

COMMITTEE ON GOVERNMENT
SENATE AMENDMENTS TO S.B. 1808
(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 by a unit owner on that unit
12 owner's property if the American flag or a uniformed services flag is
13 displayed in a manner consistent with the federal flag code (P.L. 94-344;
14 90 Stat. 810; 4 United States Code sections 4 through 10).

15 2. The POW/MIA flag.

16 3. The Arizona state flag.

17 4. An Arizona Indian nations flag.

18 5. The Gadsden flag.

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

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

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

26 9. A FLAG FROM A NATION THAT IS ALLIED WITH THE UNITED STATES [AS A
27 MAJOR NON-NATO ALLY AND THAT WAS ESTABLISHED ON MAY 14, 1948].

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:

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

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

17 1. Earlier than seventy-one days before the day of a primary
18 election.

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

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

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

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

40 H. Notwithstanding any provision in the condominium documents, an
41 association may not prohibit or unreasonably restrict the indoor or
42 outdoor display of an association-specific political sign by a unit owner
43 by placement of a sign on that unit owner's property, including any
44 limited common elements for that unit that are doors, walls or patios or
45 other limited common elements that touch the unit, other than the

1 roof. An association may adopt reasonable rules regarding the placement,
2 location and manner of display of association-specific political signs,
3 except an association shall not do any of the following:

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

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

11 3. Require association-specific political signs to be commercially
12 produced or professionally manufactured or prohibit using both sides of
13 the sign.

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

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

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

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

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

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

5 M. For the purposes of this section:

6 1. "Association-specific political sign" means a sign that supports
7 or opposes a candidate for the board of directors, the recall of a board
8 member or a condominium ballot measure that requires a vote of the
9 association unit owners.

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

14 3. "First responder flag" means a flag that recognizes and honors
15 the services of any of the following:

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

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

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

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

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

35 33-1808. Flag display; political signs; caution signs; for
36 sale, rent or lease signs; political and community
37 activities; definitions

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

41 1. The American flag or an official or replica of a flag of the
42 uniformed services of the United States by an association member on that
43 member's property if the American flag or a uniformed services flag is
44 displayed in a manner consistent with the federal flag code (P.L. 94-344;
45 90 Stat. 810; 4 United States Code sections 4 through 10).

- 1 2. The POW/MIA flag.
- 2 3. The Arizona state flag.
- 3 4. An Arizona Indian nations flag.
- 4 5. The Gadsden flag.
- 5 6. A first responder flag. A first responder flag may incorporate
- 6 the design of one or two other first responder flags to form a combined
- 7 flag.
- 8 7. A blue star service flag or a gold star service flag.
- 9 8. Any historic version of the American flag, including the Betsy
- 10 Ross flag, without regard to how the stars and stripes are arranged on the
- 11 flag.
- 12 9. A FLAG FROM A NATION THAT IS ALLIED WITH THE UNITED STATES [AS A
- 13 MAJOR NON-NATO ALLY AND THAT WAS ESTABLISHED ON MAY 14, 1948].
- 14 B. The association shall adopt reasonable rules and regulations
- 15 regarding the placement and manner of display of the flags prescribed by
- 16 subsection A of this section. The association rules:
- 17 1. May regulate the location and size of flagpoles.
- 18 2. May limit the member to two wall-mounted flagpole holders.
- 19 3. May limit the member to displaying not more than two flags at
- 20 once.
- 21 4. May limit the height of the flagpole to not more than the height
- 22 of the rooftop of the member's home.
- 23 5. Shall not prohibit installing a flagpole in the front yard or
- 24 backyard of the member's property.
- 25 C. Notwithstanding any provision in the community documents, an
- 26 association shall not prohibit the indoor or outdoor display of a
- 27 political sign by an association member on that member's property, except
- 28 that an association may prohibit the display of political signs as
- 29 follows:
- 30 1. Earlier than seventy-one days before the day of a primary
- 31 election.
- 32 2. Later than fifteen days after the day of the general election.
- 33 3. For a sign for a candidate in a primary election who does not
- 34 advance to the general election, later than fifteen days after the primary
- 35 election.
- 36 D. An association may regulate the size and number of political
- 37 signs that may be placed on a member's property if the association's
- 38 regulation is not more restrictive than any applicable city, town or
- 39 county ordinance that regulates the size and number of political signs on
- 40 residential property. If the city, town or county in which the property
- 41 is located does not regulate the size and number of political signs on
- 42 residential property, the association shall not limit the number of
- 43 political signs, except that the maximum aggregate total dimensions of all
- 44 political signs on a member's property shall not exceed nine square feet.

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

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

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

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

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

10 5. The signs are professionally manufactured or produced.

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

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

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

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

41 3. An owner's or an owner's agent's for rent or for lease sign
42 unless an association's documents prohibit or restrict leasing of a
43 member's property. An association shall not further regulate a for rent
44 or for lease sign or require the use of a particular for rent or for lease
45 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. "First responder flag" means a flag that recognizes and honors
41 the services of any of the following:

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

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

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

9 4. "Political sign" means a sign or flag that attempts to influence
10 the outcome of an election, including supporting or opposing the recall of
11 a public officer or supporting or opposing the circulation of a petition
12 for a ballot measure, question or proposition or the recall of a public
13 officer.

14 Enroll and engross to conform

15 Amend title to conform

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