

HOUSE BILL 36

Unofficial Copy  
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1998 Regular Session  
(8lr0014)

**ENROLLED BILL**  
*-- Economic Matters/Judicial Proceedings --*

Introduced by ~~Delegate Kagan~~ Delegates Kagan and Goldwater

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Condominiums, Homeowners Associations, and Cooperative Housing**  
3 **Corporations - Political ~~Speech~~ Signs**

4 FOR the purpose of specifying that a condominium, homeowners association, or  
5 cooperative housing corporation may not prohibit or restrict a resident from  
6 displaying certain political signs except ~~in certain common places~~ under certain  
7 circumstances; and generally relating to ~~free~~ political expression in  
8 condominiums, homeowners associations, and cooperative housing corporations.

9 BY adding to  
10 Article - Real Property  
11 Section 11-111.2 and 11B-111.2  
12 Annotated Code of Maryland  
13 (1996 Replacement Volume and 1997 Supplement)

14 BY adding to  
15 Article - Corporations and Associations

1 Section 5-6B-18.1  
 2 Annotated Code of Maryland  
 3 (1993 Replacement Volume and 1997 Supplement)

4 **Preamble**

5 ~~WHEREAS, The right to free speech is a fundamental right guaranteed to the~~  
 6 ~~citizens of this State by both the United States Constitution and the Maryland~~  
 7 ~~Declaration of Rights; and~~

8 ~~WHEREAS, The right of political expression is one of the most basic rights of~~  
 9 ~~free speech; and~~

10 ~~WHEREAS, The restriction by homeowners associations, condominiums, and~~  
 11 ~~cooperative housing corporations, of the political speech of its residents is contrary to~~  
 12 ~~the principles of free speech; now, therefore,~~

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Real Property**

16 11-111.2.

17 ~~A RECORDED COVENANT OR RESTRICTION, A PROVISION IN A DECLARATION, OR~~  
 18 ~~A PROVISION OF THE BYLAWS OR RULES OF A CONDOMINIUM MAY NOT PROHIBIT~~  
 19 ~~THE DISPLAY OF POLITICAL SIGNS OR OTHER CAMPAIGN-RELATED~~  
 20 ~~ADVERTISEMENTS EXCEPT:~~

21 ~~(1) IN COMMON ELEMENTS; AND~~

22 ~~(2) AS PERMITTED BY LOCAL, STATE, AND FEDERAL LAW.~~

23 (A) IN THIS SECTION, "CANDIDATE SIGN" MEANS A SIGN ON BEHALF OF A  
 24 CANDIDATE FOR PUBLIC OFFICE OR A SLATE OF CANDIDATES FOR PUBLIC OFFICE.

25 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A RECORDED  
 26 COVENANT OR RESTRICTION, A PROVISION IN A DECLARATION, OR A PROVISION IN  
 27 THE BYLAWS OR RULES OF A CONDOMINIUM MAY NOT RESTRICT OR PROHIBIT THE  
 28 DISPLAY OF:

29 (1) A CANDIDATE SIGN; OR

30 (2) A SIGN THAT ADVERTISES THE SUPPORT OR DEFEAT OF ANY  
 31 PROPOSITION QUESTION SUBMITTED TO VOTERS IN ACCORDANCE WITH ARTICLE 33  
 32 OF THE CODE.

33 (C) A RECORDED COVENANT OR RESTRICTION, A PROVISION IN A  
 34 DECLARATION, OR A PROVISION IN THE BYLAWS OR RULES OF A CONDOMINIUM MAY

1 RESTRICT THE DISPLAY OF A CANDIDATE SIGN OR A SIGN THAT ADVERTISES THE  
 2 SUPPORT OR DEFEAT OF ANY PROPOSITION:

3 (1) IN THE COMMON ELEMENTS:

4 (2) IN ACCORDANCE WITH PROVISIONS OF FEDERAL, STATE, AND LOCAL  
 5 LAW; OR

6 (3) IF A LIMITATION TO THE TIME PERIOD DURING WHICH SIGNS MAY  
 7 BE DISPLAYED IS NOT SPECIFIED BY A LAW OF THE JURISDICTION IN WHICH THE  
 8 CONDOMINIUM IS LOCATED, TO A TIME PERIOD NOT LESS THAN:

9 (I) 30 DAYS BEFORE THE PRIMARY ELECTION, GENERAL  
 10 ELECTION, OR VOTE ON THE PROPOSITION; AND

11 (II) 7 DAYS AFTER THE PRIMARY ELECTION, GENERAL ELECTION,  
 12 OR VOTE ON THE PROPOSITION.

13 11B-111.2.

14 ~~A RECORDED COVENANT OR RESTRICTION, A PROVISION IN A DECLARATION, OR~~  
 15 ~~A PROVISION OF THE BYLAWS OR RULES OF A HOMEOWNERS ASSOCIATION MAY NOT~~  
 16 ~~PROHIBIT THE DISPLAY OF POLITICAL SIGNS OR OTHER CAMPAIGN-RELATED~~  
 17 ~~ADVERTISEMENTS EXCEPT:~~

18 (1) ~~IN COMMON AREAS; AND~~

19 (2) ~~AS PERMITTED BY LOCAL, STATE, AND FEDERAL LAW.~~

20 (A) IN THIS SECTION, "CANDIDATE SIGN" MEANS A SIGN ON BEHALF OF A  
 21 CANDIDATE FOR PUBLIC OFFICE OR A SLATE OF CANDIDATES FOR PUBLIC OFFICE.

22 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A RECORDED  
 23 COVENANT OR RESTRICTION, A PROVISION IN A DECLARATION, OR A PROVISION IN  
 24 THE BYLAWS OR RULES OF A HOMEOWNERS ASSOCIATION MAY NOT RESTRICT OR  
 25 PROHIBIT THE DISPLAY OF:

26 (1) A CANDIDATE SIGN; OR

27 (2) A SIGN THAT ADVERTISES THE SUPPORT OR DEFEAT OF ANY  
 28 PROPOSITION QUESTION SUBMITTED TO THE VOTERS IN ACCORDANCE WITH  
 29 ARTICLE 33 OF THE CODE.

30 (C) A RECORDED COVENANT OR RESTRICTION, A PROVISION IN A  
 31 DECLARATION, OR A PROVISION IN THE BYLAWS OR RULES OF A HOMEOWNERS  
 32 ASSOCIATION MAY RESTRICT THE DISPLAY OF A CANDIDATE SIGN OR A SIGN THAT  
 33 ADVERTISES THE SUPPORT OR DEFEAT OF ANY PROPOSITION:

34 (1) IN THE COMMON AREAS;

1           (2)     IN ACCORDANCE WITH PROVISIONS OF FEDERAL, STATE, AND LOCAL  
 2 LAW; OR

3           (3)     IF A LIMITATION TO THE TIME PERIOD DURING WHICH SIGNS MAY  
 4 BE DISPLAYED IS NOT SPECIFIED BY A LAW OF THE JURISDICTION IN WHICH THE  
 5 HOMEOWNERS ASSOCIATION IS LOCATED, TO A TIME PERIOD NOT LESS THAN:

6                   (I)     30 DAYS BEFORE THE PRIMARY ELECTION, GENERAL  
 7 ELECTION, OR VOTE ON THE PROPOSITION; AND

8                   (II)    7 DAYS AFTER THE PRIMARY ELECTION, GENERAL ELECTION,  
 9 OR VOTE ON THE PROPOSITION.

10                                   **Article - Corporations and Associations**

11 5-6B-18.1.

12     ~~A PROVISION IN A DECLARATION, OR A PROVISION IN THE BYLAWS OR RULES~~  
 13 ~~OF A COOPERATIVE HOUSING CORPORATION MAY NOT RESTRICT THE DISPLAY OF~~  
 14 ~~POLITICAL SIGNS OR OTHER CAMPAIGN RELATED ADVERTISEMENTS EXCEPT:~~

15                   (1)     ~~IN COMMON PROPERTY; AND~~

16                   (2)     ~~AS PERMITTED BY LOCAL, STATE, AND FEDERAL LAW.~~

17     (A)     IN THIS SECTION, "CANDIDATE SIGN" MEANS A SIGN ON BEHALF OF A  
 18 CANDIDATE FOR PUBLIC OFFICE OR A SLATE OF CANDIDATES FOR PUBLIC OFFICE.

19     (B)     EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A RECORDED  
 20 COVENANT OR RESTRICTION, A PROVISION IN A DECLARATION, OR A PROVISION IN  
 21 THE BYLAWS OR RULES OF A COOPERATIVE HOUSING CORPORATION MAY NOT  
 22 PROHIBIT OR RESTRICT THE DISPLAY OF:

23                   (1)     A CANDIDATE SIGN; OR

24                   (2)     A SIGN THAT ADVERTISES THE SUPPORT OR DEFEAT OF ANY  
 25 PROPOSITION QUESTION SUBMITTED TO THE VOTERS IN ACCORDANCE WITH  
 26 ARTICLE 33 OF THE CODE.

27     (C)     A RECORDED COVENANT OR RESTRICTION, A PROVISION IN A  
 28 DECLARATION, OR A PROVISION IN THE BYLAWS OR RULES OF A COOPERATIVE  
 29 HOUSING CORPORATION MAY RESTRICT THE DISPLAY OF A CANDIDATE SIGN OR A  
 30 SIGN THAT ADVERTISES THE SUPPORT OR DEFEAT OF ANY PROPOSITION:

31                   (1)     IN ANY AREAS CONSTITUTING THOSE PORTIONS OF A COOPERATIVE  
 32 PROJECT POSSESSED IN COMMON BY THE MEMBERS;

33                   (2)     IN ACCORDANCE WITH PROVISIONS OF FEDERAL, STATE, AND LOCAL  
 34 LAW; OR

1           (3)     IF A LIMITATION TO THE TIME PERIOD DURING WHICH SIGNS MAY  
2 BE DISPLAYED IS NOT SPECIFIED BY A LAW GOVERNING THE JURISDICTION IN  
3 WHICH THE COOPERATIVE HOUSING CORPORATION IS LOCATED, TO A TIME PERIOD  
4 NOT LESS THAN:

5                   (I)     30 DAYS BEFORE THE PRIMARY ELECTION, GENERAL  
6 ELECTION, OR VOTE ON THE PROPOSITION; AND

7                   (II)    7 DAYS AFTER THE PRIMARY ELECTION, GENERAL ELECTION,  
8 OR VOTE ON THE PROPOSITION.

9     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
10 effect October 1, 1998.