

HOUSE BILL 36

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1998 Regular Session
8r0014

(PRE-FILED)

By: ~~Delegate Kagan~~ **Delegates Kagan and Goldwater**

Requested: July 14, 1997

Introduced and read first time: January 14, 1998

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 5, 1998

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
16 Section 5-6B-18.1
17 Annotated Code of Maryland
18 (1993 Replacement Volume and 1997 Supplement)

19 **Preamble**

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

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

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

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

8 **Article - Real Property**

9 11-111.2.

10 ~~A RECORDED COVENANT OR RESTRICTION, A PROVISION IN A DECLARATION, OR~~
11 ~~A PROVISION OF THE BYLAWS OR RULES OF A CONDOMINIUM MAY NOT PROHIBIT~~
12 ~~THE DISPLAY OF POLITICAL SIGNS OR OTHER CAMPAIGN RELATED~~
13 ~~ADVERTISEMENTS EXCEPT:~~

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

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

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

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

22 (1) A CANDIDATE SIGN; OR

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

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

30 (1) IN THE COMMON ELEMENTS;

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

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

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

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

5 11B-111.2.

6 ~~A RECORDED COVENANT OR RESTRICTION, A PROVISION IN A DECLARATION, OR~~
7 ~~A PROVISION OF THE BYLAWS OR RULES OF A HOMEOWNERS ASSOCIATION MAY NOT~~
8 ~~PROHIBIT THE DISPLAY OF POLITICAL SIGNS OR OTHER CAMPAIGN-RELATED~~
9 ~~ADVERTISEMENTS EXCEPT:~~

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

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

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

14 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A RECORDED
15 COVENANT OR RESTRICTION, A PROVISION IN A DECLARATION, OR A PROVISION IN
16 THE BYLAWS OR RULES OF A HOMEOWNERS ASSOCIATION MAY NOT RESTRICT OR
17 PROHIBIT THE DISPLAY OF:

18 (1) A CANDIDATE SIGN; OR

19 (2) A SIGN THAT ADVERTISES THE SUPPORT OR DEFEAT OF ANY
20 PROPOSITION SUBMITTED TO THE VOTERS IN ACCORDANCE WITH ARTICLE 33 OF
21 THE CODE.

22 (C) A RECORDED COVENANT OR RESTRICTION, A PROVISION IN A
23 DECLARATION, OR A PROVISION IN THE BYLAWS OR RULES OF A HOMEOWNERS
24 ASSOCIATION MAY RESTRICT THE DISPLAY OF A CANDIDATE SIGN OR A SIGN THAT
25 ADVERTISES THE SUPPORT OR DEFEAT OF ANY PROPOSITION:

26 (1) IN THE COMMON AREAS;

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

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

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

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

1 **Article - Corporations and Associations**

2 5-6B-18.1.

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

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

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

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

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

14 (1) A CANDIDATE SIGN; OR

15 (2) A SIGN THAT ADVERTISES THE SUPPORT OR DEFEAT OF ANY
 16 PROPOSITION SUBMITTED TO THE VOTERS IN ACCORDANCE WITH ARTICLE 33 OF
 17 THE CODE.

18 (C) A RECORDED COVENANT OR RESTRICTION, A PROVISION IN A
 19 DECLARATION, OR A PROVISION IN THE BYLAWS OR RULES OF A COOPERATIVE
 20 HOUSING CORPORATION MAY RESTRICT THE DISPLAY OF A CANDIDATE SIGN OR A
 21 SIGN THAT ADVERTISES THE SUPPORT OR DEFEAT OF ANY PROPOSITION:

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

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

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

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

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

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

