

Regulation of Political Signs

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Political Sign Requirements--State Law

ARS § 16-1019 Political signs; printed materials; tampering; violation; classification

- Regulates signs that support or oppose a candidate for public office or a ballot measure, question or issue
- Preempts city removal of political signs—period between 71 days before primary and 15 days after general election
- A city may prohibit the installation of signs on structures owned by the city
- Excludes state highways or routes, or overpasses
- Class 2 misdemeanor for any person to knowingly remove, alter, deface, or cover any political sign

Sign Requirements

1. The sign is placed in a public right-of-way.
2. The sign supports or opposes a candidate for public office or 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.
4. The sign has a maximum area of
 - 16 square feet for residential
 - 32 square feet any other area
5. The sign contains the name and telephone number, or website address of the candidate or campaign committee contact person. **

ARS 16-1019 (C) Political signs; printed materials; tampering; violation; classification



Sign Requirements

ARS 16-1019 (C) Political signs; printed materials; tampering; violation; classification

The sign contains the name and telephone number, or website address of the candidate or campaign committee contact person

- Only applies when there is a candidate or a campaign committee
- Fails to address signs that may be posted by an individual who is neither a candidate or a person acting on behalf of a campaign committee which is protected speech under the 1st Amendment



If the City deems that the placement of a political sign constitutes an emergency, the City may immediately relocate the sign.

The City will notify the candidate or campaign committee that placed the sign within 24 hours after the relocation.

If a sign is placed in violation of ARS 16-1019(C) and the placement is not deemed an emergency, the City may notify the candidate or campaign committee of the violation. If the sign remains in violation 24 hours after the notification, the City may remove the sign.

Sign Removal



Case Law Regarding Signs

- U.S. Supreme Court ruling: Reed vs. Town of Gilbert, 2015
- Unconstitutional for municipalities to regulate signs differently based on the message of those signs
- Sign regulations must be "content neutral"



Other Cities' Sign Regulations

- Gilbert—prohibits temporary signs in the right-of-way
- Mesa—prohibits temporary signs in the right-of-way
- Tempe—prohibits temporary signs in the right-of-way
- Phoenix—prohibits temporary signs in the right-of-way
- Scottsdale—prohibits temporary signs in the right-of-way

*These provisions can not be enforced during the time period set forth in A.R.S. § 16-1019.



What can Chandler do?

Ban temporary signs in the right-of-way

- Temporary signs will not be removed during the time periods in A.R.S. § 16-1019



Require all temporary signs in the right-of-way to include contact information

- Does not conflict with state law
- Equal application
- Provides a method of contact for staff

What can't Chandler do?

- Chandler cannot regulate content of signs
- Chandler cannot remove signs that comply with the law



Political Action Committees and Campaign Finance Complaints



Political Action Committee

An entity must register as a Political Action Committee (PAC) if two criteria are met:

- Entity is organized for the “primary purpose” of influencing the result of an election AND
- Entity knowingly receives contributions or makes expenditures (in any combination) of at least \$1,500 in connection with any election during a calendar year.

“Entity” means

Organized group that consists of more than one individual

“Primary Purpose” means

An entity’s “predominant” purpose is to influence elections

When is a Sign Complaint a Campaign Finance Complaint?

Campaign Finance Complaint

A sign complaint IS a campaign finance complaint if it alleges advertising and disclosure requirement violations under ARS §16-925 such as:

- “paid for by” not disclosed
- “authorized by” not disclosed
- Violation of vertical height requirements for disclosures

Violations are subject to campaign finance penalties.

NOT a Campaign Finance Complaint

A sign complaint is NOT a campaign finance complaint if it alleges sign size or placement under ARS §16-1019.

Violation means the sign may be subject to removal.

Campaign Finance Complaint Process

General Guidelines ARS 16-938(A)

- Only the Clerk may accept the complaint from a third party
- The Clerk cannot initiate a complaint
- Only complaints within the City's jurisdiction can be investigated

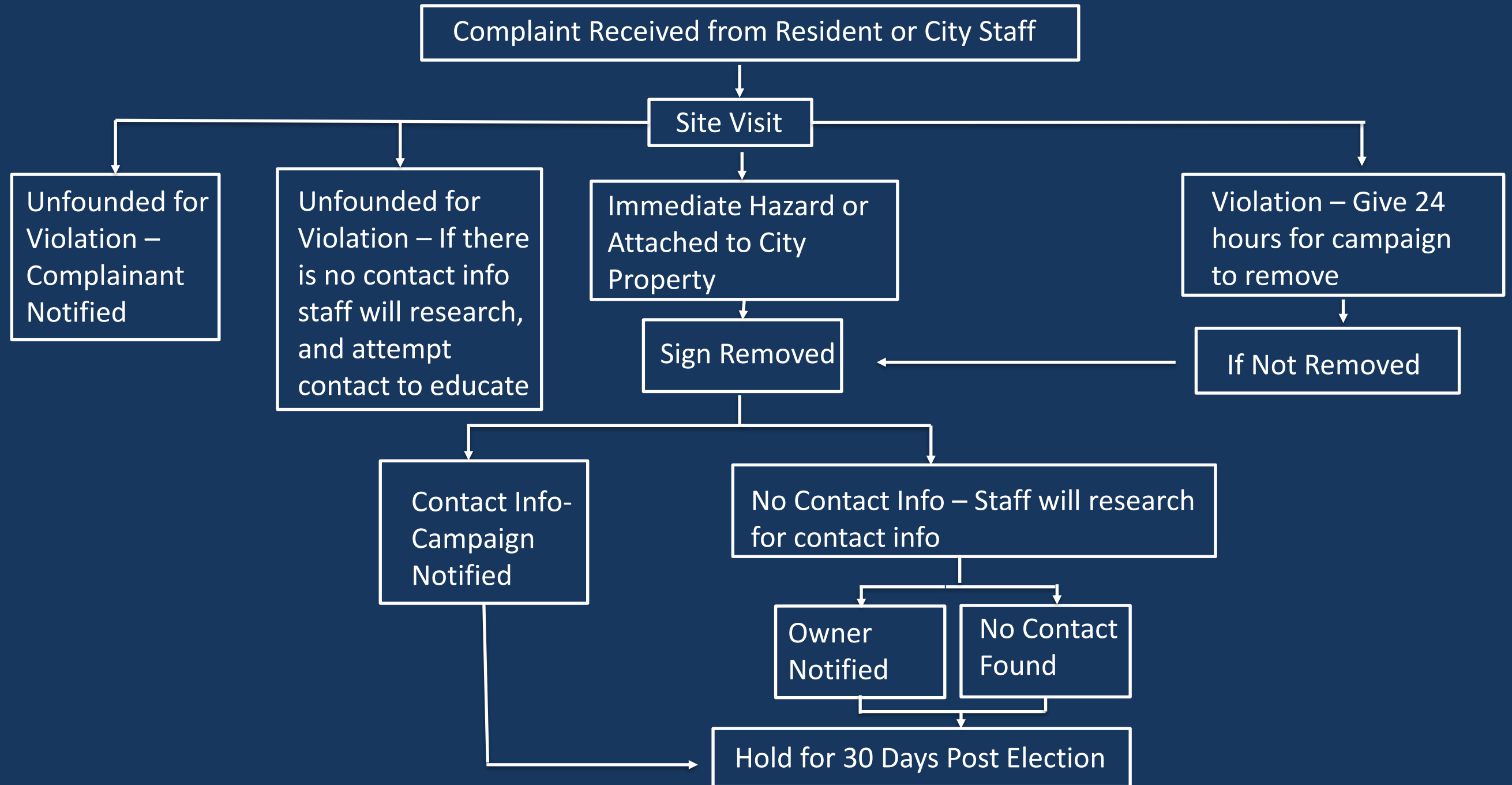
City Clerk

- Filing officer for a campaign finance complaint
- Review, investigation and determination of reasonable cause for third-party campaign finance violation

City Attorney

- Enforcement Officer – must not be involved in the Clerk's investigation and findings
- Can only enforce after a referral from the Clerk
- Cannot act as the legal advisor to the clerk during the reasonable cause investigation

Current Enforcement Process



QUESTIONS?

