

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 830

Short Title: Roadside Campaign Signs. (Public)

Sponsors: Senator Jacumin.

Referred to: Rules and Operations of the Senate.

March 25, 2009

A BILL TO BE ENTITLED

AN ACT TO PERMIT CAMPAIGN SIGNS IN STATE HIGHWAY RIGHTS-OF-WAY
WITH REASONABLE TIME, PLACE, AND MANNER RESTRICTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-32 reads as rewritten:

"§ 136-32. ~~Other than official signs prohibited.~~ Regulation of signs.

(a) Commercial Signs. – No unauthorized person shall erect or maintain upon any highway any warning or direction sign, marker, signal or light or imitation of any official sign, marker, signal or light erected under the provisions of G.S. 136-30, except in cases of emergency. No person shall erect or maintain upon any highway any traffic or highway sign or signal bearing thereon any commercial ~~advertising~~ or political advertising, except as provided in subsections (b) through (f) of this section: Provided, nothing in this section shall be construed to prohibit the erection or maintenance of signs, markers, or signals bearing thereon the name of an organization authorized to erect the same by the Department of Transportation or by any local authority referred to in G.S. 136-31. Any person who shall violate any of the provisions of this section shall be guilty of a Class 1 misdemeanor. The Department of Transportation or any person may remove any signs that have been erected without authority, authority or allowed to remain beyond the deadline established in subsection (b) of this section.

(b) Compliant Political Signs Permitted. – During the period beginning on the 30th day before a primary or election day and ending on the 10th day after the primary or election day, persons may place political signs in the right-of-way of the State highway system as provided in this subsection. A person may place signs in the right-of-way of the State highway system if all the following conditions are met:

(1) The person obtains a permit from the State Board of Elections or the county board of elections as provided in this section. The board shall issue a permit to any person who signs a certification that the person understands and agrees to adhere to the requirements of this section.

(2) The person places the signs in compliance with rules adopted by the Department. The Department shall adopt rules in accordance with subsection (d) of this section.

(3) The person removes the signs by the 10th day after the primary or election date.

(c) Definition. – The term "political sign" is any sign that advocates for political action. The term does not include a commercial sign.

(d) Rules to Be Adopted by the Department. – The Department shall adopt rules for sign placement as provided by subsection (b) of this section. Those rules shall include the following:



- 1 (1) Designations of the portion of the State highway system right-of-way where
2 signs are permitted and specifications of the types of signs that are
3 permitted. The Department's rules shall adhere to the following:
4 a. No sign shall be permitted in the right-of-way of a fully controlled
5 access highway.
6 b. No sign shall be closer than two feet from the edge of the pavement
7 of the road.
8 c. No sign shall be permitted closer than 50 feet to an intersection. That
9 distance shall be measured from the edge of the pavements of the
10 intersecting roads.
11 d. No sign shall be permitted higher than 42 inches above the edge of
12 the pavement of the road.
13 e. No sign shall be larger than 2,016 square inches.
14 f. No sign closer than 150 feet to an intersection shall be larger than
15 576 square inches.
16 g. No sign shall be permitted that obscures or replaces another
17 permitted sign.

- 18 (2) The requirement that the permittee seek the permission of any property
19 owner of a residence, business, or religious institution fronting the
20 right-of-way where a sign would be erected.

21 (e) Procedures to Be Adopted by State Board of Elections. – The State Board of
22 Elections shall adopt uniform procedures for the issuance of permits. The procedures shall
23 provide for all of the following:

- 24 (1) A means for candidates to apply for and receive permits as a part of the
25 process of filing notice of candidacy.
26 (2) A means for candidates and noncandidates to apply for and receive permits
27 at other times during the period specified in subsection (b) of this section.
28 (3) Standard certification forms that explain the requirements of this section and
29 of G.S. 163-33.3.
30 (4) Reasonable specificity as to the kind of sign permitted and as to the places
31 where the sign is permitted.

32 (e) Penalties. – The State Board of Elections shall adopt penalties for permit holders
33 who fail to remove signs by that date. Total penalties shall not exceed fifty dollars (\$50.00) for
34 each notice of an offense, with a maximum fine of five hundred dollars (\$500.00) per county
35 during a permitted period. The penalties shall be enforced by the county board of elections in
36 the county in which the violation occurred. Enforcement shall be in the manner of enforcement
37 of civil penalties under G.S. 163-278.34(a), (d), and (e), including the provision that the State
38 Board of Elections shall reduce the monies collected by the enforcement costs and the
39 collection costs to determine the clear proceeds payable to the Civil Penalty and Forfeiture
40 Fund. Monies set aside for the costs of enforcement and the costs of collection shall be credited
41 to accounts of the State Board of Elections. Appeals from decisions of the county board of
42 elections shall be to the State Board of Elections. In an appeal, the State Board may add to any
43 penalty imposed by the county board the costs of the appeal hearing to the State Board.

44 (f) Option for Municipalities to Adopt State Plan. – A municipality may elect to have
45 the provisions of this section apply to street rights-of-way within the municipality maintained
46 by the municipality. If the municipality so elects, issuance of permits, implementation of this
47 section, and enforcement of penalties shall be by the State and county boards of elections as if
48 the streets of the municipality were part of the State highway system. The municipality shall be
49 subject to the provisions of subsection (b) of this section."

50 **SECTION 2.** This act becomes effective January 1, 2010, and applies to any
51 primary or election held on or after that date.