
A BILL FOR AN ACT

RELATING TO ELECTIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the amount of
2 temporary political signage left up following elections in the
3 State can be a source of visual blight and potentially
4 environmentally degrading litter. At worst, these signs can
5 create a visual obstacle that jeopardizes traffic safety.

6 The purpose of this Act is to establish a permitting
7 requirement for the erection, display, and maintenance of
8 temporary campaign signage that will help keep track of the
9 number of signs erected and also encourage people to remove
10 their signs in a timely manner following an election. This
11 requirement is intended to protect the health, safety, and
12 welfare of people within the State by encouraging political
13 expression while promoting traffic safety, avoiding an
14 environment that causes visual blight, and reducing litter and
15 environmental damage. It is not the purpose of this Act to
16 regulate or control the copy, content, or viewpoint of political
17 campaign signs.



1 SECTION 2. Chapter 11, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§11- Campaign signs and banners; permit required. (a)

5 The purpose and intent of this section is to establish a
6 permitting requirement for the erection, display, and
7 maintenance of temporary campaign signage. This requirement is
8 designed to protect the health, safety, and welfare of persons
9 within the State by encouraging political expression in the
10 design and use of signs and banners while promoting traffic
11 safety, avoiding an environment that causes visual blight, and
12 reducing litter and environmental damage. It is not the purpose
13 of this section to regulate or control the copy, content, or
14 viewpoint of signs. Nor is it the intent of this section to
15 afford greater protection to commercial speech than to
16 noncommercial speech.

17 (b) No candidate, party, person, or organization shall
18 erect, display, or maintain any temporary sign or banner urging
19 voters to vote in favor of or against a candidate or issue in a
20 primary or general election without first obtaining a permit
21 from the office of elections for each sign or banner to be
22 erected or maintained.



1 Each sign or banner erected, displayed, or maintained shall
2 bear a sticker as proof of obtaining the required permit. The
3 sticker shall contain the name, address, and telephone number of
4 the permit holder.

5 (c) No permit application shall be denied on the basis of
6 content, copy, or viewpoint of the candidate, party, person, or
7 organization applying for the permit or for the copy, content,
8 or viewpoint expressed on the sign or banner itself.

9 (d) A permit issued under this section shall be valid for
10 no more than sixty days prior to the primary or general election
11 in which the person or issue referred to on the sign or banner
12 is to be voted upon, or for more than thirty days following the
13 primary or general election in which the person or issue
14 referred to on the sign or banner is to be voted upon.

15 (e) The amount charged to an applicant to obtain a permit
16 under this section shall not exceed \$ per sign.

17 (f) Any candidate, party, organization, or person
18 erecting, displaying, or maintaining a sign or banner with an
19 expired or invalid permit, without a valid permit, or without a
20 sticker evidencing the issuance of a valid permit shall be in
21 violation of this section and shall be subject to a fine not to
22 exceed \$25 per violation and no more than \$5,000 aggregate.



1 (g) The chief election officer shall adopt rules pursuant
2 to chapter 91 for the purposes of this section."

3 SECTION 3. Section 445-112, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§445-112 Where and when permitted.** No person shall
6 erect, maintain, or use a billboard or display any outdoor
7 advertising device, except as provided in this section:

8 (1) The display of official notices and signs, posted by
9 order of any court or public office, or posted by any
10 public officer in the performance of a public duty, or
11 posted by any person required to do so by any law or
12 rule having the force of law;

13 (2) Any outdoor advertising device announcing a meeting or
14 series of meetings is not prohibited by this section
15 if displayed on the premises where the meeting or
16 series of meetings will be or is being held. Meeting,
17 as used in this section, includes all meetings
18 regardless of whether open to the public or conducted
19 for profit and includes but is not limited to sports
20 events, conventions, fairs, rallies, plays, lectures,
21 concerts, motion pictures, dances, and religious
22 services;



- 1 (3) Any outdoor advertising device indicating that the
2 building or premises on which it is displayed is the
3 residence, office, or place of business, commercial or
4 otherwise, of any individual, partnership, joint
5 venture, association, club, or corporation, and
6 stating the nature of the business;
- 7 (4) Any outdoor advertising device that advertises
8 property or services that may be bought, rented, sold,
9 or otherwise traded in on the premises or in the
10 building on which the outdoor advertising device is
11 displayed;
- 12 (5) The offering for sale of merchandise bearing
13 incidental advertising, including books, magazines,
14 and newspapers, in any store, newsstand, vending
15 machine, rack, or other place where such merchandise
16 is regularly sold;
- 17 (6) Any outdoor advertising device offering any land,
18 building, or part of a building for sale or rent, if
19 displayed on the property so offered or on the
20 building so offered;
- 21 (7) Any outdoor advertising device carried by persons or
22 placed upon vehicles used for the transportation of



- 1 persons or goods, except as provided under section
2 445-112.5, relating to vehicular advertising devices;
- 3 (8) Any outdoor advertising device warning the public of
4 dangerous conditions that they may encounter in nearby
5 sections of streets, roads, paths, public places,
6 power lines, gas and water mains, or other public
7 utilities;
- 8 (9) Signs serving no commercial purpose that indicate
9 places of natural beauty, or of historical or cultural
10 interest, and that are made according to designs
11 approved by the department of business, economic
12 development, and tourism;
- 13 (10) Any outdoor advertising device or billboard erected,
14 placed, or maintained upon a state office building, if
15 erected, placed, or maintained by authority of a state
16 agency, department, or officer for the sole purpose of
17 announcing cultural or educational events within the
18 State[7] and if the design and location thereof has
19 been approved by the department of business, economic
20 development, and tourism;
- 21 (11) Signs urging voters to vote for or against any person
22 or issue[7] may be erected, maintained, and used,



1 subject to section 11- , except where contrary to or
2 prohibited by law;

3 (12) Signs stating that a residence that is offered for
4 sale, lease, or rent is open for inspection at the
5 actual time the sign is displayed and showing the
6 route to the residence; provided that the sign
7 contains no words or designs other than the words
8 "Open House", the address of the residence, the name
9 of the person or agency responsible for the sale, and
10 an arrow or other directional symbol and is removed
11 during such time as the residence is not open for
12 inspection;

13 (13) The erection, maintenance, and use of billboards if
14 the billboard is used solely for outdoor advertising
15 devices not prohibited by this section;

16 (14) The continued display and maintenance of outdoor
17 advertising devices actually displayed on
18 July 8, 1965, in accordance with all laws and
19 ordinances immediately theretofore in effect;

20 (15) The continued maintenance of any billboard actually
21 maintained on July 8, 1965, and the display thereon of
22 the same or new advertising devices, all in accordance



1 with all laws and ordinances in effect immediately
2 prior to July 9, 1965;

3 (16) Any outdoor advertising device displayed with the
4 authorization of the University of Hawaii on any
5 scoreboard of any stadium owned by the university. An
6 outdoor advertising device displayed under this
7 paragraph shall be on the front of the scoreboard and
8 face the interior of the stadium;

9 (17) Any temporary outdoor advertising device attached to
10 or supported by the structure of any stadium owned by
11 the University of Hawaii, located within and facing
12 the interior of the stadium, and authorized to be
13 displayed by the university. For the purpose of this
14 paragraph, "temporary" means displayed for a short
15 period before the official start of organized athletic
16 competition, during the organized athletic
17 competition, and for a short period after the official
18 end of the organized athletic competition; and

19 (18) Any outdoor advertising device displayed with the
20 authorization of the stadium authority on any
21 scoreboard of any stadium operated by the stadium
22 authority. An outdoor advertising device displayed



1 under this paragraph shall be on the front of the
2 scoreboard and face the interior of the stadium."

3 SECTION 4. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 5. This Act shall take effect upon its approval.

6

INTRODUCED BY:

[Signature]
[Signature]

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Kirk Caldwell

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JAN 23 2007



Report Title:

Elections; Campaign Signs

Description:

Creates a permit requirement for the erection, display, and maintenance of temporary political signs and banners.

