITICAL SIGNS

The political sign statute has two main components. The first component makes it a class 2 misdemeanor for any person to knowingly remove, alter, deface or cover any political sign of any candidate for public office or in support of or opposition to any ballot measure, question or issue - or to knowingly remove, alter or deface any political mailers, handouts, flyers or other printed materials of a candidate or in support of or opposition to any ballot measure, question or issue that are delivered by hand to a residence for the period commencing 45 days before a primary election and ending 15 days after the general election (except that for a sign for a candidate in a primary election who does not advance to the general election, the period ends 15 days after the primary election).

The second component of the statute deals with the authority of a city or town to remove a sign. Starting 71 days before the primary election and ending 15 days after general election (or ending 15 days after the primary election for a candidate who failed to advance to the general election), a city or town cannot remove, alter, deface or cover any political sign if all of the following conditions are met:

1. The sign is placed in a public right-of-way that is owned or controlled by that jurisdiction;
2. The sign supports or opposes a candidate for public office, or it supports or opposes a ballot measure;
3. The sign is not placed in a location that is hazardous to public safety, obstructs clear vision in the area or interferes with the requirements of the Americans with Disabilities Act (42 United States Code sections 12101 through 12213 and 47 United States Code sections 225 and 611);
4. The sign does not exceed the maximum allowable area of 32 square feet (or the maximum allowable area of 16 square feet if the sign is in an area zoned for residential use); and
5. The sign contains the name and telephone number or website address of the candidate or campaign committee contact person.

If the city or town deems that the placement of a political sign constitutes an emergency, the city or town may immediately relocate the sign. The city or town must notify the candidate or campaign committee that placed the sign within 24 hours after the relocation.

If a sign does not meet the statutory criteria listed above and the placement is not deemed to constitute an emergency, the city or town may notify the candidate or campaign committee of the violation. If the sign remains in violation 24 hours after this notification to the city, town or county may remove the sign. The city or town shall notify the candidate or campaign committee of the removal and retain the sign for at least 10 business days to allow the candidate or campaign committee to retrieve the sign without penalty.

A city or town may prohibit the installation of a sign on any structure owned by the jurisdiction.

A.R.S. § 16-1019 governs the placement of temporary political signs placed in a city or town right of way. In contrast, A.R.S. § 16-925 regulates campaign finance violations for failing to include the required advertising and disclosure statement on the political sign, which is subject to investigation and enforcement pursuant to A.R.S. § 16-938.

A city, town or county employee acting within the scope of the employee's employment is not liable for an injury caused by the failure to remove a sign unless the employee intended to cause injury or was grossly negligent.

These provisions do not apply to commercial tourism, commercial resort and hotel sign free zones as those zones are designated by municipalities. The total area of those zones shall not be larger than 3 square miles, and each zone shall be identified as a specific contiguous area where, by resolution of the municipal governing body, the municipality has determined that based on a predominance of commercial tourism, resort and hotel uses within the zone the placement of political signs within the rights-of-way in the zone will detract from the scenic and aesthetic appeal of the area within the zone and deter its appeal to tourists. Not more than 2 zones may be identified within a municipality. State highways or routes, or overpasses over those state highways or routes, are not included in the areas where signs are allowed. State highways or routes, or overpasses over those state highways or routes, are not included in the areas where signs are allowed. Local sign regulations may also apply. Placement of political signs on private property must follow local sign regulations, if any.

City of Apache Junction

Public Works Policies/Procedures Manual

Policy Name: Political Campaign Signs NO. 100-06
Effective Date: 5/20 Revision Date: Page 1 of 2

The public works department is responsible for the city's right-of-ways ("ROWS") and for the safe flow of traffic on city streets. Political campaign signs are allowed in the public ROW installed in compliance with state and local laws. State law governing the sign placement is Arizona Revised Statutes § 16-1019 and First Amendment case law, primarily *Reed v. Town of Gilbert* - U.S.-, 135 S.Ct. 2218, 192.L.Ed.2d 236 (2015).

The city will not remove or relocate any political sign if the following conditions are met:

- A. Signs are placed any time after the day after nominations petition signatures are due in the city clerks' office to qualify for the primary election. Candidate or campaign committee contact person ("responsible party") shall remove signs fifteen (15) days after the election except for those candidates who win a primary election and qualify for the general election, in which case they have fifteen (15) days to remove all posted signage since the election would then be concluded.
- B. Signs have the name and telephone number or website address/email of the candidate or campaign committee contact person. The words "paid for by" followed by the name of the person making the expenditure are printed on the sign and legible.
- C. Signs are not attached to any public utility pole or structure, to include but are not limited to: street sign, light pole, traffic signal, tree, fire hydrant, park bench, railing, bridge, curb, sidewalk, median, street pavement, or city buildings.
- D. Signs not erected in any location where it will obstruct the view of any city authorized traffic sign, signal, or other traffic control device.
- E. Signs are placed a minimum of ten (10) feet back from the edge of pavement if there is no curb to preserve the errant vehicle clear zone.

- F. Signs are not posted in a location where there is an obstruction of vision of the ROW to any vehicle operator during ingress to, egress from, or while traveling on said ROW.
- G. Signs have a maximum area of sixteen (16) square feet if located in an area zoned for residential use or a maximum area of thirty-two (32) square feet if located in any other area, and cannot be higher than six (6) feet in height and elevated more than two (2) feet from the ground.
- H. Signs are maintained and any damaged signs are repaired.

The city will remove or relocate any political sign if the following occurs:

- A. If city deems that the placement of a political sign constitutes an emergency (e.g. signage blocks visibility or vehicles will likely hit signage). City shall notify the responsible party that placed the sign within twenty-four (24) hours after the removal or relocation. City shall retain the sign for at least ten (10) business days to allow the responsible party to retrieve the sign without penalty.
- B. If signs are a non-emergency violation, city may notify the responsible party of the concern. If sign remains in violation at least twenty-four hours after notification, the city will remove the sign. If removed, city shall notify the responsible party and retain the sign for at least ten (10) business days to allow the responsible party to retrieve the sign without penalty.
- C. Signs placed on SR88/Idaho Road locations owned and maintained by the Arizona Department of Transportation ("ADOT"), are not allowed as per A.R.S. § 16-1019. ADOT is responsible for removals and relocations, but city staff may obtain permission from ADOT to remove or relocate if placement is considered dangerous to vehicular/pedestrian traffic.

Public Works Director:



(Signature)

Date 5/18/20