

SENATE BILL 417

G1

71r1069

By: **Senators Miller and Kasemeyer**

Introduced and read first time: February 2, 2007

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Candidate and Other Outdoor Signs – Removal and Enforcement**

3 FOR the purpose of requiring a candidate or a designee of a candidate, immediately on
4 the closing of the polls, to remove from a polling place and an area within a
5 certain distance of a polling place, any sign that advertises the candidate;
6 providing for certain penalties for failure to remove certain signs from certain
7 polling places within a certain amount of time; requiring a local board of
8 elections to report to the State Administrator of Elections a failure to remove
9 certain signs from certain polling places; requiring the State Administrator of
10 Elections to submit a certain report on or before a certain date; prohibiting a
11 person from erecting or maintaining an outdoor sign on a State highway
12 right-of-way or on a highway median except under certain circumstances;
13 providing that certain provisions of law relating to the erection or maintenance
14 of certain politically related signs do not apply to signs erected or maintained on
15 private property; providing for certain penalties for failure to comply with
16 certain provisions of law relating to the posting and removal of certain
17 candidate signs on certain highways; requiring the State Highway
18 Administrator to submit a certain report on or before a certain date; and
19 generally relating to outdoor signs and other signs advertising candidates.

20 BY adding to

21 Article – Election Law

22 Section 10-316

23 Annotated Code of Maryland

24 (2003 Volume and 2006 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
 2 Article – Transportation
 3 Section 8–706 and 8–714(c) and (d)
 4 Annotated Code of Maryland
 5 (2001 Replacement Volume and 2006 Supplement)

6 BY repealing and reenacting, without amendments,
 7 Article – Transportation
 8 Section 8–714(a) and (b)(5)
 9 Annotated Code of Maryland
 10 (2001 Replacement Volume and 2006 Supplement)

11 BY repealing and reenacting, with amendments,
 12 Article – Transportation
 13 Section 8–714(b)(4)
 14 Annotated Code of Maryland
 15 (2001 Replacement Volume and 2006 Supplement)

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

18 **Article – Election Law**

19 **10–316.**

20 (A) IMMEDIATELY ON THE CLOSING OF THE POLLS, A CANDIDATE OR A
 21 DESIGNEE OF A CANDIDATE SHALL REMOVE FROM A POLLING PLACE AND AN
 22 AREA WITHIN 500 FEET OF THE POLLING PLACE, ANY SIGN THAT ADVERTISES
 23 THE CANDIDATE.

24 (B) (1) A CANDIDATE WHO DOES NOT COMPLY WITH THE
 25 REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION WITHIN 24 HOURS AFTER
 26 THE CLOSING OF THE POLLS IS SUBJECT TO A FINE OF NOT MORE THAN \$500.

27 (2) EACH INDIVIDUAL FAILURE TO COMPLY WITH THE
 28 REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION IS A SEPARATE
 29 VIOLATION.

30 (C) A LOCAL BOARD SHALL REPORT TO THE STATE ADMINISTRATOR A
 31 VIOLATION OF SUBSECTION (A) OF THIS SECTION.

1 (D) ON OR BEFORE JANUARY 1 OF EACH YEAR, THE STATE
2 ADMINISTRATOR SHALL REPORT ON THE ENFORCEMENT OF THIS SECTION TO
3 THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE
4 GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

5 Article – Transportation

6 **8-706.**

7 EXCEPT AS OTHERWISE PROVIDED BY LAW, A PERSON MAY NOT ERECT OR
8 MAINTAIN AN OUTDOOR SIGN ON A STATE HIGHWAY RIGHT-OF-WAY OR ON A
9 HIGHWAY MEDIAN.

10 8-714.

11 (a) Whether or not the person must be licensed under Part II of this subtitle,
12 a person may not erect or maintain any outdoor sign outside the limits of any
13 municipal corporation and within 500 feet of a State highway, unless the person has a
14 permit issued by the Administration for that sign.

15 (b) A permit is not required under this section to erect or maintain any
16 outdoor sign:

17 (4) That advertises a candidate or the support or defeat of any
18 proposition. This sign:

19 (i) Shall comply with all provisions of the Election Law Article;

20 (ii) Shall comply with public safety requirements as set forth in
21 § 8-716 of this subtitle;

22 (iii) [Shall] **EXCEPT AS PROVIDED IN SUBSECTION (C) OF**
23 **THIS SECTION, SHALL** conform to all local restrictions and zoning requirements
24 which are more restrictive than this section, including any applicable time limitations.
25 In the absence of an applicable time limitation, the sign:

26 1. May not be erected more than 45 days prior to the
27 election; and

28 2. Shall be removed within 15 days after the general
29 election, or within 15 days after the primary election if the candidate is not a
30 candidate in the general election; and

1 (iv) Shall conform to the restrictions and requirements of Parts
2 IV and V of this subtitle; or

3 (5) That is only a temporary outdoor sign that advertises the sale in
4 season of fresh produce on property that adjoins a State highway by a person who has
5 grown the fresh produce and who owns, rents, or has permission to sell on the
6 property. This sign:

7 (i) Shall comply with public safety requirements as set forth in
8 § 8-716 of this subtitle;

9 (ii) Shall conform to all local restrictions and zoning
10 requirements that are more restrictive than this section, including any applicable time
11 limitation;

12 (iii) Shall conform to the restrictions and requirements of Parts
13 IV and V of this subtitle; and

14 (iv) Shall be removed or covered when produce is no longer for
15 sale.

16 (C) **THE PROVISIONS OF SUBSECTION (B)(4)(III) OF THIS SECTION**
17 **RELATING TO TIME LIMITATIONS DO NOT APPLY TO A SIGN THAT:**

18 (1) **IS ERECTED OR MAINTAINED ON PRIVATE PROPERTY; AND**

19 (2) **ADVERTISES:**

20 (I) **A CANDIDATE FOR PUBLIC OFFICE; OR**

21 (II) **THE SUPPORT OR OPPOSITION OF ANY PROPOSITION OR**
22 **POLITICAL ISSUE.**

23 (D) (1) **A PERSON WHO VIOLATES THE PROVISIONS OF SUBSECTION**
24 **(B)(4) OF THIS SECTION RELATED TO A SIGN ADVERTISING A CANDIDATE FOR**
25 **PUBLIC OFFICE IS SUBJECT TO A FINE OF NOT MORE THAN \$500.**

26 (2) **EACH INDIVIDUAL FAILURE TO COMPLY WITH THE**
27 **REQUIREMENTS OF SUBSECTION (B)(4) OF THIS SECTION IS A SEPARATE**
28 **VIOLATION.**

1 **(3) ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE**
2 **ADMINISTRATOR SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE**
3 **WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL**
4 **ASSEMBLY ON THE ENFORCEMENT OF THE PROVISIONS OF SUBSECTION (B)(4)**
5 **OF THIS SECTION.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 July 1, 2007.