

James M. Jeffords Center's
Vermont Legislative Research Service

Election Lawn Sign Restrictions

Campaign lawn signs are ubiquitous during election season throughout towns across the country. These signs play an important and unique role in political debate and expression. The right to post campaign lawn signs has been defended under First Amendment protections by organizations like the American Civil Liberties Union when the state has attempted to regulate and restrict their usage based on content or limiting the length of time a sign may be posted. The state does have the right to regulate the posting of lawn signs in the interest of public safety and aesthetics.

Displaying a sign from one's own residence often carries a message quite distinct from placing the sign someplace else, or conveying the same text or picture by other means. Residential signs are unusually cheap and convenient form of communication. The added costs in money or time of taking out a newspaper advertisement, handing out leaflets on the street, or standing in front of one's house with a handheld sign may make the difference between participating and not participating in some public debate.⁷

Durational time limits and content-based restrictions on campaign lawn signs have not withstood Constitutional scrutiny. Towns and municipalities have argued that lawn signs are detrimental to property value and community aesthetics. This argument has not been upheld in courts as a reason to interfere with freedom of speech and expression.⁸

A Rhode Island ACLU attorney, Richard A. Sinapiotes, notes, "Political sign restrictions generally have the effect of favoring incumbents over challengers, since one of the major obstacles for any challenger in a political campaign is name recognition. The low cost of creating political lawn signs coupled with the ease of distribution makes it a particularly cost-effective campaign tool and form of political speech for candidates."¹⁰

The American Civil Liberties Union has consistently opposed campaign sign restrictions that limit the size of campaign signs or the amount of time they may be displayed. The Rhode Island chapter of the ACLU filed a lawsuit challenging the constitutionality of North Kingstown sign ordinance law in October of 2010 that required political signs to be no "larger than six square feet in a residential zone or 20 square feet in a residential zone," while restrictions on "construction and contractor signs, holiday signs, banners and a variety of other signs," were permitted to be considerably larger.¹¹ The ACLU argued that the ordinance was unconstitutional because it regulated political speech more harshly than political speech and that the ordinance infringes upon freedom of speech by limiting speech based on its

⁷ David L. Hudson, "Political Yard Signs," The First Amendment Center, September 27, 2004, acc

content.¹² The town agreed in a consent judgment to not regulate political speech more stringently than other types of speech.¹³

In 2008, the ACLU of New Jersey successfully argued against a town ordinance in Hawthorne, New Jersey that banned “political signs except for 32 days before an election and seven days after.”¹⁴ The town had fined a resident for keeping a Ron Paul campaign sign in his yard for longer than a week after the 2008 New Jersey primary.¹⁵

Statute 10 V.S.A. §494(9) allows for the placement of temporary signs. Signs to be maintained for not more than two weeks announcing an auction, or a campaign, drive or event of a civic, philanthropic or religious organization.²¹

If the sign is placed in a Vermont highway right-of-way, the state Agency of Transportation has the authority to remove the signs without giving explicit notice to the owner of the sign because of public safety concerns.²² Similarly, signs cannot obstruct traffic signals, look like traffic signs, or generally impede traffic flow and confuse motorists.²³

It is within the jurisdiction of a local municipality to outline further regulations on the placement of signs within its locality. According to Vermont Statutes, Temporary po EM n tnot obstruct

Often campaign lawn signs are made of corrugated plastic ~~sh~~²⁹ which are made from polyethylene and polypropylene plastic. These signs are staked into the ground using "step stakes" made of aluminum.³⁰ Polypropylene plastics make up 17% of "plastic waste" in municipal solid waste.³¹ According to a Greenpeace pyramid of plastics...a ranking of plastics according to their hazardous characteristics," polypropylene and polyethylene rank close to the bottom in position 4 out of 5.³²

Candidates are required to clean up campaign posters in public spaces. The city of Washington, D.C. fines candidates \$35 per sign.³³

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