

Senator Michael K. McKell proposes the following substitute bill:

CAMPAIGN SIGN AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael K. McKell

House Sponsor: Casey Snider

LONG TITLE

General Description:

This bill enacts provisions related to the removal of campaign signs.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ authorizes a transportation authority that removes a campaign sign from a roadway to seek reimbursement for the removal from the candidate for public office identified on the campaign sign; and
- ▶ requires a transportation authority to provide a candidate for public office an opportunity to contest payment of the reimbursement.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

20A-17-104, Utah Code Annotated 1953



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

27 Section 1. Section **20A-17-104** is enacted to read:

28 **20A-17-104. Removal of campaign signs from roadway by a transportation**
29 **authority -- Reimbursement.**

30 (1) As used in this section:

31 (a) "Campaign sign" means a sign or document that advocates for the election of a
32 candidate to public office.

33 (b) "Declaration of candidacy" means the form an individual seeking to become a
34 candidate for public office files with the filing officer under Section [20A-9-202](#) or [20A-9-203](#).

35 (c) "Filing officer" means the same as that term is defined in Section [20A-9-101](#).

36 (d) "Mailing address" means:

37 (i) the address an individual designates on a declaration of candidacy as the address
38 where the individual may receive official election notices; or

39 (ii) if the address described in Subsection (1)(d)(i) is a protected record under Section
40 [63G-2-305](#), the additional contact address the individual filing a declaration of candidacy
41 provides to the filing officer.

42 (e) "Municipality" means the same as that term is defined in Section [20A-1-102](#).

43 (f) "Public office" means the offices of governor, lieutenant governor, state auditor,
44 state treasurer, attorney general, state school board member, state senator, state representative,
45 or an elective office in a municipality.

46 (g) (i) "Roadway" means:

47 (A) a state highway, as described in Section [72-3-102](#);

48 (B) a county road, as described in Section [72-3-103](#);

49 (C) a city street, as described in Section [72-3-104](#);

50 (D) a class D road, as described in Section [72-3-105](#); and

51 (E) a rail-based fixed guideway operated by a large public transit district.

52 (ii) "Roadway" includes:

53 (A) the right-of-way for a roadway; and

54 (B) infrastructure appurtenant to a roadway that is owned, maintained, or operated by a
55 transportation authority.

56 (h) "Transportation authority" means:

57 (i) a city, county, town, or metro township;
58 (ii) a large public transit district organized under Title 17B, Chapter 2a, Part 8, Public
59 Transit District Act; or
60 (iii) the Department of Transportation created in Title 72, Chapter 1, Part 2,
61 Department of Transportation.

62 (2) A transportation authority that removes a campaign sign from a roadway may seek
63 reimbursement, from the candidate identified on the sign, for removing the sign at the rate of
64 \$15 per sign removed, if:

65 (a) the placement of the sign creates a public safety hazard; or
66 (b) the transportation authority is otherwise authorized by law to remove the campaign
67 sign from the roadway.

68 (3) A transportation authority that seeks reimbursement for removing a campaign sign
69 under Subsection (2) shall:

70 (a) obtain, from the filing officer, the mailing address of the candidate for public office
71 who is identified on the campaign sign; and

72 (b) mail a reimbursement notice to the candidate.

73 (4) A reimbursement notice shall include:

74 (a) the number of campaign signs removed from the roadway by the transportation
75 authority;

76 (b) the reimbursement amount; and

77 (c) any other information determined relevant by the transportation authority to obtain
78 reimbursement for removing the campaign sign from the roadway.

79 (5) (a) Subject to Subsection (5)(b), a candidate for public office that receives a
80 reimbursement notice under this section shall pay the amount specified in the notice no later
81 than 30 days after the day on which the notice is received in the mail.

82 (b) A transportation authority shall provide the candidate for public office a reasonable
83 opportunity to establish, by a preponderance of the evidence, that payment of the
84 reimbursement notice is not required.

85 (6) A candidate for public office that receives a reimbursement notice under this
86 section may use campaign funds to pay the reimbursement amount specified in the notice.