

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 315

Short Title: Roadside Campaign Signs. (Public)

Sponsors: Senators Daniel, D. Berger, Brock; Apodaca, Brown, Goolsby, Harrington, Hise, Jackson, Kinnaird, Newton, Pate, and Rabon.

Referred to: Transportation.

March 14, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO PERMIT CAMPAIGN SIGNS IN STATE HIGHWAY RIGHTS-OF-WAY
3 WITH REASONABLE TIME, PLACE, AND MANNER RESTRICTIONS.

4 The General Assembly of North Carolina enacts:

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

6 "**§ 136-32. ~~Other than official signs prohibited.~~ Regulation of signs.**

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

19 (b) Compliant Political Signs Permitted. – During the period beginning on the 30th day
20 before the beginning date of "one-stop" early voting under G.S. 163-227.2 and ending on the
21 10th day after the primary or election day, persons may place political signs in the right-of-way
22 of the State highway system as provided in this subsection. A person may place signs in the
23 right-of-way of the State highway system if all the following conditions are met:

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

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

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

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



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

4 (1) Designations of the portion of the State highway system right-of-way where
5 signs are permitted and specifications of the types of signs that are
6 permitted. The Department's rules shall adhere to the following:

7 a. No sign shall be permitted in the right-of-way of a fully controlled
8 access highway.

9 b. No sign shall be closer than three feet from the edge of the pavement
10 of the road.

11 c. No sign shall be permitted closer than 50 feet from an intersection.
12 That distance shall be measured from the edge of the pavements of
13 the intersecting roads.

14 d. No sign shall be permitted higher than 42 inches above the edge of
15 the pavement of the road.

16 e. No sign shall be larger than 576 square inches.

17 f. No sign shall be permitted that obscures or replaces another
18 permitted sign.

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

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

25 (1) A means for candidates to apply for and receive permits as a part of the
26 process of filing notice of candidacy.

27 (2) A means for candidates and noncandidates to apply for and receive permits
28 at other times during the period specified in subsection (b) of this section.

29 (3) Standard certification forms that explain the requirements of this section and
30 of G.S. 163-33.3.

31 (4) Reasonable specificity as to the kind of sign permitted and as to the places
32 where the sign is permitted.

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

46 (g) Penalties for Unlawful Removal of Signs. – It is a Class 3 misdemeanor for a person
47 to unlawfully remove a campaign sign that is lawfully placed under this section.

48 (h) Option for Municipalities to Adopt State Plan. – A municipality may elect to have
49 the provisions of this section apply to street rights-of-way within the municipality maintained
50 by the municipality. If the municipality so elects, issuance of permits, implementation of this
51 section, and enforcement of penalties shall be by the State and county boards of elections as if

1 the streets of the municipality were part of the State highway system. The municipality shall be
2 subject to the provisions of subsection (b) of this section."

3 **SECTION 2.** This act becomes effective January 1, 2012, and applies to any
4 primary or election held on or after that date.