

House Engrossed

State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

HOUSE BILL 2139

AN ACT

AMENDING SECTION 16-1019, ARIZONA REVISED STATUTES; RELATING TO POLITICAL
SIGNS.

(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 knowingly remove, alter or deface any political mailers,
9 handouts, flyers or other printed materials of a candidate that are
10 delivered by hand to a residence for the period commencing ~~forty-five~~
11 SEVENTY-FIVE days before ~~a~~ THE DATE OF THE primary election and ending
12 seven days after the DATE OF THE general election.

13 B. This section does not apply to the removal, alteration, defacing
14 or covering of a political sign or other printed materials by the
15 candidate or the authorized agent of the candidate in support of whose
16 election the sign or materials were placed, by the owner or authorized
17 agent of the owner of private property on which such signs or printed
18 materials are placed with or without permission of the owner or placed in
19 violation of state law or county, city or town ordinance or regulation.

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

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

25 2. The sign supports or opposes a candidate for public office or it
26 supports or opposes a ballot measure.

27 3. The sign is not placed in a location that is hazardous to public
28 safety, obstructs clear vision in the area or interferes with the
29 requirements of the Americans with disabilities act (42 United States Code
30 sections 12101 through 12213 and 47 United States Code sections 225 and
31 611).

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

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

37 D. If the city, town or county deems that the placement of a
38 political sign constitutes an emergency, the jurisdiction may immediately
39 relocate the sign. The jurisdiction shall notify the candidate or
40 campaign committee that placed the sign within twenty-four hours after the
41 relocation. If a sign is placed in violation of subsection C OF THIS
42 SECTION and the placement is not deemed to constitute an emergency, the
43 city, town or county may notify the candidate or campaign committee that
44 placed the sign of the violation. If the sign remains in violation at
45 least twenty-four hours after the jurisdiction notified the candidate or

1 campaign committee, the jurisdiction may remove the sign. The
2 jurisdiction shall contact the candidate or campaign committee contact and
3 shall retain the sign for at least ten business days to allow the
4 candidate or campaign committee to retrieve the sign without penalty.

5 E. A city, town or county employee acting within the scope of the
6 employee's employment is not liable for an injury caused by the failure to
7 remove a sign pursuant to subsection D OF THIS SECTION unless the employee
8 intended to cause injury or was grossly negligent.

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

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

22 H. Subsection C OF THIS SECTION applies only during the period
23 commencing ~~sixty~~ SEVENTY-FIVE days before ~~a~~ THE DATE OF THE primary
24 election and ending fifteen days after the DATE OF THE general election,
25 except that for a sign for a candidate in a primary election who does not
26 advance to the general election, the period ends fifteen days after the
27 DATE OF THE primary election.

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