

State of Arizona  
Senate  
Fiftieth Legislature  
First Regular Session  
2011

Senate Engrossed  
**FILED**  
**KEN BENNETT**  
**SECRETARY OF STATE**

CHAPTER 154

# **SENATE BILL 1540**

AN ACT

AMENDING SECTIONS 16-1019, 33-1261 AND 33-1808, ARIZONA REVISED STATUTES;  
RELATING TO REGULATION OF POLITICAL ACTIVITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 16-1019, Arizona Revised Statutes, is amended to  
3 read:

4 16-1019. Political signs; tampering; classification

5 A. It is a class 2 misdemeanor for any person to knowingly remove,  
6 alter, deface or cover any political sign of any candidate for public office  
7 OR KNOWINGLY REMOVE, ALTER OR DEFACE ANY POLITICAL MAILERS, HANDOUTS, FLYERS  
8 OR OTHER PRINTED MATERIALS OF A CANDIDATE THAT ARE DELIVERED BY HAND TO A  
9 RESIDENCE for the period commencing forty-five days ~~prior to~~ BEFORE a primary  
10 election and ending seven days after the general election.

11 B. ~~The provisions of This section shall~~ DOES not apply to the removal,  
12 alteration, defacing or covering of a political sign OR OTHER PRINTED  
13 MATERIALS by the candidate or the authorized agent of the candidate in  
14 support of whose election the sign was placed, or by the owner or authorized  
15 agent of the owner of private property on which such signs are placed with or  
16 without permission of the owner, or placed in violation of state law, or  
17 county, city or town ordinance or regulation.

18 Sec. 2. Section 33-1261, Arizona Revised Statutes, is amended to read:

19 33-1261. Flag display; for sale signs; political petitions;  
20 applicability

21 A. Notwithstanding any provision in the condominium documents, an  
22 association shall not prohibit the outdoor display of any of the following:

23 1. The American flag or an official or replica of a flag of the United  
24 States army, navy, air force, marine corps or coast guard by a unit owner on  
25 that unit owner's property if the American flag or military flag is displayed  
26 in a manner consistent with the federal flag code (P.L. 94-344; 90 Stat. 810;  
27 4 United States Code sections 4 through 10).

28 2. The POW/MIA flag.

29 3. The Arizona state flag.

30 4. An Arizona Indian nations flag.

31 B. The association shall adopt reasonable rules and regulations  
32 regarding the placement and manner of display of the American flag, the  
33 military flag, the POW/MIA flag, the Arizona state flag or an Arizona Indian  
34 nations flag. The association rules may regulate the location and size of  
35 flagpoles but shall not prohibit the installation of a flagpole.

36 C. Notwithstanding any provision in the condominium documents, an  
37 association shall not prohibit the indoor or outdoor display of a for sale  
38 sign and a sign rider by a unit owner on that owner's property, including a  
39 sign that indicates the unit owner is offering the property for sale by  
40 owner. The size of a sign offering a property for sale shall be in  
41 conformance with the industry standard size sign, which shall not exceed  
42 eighteen by twenty-four inches, and the industry standard size sign rider,  
43 which shall not exceed six by twenty-four inches. With respect to real  
44 estate for sale or lease in the condominium, an association shall not  
45 prohibit or otherwise regulate any of the following:

1           1. Temporary open house signs or a unit owner's for sale sign. The  
2 association shall not require the use of particular signs indicating an open  
3 house or real property for sale and may not further regulate the use of  
4 temporary open house or for sale signs that are industry standard size and  
5 that are owned or used by the seller or the seller's agent.

6           2. Open house hours. The association may not limit the hours for an  
7 open house for real estate that is for sale in the condominium, except that  
8 the association may prohibit an open house being held before 8:00 a.m. or  
9 after 6:00 p.m. and may prohibit open house signs on the common elements of  
10 the condominium.

11           3. An owner's or an owner's agent's for lease sign unless an  
12 association's documents prohibit or restrict leasing of a unit or units. An  
13 association shall not further regulate a for lease sign or require the use of  
14 a particular for lease sign other than the for lease sign shall not be any  
15 larger than the industry standard size sign of eighteen by twenty-four inches  
16 and on or in the unit owner's property. If leasing of a unit is allowed, the  
17 association may prohibit open house leasing being held before 8:00 a.m. or  
18 after 6:00 p.m.

19           D. Notwithstanding any provision in the condominium documents, an  
20 association shall not prohibit ~~but may reasonably regulate~~ DOOR TO DOOR  
21 POLITICAL ACTIVITY, INCLUDING SOLICITATIONS OF SUPPORT OR OPPOSITION  
22 REGARDING CANDIDATES OR BALLOT ISSUES, AND SHALL NOT PROHIBIT the circulation  
23 of political petitions, including candidate nomination petitions or petitions  
24 in support of or opposition to an initiative, referendum or recall or other  
25 political issue on property ~~dedicated to the public~~ NORMALLY OPEN TO VISITORS  
26 within the association, EXCEPT THAT AN ASSOCIATION MAY DO THE FOLLOWING:

27           1. RESTRICT OR PROHIBIT DOOR TO DOOR POLITICAL ACTIVITY REGARDING  
28 CANDIDATES OR BALLOT ISSUES FROM SUNSET TO SUNRISE.

29           2. REQUIRE THE PROMINENT DISPLAY OF AN IDENTIFICATION TAG FOR EACH  
30 PERSON ENGAGED IN THE ACTIVITY, ALONG WITH THE PROMINENT IDENTIFICATION OF  
31 THE CANDIDATE OR BALLOT ISSUE THAT IS THE SUBJECT OF THE SUPPORT OR  
32 OPPOSITION.

33           E. AN ASSOCIATION SHALL NOT MAKE ANY REGULATIONS REGARDING THE NUMBER  
34 OF CANDIDATES SUPPORTED, THE NUMBER OF PUBLIC OFFICERS SUPPORTED OR OPPOSED  
35 IN A RECALL OR THE NUMBER OF PROPOSITIONS SUPPORTED OR OPPOSED ON A POLITICAL  
36 SIGN.

37           F. AN ASSOCIATION SHALL NOT REQUIRE POLITICAL SIGNS TO BE COMMERCIALY  
38 PRODUCED OR PROFESSIONALLY MANUFACTURED OR PROHIBIT THE UTILIZATION OF BOTH  
39 SIDES OF A POLITICAL SIGN.

40           G. A condominium is not required to comply with this subsection D if  
41 the condominium restricts vehicular or pedestrian access to the condominium.  
42 Nothing in this ~~subsection~~ SECTION requires a condominium to make its common  
43 elements OTHER THAN ROADWAYS AND SIDEWALKS THAT ARE NORMALLY OPEN TO VISITORS  
44 available for the circulation of political petitions to anyone who is not an  
45 owner or resident of the community.



1           4. The temporary signs are no taller than three feet in height.

2           5. The signs are professionally manufactured or produced.

3           E. Notwithstanding any provision in the community documents, an  
4 association shall not prohibit children who reside in the planned community  
5 from engaging in recreational activity on residential roadways that are under  
6 the jurisdiction of the association and on which the posted speed limit is  
7 twenty-five miles per hour or less.

8           F. Notwithstanding any provision in the community documents, an  
9 association shall not prohibit the indoor or outdoor display of a for sale  
10 sign and a sign rider by an association member on that member's property,  
11 including a sign that indicates the member is offering the property for sale  
12 by owner. The size of a sign offering a property for sale shall be in  
13 conformance with the industry standard size sign, which shall not exceed  
14 eighteen by twenty-four inches, and the industry standard size sign rider,  
15 which shall not exceed six by twenty-four inches. With respect to real  
16 estate for sale or lease in the planned community, an association shall not  
17 prohibit or otherwise regulate any of the following:

18           1. Temporary open house signs or a ~~unit owner's~~ MEMBER'S for sale  
19 sign. The association shall not require the use of particular signs  
20 indicating an open house or real property for sale and may not further  
21 regulate the use of temporary open house or for sale signs that are industry  
22 standard size and that are owned or used by the seller or the seller's agent.

23           2. Open house hours. The association may not limit the hours for an  
24 open house for real estate that is for sale in the planned community, except  
25 that the association may prohibit an open house being held before 8:00 a.m.  
26 or after 6:00 p.m. and may prohibit open house signs on the common areas of  
27 the planned community.

28           3. An owner's or an owner's agent's for lease sign unless an  
29 association's documents prohibit or restrict leasing of a member's property.  
30 An association shall not further regulate a for lease sign or require the use  
31 of a particular for lease sign other than the for lease sign shall not be any  
32 larger than the industry standard size sign of eighteen by twenty-four inches  
33 on or in the member's property. If leasing of a member's property is not  
34 prohibited or restricted, the association may prohibit open house leasing  
35 being held before 8:00 a.m. or after 6:00 p.m.

36           G. Notwithstanding any provision in the community documents, an  
37 association shall not prohibit ~~but may reasonably regulate~~ DOOR TO DOOR  
38 POLITICAL ACTIVITY, INCLUDING SOLICITATIONS OF SUPPORT OR OPPOSITION  
39 REGARDING CANDIDATES OR BALLOT ISSUES, AND SHALL NOT PROHIBIT the circulation  
40 of political petitions, including candidate nomination petitions or petitions  
41 in support of or opposition to an initiative, referendum or recall or other  
42 political issue on property ~~dedicated to the public~~ NORMALLY OPEN TO VISITORS  
43 within the association, EXCEPT THAT AN ASSOCIATION MAY DO THE FOLLOWING:

44           1. RESTRICT OR PROHIBIT THE DOOR TO DOOR POLITICAL ACTIVITY FROM  
45 SUNSET TO SUNRISE.

1           2. REQUIRE THE PROMINENT DISPLAY OF AN IDENTIFICATION TAG FOR EACH  
2 PERSON ENGAGED IN THE ACTIVITY, ALONG WITH THE PROMINENT IDENTIFICATION OF  
3 THE CANDIDATE OR BALLOT ISSUE THAT IS THE SUBJECT OF THE SUPPORT OR  
4 OPPOSITION.

5           H. A PLANNED COMMUNITY SHALL NOT MAKE ANY REGULATIONS REGARDING THE  
6 NUMBER OF CANDIDATES SUPPORTED, THE NUMBER OF PUBLIC OFFICERS SUPPORTED OR  
7 OPPOSED IN A RECALL OR THE NUMBER OF PROPOSITIONS SUPPORTED OR OPPOSED ON A  
8 POLITICAL SIGN.

9           I. A PLANNED COMMUNITY SHALL NOT REQUIRE POLITICAL SIGNS TO BE  
10 COMMERCIALY PRODUCED OR PROFESSIONALLY MANUFACTURED OR PROHIBIT THE  
11 UTILIZATION OF BOTH SIDES OF A POLITICAL SIGN.

12           J. A planned community is not required to comply with ~~this~~ subsection  
13 G if the planned community restricts vehicular or pedestrian access to the  
14 planned community. Nothing in this ~~subsection~~ SECTION requires a planned  
15 community to make its common elements OTHER THAN ROADWAYS AND SIDEWALKS THAT  
16 ARE NORMALLY OPEN TO VISITORS available for the circulation of political  
17 petitions to anyone who is not an owner or resident of the community.

APPROVED BY THE GOVERNOR APRIL 18, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2011.

Passed the House April 11, 2011,

Passed the Senate March 8, 2011,

by the following vote: 56 Ayes,  
3 Nays, 1 Not Voting

by the following vote: 30 Ayes,  
0 Nays, 0 Not Voting

[Signature]  
Speaker of the House  
Pro Tempore  
Cheryl Laube  
Chief Clerk of the House

[Signature]  
President of the Senate  
Susan Owens  
Assistant Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this  
12 day of April, 2011,

at 1:50 o'clock P. M.

[Signature]  
Secretary to the Governor

Approved this 18<sup>th</sup> day of  
April, 2011,

at 10:50 o'clock A. M.  
[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State  
this 18<sup>th</sup> day of April, 2011,

at 12:19 o'clock P. M.  
[Signature]  
Secretary of State

S.B. 1540