

CITY OF TAKOMA PARK, MARYLAND

INFORMATION FOR CANDIDATES REGARDING POLITICAL CAMPAIGN SIGNS AND POLITICAL MATTER

ADVICE REGARDING CAMPAIGN SIGNS:

Campaign signs must be placed on private property and NOT on public rights-of-way, light posts, utility poles, bus shelters, City property, parks or trees. City law requires all political matter, including campaign signs, to include the name of the person responsible for the sign or other political matter and to state that it is a paid political advertisement and is printed under the authority of the person, candidate or political committee.

1. City Election Law

Takoma Park Code, Title 5, Elections, Sec. 5.12.010, subsection (A) provides that all "political matter" must include the name of the person responsible for the publication or distribution of the political matter and subsection (B) states that no money may be expended for printing, publication or broadcasting of any political matter unless such matter states that it is a paid political advertisement and is printed, published or broadcast by the authority of the person, candidate, political committee or an authorized representative for a candidate or political committee. The definition of "political matter" is in Sec. 5.04.020 and is quite broad. It includes, for example, pamphlets, sample ballots, posters, signs, advertisements, buttons, or other printed, photographed, or written materials or statements relating to or concerning any candidate or prospective candidate or issue which has been submitted to a vote at a City election or is in the process of being petitioned to referendum.

2. Comments on Electronic "Political Matter"

E-mails on City issues or even in support or opposition to a candidate or referendum issue, such as those customarily posted to a listserv, need not to carry a disclosure. However:

(1) a web site by or for (or against) a candidate or issue should include the disclosure required by Takoma Park Code § 5.12.010;

(2) the equivalent of a candidate's flyer or brochure that is sent by e-mail should include a disclosure (for example, a flyer inviting people to a coffee or fundraiser or other event for a candidate or on a referendum question--where the flyer or e-vite or other "political matter" is disseminated by e-mail--should include the name of the person responsible for its publication or distribution per § 5.12.010.A.).

3. Montgomery County Zoning Ordinance (Article 59-F Signs).

Temporary Signs. The County zoning ordinance (Chapter 59, Zoning, Article 59-F) regulates the placement of political campaign signs in the City. **Campaign signs are considered**

to be "temporary signs" which do not need a permit and may be displayed on private property for no more than 30 days. Temporary signs are usually made of non-permanent materials such as cardboard, paper, canvas or wood. The date of erection of a temporary sign must be "written in indelible ink on the lower right corner of the sign" (Sec. 59-F-6.1). The permissible sign area of a temporary sign is determined by the zone in which the sign is placed as follows:

a. **Residential Zone (Sec. 59-F-6.2(a)).** The number of temporary signs which may be displayed is not limited. The total sign area must not exceed 10 square feet.

b. **Commercial or Industrial Zone (Sec. 59-F-6.2(b)).** The number of temporary signs which may be displayed is not limited. The maximum sign area of each sign must not exceed 50 square feet and the total sign area must not exceed 100 square feet. Temporary window signs in commercial or industrial zones are subject to the following additional requirements: (1) the total area of temporary window signs must not exceed 20% of the window glass area for each side of the building, minus the area of any permanent window signs; (2) signs may be placed in any window provided they are in conformance with the general rules of sign placement stated in 59-F-4.1; and (3) the sign may be illuminated. **Campaign signs are not permitted to be erected or placed in the public right-of-way (Sec. 59-F-7.1(f)).** Campaign (*i.e.*, temporary) signs also may not be attached or affixed to a structure or property such as a fence, wall, antenna, other signs, trees or other vegetation, or to any public structure such as a utility pole without the permission of the owner (Sec. 59-F-7.1(g)).

Permanent and Limited Duration Signs. Under the County Zoning Ordinance there also are permanent signs and limited duration signs, each with different regulations as to size, location, height and construction and dependent on the zone where the sign is placed. A permanent sign is one that is constructed in a manner and of materials that will withstand long-term display and is intended to be displayed for an indefinite period. A limited duration sign is a non-permanent sign that may be displayed on private property for more than 30 days or within the public right-of-way (with various restrictions). Both permanent and limited duration signs require a permit from the Montgomery County Department of Permitting Services.

4. State Highway Administration (SHA) Outdoor Advertising Rules and Regulations.

SHA has additional rules that apply to political campaign signs that are posted adjacent to a state highway (the County zoning ordinance regulations summarized above also apply). Political campaign signs do not require a SHA permit, but they may not be placed in the median or within SHA right-of-way, just as other signs (except official traffic control signs or devices) are prohibited on the highway right-of-way or state property. SHA rules also provide that political campaign signs may not be posted more than 45 days prior to any election and that all campaign signs must be removed within 15 days after the general election.