

**REMOVAL OR DEFAACEMENT OF POLITICAL
SIGNS**

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Gregory H. Hughes

LONG TITLE

General Description:

This bill modifies the Criminal Code to make the unauthorized removal, defacement, or concealment of political advertising during election periods a misdemeanor offense.

Highlighted Provisions:

This bill:

- ▶ provides that a person who intentionally removes, alters, defaces, covers, or conceals political advertising during certain periods before an election is guilty of a class B misdemeanor;
- ▶ provides an exemption for property owners for signs on their own private property;
- ▶ provides an exemption allowing candidates for public office and proponents and opponents of ballot issues to remove signs under certain circumstances; and
- ▶ permits the removal or alteration of signs that violate state law or local ordinances or regulations.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

76-6-111, Utah Code Annotated 1953



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Be it enacted by the Legislature of the state of Utah:

Section 1. Section **76-6-111** is enacted to read:

76-6-111. Unlawful removal or defacing of political advertising.

(1) As used in this section:

(a) "Candidate" means a person who has filed a declaration of candidacy for a public office and has posted, distributed, or authorized the posting or distribution of a political advertisement.

(b) "Political advertisement" means:

(i) a sign for a candidate for public office; or

(ii) a sign related to an issue that will be presented to voters in the next election, including initiatives, referenda, constitutional amendments, opinion questions, and bond measures.

(c) "Sign" means a yard sign, billboard, or other written or printed advertisement that is posted on property for public display.

(d) "Sponsor" means a proponent or opponent of an issue that will be presented to voters in the next election that has posted, distributed, or authorized the posting or distribution of a political advertisement.

(2) (a) Except as provided in Subsection (3), a person is guilty of unlawfully removing or defacing political advertising if the person intentionally removes, alters, defaces, covers, or conceals any political advertisement during the period:

(i) beginning on the date 45 calendar days before a regular or municipal primary election and extending through the date of the next regular general or municipal general election; or

(ii) beginning on the date 45 calendar days before a special election and extending through the date of the special election.

(b) A person who violates Subsection (2)(a) is guilty of a class B misdemeanor.

(3) Subsection (2) does not prohibit the removal, alteration, defacement, covering, or concealment of a political advertisement by:

(a) the owner, or authorized agent of the owner, of private property on which the political advertisement was placed;

59 (b) the candidate or sponsor, or authorized agent of the candidate or sponsor, that
60 posted or distributed the political advertisement, if the candidate or sponsor has asserted
61 ownership of the political advertisement; or

62 (c) authorized state or local government officials if the political advertisement violates
63 or is placed in violation of any state law or county, city, or town ordinance or regulation.

Legislative Review Note

as of 1-19-05 4:46 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0228

Removal or Defacement of Political Signs

31-Jan-05

10:33 AM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst