

REFERENCE TITLE: **political signs; tourism zones**

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SB 1025

Introduced by
Senator Kavanagh

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 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 fifteen 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 fifteen days
16 after the primary election.

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

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

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

18 F. Subsection C of this section does not apply to commercial
19 tourism, commercial resort and hotel sign free zones as those zones are
20 designated by municipalities, EXCEPT THAT A MUNICIPALITY MAY NOT DESIGNATE
21 MORE THAN TWO ZONES. THESE ZONES SHALL COMPLY WITH ALL OF THE FOLLOWING:

22 1. The total area of ~~those~~ THESE zones ~~shall~~ MAY not be larger than
23 three square miles. ~~, and~~

24 2. EACH ZONE'S AREA MAY NOT EXCEED TEN PERCENT OF THE TOTAL AREA OF
25 THE MUNICIPALITY.

26 3. EACH ZONE MUST HAVE A REOCK SCORE OF .20 OR MORE, WHICH IS
27 CALCULATED BY DIVIDING THE AREA OF THE ZONE BY THE AREA OF THE SMALLEST
28 CIRCLE THAT MAY BE DRAWN TO ENCLOSE THE ENTIRE ZONE.

29 4. Each zone shall be identified as a specific contiguous area
30 where, by resolution of the municipal governing body, the municipality has
31 determined that based on a predominance of commercial tourism, resort and
32 hotel uses within the zone the placement of political signs within the
33 rights-of-way in the zone will detract from the scenic and aesthetic
34 appeal of the area within the zone and deter its appeal to tourists. ~~Not~~
35 ~~more than two zones may be identified within a municipality. A~~
36 MUNICIPALITY MAY ESTABLISH ONE OR MORE AREAS WITHIN ITS ZONES IN WHICH
37 POLITICAL SIGNS ARE ALLOWED BUT MUST INCLUDE THOSE AREAS IN CALCULATING
38 THE AREA OF THE ZONE FOR PURPOSES OF DETERMINING COMPLIANCE WITH THIS
39 SUBSECTION.

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

1 H. Subsection C of this section applies only during the period
2 commencing seventy-one days before a primary election and ending fifteen
3 days after the general election, except that for a sign for a candidate in
4 a primary election who does not advance to the general election, the
5 period ends fifteen days after the primary election.

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