



STATE BOARD OF ELECTIONS

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KIM WESTBROOK STRACH
Executive Director

MAILING ADDRESS:
P.O. BOX 27255
RALEIGH, NC 27611-7255

Memorandum

To: County Boards of Elections

From: Don Wright, General Counsel

September 4, 2014

Re: Political signs

This memorandum is designed to give you answers for inquiries concerning political signs that you might receive from the public and candidates. Please free to share this with the public, political parties, candidates, and the media.

Complaints about signs

Political signs on NCDOT right-of-ways are now allowed by GS 136-32.

§ 136-32. Regulation of signs.

- (a) Commercial Signs. - No unauthorized person shall erect or maintain upon any highway any warning or direction sign, marker, signal or light or imitation of any official sign, marker, signal or light erected under the provisions of G.S. 136-30, except in cases of emergency. No person shall erect or maintain upon any highway any traffic or highway sign or signal bearing thereon any commercial or political advertising, except as provided in subsections (b) through (e) of this section: Provided, nothing in this section shall be construed to prohibit the erection or maintenance of signs, markers, or signals bearing thereon the name of an organization authorized to erect the same by the Department of Transportation or by any local authority referred to in G.S. 136-31. Any person who shall violate any of the provisions of this section shall be guilty of a Class 1 misdemeanor. The Department of Transportation may remove any signs erected without authority or allowed to remain beyond the deadline established in subsection (b) of this section.
- (b) Compliant Political Signs Permitted. - During the period beginning on the 30th day before the beginning date of "one-stop" early voting under G.S. 163-227.2 and ending on the 10th day after the primary or election day, persons may place political signs in the right-of-way of the State highway system as provided in this section. Signs must be placed in compliance with subsection (d) of this section and must be removed by the end of the period prescribed in this subsection.

LOCATION: 441 NORTH HARRINGTON STREET • RALEIGH, NORTH CAROLINA 27603 • (919) 733-7173

- (c) Definition. - For purposes of this section, "political sign" means any sign that advocates for political action. The term does not include a commercial sign.
- (d) Sign Placement. - The permittee must obtain the permission of any property owner of a residence, business, or religious institution fronting the right-of-way where a sign would be erected. Signs must be placed in accordance with the following:
- (1) No sign shall be permitted in the right-of-way of a fully controlled access highway.
 - (2) No sign shall be closer than three feet from the edge of the pavement of the road.
 - (3) No sign shall obscure motorist visibility at an intersection.
 - (4) No sign shall be higher than 42 inches above the edge of the pavement of the road.
 - (5) No sign shall be larger than 864 square inches.
 - (6) No sign shall obscure or replace another sign.
- (e) Penalties for Unlawful Removal of Signs. - It is a Class 3 misdemeanor for a person to steal, deface, vandalize, or unlawfully remove a political sign that is lawfully placed under this section.
- (f) Application Within Municipalities. - Pursuant to Article 8 of Chapter 160A of the General Statutes, a city may by ordinance prohibit or regulate the placement of political signs on rights-of-way of streets located within the corporate limits of a municipality and maintained by the municipality. In the absence of an ordinance prohibiting or regulating the placement of political signs on the rights-of-way of streets located within a municipality and maintained by the municipality, the provisions of subsections (b) through (e) of this section shall apply. (1921, c. 2, s. 9(b); C.S., s. 3846(r); 1927, c. 148, ss. 56, 58; 1933, c. 172, s. 17; 1957, c. 65, s. 11; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1; 1991 (Reg. Sess., 1992), c. 1030, s. 39; 1993, c. 539, s. 981; 1994, Ex. Sess., c. 24, s. 14(c); 2011-408, s. 1.)

Signs are allowed to be placed on these right-of-ways 30 days prior to one-stop voting starting. The signs are to be removed 10 days after the election. Also there are some restrictions on placement. Complaints about the timing of placement, removal, and location of placement of political signs are not matters for a county board of elections or the State Board of Elections. Have the complaining parties state their concerns to the local DOT District Office. Information on contacting the DOT District Offices is set out below. Citizens can also call the DOT toll free at (877)368-4968 during normal business hours. Links to District Offices can be found on the NCDOT website at:

http://www.ncdot.gov/contact/countyContacts.html?name=*

Alamance P.O.Box 766 Graham, NC 27253

Alexander 124 Prison Camp Rd. Statesville, NC 28625

Alleghany P.O.Box 558 Elkin, NC 28621

Anson 130 S.Sutherland Monroe, NC 28112

Ashe P.O.Box 250 North Wilkesboro, NC 28659

Avery P.O.Box 1460 Boone, NC 28607

Beaufort 1701 W. 5th St. Washington, NC 27889

Bertie 230 NC 42 West Ahoskie, NC 27910

Bladen P.O.Box 27 Whiteville, NC 28472

Brunswick 300 Division Rd. Wilmington, 28401

Buncombe P.O.Box 3279 Asheville, NC 28802

Burke 3931 NC 2265 Marion, NC 28752

Cabarrus 615 Concord Rd.(NC 73) Albemarle, NC 28001

Caldwell P.O.Box 1460 Boone, NC 28607

Camden 1929 North Road St. Elizabeth City, NC 27909

Carteret 209 South Glenburnie Rd. New Bern, NC 28560

Caswell P.O.Box 2513 Reidsville, NC 27323-2513

Catawba 1031 E. Gaston Street Lincolnton, NC 28082

Chatham P.O.Box 1164 Asheboro, NC 27204

Cherokee 191 Robbinsville Rd. Andrews, NC 28901

Chowan 1300 US HWY 64 West Plymouth, NC 27962

Clay 191 Robbinsville Rd. Andrews, NC 28901

Cleveland P.O.Box 47 Shelby, NC 28151-0047

Columbus P.O.Box 27 Whiteville, NC 28472

Craven 209 South Glenburnie Rd. New Bern, NC 28560

Cumberland P.O.Box 1150 Fayetteville, NC 28302

Currituck 1929 North Road St. Elizabeth City, NC 27909

Dare 1929 North Road St. Elizabeth City, NC 27909

Davidson 4770 South Main St. Salisbury, NC 28147

Davie 375 Silas Creek Parkway Winston-Salem, NC 27127

Duplin 220 North Blvd. Clinton, 28328

Durham 1069 Prison Camp Road, Durham, NC 27705

Edgecombe 14194 HWY 903 Halifax, NC 27839

Forsyth 375 Silas Creek Parkway Winston-Salem, NC 27127

Franklin 321 Gillburg Rd. Henderson, NC 27537

Gaston P.O.Box 47 Shelby, NC 28151-0047

Gates 1929 North Road St. Elizabeth City, NC 27909

Graham 191 Robbinsville Rd. Andrews, NC 28901

Granville 815 Stadium Dr. Durham, NC 27704-2713

Greene 1629 Hwy. 258 South Kinston, NC 28504

Guilford P.O.Box 14996 Greensboro, NC 27415-4996

Halifax 14194 HWY 903 Halifax, NC 27839

Harnett P.O.Box 1150 Fayetteville, NC 28302

Haywood 178 Henry Bird Rd, Whittier, NC 28789

Henderson 4142 Haywood Rd. Horse Shoe, NC 28742

Hertford 230 NC 42 West Ahoskie, NC 27910

Hoke P.O.Box 1067 Aberdeen, NC 28315

Hyde 1300 US HWY 64 West Plymouth, NC 27962

Iredell 124 Prison Camp Rd. Statesville, NC 28625

Jackson 178 Henry Bird Rd, Whittier, NC 28789

Johnston 2671 US 70 West Goldsboro, NC 27530

Jones 1629 Hwy. 258 South Kinston, NC 28504

Lee P.O.Box 1067 Aberdeen, NC 28315

Lenoir 1629 Hwy. 258 South Kinston, NC 28504

Lincoln 1031 E. Gaston Street Lincolnton, NC 28082

Macon 191 Robbinsville Rd. Andrews, NC 28901

Madison P.O.Box 3279 Asheville, NC 28802

Martin 1300 US HWY 64 West Plymouth, NC 27962

McDowell 3931 NC 226S Marion, NC 28752

Mecklenburg 7605 District Drive Charlotte, NC 28213

Mitchell 3931 NC 226S Marion, NC 28752

Montgomery 219 Clemmer Rd. Rockingham, NC 28379

Moore P.O.Box 1067 Aberdeen, NC 28315

Nash 3013 US 64-A Nashville, NC 27856

New Hanover 300 Division Rd. Wilmington, 28401

Northampton 230 NC 42 West Ahoskie, NC 27910

Onslow 295-A Wilmington Hwy. Jacksonville, NC 28540

Orange P.O.Box 766 Graham, NC 27253

Pamlico 209 South Glenburnie Rd. New Bern, NC 28560

Pasquotank 1929 North Road St. Elizabeth City, NC 27909

Pender 295-A Wilmington Hwy. Jacksonville, NC 28540

Perquimans 1929 North Road St. Elizabeth City, NC 27909

Person 815 Stadium Dr. Durham, NC 27704-2713

Pitt 1701 W. 5th St. Washington, NC 27889

Polk 4142 Haywood Rd. Horse Shoe, NC 28742

Randolph P.O.Box 1164 Asheboro, NC 27204

Richmond 219 Clemmer Rd. Rockingham, NC 28379

Robeson P.O.Box 2157 Lumberton, NC 28359

Rockingham P.O.Box 2513 Reidsville, NC 27323-2513

Rowan 4770 South Main St. Salisbury, NC 28147

Rutherford 3931 NC 226S Marion, NC 28752

Sampson 220 North Blvd. Clinton, 28328

Scotland 219 Clemmer Rd. Rockingham, NC 28379

Stanly 615 Concord Rd.(NC 73) Albemarle, NC 28001

Stokes 375 Silas Creek Parkway Winston-Salem, NC 27127

Surry P.O.Box 558 Elkin, NC 28621

Swain 178 Henry Bird Rd, Whittier, NC 28789

Transylvania 4142 Haywood Rd. Horse Shoe, NC 28742

Tyrrell 1300 US HWY 64 West Plymouth, NC 27962

Union 130 S.Sutherland Monroe, NC 28112

Vance 321 Gillburg Rd. Henderson, NC 27537

Wake 4009 District Drive Raleigh, NC 27607

Warren 321 Gillburg Rd. Henderson, NC 27537

Washington 1300 US HWY 64 West Plymouth, NC 27962

Watauga P.O.Box 1460 Boone, NC 28607

Wayne 2671 US 70 West Goldsboro, NC 27530

Wilkes P.O.Box 250 North Wilkesboro, NC 28659

Wilson 3013 US 64-A Nashville, NC 27856

Yadkin P.O.Box 558 Elkin, NC 28621

Yancey P.O.Box 3279 Asheville, NC 28802

Generally the placement of political signs on private property is allowed without restrictions unless there are local ordinances dealing with the location, timing, and removal of political signs. We are assuming you are familiar with any such county or municipal ordinances in your county. Any complaint about a violation of these ordinances should be directed to the political body that passed it, not a county elections office.

Unlawful removal of signs

GS 14-384 makes it a misdemeanor to remove lawfully placed signs, including political signs. Complaints as to an alleged violation of this criminal statute should be directed to law enforcement by the complaining party, not the county board of elections. There is also a provision in GS 136-32(e) that

makes it a misdemeanor to remove lawfully placed signs on right-of-ways. An alleged violation of this statute should also be reported to local law enforcement by the complaining party.

§ 14-384. Injuring notices and advertisements.

If any person shall wantonly or maliciously mutilate, deface, pull or tear down, destroy or otherwise damage any notice, sign or advertisement, unless immoral or obscene, whether put up by an officer of the law in performance of the duties of his office or by some other person for a lawful purpose, before the object for which such notice, sign or advertisement was posted shall have been accomplished, he shall be guilty of a Class 3 misdemeanor. Nothing herein contained shall apply to any person mutilating, defacing, pulling or tearing down, destroying or otherwise damaging notices, signs or advertisements put upon his own land or lands of which he may have charge or control, unless consent of such person to put up such notice, sign or advertisement shall have first been obtained, except those put up by an officer of the law in the performance of the duties of his office. (1885, c. 302; Rev., s. 3709; C.S., s. 4503; 1993, c. 539, s. 256; 1994, Ex. Sess., c. 24, s. 14(c).)

§ 136-32. Regulation of signs.

(e) Penalties for Unlawful Removal of Signs. - It is a Class 3 misdemeanor for a person to steal, deface, vandalize, or unlawfully remove a political sign that is lawfully placed under this section.

Proper disclosure or legend on sign

Current campaign finance guidelines do not require a legend on a yard sign, window signs, or barn signs. Refer to the online 2014 Campaign Finance Manual at pages 85-88 for more information. Any complaints as to disclosure issues should be in writing and directed to our Campaign Finance Division.