

Eagle Bend West Community Association, Inc.

Resolution on Political Signs

Background

Questions arise periodically about whether political campaign signs are allowed in the Eagle Bend West Community. Several are currently pending.

Since Montana law governs the authority and responsibility of homeowner associations to regulate such signs, regardless of what CC&Rs may have said about them in the past, we have reviewed the pertinent updated Montana statute section:

70-1-522. Certain restrictions on political free speech contrary to public policy -- enforcement prohibited -- definitions. (1) A person, homeowners' association, property owners' association, corporation, or other private entity may not, as a condition of property ownership within the jurisdiction of the private entity or by other means, prohibit the placement of a sign advocating the election, appointment, or defeat of a candidate for public office or the passage or defeat of a ballot issue on:

(a) property belonging to individual or joint property owners who authorize the placement of the sign; or

(b) common areas in which an owner owns an undivided interest.

(2) A person, homeowners' association, property owners' association, corporation, or other private entity may impose limits on the size of signs allowed to be displayed within the jurisdiction of the private entity and may regulate the location of sign placement and the time period during which signs may be displayed.

(3) An ordinance, covenant, contract term, or other provision, whether agreed to or not between the homeowners' association, property owners' association, corporation, or other private entity and the owner or tenant, is contrary to the public policy of this state. A court may not enforce the terms of an ordinance, covenant, contract term, or other provision that is contrary to public policy under this section.

(4) As used in this section, "ballot issue" and "candidate" have the meanings provided in [13-1-101](#).

Based on the statute and the Board's view as to what reasonable political advertising and signage should be allowed while maintaining the appearance of the community, the resolution below is adopted:

Resolution on Political Signs on Eagle Bend West lots:

Yard signs advocating the election, appointment, or defeat of a candidate for public office or the passage or defeat of a ballot issue are subject to the following limitations: (i) signs may be no larger than 18 inches x 24 inches; (ii) signs may only be displayed from four weeks prior and five days after the local, state, or federal election in which the candidate or issue is to be voted upon; (iii) property owners may place signs only on their own property; and (iv) signs per ballot issue or candidate shall be reasonable in number.