

CAMPAIGN SIGNS NOTES

As most citizens are aware, there are numerous regulations and policies aimed at keeping North Carolina safe and beautiful.

Political candidates and committees will be doing their share if they instruct their campaign workers not to place signs on public property. And, they will be helping save and protect citizen's lives. Some of the signs can block a motorist's view of oncoming traffic which could result in a serious or even fatal accident.

The Division of Highway field employees are instructed to remove all signs illegally placed within state highway rights-of-way. Such signs may be taken to local maintenance offices for storage until they are claimed.

Most counties and cities have ordinances regulating the placement and removal of signs within public rights-of-way. Citations and penalties may be assessed for each sign as separate offenses.

You are urged to contact each local government to determine its exact laws. The cost of the signs and the bad publicity of signs in violation may be an unwelcome burden to you and your committee.

City of Havelock Sign Ordinance

91.10 POSTING SIGNS.

It shall be unlawful for any person to post any bill, placard, poster, sign, or advertisement on any telegraph, telephone, or electric light pole, tree, or any traffic-control sign or supporting structure thereof along any of the streets or sidewalks of the City.

(1989 Code, § 14-9) (Ord. passed 5-8-1972) Penalty, see § 10.99

City of New Bern Sign Ordinance

(5) Signs erected in connection with elections or political campaigns. Such signs shall be removed within three days following the election or conclusion of the campaign. No such sign may exceed 32 square feet in area.

Town of River Bend Sign Ordinance

(4) *Signs erected in connection with elections or political campaigns.* These signs must be erected on private property with the owner's permission and no signs shall be erected on public rights of way or utility poles. These signs shall not exceed 4 square feet in area and shall be erected no earlier than 14 days prior to election day. They shall be removed within 24 hours after election day by the property owners upon whose property they are erected. On election day, political or campaign signs may be erected in the specially designated area of town hall. The candidates are responsible for the removal of those signs within 24 hours of the closing of the election polls.

***This page contains municipal ordinances that this office is aware of pertaining to signs.**

BUFFER ZONE NOTICE

§ 163-166.4. Limitation on activity in the voting place and in a buffer zone around it.

(a) Buffer Zone. - No person or group of persons shall hinder access, harass others, distribute campaign literature, place political advertising, solicit votes, or otherwise engage in election-related activity in the voting place or in a buffer zone which shall be prescribed by the county board of elections around the voting place. In determining the dimensions of that buffer zone for each voting place, the county board of elections shall, where practical, set the limit at 50 feet from the door of entrance to the voting place, measured when that door is closed, but in no event shall it set the limit at more than 50 feet or at less than 25 feet.

(a1) Area for Election-Related Activity. - Except as provided in subsection (b) of this section, the county board of elections shall also provide an area adjacent to the buffer zone for each voting place in which persons or groups of persons may distribute campaign literature, place political advertising, solicit votes, or otherwise engage in election-related activity.

(b) Special Agreements About Election-Related Activity. - The Executive Director of the State Board of Elections may grant special permission for a county board of elections to enter into an agreement with the owners or managers of a nonpublic building to use the building as a voting place on the condition that election-related activity as described in subsection (a1) of this section not be permitted on their property adjacent to the buffer zone, if the Executive Director finds all of the following:

- (1) That no other suitable voting place can be secured for the precinct.
- (2) That the county board will require the chief judge of the precinct to monitor the grounds around the voting place to ensure that the restriction on election-related activity shall apply to all candidates and parties equally.
- (3) That the pattern of voting places subject to agreements under this subsection does not disproportionately favor any party, racial or ethnic group, or candidate.

An agreement under this subsection shall be valid for as long as the nonpublic building is used as a voting place. *N2-Fort Totten YMCA is the only voting place currently that applies to this.*

(c) Notice About Buffer Zone and Area for Election-Related Activity. - No later than 30 days before each election, the county board of elections shall make available to the public the following information concerning each voting place:

- (1) The door from which the buffer zone is measured.
- (2) The distance the buffer zone extends from that door.
- (3) Any available information concerning where political activity, including sign placement, is permitted beyond the buffer zone.

(d) Buffer Zone and Area for Election-Related Activity at One-Stop Sites. - Except as modified in this subsection, the provisions of this section shall apply to one-stop voting sites in G.S. 163-227.2.

- (1) Subsection (b) of this section shall not apply.
- (2) The notice in subsection (c) of this section shall be provided no later than 10 days before the opening of one-stop voting at the site.

(2001-460, s. 3; 2003-365, s. 1; 2007-391, s. 13; 2008-187, s. 33(a); 2009-541, s. 22(a).)

Littering Statutes for Political Candidates in North Carolina

§ 14-156. Injuring fixtures and other property of electric-power companies.

It shall be unlawful for any person willfully and wantonly, and without the consent of the owner, to take down, remove, injure, obstruct, displace or destroy any line erected or constructed for the transmission of electrical current, or any poles, towers, wires, conduits, cables, insulators or any support upon which wires or cables may be suspended, or any part of any such line or appurtenances or apparatus connected therewith, or to sever any wire or cable thereof, or in any manner to interrupt the transmission of electrical current over and along any such line, or to take down, remove, injure or destroy any house, shop, building or other structure or machinery connected with or necessary to the use of any line erected or constructed for the transmission of electrical current, or to wantonly or willfully cause injury to any of the property mentioned in this section by means of fire. Any person violating any of the provisions of this section shall be guilty of a Class 2 misdemeanor. (1907, c. 919; C.S., s. 4328; 1993, c. 539, s. 94; 1994, Ex. Sess., c. 24, s. 14(c).)

§ 136-32. 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 or political advertising, except as provided in subsections (b) through (e) 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 may remove any signs erected without 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 the beginning date of "one-stop" early voting under G.S. 163-227.2 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 section. Signs must be placed in compliance with subsection (d) of this section and must be removed by the end of the period prescribed in this subsection.

(c) Definition. – For purposes of this section, "political sign" means any sign that advocates for political action. The term does not include a commercial sign.

(d) Sign Placement. – 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. Signs must be placed in accordance with the following:

- (1) No sign shall be permitted in the right-of-way of a fully controlled access highway.
- (2) No sign shall be closer than three feet from the edge of the pavement of the road.

(3) No sign shall obscure motorist visibility at an intersection.

(4) No sign shall be higher than 42 inches above the edge of the pavement of the road.

(5) No sign shall be larger than 864 square inches.

(6) No sign shall obscure or replace another sign.

(e) Penalties for Unlawful Removal of Signs. – It is a Class 3 misdemeanor for a person to steal, deface, vandalize, or unlawfully remove a political sign that is lawfully placed under this section.

(f) Application Within Municipalities. – Pursuant to Article 8 of Chapter 160A of the General Statutes, a city may by ordinance prohibit or regulate the placement of political signs on rights-of-way of streets located within the corporate limits of a municipality and maintained by the municipality. In the absence of an ordinance prohibiting or regulating the placement of political signs on the rights-of-way of streets located within a municipality and maintained by the municipality, the provisions of subsections (b) through (e) of this section shall apply. (1921, c. 2, s. 9(b); C.S., s. 3846(r); 1927, c. 148, ss. 56, 58; 1933, c. 172, s. 17; 1957, c. 65, s. 11; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1; 1991 (Reg. Sess., 1992), c. 1030, s. 39; 1993, c. 539, s. 981; 1994, Ex. Sess., c. 24, s. 14(c); 2011-408, s. 1.)

19A NCAC 02E .0415 Advertising signs within right of way

It shall be unlawful for any person, firm or corporation to erect or place any advertising or other sign, except regulation traffic and warning signs approved by the Department of Transportation, on any highway or the right of way thereof, or so as to overhang the right of way, or to permit the erection or placing of any advertising or other sign, as herein prohibited, on a n y highway right of way which is situated over any land owned, rented, leased or claimed by such person, firm or corporation . It shall be unlawful for any person, firm or other corporation that has erected, or placed, or permitted to be erected or placed, any advertising or other sign, as herein prohibited, or for any person, firm or corporation owning, renting, leasing or claiming any land over which a highway or highway right of way is situated, and on which highway or highway right of way any advertising or other sign has been erected or placed, to allow such advertising or other signs to remain o n state highway or right of way thereof.

History Note: Authority G.S. 136-18(10); 136-30;

Eff. July 1, 1978.



STATE BOARD OF ELECTIONS
6400 Mail Service Center • Raleigh, North Carolina 27699-6400

KIM WESTBROOK STRACH
Executive Director

MAILING ADDRESS:
P.O. BOX 27255
RALEIGH, NC 27611-7255

Memorandum

To: County Boards of Elections

From: Don Wright, General Counsel

September 4, 2014

Re: Political signs

This memorandum is designed to give you answers for inquiries concerning political signs that you might receive from the public and candidates. Please free to share this with the public, political parties, candidates, and the media.

Complaints about signs

Political signs on NCDOT right-of-ways are now allowed by GS 136-32.

§ 136-32. 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 or political advertising, except as provided in subsections (b) through (e) 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 may remove any signs erected without 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 the beginning date of "one-stop" early voting under G.S. 163-227.2 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 section. Signs must be placed in compliance with subsection (d) of this section and must be removed by the end of the period prescribed in this subsection.

LOCATION: 441 NORTH HARRINGTON STREET • RALEIGH, NORTH CAROLINA 27603 • (919) 733-7173

- (c) Definition. - For purposes of this section, "political sign" means any sign that advocates for political action. The term does not include a commercial sign.
- (d) Sign Placement. - 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. Signs must be placed in accordance with the following:
- (1) No sign shall be permitted in the right-of-way of a fully controlled access highway.
 - (2) No sign shall be closer than three feet from the edge of the pavement of the road.
 - (3) No sign shall obscure motorist visibility at an intersection.
 - (4) No sign shall be higher than 42 inches above the edge of the pavement of the road.
 - (5) No sign shall be larger than 864 square inches.
 - (6) No sign shall obscure or replace another sign.
- (e) Penalties for Unlawful Removal of Signs. - It is a Class 3 misdemeanor for a person to steal, deface, vandalize, or unlawfully remove a political sign that is lawfully placed under this section.
- (f) Application Within Municipalities. - Pursuant to Article 8 of Chapter 160A of the General Statutes, a city may by ordinance prohibit or regulate the placement of political signs on rights-of-way of streets located within the corporate limits of a municipality and maintained by the municipality. In the absence of an ordinance prohibiting or regulating the placement of political signs on the rights-of-way of streets located within a municipality and maintained by the municipality, the provisions of subsections (b) through (e) of this section shall apply. (1921, c. 2, s. 9(b); C.S., s. 3846(r); 1927, c. 148, ss. 56, 58; 1933, c. 172, s. 17; 1957, c. 65, s. 11; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1; 1991 (Reg. Sess., 1992), c. 1030, s. 39; 1993, c. 539, s. 981; 1994, Ex. Sess., c. 24, s. 14(c); 2011-408, s. 1.)

Signs are allowed to be placed on these right-of-ways 30 days prior to one-stop voting starting. The signs are to be removed 10 days after the election. Also there are some restrictions on placement. Complaints about the timing of placement, removal, and location of placement of political signs are not matters for a county board of elections or the State Board of Elections. Have the complaining parties state their concerns to the local DOT District Office. Information on contacting the DOT District Offices is set out below. Citizens can also call the DOT toll free at (877)368-4968 during normal business hours. Links to District Offices can be found on the NCDOT website at:

http://www.ncdot.gov/contact/countyContacts.html?name=*

Alamance P.O.Box 766 Graham, NC 27253

Alexander 124 Prison Camp Rd. Statesville, NC 28625

Alleghany P.O.Box 558 Elkin, NC 28621

Anson 130 S.Sutherland Monroe, NC 28112

Ashe P.O.Box 250 North Wilkesboro, NC 28659

Avery P.O.Box 1460 Boone, NC 28607

Beaufort 1701 W. 5th St. Washington, NC 27889
Bertie 230 NC 42 West Ahoskie, NC 27910
Bladen P.O.Box 27 Whiteville, NC 28472
Brunswick 300 Division Rd. Wilmington, 28401
Buncombe P.O.Box 3279 Asheville, NC 28802
Burke 3931 NC 226S Marion, NC 28752
Cabarrus 615 Concord Rd.(NC 73) Albemarle, NC 28001
Caldwell P.O.Box 1460 Boone, NC 28607
Camden 1929 North Road St. Elizabeth City, NC 27909
Carteret 209 South Glenburnie Rd. New Bern, NC 28560
Caswell P.O.Box 2513 Reidsville, NC 27323-2513
Catawba 1031 E. Gaston Street Lincolnton, NC 28082
Chatham P.O.Box 1164 Asheboro, NC 27204
Cherokee 191 Robbinsville Rd. Andrews, NC 28901
Chowan 1300 US HWY 64 West Plymouth, NC 27962
Clay 191 Robbinsville Rd. Andrews, NC 28901
Cleveland P.O.Box 47 Shelby, NC 28151-0047
Columbus P.O.Box 27 Whiteville, NC 28472
Craven 209 South Glenburnie Rd. New Bern, NC 28560
Cumberland P.O.Box 1150 Fayetteville, NC 28302
Currituck 1929 North Road St. Elizabeth City, NC 27909
Dare 1929 North Road St. Elizabeth City, NC 27909
Davidson 4770 South Main St. Salisbury, NC 28147
Davie 375 Silas Creek Parkway Winston-Salem, NC 27127
Duplin 220 North Blvd. Clinton, 28328

Durham 1069 Prison Camp Road, Durham, NC 27705
Edgecombe 14194 HWY 903 Halifax, NC 27839
Forsyth 375 Silas Creek Parkway Winston-Salem, NC 27127
Franklin 321 Gillburg Rd. Henderson, NC 27537
Gaston P.O.Box 47 Shelby, NC 28151-0047
Gates 1929 North Road St. Elizabeth City, NC 27909
Graham 191 Robbinsville Rd. Andrews, NC 28901
Granville 815 Stadium Dr. Durham, NC 27704-2713
Greene 1629 Hwy. 258 South Kinston, NC 28504
Guilford P.O.Box 14996 Greensboro, NC 27415-4996
Halifax 14194 HWY 903 Halifax, NC 27839
Harnett P.O.Box 1150 Fayetteville, NC 28302
Haywood 178 Henry Bird Rd, Whittier, NC 28789
Henderson 4142 Haywood Rd. Horse Shoe, NC 28742
Hertford 230 NC 42 West Ahoskie, NC 27910
Hoke P.O.Box 1067 Aberdeen, NC 28315
Hyde 1300 US HWY 64 West Plymouth, NC 27962
Iredell 124 Prison Camp Rd. Statesville, NC 28625
Jackson 178 Henry Bird Rd, Whittier, NC 28789
Johnston 2671 US 70 West Goldsboro, NC 27530
Jones 1629 Hwy. 258 South Kinston, NC 28504
Lee P.O.Box 1067 Aberdeen, NC 28315
Lenoir 1629 Hwy. 258 South Kinston, NC 28504
Lincoln 1031 E. Gaston Street Lincolnton, NC 28082
Macon 191 Robbinsville Rd. Andrews, NC 28901

Madison P.O.Box 3279 Asheville, NC 28802

Martin 1300 US HWY 64 West Plymouth, NC 27962

McDowell 3931 NC 226S Marion, NC 28752

Mecklenburg 7605 District Drive Charlotte, NC 28213

Mitchell 3931 NC 226S Marion, NC 28752

Montgomery 219 Clemmer Rd. Rockingham, NC 28379

Moore P.O.Box 1067 Aberdeen, NC 28315

Nash 3013 US 64-A Nashville, NC 27856

New Hanover 300 Division Rd. Wilmington, 28401

Northampton 230 NC 42 West Ahoskie, NC 27910

Onslow 295-A Wilmington Hwy. Jacksonville, NC 28540

Orange P.O.Box 766 Graham, NC 27253

Pamlico 209 South Glenburnie Rd. New Bern, NC 28560

Pasquotank 1929 North Road St. Elizabeth City, NC 27909

Pender 295-A Wilmington Hwy. Jacksonville, NC 28540

Perquimans 1929 North Road St. Elizabeth City, NC 27909

Person 815 Stadium Dr. Durham, NC 27704-2713

Pitt 1701 W. 5th St. Washington, NC 27889

Polk 4142 Haywood Rd. Horse Shoe, NC 28742

Randolph P.O.Box 1164 Asheboro, NC 27204

Richmond 219 Clemmer Rd. Rockingham, NC 28379

Robeson P.O.Box 2157 Lumberton, NC 28359

Rockingham P.O.Box 2513 Reidsville, NC 27323-2513

Rowan 4770 South Main St. Salisbury, NC 28147

Rutherford 3931 NC 226S Marion, NC 28752

Sampson 220 North Blvd. Clinton, 28328
Scotland 219 Clemmer Rd. Rockingham, NC 28379
Stanly 615 Concord Rd.(NC 73) Albemarle, NC 28001
Stokes 375 Silas Creek Parkway Winston-Salem, NC 27127
Surry P.O.Box 558 Elkin, NC 28621
Swain 178 Henry Bird Rd, Whittier, NC 28789
Transylvania 4142 Haywood Rd. Horse Shoe, NC 28742
Tyrrell 1300 US HWY 64 West Plymouth, NC 27962
Union 130 S.Sutherland Monroe, NC-28112
Vance 321 Gillburg Rd. Henderson, NC 27537
Wake 4009 District Drive Raleigh, NC 27607
Warren 321 Gillburg Rd. Henderson, NC 27537
Washington 1300 US HWY 64 West Plymouth, NC 27962
Watauga P.O.Box 1460 Boone, NC 28607
Wayne 2671 US 70 West Goldsboro, NC 27530
Wilkes P.O.Box 250 North Wilkesboro, NC 28659
Wilson 3013 US 64-A Nashville, NC 27856
Yadkin P.O.Box 558 Elkin, NC 28621
Yancey P.O.Box 3279 Asheville, NC 28802

Generally the placement of political signs on private property is allowed without restrictions unless there are local ordinances dealing with the location, timing, and removal of political signs. We are assuming you are familiar with any such county or municipal ordinances in your county. Any complaint about a violation of these ordinances should be directed to the political body that passed it, not a county elections office.

Unlawful removal of signs

GS 14-384 makes it a misdemeanor to remove lawfully placed signs, including political signs. Complaints as to an alleged violation of this criminal statute should be directed to law enforcement by the complaining party, not the county board of elections. There is also a provision in GS 136-32(e) that

makes it a misdemeanor to remove lawfully placed signs on right-of-ways. An alleged violation of this statute should also be reported to local law enforcement by the complaining party.

§ 14-384. Injuring notices and advertisements.

If any person shall wantonly or maliciously mutilate, deface, pull or tear down, destroy or otherwise damage any notice, sign or advertisement, unless immoral or obscene, whether put up by an officer of the law in performance of the duties of his office or by some other person for a lawful purpose, before the object for which such notice, sign or advertisement was posted shall have been accomplished, he shall be guilty of a Class 3 misdemeanor. Nothing herein contained shall apply to any person mutilating, defacing, pulling or tearing down, destroying or otherwise damaging notices, signs or advertisements put upon his own land or lands of which he may have charge or control, unless consent of such person to put up such notice, sign or advertisement shall have first been obtained, except those put up by an officer of the law in the performance of the duties of his office. (1885, c. 302; Rev., s. 3709; C.S., s. 4503; 1993, c. 539, s. 256; 1994, Ex. Sess., c. 24, s. 14(c).)

§ 136-32. Regulation of signs.

(e) Penalties for Unlawful Removal of Signs. - It is a Class 3 misdemeanor for a person to steal, deface, vandalize, or unlawfully remove a political sign that is lawfully placed under this section.

Proper disclosure or legend on sign

Current campaign finance guidelines do not require a legend on a yard sign, window signs, or barn signs. Refer to the online 2014 Campaign Finance Manual at pages 85-88 for more information. Any complaints as to disclosure issues should be in writing and directed to our Campaign Finance Division.