

REFERENCE TITLE: **political signs; condominiums; planned communities**

State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021

SB 1722

Introduced by
Senator Leach

AN ACT

AMENDING SECTIONS 16-1019, 33-1261 AND 33-1808, ARIZONA REVISED STATUTES;
RELATING TO CONDOMINIUMS AND PLANNED COMMUNITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 16-1019, Arizona Revised Statutes, is amended to
3 read:

4 16-1019. Political signs; printed materials; tampering;
5 violation; classification

6 A. It is a class 2 misdemeanor for any person to knowingly remove,
7 alter, deface or cover any political sign of any candidate for public
8 office or in support of or opposition to any ballot measure, question or
9 issue or knowingly remove, alter or deface any political mailers,
10 handouts, flyers or other printed materials of a candidate or in support
11 of or opposition to any ballot measure, question or issue that are
12 delivered by hand to a residence for the period commencing forty-five days
13 before a primary election and ending seven days after the general
14 election, except that for a sign for a candidate in a primary election who
15 does not advance to the general election, the period ends seven days after
16 the primary election.

17 B. This section does not apply to the removal, alteration, defacing
18 or covering of a political sign or other printed materials by the
19 candidate or the authorized agent of the candidate in support of whose
20 election the sign or materials were placed, by a person authorized by the
21 committee in support of or opposition to a ballot measure, question or
22 issue that provided the sign or printed materials, by the owner or
23 authorized agent of the owner of private property on which such signs or
24 printed materials are placed with or without permission of the owner or
25 placed in violation of state law or county, city or town ordinance or
26 regulation.

27 C. Notwithstanding any other statute, ordinance or regulation, a
28 city, town or county of this state shall not remove, alter, deface or
29 cover any political sign if the following conditions are met:

30 1. The sign is placed in a public right-of-way that is owned or
31 controlled by that jurisdiction.

32 2. The sign supports or opposes a candidate for public office or it
33 supports or opposes a ballot measure.

34 3. The sign is not placed in a location that is hazardous to public
35 safety, obstructs clear vision in the area or interferes with the
36 requirements of the Americans with disabilities act (42 United States Code
37 sections 12101 through 12213 and 47 United States Code sections 225 and
38 611).

39 4. The sign has a maximum area of sixteen square feet, if the sign
40 is located in an area zoned for residential use, or a maximum area of
41 thirty-two square feet if the sign is located in any other area.

42 5. The sign contains the name and telephone number or website
43 address of the candidate or campaign committee contact person.

44 D. If the city, town or county deems that the placement of a
45 political sign constitutes an emergency, the jurisdiction may immediately

1 relocate the sign. The jurisdiction shall notify the candidate or
2 campaign committee that placed the sign within twenty-four hours after the
3 relocation. If a sign is placed in violation of subsection C of this
4 section and the placement is not deemed to constitute an emergency, the
5 city, town or county may notify the candidate or campaign committee that
6 placed the sign of the violation. If the sign remains in violation at
7 least twenty-four hours after the jurisdiction notified the candidate or
8 campaign committee, the jurisdiction may remove the sign. The
9 jurisdiction shall contact the candidate or campaign committee contact and
10 shall retain the sign for at least ten business days to allow the
11 candidate or campaign committee to retrieve the sign without penalty.

12 E. A city, town or county employee acting within the scope of the
13 employee's employment is not liable for an injury caused by the failure to
14 remove a sign pursuant to subsection D of this section unless the employee
15 intended to cause injury or was grossly negligent.

16 F. Subsection C of this section does not apply to commercial
17 tourism, commercial resort and hotel sign free zones as those zones are
18 designated by municipalities. The total area of those zones shall not be
19 larger than three square miles, and each zone shall be identified as a
20 specific contiguous area where, by resolution of the municipal governing
21 body, the municipality has determined that based on a predominance of
22 commercial tourism, resort and hotel uses within the zone the placement of
23 political signs within the rights-of-way in the zone will detract from the
24 scenic and aesthetic appeal of the area within the zone and deter its
25 appeal to tourists. Not more than two zones may be identified within a
26 municipality.

27 G. A city, town or county may prohibit the installation of a sign
28 on any structure owned by the jurisdiction.

29 H. Subsection C of this section applies only during the period
30 commencing ~~sixty~~ SEVENTY-ONE days before a primary election and ending
31 fifteen days after the general election, except that for a sign for a
32 candidate in a primary election who does not advance to the general
33 election, the period ends fifteen days after the primary election.

34 I. This section does not apply to state highways or routes, or
35 overpasses over those state highways or routes.

36 Sec. 2. Section 33-1261, Arizona Revised Statutes, is amended to
37 read:

38 33-1261. Flag display; for sale, rent or lease signs;
39 political signs and activities; applicability;
40 definition

41 A. Notwithstanding any provision in the condominium documents, an
42 association shall not prohibit the outdoor display of any of the
43 following:

44 1. The American flag or an official or replica of a flag of the
45 United States army, navy, air force, marine corps or coast guard by a unit

1 owner on that unit owner's property if the American flag or military flag
2 is displayed in a manner consistent with the federal flag code (P.L.
3 94-344; 90 Stat. 810; 4 United States Code sections 4 through 10).

4 2. The POW/MIA flag.

5 3. The Arizona state flag.

6 4. An Arizona Indian nations flag.

7 5. The Gadsden flag.

8 B. The association shall adopt reasonable rules and regulations
9 regarding the placement and manner of display of the American flag, the
10 military flag, the POW/MIA flag, the Arizona state flag or an Arizona
11 Indian nations flag. The association rules may regulate the location and
12 size of flagpoles but shall not prohibit the installation of a flagpole.

13 C. Notwithstanding any provision in the condominium documents, an
14 association shall not prohibit or charge a fee for the use of, the
15 placement of or the indoor or outdoor display of a for sale, for rent or
16 for lease sign and a sign rider by a unit owner on that owner's property
17 in any combination, including a sign that indicates the unit owner is
18 offering the property for sale by owner. The size of a sign offering a
19 property for sale, for rent or for lease shall be in conformance with the
20 industry standard size sign, which shall not exceed eighteen by
21 twenty-four inches, and the industry standard size sign rider, which shall
22 not exceed six by twenty-four inches. This subsection applies only to a
23 commercially produced sign and an association may prohibit the use of
24 signs that are not commercially produced. With respect to real estate for
25 sale, for rent or for lease in the condominium, an association shall not
26 prohibit in any way other than as is specifically authorized by this
27 section or otherwise regulate any of the following:

28 1. Temporary open house signs or a unit owner's for sale sign. The
29 association shall not require the use of particular signs indicating an
30 open house or real property for sale and may not further regulate the use
31 of temporary open house or for sale signs that are industry standard size
32 and that are owned or used by the seller or the seller's agent.

33 2. Open house hours. The association may not limit the hours for
34 an open house for real estate that is for sale in the condominium, except
35 that the association may prohibit an open house being held before 8:00
36 a.m. or after 6:00 p.m. and may prohibit open house signs on the common
37 elements of the condominium.

38 3. An owner's or an owner's agent's for rent or for lease sign
39 unless an association's documents prohibit or restrict leasing of a unit
40 or units. An association shall not further regulate a for rent or for
41 lease sign or require the use of a particular for rent or for lease sign
42 other than the for rent or for lease sign shall not be any larger than the
43 industry standard size sign of eighteen by twenty-four inches and on or in
44 the unit owner's property. If rental or leasing of a unit is allowed, the

1 association may prohibit an open house for rental or leasing being held
2 before 8:00 a.m. or after 6:00 p.m.

3 D. Notwithstanding any provision in the condominium documents, an
4 association shall not prohibit ~~door-to-door~~ DOOR-TO-DOOR political
5 activity, including solicitations of support or opposition regarding
6 candidates or ballot issues, and shall not prohibit the circulation of
7 political petitions, including candidate nomination petitions or petitions
8 in support of or opposition to an initiative, referendum or recall or
9 other political issue on property normally open to visitors within the
10 association, except that an association may do the following:

11 1. Restrict or prohibit ~~door-to-door~~ DOOR-TO-DOOR political
12 activity regarding candidates or ballot issues from sunset to sunrise.

13 2. Require the prominent display of an identification tag for each
14 person engaged in the activity, along with the prominent identification of
15 the candidate or ballot issue that is the subject of the support or
16 opposition.

17 E. Notwithstanding any provision in the condominium documents, an
18 association shall not prohibit the indoor or outdoor display of a
19 political sign by a unit owner by placement of a sign on that unit owner's
20 property, including any limited common elements for that unit that are
21 doors, walls, ~~OR~~ patios or other limited common elements that touch the
22 unit, other than the roof. An association may prohibit the display of
23 political signs AS FOLLOWS:

24 1. Earlier than seventy-one days before the day of ~~an~~ A PRIMARY
25 election. ~~and~~

26 2. Later than ~~three~~ FIFTEEN days after ~~an~~ THE DAY OF THE GENERAL
27 election. ~~day~~

28 3. FOR A SIGN FOR A CANDIDATE IN A PRIMARY ELECTION WHO DOES NOT
29 ADVANCE TO THE GENERAL ELECTION, LATER THAN FIFTEEN DAYS AFTER THE PRIMARY
30 ELECTION.

31 F. An association may regulate the size and number of political
32 signs that may be placed in the common element ground, on a unit owner's
33 property or on a limited common element for that unit if the association's
34 regulation is ~~no~~ NOT more restrictive than any applicable city, town or
35 county ordinance that regulates the size and number of political signs on
36 residential property. If the city, town or county in which the property
37 is located does not regulate the size and number of political signs on
38 residential property, the association shall not limit the number of
39 political signs, except that the maximum aggregate total dimensions of all
40 political signs on a unit owner's property shall not exceed nine square
41 feet. An association shall not make any regulations regarding the number
42 of candidates supported, the number of public officers supported or
43 opposed in a recall or the number of propositions supported or opposed on
44 a political sign. ~~For the purposes of this subsection, "political sign"~~
45 ~~means a sign that attempts to influence the outcome of an election,~~

~~1 including supporting or opposing the recall of a public officer or
2 supporting or opposing the circulation of a petition for a ballot measure,
3 question or proposition or the recall of a public officer.~~

4 ~~F.~~ G. An association shall not require political signs to be
5 commercially produced or professionally manufactured or prohibit the
6 utilization of both sides of a political sign.

7 ~~G.~~ H. A condominium is not required to comply with subsection D of
8 this section if the condominium restricts vehicular or pedestrian access
9 to the condominium. ~~Nothing in~~ This section ~~requires~~ DOES NOT REQUIRE a
10 condominium to make its common elements other than roadways and sidewalks
11 that are normally open to visitors available for the circulation of
12 political petitions to anyone who is not an owner or resident of the
13 community.

14 ~~H.~~ I. An association or managing agent that violates subsection C
15 of this section forfeits and extinguishes the lien rights authorized under
16 section 33-1256 against that unit for a period of six consecutive months
17 from the date of the violation.

18 ~~I.~~ J. This section does not apply to timeshare plans or
19 associations that are subject to chapter 20 of this title.

20 K. FOR THE PURPOSES OF THIS SECTION, "POLITICAL SIGN" MEANS A SIGN
21 THAT ATTEMPTS TO INFLUENCE THE OUTCOME OF AN ELECTION, INCLUDING
22 SUPPORTING OR OPPOSING THE RECALL OF A PUBLIC OFFICER OR SUPPORTING OR
23 OPPOSING THE CIRCULATION OF A PETITION FOR A BALLOT MEASURE, QUESTION OR
24 PROPOSITION OR THE RECALL OF A PUBLIC OFFICER.

25 Sec. 3. Section 33-1808, Arizona Revised Statutes, is amended to
26 read:

27 33-1808. Flag display; political signs; caution signs; for
28 sale, rent or lease signs; political activities;
29 definition

30 A. Notwithstanding any provision in the community documents, an
31 association shall not prohibit the outdoor front yard or backyard display
32 of any of the following:

33 1. The American flag or an official or replica of a flag of the
34 United States army, navy, air force, marine corps or coast guard by an
35 association member on that member's property if the American flag or
36 military flag is displayed in a manner consistent with the federal flag
37 code (P.L. 94-344; 90 Stat. 810; 4 United States Code sections 4 through
38 10).

- 39 2. The POW/MIA flag.
- 40 3. The Arizona state flag.
- 41 4. An Arizona Indian nations flag.
- 42 5. The Gadsden flag.

43 B. The association shall adopt reasonable rules and regulations
44 regarding the placement and manner of display of the American flag, the
45 military flag, the POW/MIA flag, the Arizona state flag or an Arizona

1 Indian nations flag. The association rules may regulate the location and
2 size of flagpoles, may limit the member to displaying ~~no~~ NOT more than two
3 flags at once and may limit the height of the flagpole to ~~no~~ NOT more than
4 the height of the rooftop of the member's home but shall not prohibit the
5 installation of a flagpole in the front yard or backyard of the member's
6 property.

7 C. Notwithstanding any provision in the community documents, an
8 association shall not prohibit the indoor or outdoor display of a
9 political sign by an association member on that member's property, except
10 that an association may prohibit the display of political signs AS
11 FOLLOWS:

12 1. Earlier than seventy-one days before the day of ~~an~~ A PRIMARY
13 election. ~~and~~

14 2. Later than ~~three~~ FIFTEEN days after ~~an~~ THE DAY OF THE GENERAL
15 election. ~~day~~

16 3. FOR A SIGN FOR A CANDIDATE IN A PRIMARY ELECTION WHO DOES NOT
17 ADVANCE TO THE GENERAL ELECTION, LATER THAN FIFTEEN DAYS AFTER THE PRIMARY
18 ELECTION.

19 D. An association may regulate the size and number of political
20 signs that may be placed on a member's property if the association's
21 regulation is ~~no~~ NOT more restrictive than any applicable city, town or
22 county ordinance that regulates the size and number of political signs on
23 residential property. If the city, town or county in which the property
24 is located does not regulate the size and number of political signs on
25 residential property, the association shall not limit the number of
26 political signs, except that the maximum aggregate total dimensions of all
27 political signs on a member's property shall not exceed nine square
28 feet. ~~For the purposes of this subsection, "political sign" means a sign
29 that attempts to influence the outcome of an election, including
30 supporting or opposing the recall of a public officer or supporting or
31 opposing the circulation of a petition for a ballot measure, question or
32 proposition or the recall of a public officer.~~

33 ~~D.~~ E. Notwithstanding any provision in the community documents, an
34 association shall not prohibit the use of cautionary signs regarding
35 children if the signs are used and displayed as follows:

36 1. The signs are displayed in residential areas only.

37 2. The signs are removed within one hour of children ceasing to
38 play.

39 3. The signs are displayed only when children are actually present
40 within fifty feet of the sign.

41 4. The temporary signs are ~~no~~ NOT taller than three feet in height.

42 5. The signs are professionally manufactured or produced.

43 ~~E.~~ F. Notwithstanding any provision in the community documents, an
44 association shall not prohibit children who reside in the planned
45 community from engaging in recreational activity on residential roadways

1 that are under the jurisdiction of the association and on which the posted
2 speed limit is twenty-five miles per hour or less.

3 ~~F.~~ G. Notwithstanding any provision in the community documents, an
4 association shall not prohibit or charge a fee for the use of, THE
5 placement of or the indoor or outdoor display of a for sale, for rent or
6 for lease sign and a sign rider by an association member on that member's
7 property in any combination, including a sign that indicates the member is
8 offering the property for sale by owner. The size of a sign offering a
9 property for sale, for rent or for lease shall be in conformance with the
10 industry standard size sign, which shall not exceed eighteen by twenty-
11 four inches, and the industry standard size sign rider, which shall not
12 exceed six by twenty-four inches. This subsection applies only to a
13 commercially produced sign, and an association may prohibit the use of
14 signs that are not commercially produced. With respect to real estate for
15 sale, for rent or for lease in the planned community, an association shall
16 not prohibit in any way other than as is specifically authorized by this
17 section or otherwise regulate any of the following:

18 1. Temporary open house signs or a member's for sale sign. The
19 association shall not require the use of particular signs indicating an
20 open house or real property for sale and may not further regulate the use
21 of temporary open house or for sale signs that are industry standard size
22 and that are owned or used by the seller or the seller's agent.

23 2. Open house hours. The association may not limit the hours for
24 an open house for real estate that is for sale in the planned community,
25 except that the association may prohibit an open house being held before
26 8:00 a.m. or after 6:00 p.m. and may prohibit open house signs on the
27 common areas of the planned community.

28 3. An owner's or an owner's agent's for rent or for lease sign
29 unless an association's documents prohibit or restrict leasing of a
30 member's property. An association shall not further regulate a for rent
31 or for lease sign or require the use of a particular for rent or for lease
32 sign other than the for rent or for lease sign shall not be any larger
33 than the industry standard size sign of eighteen by twenty-four inches on
34 or in the member's property. If rental or leasing of a member's property
35 is not prohibited or restricted, the association may prohibit an open
36 house for rental or leasing being held before 8:00 a.m. or after 6:00 p.m.

37 ~~G.~~ H. Notwithstanding any provision in the community documents, an
38 association shall not prohibit ~~door-to-door~~ DOOR-TO-DOOR political
39 activity, including solicitations of support or opposition regarding
40 candidates or ballot issues, and shall not prohibit the circulation of
41 political petitions, including candidate nomination petitions or petitions
42 in support of or opposition to an initiative, referendum or recall or
43 other political issue on property normally open to visitors within the
44 association, except that an association may do the following:

1 1. Restrict or prohibit the ~~door to door~~ DOOR-TO-DOOR political
2 activity from sunset to sunrise.
3 2. Require the prominent display of an identification tag for each
4 person engaged in the activity, along with the prominent identification of
5 the candidate or ballot issue that is the subject of the support or
6 opposition.
7 ~~H.~~ I. A planned community shall not make any regulations regarding
8 the number of candidates supported, the number of public officers
9 supported or opposed in a recall or the number of propositions supported
10 or opposed on a political sign.
11 ~~I.~~ J. A planned community shall not require political signs to be
12 commercially produced or professionally manufactured or prohibit the
13 utilization of both sides of a political sign.
14 ~~J.~~ K. A planned community is not required to comply with
15 subsection ~~G~~ H if the planned community restricts vehicular or pedestrian
16 access to the planned community. ~~Nothing in~~ This section ~~requires~~ DOES
17 NOT REQUIRE a planned community to make its common elements other than
18 roadways and sidewalks that are normally open to visitors available for
19 the circulation of political petitions to anyone who is not an owner or
20 resident of the community.
21 ~~K.~~ L. An association or managing agent that violates subsection
22 ~~F~~ G of this section forfeits and extinguishes the lien rights authorized
23 under section 33-1807 against that member's property for a period of six
24 consecutive months from the date of the violation.
25 M. FOR THE PURPOSES OF THIS SECTION, "POLITICAL SIGN" MEANS A SIGN
26 THAT ATTEMPTS TO INFLUENCE THE OUTCOME OF AN ELECTION, INCLUDING
27 SUPPORTING OR OPPOSING THE RECALL OF A PUBLIC OFFICER OR SUPPORTING OR
28 OPPOSING THE CIRCULATION OF A PETITION FOR A BALLOT MEASURE, QUESTION OR
29 PROPOSITION OR THE RECALL OF A PUBLIC OFFICER.