




STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J. ERIC BOYETTE
SECRETARY

DATE: April 19, 2022
TO: Division Engineers
FROM: Ronnie Keeter, P.E. 
Chief Engineer
SUBJECT: Political Signs in NCDOT Rights-of-Way

The North Carolina Primary Election is May 17, 2022, and one stop voting begins on April 28, 2022. Per General Statute 136-32 (b), political signs may be legally placed in the state Right of Way beginning 30 days before the beginning of one stop voting and may stay in place for 10 days after the primary or election, provided that the signs are appropriately sized and placed in accordance with the statute.

Per the statute, political signs, if properly placed, are allowed in NCDOT right-of-way from March 28, 2022 until May 27, 2022.

Division Engineers, please share the attached statute with your local party chairpersons to ensure that the candidates are placing campaign signs in accordance with the general statute. An example letter is also attached. Also, direct you district and county staff to the general statute in support of the election process. If you have a sign that you are not certain how to address, contact the Chief's Office for assistance.

RLK/ajs

Attachment: GS 136-32
Sample Letter

cc: Chris Peoples, PE, Deputy Chief Engineer
Greg Burns, PE, Eastern Deputy Chief Engineer
David Harris, PE, Roadside Environmental Engineer
Carly Olexik, Chief Communications Officer

NORTH CAROLINA GENERAL STATUTE

§ 136-32. Regulation of signs.

(a) Commercial Signs. - No unauthorized person shall erect or maintain upon any highway any warning or direction sign, marker, signal or light or imitation of any official sign, marker, signal or light erected under the provisions of G.S. 136-30, except in cases of emergency. No person shall erect or maintain upon any highway any traffic or highway sign or signal bearing thereon any commercial or political advertising, except as provided in subsections (b) through (e) of this section: Provided, nothing in this section shall be construed to prohibit the erection or maintenance of signs, markers, or signals bearing thereon the name of an organization authorized to erect the same by the Department of Transportation or by any local authority referred to in G.S. 136-31. Any person who shall violate any of the provisions of this section shall be guilty of a Class 1 misdemeanor. The Department of Transportation may remove any signs erected without authority or allowed to remain beyond the deadline established in subsection (b) of this section.

(b) Compliant Political Signs Permitted. - During the period beginning on the 30th day before the beginning date of "one-stop" early voting under G.S. 163-227.2 and ending on the 10th day after the primary or election day, persons may place political signs in the right-of-way of the State highway system as provided in this section. Signs must be placed in compliance with subsection (d) of this section and must be removed by the end of the period prescribed in this subsection. Any political sign remaining in the right-of-way of the State highway system more than 30 days after the end of the period prescribed in this subsection shall be deemed unlawfully placed and abandoned property, and a person may remove and dispose of such political sign without penalty.

(c) Definition. - For purposes of this section, "political sign" means any sign that advocates for political action. The term does not include a commercial sign.

(d) Sign Placement. - The permittee must obtain the permission of any property owner of a residence, business, or religious institution fronting the right-of-way where a sign would be erected. Signs must be placed in accordance with the following:

- (1) No sign shall be permitted in the right-of-way of a fully controlled access highway.
- (2) No sign shall be closer than three feet from the edge of the pavement of the road.
- (3) No sign shall obscure motorist visibility at an intersection.
- (4) No sign shall be higher than 42 inches above the edge of the pavement of the road.
- (5) No sign shall be larger than 864 square inches.
- (6) No sign shall obscure or replace another sign.

(e) Penalties for Unlawful Removal of Signs. - It is a Class 3 misdemeanor for a person to steal, deface, vandalize, or unlawfully remove a political sign that is lawfully placed under this section.

(f) Application Within Municipalities. - Pursuant to Article 8 of Chapter 160A of the General Statutes, a city may by ordinance prohibit or regulate the placement of political signs on rights-of-way of streets located within the corporate limits of a municipality and maintained by the municipality. Any such ordinance shall provide that any political sign that remains in a right-of-way of streets located within the corporate limits of a municipality and maintained by the municipality more than 30 days after the end of the period prescribed in the ordinance is to be deemed unlawfully placed and abandoned property, and a person may remove and dispose of such political sign without penalty. In the absence of an ordinance prohibiting or regulating the placement of political signs on the rights-of-way of streets located within a municipality and maintained by the municipality, the provisions of subsections (b) through (e) of this section shall apply. (1921, c. 2, s. 9(b); C.S., s. 3846(r); 1927, c. 148, ss. 56, 58; 1933, c. 172, s. 17; 1957, c. 65, s. 11; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1; 1991 (Reg. Sess., 1992), c. 1030, s. 39; 1993, c. 539, s. 981; 1994, Ex. Sess., c. 24, s. 14(c); 2011-408, s. 1; 2017-6, s. 3; 2018-146, ss. 3.1(a), (b), 6.1; 2019-119, s. 1.)



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J. ERIC BOYETTE
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April 19, 2022

Chair Person
Party
Headquarters Address

RE: Political Signs on NCDOT Rights-of-Way

Dear XXXXXXXX,

With the election season approaching, campaign workers of all political parties have begun to place signs advertising their candidates in yards, on utility poles and at locations within state highway rights-of-way.

Some of these signs can block motorists' view of oncoming traffic, which could create a serious safety problem. Sign posters on our rights-of-way can also cause problems for mowing and other operations.

The attached NC General Statute, which may also be accessed at [GS 136-32.pdf \(ncleg.gov\)](#), outlines provisions for campaign signs in rights-of-way. All campaign workers may not be aware of this information; therefore, the North Carolina Department of Transportation would appreciate your assistance in distributing this information. Should you have specific questions regarding this legislation, please contact our office at XXX-XXX-XXXX.

As you are aware, the Department's maintenance field employees continue to remove signs that are illegally placed within state highway rights-of-way, as time permits. The signs are normally taken to local maintenance offices where they will be stored until claimed.

Your cooperation in this matter is appreciated.

Sincerely,

XXXXXXXXXX
Division Engineer