



STATE BOARD OF ELECTIONS

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Executive Director

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Memorandum

To: County Boards of Elections

September 19, 2012

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. Feel free to share this document with others.

Complaints about signs

Political signs on DOT right-of-ways are now allowed by GS 136-32. Signs are allowed to be placed on these right of-ways 30 days prior to one-stop voting starting. They are to be removed 10 days after the election. Also there are some restrictions on the placement. The Statute is set out below. Complaints about the timing of placing, removal, and location of placement are not matters for a county board of elections or the State Board. Have the citizen refer those complaints to your local DOT District Office. Information on contacting the DOT District Offices is set out at the end of this document. Citizens can also call the NCDOT 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=*

§ 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.)

Generally, the placement of political signs on private property is allowed without restrictions. This is a form of political speech protected by the First Amendment. However, there are a few municipalities and counties that have ordinances dealing with the timing of sign placement, where a sign can be placed and when it needs to be removed. Any violation of such ordinance should be directed to the political body which passed it, and 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 this issue should be directed to law enforcement authorities by the complaining citizen. There is also a provision in GS 136-32 that makes it a misdemeanor to remove lawfully placed signs on right-of- ways. These alleged crimes should also be reported to local law enforcement by the complaining citizen.

§ 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).)

Proper disclosure or legend on a sign

Refer to the current Campaign Finance Manual produced by our Campaign Finance Division and posted on the State Board website for the disclosure/legend requirements on signs. The information on signs is found at pages 107 and 108. A legend is required on billboards and portable signs, but is not required on yard signs, window posters, and barn sides designed for use on buildings. Refer to the Campaign Finance Manual for more detail. Make sure any complaints about sign disclosure/legends are made in writing and refer that complaint to our Campaign Finance Division.

NCDOT CONTACTS

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

<u>Ashe</u>	P.O.Box 250 North Wilkesboro, NC 28659
<u>Avery</u>	P.O.Box 1460 Boone, NC 28607
<u>Beaufort</u>	1701 W. 5th St. Washington, NC 27889
<u>Bertie</u>	230 NC 42 West Ahoskie, NC 27910
<u>Bladen</u>	P.O.Box 27 Whiteville, NC 28472
<u>Brunswick</u>	300 Division Rd. Wilmington, 28401
<u>Buncombe</u>	P.O.Box 3279 Asheville, NC 28802
<u>Burke</u>	3931 NC 226S Marion, NC 28752
<u>Cabarrus</u>	615 Concord Rd.(NC 73) Albemarle, NC 28001
<u>Caldwell</u>	P.O.Box 1460 Boone, NC 28607
<u>Camden</u>	1929 North Road St. Elizabeth City, NC 27909
<u>Carteret</u>	209 South Glenburnie Rd. New Bern, NC 28560
<u>Caswell</u>	P.O.Box 2513 Reidsville, NC 27323-2513
<u>Catawba</u>	1031 E. Gaston Street Lincolnton, NC 28082
<u>Chatham</u>	P.O.Box 1164 Asheboro, NC 27204
<u>Cherokee</u>	191 Robbinsville Rd. Andrews, NC 28901
<u>Chowan</u>	1300 US HWY 64 West Plymouth, NC 27962
<u>Clay</u>	191 Robbinsville Rd. Andrews, NC 28901
<u>Cleveland</u>	P.O.Box 47 Shelby, NC 28151-0047
<u>Columbus</u>	P.O.Box 27 Whiteville, NC 28472
<u>Craven</u>	209 South Glenburnie Rd. New Bern, NC 28560
<u>Cumberland</u>	P.O.Box 1150 Fayetteville, NC 28302

<u>Currituck</u>	1929 North Road St. Elizabeth City, NC 27909
<u>Dare</u>	1929 North Road St. Elizabeth City, NC 27909
<u>Davidson</u>	4770 South Main St. Salisbury, NC 28147
<u>Davie</u>	375 Silas Creek Parkway Winston-Salem, NC 27127
<u>Duplin</u>	220 North Blvd. Clinton, 28328
<u>Durham</u>	815 Stadium Dr. Durham, NC 27704-2713
<u>Edgecombe</u>	14194 HWY 903 Halifax, NC 27839
<u>Forsyth</u>	375 Silas Creek Parkway Winston-Salem, NC 27127
<u>Franklin</u>	321 Gillburg Rd. Henderson, NC 27537
<u>Gaston</u>	P.O.Box 47 Shelby, NC 28151-0047
<u>Gates</u>	1929 North Road St. Elizabeth City, NC 27909
<u>Graham</u>	191 Robbinsville Rd. Andrews, NC 28901
<u>Granville</u>	815 Stadium Dr. Durham, NC 27704-2713
<u>Greene</u>	1629 Hwy. 258 South Kinston, NC 28504
<u>Guilford</u>	P.O.Box 14996 Greensboro, NC 27415-4996
<u>Halifax</u>	14194 HWY 903 Halifax, NC 27839
<u>Harnett</u>	P.O.Box 1150 Fayetteville, NC 28302
<u>Haywood</u>	P.O.Box 250 Bryson, NC 28713
<u>Henderson</u>	4142 Haywood Rd. Horse Shoe, NC 28742
<u>Hertford</u>	230 NC 42 West Ahoskie, NC 27910
<u>Hoke</u>	P.O.Box 1067 Aberdeen, NC 28315
<u>Hyde</u>	1300 US HWY 64 West Plymouth, NC 27962

<u>Iredell</u>	124 Prison Camp Rd. Statesville, NC 28625
<u>Jackson</u>	P.O.Box 250 Bryson, NC 28713
<u>Johnston</u>	2671 US 70 West Goldsboro, NC 27530
<u>Jones</u>	1629 Hwy. 258 South Kinston, NC 28504
<u>Lee</u>	P.O.Box 1067 Aberdeen, NC 28315
<u>Lenoir</u>	1629 Hwy. 258 South Kinston, NC 28504
<u>Lincoln</u>	1031 E. Gaston Street Lincolnton, NC 28082
<u>Macon</u>	191 Robbinsville Rd. Andrews, NC 28901
<u>Madison</u>	P.O.Box 3279 Asheville, NC 28802
<u>Martin</u>	1300 US HWY 64 West Plymouth, NC 27962
<u>McDowell</u>	3931 NC 226S Marion, NC 28752
<u>Mecklenburg</u>	7605 District Drive Charlotte, NC 28213
<u>Mitchell</u>	3931 NC 226S Marion, NC 28752
<u>Montgomery</u>	219 Clemmer Rd. Rockingham, NC 28379
<u>Moore</u>	P.O.Box 1067 Aberdeen, NC 28315
<u>Nash</u>	3013 US 64-A Nashville, NC 27856
<u>New Hanover</u>	300 Division Rd. Wilmington, 28401
<u>Northampton</u>	230 NC 42 West Ahoskie, NC 27910
<u>Onslow</u>	295-A Wilmington Hwy. Jacksonville, NC 28540
<u>Orange</u>	P.O.Box 766 Graham, NC 27253
<u>Pamlico</u>	209 South Glenburnie Rd. New Bern, NC 28560
<u>Pasquotank</u>	1929 North Road St. Elizabeth City, NC 27909

<u>Pender</u>	295-A Wilmington Hwy. Jacksonville, NC 28540
<u>Perquimans</u>	1929 North Road St. Elizabeth City, NC 27909
<u>Person</u>	815 Stadium Dr. Durham, NC 27704-2713
<u>Pitt</u>	1701 W. 5th St. Washington, NC 27889
<u>Polk</u>	4142 Haywood Rd. Horse Shoe, NC 28742
<u>Randolph</u>	P.O.Box 1164 Asheboro, NC 27204
<u>Richmond</u>	219 Clemmer Rd. Rockingham, NC 28379
<u>Robeson</u>	P.O.Box 2157 Lumberton, NC 28359
<u>Rockingham</u>	P.O.Box 2513 Reidsville, NC 27323-2513
<u>Rowan</u>	4770 South Main St. Salisbury, NC 28147
<u>Rutherford</u>	3931 NC 226S Marion, NC 28752
<u>Sampson</u>	220 North Blvd. Clinton, 28328
<u>Scotland</u>	219 Clemmer Rd. Rockingham, NC 28379
<u>Stanly</u>	615 Concord Rd.(NC 73) Albemarle, NC 28001
<u>Stokes</u>	375 Silas Creek Parkway Winston-Salem, NC 27127
<u>Surry</u>	P.O.Box 558 Elkin, NC 28621
<u>Swain</u>	P.O.Box 250 Bryson, NC 28713
<u>Transylvania</u>	4142 Haywood Rd. Horse Shoe, NC 28742
<u>Tyrrell</u>	1300 US HWY 64 West Plymouth, NC 27962
<u>Union</u>	130 S.Sutherland Monroe, NC 28112
<u>Vance</u>	321 Gillburg Rd. Henderson, NC 27537
<u>Wake</u>	4009 District Drive Raleigh, NC 27607

<u>Warren</u>	321 Gillburg Rd. Henderson, NC 27537
<u>Washington</u>	1300 US HWY 64 West Plymouth, NC 27962
<u>Watauga</u>	P.O.Box 1460 Boone, NC 28607
<u>Wayne</u>	2671 US 70 West Goldsboro, NC 27530
<u>Wilkes</u>	P.O.Box 250 North Wilkesboro, NC 28659
<u>Wilson</u>	3013 US 64-A Nashville, NC 27856
<u>Yadkin</u>	P.O.Box 558 Elkin, NC 28621
<u>Yancey</u>	P.O.Box 3279 Asheville, NC 28802