

COMMITTEE ON GOVERNMENT
SENATE AMENDMENTS TO S.B. 1184
(Reference to printed bill)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.

[Green underlining in brackets] indicates text added to new session law or text restoring existing law.

[GREEN STRIKEOUT IN BRACKETS] indicates new text removed from statute or previously enacted session law.

[Green strikeout in brackets] indicates text removed from existing statute, previously enacted session law or new session law.

<<Green carets>> indicate a section added to the bill.

<<Green strikeout in carets>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Section 1. Section 33-1261, Arizona Revised Statutes, is amended to
3 read:

4 33-1261. Flag display; for sale, rent or lease signs;
5 political signs; political and community
6 activities; applicability; definitions

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

10 1. The American flag or an official or replica of a flag of the
11 uniformed services of the United States, ~~INCLUDING A [UNIFORMED SERVICES~~
12 ~~OF THE UNITED STATES]~~ DIVISION FLAG [OF THE ARMY, NAVY, MARINE CORPS, AIR
13 FORCE, SPACE FORCE OR COAST GUARD], by a unit owner on that unit owner's
14 property if the American flag or a uniformed services flag is displayed in
15 a manner consistent with the federal flag code (P.L. 94-344; 90 Stat. 810;
16 4 United States Code sections 4 through 10).

17 2. The POW/MIA flag.

18 3. The Arizona state flag.

19 4. An Arizona Indian nations flag.

20 5. The Gadsden flag.

21 6. A first responder flag. A first responder flag may incorporate
22 the design of one or two other first responder flags to form a combined
23 flag.

24 7. A blue star service flag or a gold star service flag.

25 8. Any historic version of the American flag, including the Betsy
26 Ross flag, without regard to how the stars and stripes are arranged on the
27 flag.

28 B. The association shall adopt reasonable rules and regulations
29 regarding the placement and manner of display of the flags prescribed by

1 subsection A of this section. The association rules may regulate the
2 location and size of flagpoles but shall not prohibit installing a
3 flagpole.

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

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

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

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

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

46 1. Restrict or prohibit door-to-door political activity regarding
47 candidates or ballot issues from 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 3. Prohibit a person who is not accompanied by a unit owner or
6 resident of the condominium from entering the condominium premises if the
7 condominium restricts vehicular or pedestrian access.

8 E. Notwithstanding any provision in the condominium documents, an
9 association shall not prohibit the indoor or outdoor display of a
10 political sign by a unit owner by placement of a sign on that unit owner's
11 property, including any limited common elements for that unit that are
12 doors, walls or patios or other limited common elements that touch the
13 unit, other than the roof. An association may prohibit the display of
14 political signs as follows:

15 1. Earlier than seventy-one days before the day of a primary
16 election.

17 2. Later than fifteen days after the day of the general election.

18 3. For a sign for a candidate in a primary election who does not
19 advance to the general election, later than fifteen days after the primary
20 election.

21 F. An association may regulate the size and number of political
22 signs that may be placed in the common element ground, on a unit owner's
23 property or on a limited common element for that unit if the association's
24 regulation is not more restrictive than any applicable city, town or
25 county ordinance that regulates the size and number of political signs on
26 residential property. If the city, town or county in which the property
27 is located does not regulate the size and number of political signs on
28 residential property, the association shall not limit the number of
29 political signs, except that the maximum aggregate total dimensions of all
30 political signs on a unit owner's property shall not exceed nine square
31 feet. An association shall not make any regulations regarding the number
32 of candidates supported, the number of public officers supported or
33 opposed in a recall or the number of propositions supported or opposed on
34 a political sign.

35 G. An association shall not require political signs to be
36 commercially produced or professionally manufactured or prohibit the
37 utilization of both sides of a political sign.

38 H. Notwithstanding any provision in the condominium documents, an
39 association may not prohibit or unreasonably restrict the indoor or
40 outdoor display of an association-specific political sign by a unit owner
41 by placement of a sign on that unit owner's property, including any
42 limited common elements for that unit that are doors, walls or patios or
43 other limited common elements that touch the unit, other than the
44 roof. An association may adopt reasonable rules regarding the placement,
45 location and manner of display of association-specific political signs,
46 except an association shall not do any of the following:

1 1. Prohibit the display of association-specific political signs
2 between the date that the association provides written or absentee ballots
3 to unit owners and three days after the condominium election.

4 2. Limit the number of association-specific political signs, except
5 that the association may limit the aggregate total dimensions of all
6 association-specific political signs on a unit owner's property to not
7 more than nine square feet.

8 3. Require association-specific political signs to be commercially
9 produced or professionally manufactured or prohibit using both sides of
10 the sign.

11 4. Regulate the number of candidates supported or opposed, the
12 number of board members supported or opposed in a recall or the number of
13 ballot measures supported or opposed on an association-specific political
14 sign.

15 5. Make any other regulations regarding the content of an
16 association-specific political sign, except that the association may
17 prohibit using profanity and discriminatory text, images or content based
18 on race, color, religion, sex, familial status or national origin as
19 prescribed by federal or state fair housing laws.

20 I. Notwithstanding any provision in the condominium documents, an
21 association may not prohibit or unreasonably restrict a unit owner's
22 ability to peacefully assemble and use common elements of the condominium
23 if done in compliance with reasonable restrictions for the use of that
24 property adopted by the board of directors. An individual unit owner or
25 group of unit owners may assemble to discuss matters related to the
26 condominium, including board of director elections or recalls, potential
27 or actual ballot issues or revisions to the condominium documents,
28 property maintenance or safety issues or any other condominium matters. A
29 unit owner may invite one political candidate or one non-unit owner guest
30 to speak to an assembly of unit owners about matters related to the
31 condominium. The association shall not prohibit a unit owner from posting
32 notices regarding those assemblies of unit owners on bulletin boards
33 located on the common elements or within common element facilities. An
34 assembly of unit owners prescribed by this subsection does not constitute
35 an official unit owners' meeting unless the meeting is noticed and
36 convened as prescribed in the condominium documents and this chapter.

37 J. An association or managing agent that violates subsection C of
38 this section forfeits and extinguishes the lien rights authorized under
39 section 33-1256 against that unit for a period of six consecutive months
40 after the date of the violation.

41 K. This section does not apply to timeshare plans or associations
42 that are subject to chapter 20 of this title.

43 ~~L. An association or managing agent that violates subsection C of
44 this section forfeits and extinguishes the lien rights authorized under
45 section 33-1256 against that unit for a period of six consecutive months
46 after the date of the violation.~~

1 ~~M.~~ L. For the purposes of this section:

2 1. "Association-specific political sign" means a sign that supports
3 or opposes a candidate for the board of directors, the recall of a board
4 member or a condominium ballot measure that requires a vote of the
5 association unit owners.

6 2. "Betsy Ross flag" means a historic flag of the United States
7 that consists of thirteen stripes alternating between red and white
8 stripes and thirteen five-pointed white stars arranged in a circle against
9 a blue background.

10 [3. "DIVISION FLAG" MEANS A FLAG THAT IS OFFICIALLY AUTHORIZED BY
11 THE UNITED STATES ARMY, NAVY, MARINE CORPS, AIR FORCE, SPACE FORCE OR
12 COAST GUARD TO REPRESENT A DIVISION LEVEL UNIT, THAT BEARS THE UNIT'S
13 APPROVED INSIGNIA, DESIGNATION OR NICKNAME AND THAT IS USED FOR
14 CEREMONIAL, IDENTIFICATION OR REPRESENTATIONAL PURPOSES.]

15 ~~[3.]~~ [4.] "First responder flag" means a flag that recognizes and
16 honors the services of any of the following:

17 (a) Law enforcement and that is limited to the colors blue, black
18 and white, the words "law enforcement", "police", "officers", "first
19 responder", "honor our", "support our" and "department" and the symbol of
20 a generic police shield in a crest or star shape.

21 (b) Fire departments and that is limited to the colors red, gold,
22 black and white, the words "fire", "fighters", "F", "D", "FD", "first
23 responder", "department", "honor our" and "support our" and the symbol of
24 a generic Maltese Cross.

25 (c) Paramedics or emergency medical technicians and that is limited
26 to the colors blue, black and white, the words "first responder",
27 "paramedic", "emergency medical", "service", "technician", "honor our" and
28 "support our" and the symbol of a generic star of life.

29 ~~[4.]~~ [5.] "Political sign" means a sign or flag that attempts to
30 influence the outcome of an election, including supporting or opposing the
31 recall of a public officer or supporting or opposing the circulation of a
32 petition for a ballot measure, question or proposition or the recall of a
33 public officer.

34 ~~[5. "UNIFORMED SERVICES OF THE UNITED STATES DIVISION FLAG" MEANS A~~
35 ~~FLAG OFFICIALLY AUTHORIZED BY A UNIFORMED SERVICE OF THE UNITED STATES TO~~
36 ~~REPRESENT A DIVISION LEVEL UNIT, BEARING THE UNIT'S APPROVED INSIGNIA,~~
37 ~~DESIGNATION OR NICKNAME AND USED FOR CEREMONIAL, IDENTIFICATION OR~~
38 ~~REPRESENTATIONAL PURPOSES.]~~

39 Sec. 2. Section 33-1808, Arizona Revised Statutes, is amended to
40 read:

41 33-1808. Flag display; political signs; caution signs; for
42 sale, rent or lease signs; political and community
43 activities; definitions

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

- 1 1. The American flag or an official or replica of a flag of the
2 uniformed services of the United States, ~~INCLUDING A [UNIFORMED SERVICES~~
3 ~~OF THE UNITED STATES]~~ DIVISION FLAG [OF THE ARMY, NAVY, MARINE CORPS, AIR
4 FORCE, SPACE FORCE OR COAST GUARD], by an association member on that
5 member's property if the American flag or a uniformed services flag is
6 displayed in a manner consistent with the federal flag code (P.L. 94-344;
7 90 Stat. 810; 4 United States Code sections 4 through 10).
- 8 2. The POW/MIA flag.
- 9 3. The Arizona state flag.
- 10 4. An Arizona Indian nations flag.
- 11 5. The Gadsden flag.
- 12 6. A first responder flag. A first responder flag may incorporate
13 the design of one or two other first responder flags to form a combined
14 flag.
- 15 7. A blue star service flag or a gold star service flag.
- 16 8. Any historic version of the American flag, including the Betsy
17 Ross flag, without regard to how the stars and stripes are arranged on the
18 flag.
- 19 B. The association shall adopt reasonable rules and regulations
20 regarding the placement and manner of display of the flags prescribed by
21 subsection A of this section. The association rules:
- 22 1. May regulate the location and size of flagpoles.
- 23 2. May limit the member to two wall-mounted flagpole holders.
- 24 3. May limit the member to displaying not more than two flags at
25 once.
- 26 4. May limit the height of the flagpole to not more than the height
27 of the rooftop of the member's home.
- 28 5. Shall not prohibit installing a flagpole in the front yard or
29 backyard of the member's property.
- 30 C. Notwithstanding any provision in the community documents, an
31 association shall not prohibit the indoor or outdoor display of a
32 political sign by an association member on that member's property, except
33 that an association may prohibit the display of political signs as
34 follows:
- 35 1. Earlier than seventy-one days before the day of a primary
36 election.
- 37 2. Later than fifteen days after the day of the general election.
- 38 3. For a sign for a candidate in a primary election who does not
39 advance to the general election, later than fifteen days after the primary
40 election.
- 41 D. An association may regulate the size and number of political
42 signs that may be placed on a member's property if the association's
43 regulation is not more restrictive than any applicable city, town or
44 county ordinance that regulates the size and number of political signs on
45 residential property. If the city, town or county in which the property
46 is located does not regulate the size and number of political signs on
47 residential property, the association shall not limit the number of

1 political signs, except that the maximum aggregate total dimensions of all
2 political signs on a member's property shall not exceed nine square feet.

3 E. Notwithstanding any provision in the community documents, an
4 association shall not prohibit using cautionary signs regarding children
5 if the signs are used and displayed as follows:

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

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

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

11 4. The temporary signs are not taller than three feet in height.

12 5. The signs are professionally manufactured or produced.

13 F. Notwithstanding any provision in the community documents, an
14 association shall not prohibit children who reside in the planned
15 community from engaging in recreational activity on residential roadways
16 that are under the jurisdiction of the association and on which the posted
17 speed limit is twenty-five miles per hour or less.

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

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

38 2. Open house hours. The association may not limit the hours for
39 an open house for real estate that is for sale in the planned community,
40 except that the association may prohibit an open house being held before
41 8:00 a.m. or after 6:00 p.m. and may prohibit open house signs on the
42 common areas of the planned community.

43 3. An owner's or an owner's agent's for rent or for lease sign
44 unless an association's documents prohibit or restrict leasing of a
45 member's property. An association shall not further regulate a for rent
46 or for lease sign or require the use of a particular for rent or for lease
47 sign other than the for rent or for lease sign shall not be any larger

1 than the industry standard size sign of eighteen by twenty-four inches on
2 or in the member's property. If rental or leasing of a member's property
3 is not prohibited or restricted, the association may prohibit an open
4 house for rental or leasing being held before 8:00 a.m. or after 6:00 p.m.

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

13 1. Restrict or prohibit the door-to-door political activity from
14 sunset to sunrise.

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

19 3. Prohibit a person who is not accompanied by a member or resident
20 of the planned community from entering the planned community if the
21 planned community restricts vehicular or pedestrian access.

22 I. A planned community shall not make any regulations regarding the
23 number of candidates supported, the number of public officers supported or
24 opposed in a recall or the number of propositions supported or opposed on
25 a political sign.

26 J. A planned community shall not require political signs to be
27 commercially produced or professionally manufactured or prohibit the
28 utilization of both sides of a political sign.

29 K. Notwithstanding any provision in the community documents, an
30 association may not prohibit or unreasonably restrict the indoor or
31 outdoor display of an association-specific political sign by a member by
32 placement of a sign on that member's property. An association may adopt
33 reasonable rules regarding the placement, location and manner of display
34 of association-specific political signs, except an association shall not
35 do any of the following:

36 1. Prohibit the display of association-specific political signs
37 between the date that the association provides written or absentee ballots
38 to members and three days after the planned community election.

39 2. Limit the number of association-specific political signs, except
40 that the association may limit the aggregate total dimensions of all
41 association-specific political signs on a member's property to not more
42 than nine square feet.

43 3. Require association-specific political signs to be commercially
44 produced or professionally manufactured or prohibit using both sides of
45 the sign.

1 4. Regulate the number of candidates supported or opposed, the
2 number of board members supported or opposed in a recall or the number of
3 ballot measures supported or opposed on an association-specific political
4 sign.

5 5. Make any other regulations regarding the content of an
6 association-specific political sign except that the association may
7 prohibit using profanity and discriminatory text, images or content based
8 on race, color, religion, sex, familial status or national origin as
9 prescribed by federal or state fair housing laws.

10 L. Notwithstanding any provision in the community documents, an
11 association may not prohibit or unreasonably restrict a member's ability
12 to peacefully assemble and use common areas of the planned community if
13 done in compliance with reasonable restrictions for the use of that
14 property adopted by the board of directors. An individual member or group
15 of members may assemble to discuss matters related to the planned
16 community, including board elections or recalls, potential or actual
17 ballot issues or revisions to the community documents, property
18 maintenance or safety issues or any other planned community matters. A
19 member may invite one political candidate or one non-member guest to speak
20 to an assembly of members about matters related to the community. The
21 association shall not prohibit a member from posting notices regarding
22 those assemblies of members on bulletin boards located on the common areas
23 or within common area facilities. An assembly of members prescribed by
24 this subsection does not constitute an official members' meeting unless
25 the meeting is noticed and convened as prescribed in the community
26 documents and this chapter.

27 M. An association or managing agent that violates subsection G of
28 this section forfeits and extinguishes the lien rights authorized under
29 section 33-1807 against that member's property for a period of six
30 consecutive months after the date of the violation.

31 N. For the purposes of this section:

32 1. "Association-specific political sign" means a sign that supports
33 or opposes a candidate for the board of directors, the recall of a board
34 member or a planned community ballot measure that requires a vote of the
35 association members.

36 2. "Betsy Ross flag" means a historic flag of the United States
37 that consists of thirteen stripes alternating between red and white
38 stripes and thirteen five-pointed white stars arranged in a circle against
39 a blue background.

40 [3. "DIVISION FLAG" MEANS A FLAG THAT IS OFFICIALLY AUTHORIZED BY
41 THE UNITED STATES ARMY, NAVY, MARINE CORPS, AIR FORCE, SPACE FORCE OR
42 COAST GUARD TO REPRESENT A DIVISION LEVEL UNIT, THAT BEARS THE UNIT'S
43 APPROVED INSIGNIA, DESIGNATION OR NICKNAME AND THAT IS USED FOR
44 CEREMONIAL, IDENTIFICATION OR REPRESENTATIONAL PURPOSES.]

45 ~~[3.]~~ [4.] "First responder flag" means a flag that recognizes and
46 honors the services of any of the following:

1 (a) Law enforcement and that is limited to the colors blue, black
2 and white, the words "law enforcement", "police", "officers", "first
3 responder", "honor our", "support our" and "department" and the symbol of
4 a generic police shield in a crest or star shape.

5 (b) Fire departments and that is limited to the colors red, gold,
6 black and white, the words "fire", "fighters", "F", "D", "FD", "first
7 responder", "department", "honor our" and "support our" and the symbol of
8 a generic Maltese Cross.

9 (c) Paramedics or emergency medical technicians and that is limited
10 to the colors blue, black and white, the words "first responder",
11 "paramedic", "emergency medical", "service", "technician", "honor our" and
12 "support our" and the symbol of a generic star of life.

13 ~~[4.]~~ [5.] "Political sign" means a sign or flag that attempts to
14 influence the outcome of an election, including supporting or opposing the
15 recall of a public officer or supporting or opposing the circulation of a
16 petition for a ballot measure, question or proposition or the recall of a
17 public officer.

18 ~~[5. "UNIFORMED SERVICES OF THE UNITED STATES DIVISION FLAG" MEANS A
19 FLAG OFFICIALLY AUTHORIZED BY A UNIFORMED SERVICE OF THE UNITED STATES TO
20 REPRESENT A DIVISION LEVEL UNIT, BEARING THE UNIT'S APPROVED INSIGNIA,
21 DESIGNATION OR NICKNAME AND USED FOR CEREMONIAL, IDENTIFICATION OR
22 REPRESENTATIONAL PURPOSES.]~~

23 Enroll and engross to conform

24 Amend title to conform

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