



February 19, 2010

**ENGROSSED
SENATE BILL No. 64**

DIGEST OF SB 64 (Updated February 17, 2010 3:52 pm - DI 75)

Citations Affected: IC 32-21.

Synopsis: Display of political signs. Prohibits a homeowners association from adopting or enforcing certain restrictive covenants or homeowners association rules concerning the display of political signs.

Effective: July 1, 2010.

Delph, Tallian

(HOUSE SPONSORS — FRY, BORROR, BARNES)

January 5, 2010, read first time and referred to Committee on Elections.
January 11, 2010, reported favorably — Do Pass.
January 25, 2010, read second time, ordered engrossed.
January 26, 2010, engrossed. Read third time, passed. Yeas 48, nays 1.

HOUSE ACTION

February 2, 2010, read first time and referred to Committee on Elections and Apportionment.
February 18, 2010, reported — Do Pass.

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ES 64—LS 6055/DI 75+



February 19, 2010

Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

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ENGROSSED SENATE BILL No. 64

A BILL FOR AN ACT to amend the Indiana Code concerning property.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 32-21-13 IS ADDED TO THE INDIANA CODE
2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2010]:

4 **Chapter 13. Display of Political Signs on Property Subject to**
5 **Restrictive Covenants or Homeowners Association Rules**

6 **Sec. 1. The definitions in IC 3-5-2 apply to this chapter.**

7 **Sec. 2. As used in this chapter, "rules" refers to any of the**
8 **following:**

9 (1) A restrictive covenant.

10 (2) A homeowners association rule.

11 **Sec. 3. As used in this chapter, "sign" refers only to a sign**
12 **advocating:**

13 (1) the election or defeat of one (1) or more candidates for:

14 (A) nomination; or

15 (B) election;

16 to a public office;

17 (2) support for or opposition to:

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1 (A) a political party; or
 2 (B) a political party's candidates; or
 3 (3) the approval or disapproval of a public question.
 4 Sec. 4. Except as provided in section 5 of this chapter, a
 5 homeowners association may not adopt or enforce a rule that
 6 prohibits a member of the homeowners association from displaying
 7 a sign on the member's property during the period:
 8 (1) beginning thirty (30) days before; and
 9 (2) ending five (5) days after;
 10 the date of the election to which the sign relates.
 11 Sec. 5. A homeowners association may adopt and enforce rules
 12 relating to a sign described in section 3 of this chapter if the rules
 13 do any of the following:
 14 (1) Restrict the size of a sign if the rule permits a homeowner
 15 to display a sign that is at least as large as signs commonly
 16 displayed during election campaigns.
 17 (2) Restrict the number of signs that may be displayed if the
 18 rule permits a homeowner to display a reasonable number of
 19 signs.
 20 (3) Restrict the locations where a sign may be displayed.
 21 However, a restriction under this subdivision may not
 22 prohibit the display of a sign:
 23 (A) in a window on the homeowner's property; or
 24 (B) on the ground that is part of the homeowner's
 25 property.
 26 Sec. 6. A homeowners association may remove a sign that
 27 violates the rules permitted by this chapter.

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COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill No. 64, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 64 as introduced.)

LANDSKE, Chairperson

Committee Vote: Yeas 6, Nays 1.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Senate Bill 64, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BATTLES, Chair

Committee Vote: yeas 11, nays 0.

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