

APPENDIX H

Candidates and Municipal Officials Guide to Placement of Political Campaign Signs

The Office of the Secretary of State, Elections Division has no authority to regulate placement of political campaign signs. However, to assist both candidates and municipal officials, we provide the following brief guide to laws in Vermont that may govern temporary political signs.

1. **You must obtain permission of the property owner before you place any sign.**
2. **It is a violation of criminal law to put a sign on any utility pole in Vermont. 13 V.S.A. § 301**
3. **The Agency of Transportation (Travel Information Council) enforces Vermont's sign law. (10 VSA §§481-506) According to these statutes:**
 - Signs may not be located within state highway rights-of-way or attached to a state or town sign, post or guardrail. Most highway rights-of-way in Vermont are at least three rods, or 49.5 feet. This means that signs must be placed at least 24.75 feet away from the centerline of most highways.
 - Signs should be removed immediately after the election.
 - Signs may not be attached to trees.
 - Signs may not interfere with, imitate or resemble any official traffic control sign, signal or device or appear to attempt to direct the movement of traffic.
 - Signs may not be located in a way that prevents drivers from having a clear and unobstructed view of official traffic control signs and approaching or merging traffic.
 - Signs may not be positioned so that they are readable primarily from a limited access facility (which includes the interstates and ramps and some other highways—such as US 7 between Bennington and Dorset).
 - Signs must be in good repair and securely affixed to a substantial structure.

Enforcement: The Travel Information Council is authorized to order the removal of any illegal off-premises, on-premises or exempt sign. If the sign is within the state highway right-of-way, the Agency of Transportation may remove a temporary sign that is not affixed to a substantial structure, without prior notice.

4. **On town highways temporary campaign signs may be displayed for a period of not more than two weeks within the highway right-of-way because they are exempt from the state sign law under 10 V.S.A. §494(9).** Enforcement on town highways is the responsibility of the legislative body (Selectboard).
5. **Temporary political campaign signs on public or private property may also be regulated by either a local sign ordinance (24 V.S.A. §1971 and §2291) or a municipal zoning bylaw (24 V.S.A. §§4404.)** Political signs may not be banned altogether, but they may be regulated by reasonable, nondiscriminatory rules as to size, location, and duration that apply equally to all temporary signs. The zoning administrator or another town official cannot summarily remove signs that violate local ordinances. The locally adopted sign or zoning ordinance must be enforced according to the terms of the ordinance as established in accordance with the state enabling statute.

Look at our Guide to Town Clerks on our website, <http://www.sec.state.vt.us>, to find out if a town has adopted a zoning bylaw. (Our Guide to Town Clerks is also available at every town clerk's office.) If a town has adopted a zoning bylaw, the guide provides the hours that the zoning administrator can be reached. The zoning administrator can explain the town rules for temporary signs. You can check with the Town Clerk to find out if a town has adopted a sign ordinance.

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6. **On public property owned by Towns or Public Schools**, the legislative body (Selectboard or School board) may have adopted ordinances, regulations or policies that either prohibit placement of temporary political campaign signs or that allow placement for a short duration subject to size limits and number of signs per candidate limits. If the board has adopted rules or policies, just ask the clerk for a copy of the rules and follow them.

If the board has not adopted a rule or a policy, then each candidate must ask the board for permission to place a sign. We strongly suggest that it will be easier for all involved, if the local boards adopt clear policies.

The policy can be short and sweet. We suggest that the board consider the following:

- A clear statement of where on the public property signs will be allowed or that no signs will be allowed on public property, if the latter, you can stop here;
- A reasonable limit on the number of signs per candidate or issue;
- A reasonable time duration, such as temporary signs can be displayed for no more than X weeks;
- A limitation on size of each sign, in exact terms such as 2 ft by 3 ft, not “small”.

7. **Political Campaign signs at the Polling Place on Election Day may be regulated by the Presiding Officer. 17 V.S.A. §2508.** The law was amended in 2001 to give more authority to the Presiding Officer on the day of the election. The Presiding Officer can prohibit all signs from being placed in the ground or affixed to anything on the property of the polling place. However, the presiding officer cannot prohibit a person from standing and holding a sign outside the polling place so long as the person does not hinder or impede the progress of any voter going into or out of the polling place.

For the day of the election, the Presiding Officer can adopt a policy to allow signs to be placed in certain areas so long as the policy is applied evenly to all candidates or political issues regardless of the political content. The Presiding Officer can limit the size or number of signs per candidate.

8. **Although not directly related to signs, candidates or political activists can stand outside of polling places on the day of election and hand out brochures or “palm cards” to voters so long as they do not hinder or impede the progress of voters going into and out of the polling place. 24 V.S.A. §2508.** There is no specific number of feet away from the polling place limitation in Vermont law. It is up to the Presiding Officer at each polling place to set reasonable rules so that voters can enter the polling place without interference. The rules will depend on the physical characteristics of each polling place.