

N.C.P.I.-Crim. 258.31
ERECTING OR MAINTAINING POLITICAL ADVERTISING SIGNS IN HIGHWAY
RIGHTS OF WAY. MISDEMEANOR.
GENERAL CRIMINAL VOLUME
JUNE 2012
N.C. Gen. Stat. § 136-32 (a), (b), (c), (d)

258.31 ERECTING OR MAINTAINING POLITICAL ADVERTISING SIGNS IN
HIGHWAY RIGHTS OF WAY. MISDEMEANOR.

The defendant has been charged with [erecting] [maintaining] upon a highway right of way any [traffic sign] [highway sign] [signal] bearing political¹ advertising.²

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt:

First, that the defendant [erected] [maintained] upon a highway right of way a [traffic sign] [highway sign] [signal] bearing any political advertising;

And Second, that the [traffic sign] [highway sign] [signal] was placed [at a time other than the period between (*insert date*) and (*insert date*), which is the period 30 days before the beginning date of "one-stop" early voting and ending 10 days after the primary or election day]³ [[without the permission of any property owner of a [residence] [business] [religious institution] fronting the right of way where the sign was erected]]⁴ [on a right of way of a fully controlled access highway] [closer than three feet from the edge of the pavement of the road] [so that it obscured motorist visibility at an intersection] [so that it was higher than 42 inches above the edge of the pavement of the road] [so that it was larger than 864 square inches] [so that it obscured or replaced another sign.]⁵

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant [erected] [maintained] upon any highway right of way any [traffic sign] [highway sign] [signal] bearing any political advertising and that the [traffic sign] [highway sign] [signal] was

placed [at a time other than the period between (insert date) and (insert date), which is the period 30 days before the beginning date of "one-stop" early voting and ending 10 days after the primary or election day] [[without the permission of any property owner of a [residence] [business] [religious institution] fronting the right of way where the sign was erected]] [on a right of way of a fully controlled access highway] [closer than three feet from the edge of the pavement of the road] [so that it obscured motorist visibility at an intersection] [so that it was higher than 42 inches above the edge of the pavement of the road] [so that it was larger than 864 square inches] [so that it obscured or replaced another sign], it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, then it would be your duty to return a verdict of not guilty.

1. N.C. Gen. Stat. § 136-32 (c) defines "Political sign" as "any sign that advocates for political action. The term does not include a commercial sign."

2. N.C. Gen. Stat. § 136-32 (b) states "Compliant Political Signs Permitted. – During the period beginning on the 30th day before the beginning date of "one-stop" early voting under N.C. Gen. Stat. § 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."

3. N.C. Gen. Stat. § 136-32 (b).
4. N.C. Gen. Stat. § 136-32 (d).
5. N.C. Gen. Stat. § 136-32 (d).