

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SENATE BILL 1540

AN ACT

AMENDING SECTIONS 16-1019, 33-1261 AND 33-1808, ARIZONA REVISED STATUTES;
RELATING TO REGULATION OF POLITICAL ACTIVITIES.

(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; tampering; classification

5 A. It is a class 2 misdemeanor for any person to knowingly remove,
6 alter, deface or cover any political sign of any candidate for public office
7 OR KNOWINGLY REMOVE, ALTER OR DEFACE ANY POLITICAL MAILERS, HANDOUTS, FLYERS
8 OR OTHER PRINTED MATERIALS OF A CANDIDATE THAT ARE DELIVERED BY HAND TO A
9 RESIDENCE for the period commencing forty-five days ~~prior to~~ BEFORE a primary
10 election and ending seven days after the general election.

11 B. ~~The provisions of~~ This section ~~shall~~ DOES not apply to the removal,
12 alteration, defacing or covering of a political sign OR OTHER PRINTED
13 MATERIALS by the candidate or the authorized agent of the candidate in
14 support of whose election the sign was placed, or by the owner or authorized
15 agent of the owner of private property on which such signs are placed with or
16 without permission of the owner, or placed in violation of state law, or
17 county, city or town ordinance or regulation.

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

19 33-1261. Flag display; for sale signs; political petitions;
20 applicability

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

23 1. The American flag or an official or replica of a flag of the United
24 States army, navy, air force, marine corps or coast guard by a unit owner on
25 that unit owner's property if the American flag or military flag is displayed
26 in a manner consistent with the federal flag code (P.L. 94-344; 90 Stat. 810;
27 4 United States Code sections 4 through 10).

28 2. The POW/MIA flag.

29 3. The Arizona state flag.

30 4. An Arizona Indian nations flag.

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

36 C. Notwithstanding any provision in the condominium documents, an
37 association shall not prohibit the indoor or outdoor display of a for sale
38 sign and a sign rider by a unit owner on that owner's property, including a
39 sign that indicates the unit owner is offering the property for sale by
40 owner. The size of a sign offering a property for sale shall be in
41 conformance with the industry standard size sign, which shall not exceed
42 eighteen by twenty-four inches, and the industry standard size sign rider,
43 which shall not exceed six by twenty-four inches. With respect to real
44 estate for sale or lease in the condominium, an association shall not
45 prohibit or otherwise regulate any of the following:

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

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

11 3. An owner's or an owner's agent's for lease sign unless an
12 association's documents prohibit or restrict leasing of a unit or units. An
13 association shall not further regulate a for lease sign or require the use of
14 a particular for lease sign other than the for lease sign shall not be any
15 larger than the industry standard size sign of eighteen by twenty-four inches
16 and on or in the unit owner's property. If leasing of a unit is allowed, the
17 association may prohibit open house leasing being held before 8:00 a.m. or
18 after 6:00 p.m.

19 D. Notwithstanding any provision in the condominium documents, an
20 association shall not prohibit ~~but may reasonably regulate~~ DOOR TO DOOR
21 POLITICAL ACTIVITY, INCLUDING SOLICITATIONS OF SUPPORT OR OPPOSITION
22 REGARDING CANDIDATES OR BALLOT ISSUES, AND SHALL NOT PROHIBIT the circulation
23 of political petitions, including candidate nomination petitions or petitions
24 in support of or opposition to an initiative, referendum or recall or other
25 political issue on property ~~dedicated to the public~~ NORMALLY OPEN TO VISITORS
26 within the association, EXCEPT THAT AN ASSOCIATION MAY DO THE FOLLOWING:

27 1. RESTRICT OR PROHIBIT DOOR TO DOOR POLITICAL ACTIVITY REGARDING
28 CANDIDATES OR BALLOT ISSUES FROM SUNSET TO SUNRISE.

29 2. REQUIRE THE PROMINENT DISPLAY OF AN IDENTIFICATION TAG FOR EACH
30 PERSON ENGAGED IN THE ACTIVITY, ALONG WITH THE PROMINENT IDENTIFICATION OF
31 THE CANDIDATE OR BALLOT ISSUE THAT IS THE SUBJECT OF THE SUPPORT OR
32 OPPOSITION.

33 E. AN ASSOCIATION SHALL NOT MAKE ANY REGULATIONS REGARDING THE NUMBER
34 OF CANDIDATES SUPPORTED, THE NUMBER OF PUBLIC OFFICERS SUPPORTED OR OPPOSED
35 IN A RECALL OR THE NUMBER OF PROPOSITIONS SUPPORTED OR OPPOSED ON A POLITICAL
36 SIGN.

37 F. AN ASSOCIATION SHALL NOT REQUIRE POLITICAL SIGNS TO BE COMMERCIALY
38 PRODUCED OR PROFESSIONALLY MANUFACTURED OR PROHIBIT THE UTILIZATION OF BOTH
39 SIDES OF A POLITICAL SIGN.

40 G. A condominium is not required to comply with ~~this~~ subsection D if
41 the condominium restricts vehicular or pedestrian access to the condominium.
42 Nothing in this ~~subsection~~ SECTION requires a condominium to make its common
43 elements OTHER THAN ROADWAYS AND SIDEWALKS THAT ARE NORMALLY OPEN TO VISITORS
44 available for the circulation of political petitions to anyone who is not an
45 owner or resident of the community.

1 ~~E.~~ H. This section does not apply to timeshare plans or associations
2 that are subject to chapter 20 of this title.

3 Sec. 3. Section 33-1808, Arizona Revised Statutes, is amended to read:
4 33-1808. Flag display: political signs: caution signs: for sale
5 signs: political petitions

6 A. Notwithstanding any provision in the community documents, an
7 association shall not prohibit the outdoor display of any of the following:

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

13 2. The POW/MIA flag.

14 3. The Arizona state flag.

15 4. An Arizona Indian nations flag.

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

21 C. Notwithstanding any provision in the community documents, an
22 association shall not prohibit the indoor or outdoor display of a political
23 sign by an association member on that member's property, except that an
24 association may prohibit the display of political signs earlier than
25 ~~forty-five~~ FIFTY-FIVE days before the day of an election and later than ~~seven~~
26 FIFTEEN days after an election day. An association may regulate the size and
27 number of political signs that may be placed on a member's property if the
28 association's regulation is no more restrictive than any applicable city,
29 town or county ordinance that regulates the size and number of political
30 signs on residential property. If the city, town or county in which the
31 property is located does not regulate the size and number of political signs
32 on residential property, the association shall permit at least one political
33 sign with the maximum dimensions of twenty-four inches by twenty-four inches
34 on a member's property. For the purposes of this subsection, "political
35 sign" means a sign that attempts to influence the outcome of an election,
36 including supporting or opposing the recall of a public officer or supporting
37 or opposing the circulation of a petition for a ballot measure, question or
38 proposition or the recall of a public officer.

39 D. Notwithstanding any provision in the community documents, an
40 association shall not prohibit the use of cautionary signs regarding children
41 if the signs are used and displayed as follows:

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

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

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

1 4. The temporary signs are no taller than three feet in height.

2 5. The signs are professionally manufactured or produced.

3 E. Notwithstanding any provision in the community documents, an
4 association shall not prohibit children who reside in the planned community
5 from engaging in recreational activity on residential roadways that are under
6 the jurisdiction of the association and on which the posted speed limit is
7 twenty-five miles per hour or less.

8 F. Notwithstanding any provision in the community documents, an
9 association shall not prohibit the indoor or outdoor display of a for sale
10 sign and a sign rider by an association member on that member's property,
11 including a sign that indicates the member is offering the property for sale
12 by owner. The size of a sign offering a property for sale shall be in
13 conformance with the industry standard size sign, which shall not exceed
14 eighteen by twenty-four inches, and the industry standard size sign rider,
15 which shall not exceed six by twenty-four inches. With respect to real
16 estate for sale or lease in the planned community, an association shall not
17 prohibit or otherwise regulate any of the following:

18 1. Temporary open house signs or a ~~unit owner's~~ MEMBER'S for sale
19 sign. The association shall not require the use of particular signs
20 indicating an open house or real property for sale and may not further
21 regulate the use of temporary open house or for sale signs that are industry
22 standard size 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 an
24 open house for real estate that is for sale in the planned community, except
25 that the association may prohibit an open house being held before 8:00 a.m.
26 or after 6:00 p.m. and may prohibit open house signs on the common areas of
27 the planned community.

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

36 G. Notwithstanding any provision in the community documents, an
37 association shall not prohibit ~~but may reasonably regulate~~ DOOR TO DOOR
38 POLITICAL ACTIVITY, INCLUDING SOLICITATIONS OF SUPPORT OR OPPOSITION
39 REGARDING CANDIDATES OR BALLOT ISSUES, AND SHALL NOT PROHIBIT the circulation
40 of political petitions, including candidate nomination petitions or petitions
41 in support of or opposition to an initiative, referendum or recall or other
42 political issue on property ~~dedicated to the public~~ NORMALLY OPEN TO VISITORS
43 within the association, EXCEPT THAT AN ASSOCIATION MAY DO THE FOLLOWING:

44 1. RESTRICT OR PROHIBIT THE DOOR TO DOOR POLITICAL ACTIVITY FROM
45 SUNSET TO SUNRISE.

1 2. REQUIRE THE PROMINENT DISPLAY OF AN IDENTIFICATION TAG FOR EACH
2 PERSON ENGAGED IN THE ACTIVITY, ALONG WITH THE PROMINENT IDENTIFICATION OF
3 THE CANDIDATE OR BALLOT ISSUE THAT IS THE SUBJECT OF THE SUPPORT OR
4 OPPOSITION.

5 H. A PLANNED COMMUNITY SHALL NOT MAKE ANY REGULATIONS REGARDING THE
6 NUMBER OF CANDIDATES SUPPORTED, THE NUMBER OF PUBLIC OFFICERS SUPPORTED OR
7 OPPOSED IN A RECALL OR THE NUMBER OF PROPOSITIONS SUPPORTED OR OPPOSED ON A
8 POLITICAL SIGN.

9 I. A PLANNED COMMUNITY SHALL NOT REQUIRE POLITICAL SIGNS TO BE
10 COMMERCIALY PRODUCED OR PROFESSIONALLY MANUFACTURED OR PROHIBIT THE
11 UTILIZATION OF BOTH SIDES OF A POLITICAL SIGN.

12 J. A planned community is not required to comply with ~~this~~ subsection
13 G if the planned community restricts vehicular or pedestrian access to the
14 planned community. Nothing in this ~~subsection~~ SECTION requires a planned
15 community to make its common elements OTHER THAN ROADWAYS AND SIDEWALKS THAT
16 ARE NORMALLY OPEN TO VISITORS available for the circulation of political
17 petitions to anyone who is not an owner or resident of the community.