

Superior Court Lawsuit Regarding Political Signs in the Right of Way

In 2018 the Alaska Superior Court ordered DOT&PF to clarify how laws restricting outdoor advertising will be applied during the then-current campaign season to political signs within and outside of state highway rights of way.

The court issued an order clarifying that owners or occupants of private property located adjacent to State highway rights of way may place a small, temporary, political campaign sign on their property during election season provided they have not been paid to display the signs.

The order specifies that these signs cannot be larger than 4 feet by 8 feet in size. **The order does not allow political signs to be placed within State highway rights of way and it does not authorize other forms of outdoor advertising.**

This informational paper reflects the current laws and restrictions on enforcement and the final outcome of the lawsuit. The lawsuit was filed by the Alaska Chapter of the American Civil Liberties Union. The Case No. is 3AN-18-08845 CI.

Nov. 13, 2018 [Stipulated Final Judgement and Order](#)

Sept. 13, 2018, [Updated Guidance Regarding Political Campaign Signs](#)

The “Updated Guidance Regarding Political Campaign Signs” supersedes the [Sept. 7, 2017, letter to campaign organizers](#) distributed in September 2017 and July 2018.

Sept. 11, 2018 [Press release](#)

Prohibitions on Outdoor Advertising in Alaska

[AS 19.25.075](#) - [AS 19.25.180](#) address signs as a particular subset of encroachments and State and Federal laws define outdoor advertising to include “any outdoor sign, display, or device used to advertise, attract attention, or inform and which is visible to a person on the main-traveled way of a highway of the interstate, primary, or secondary systems in this state, whether by printing, writing, painting, picture, light, drawing, or whether by the use of figures or



Photo DOT&PF Staff

An example of an illegally-placed political sign affixed to DOT&PF infrastructure inside the State’s highway right of way.

objects, or a combination of these, or any other thing designed, intended, or used to advertise, inform, or attract attention.”

[AS 19.25.075](#) declares the people of Alaska’s findings that “billboards endanger Alaska’s uniqueness and scenic beauty” and intent that “Alaska shall forever remain free of billboards” and [AS 19.25.080](#) further declares nonconforming signs “a public nuisance.” [AS 19.25.090](#) prohibits all outdoor advertising except where permitted in [AS 19.25.105](#).

Additional sections within Alaska law follow Federal restrictions on signage displayed *both within and along* the State’s highway rights of way, including advertising visible from the road and *outside* the State’s highway right of way. Unauthorized signs may include, but are not limited to, business signs, real estate signs advertising property for sale at another location, and parked vehicles with advertising.

Signs within DOT&PF right of ways, including signs on vehicles

Signs *within* the State’s highway rights of way, including signs on vehicles, are prohibited by [AS 19.25.105](#) (d), [17 AAC 20.010](#), and [17 AAC 20.012](#). In accordance with [17 AAC 20.005](#) (f) and [17 AAC 20.012](#) (a) this prohibition also pertains to signs mounted or resting on vehicles parked in the State’s highway right of way or in a highway rest stop or pullout. *These provisions remain intact after the 2018 lawsuit.*

Signs adjacent to DOT&PF rights of way, including signs on private property

[AS 19.25.105 \(a\) and \(c\)](#) state that signs *on private or commercial property adjacent to* the State’s highway right of way may not be located within 660 feet of the nearest edge of the right of way or erected or maintained with the purpose of their message being read from the main traveled way. Much of the wording in these provisions comes from Federal laws previously cited. However the November 13, 2018 order specifically allows the display of small, temporary, political campaign signs on private property outside State’s highway right of ways. The order requires that these signs must be:

- no larger than 4’ X 8’; and
- located on private property by the owner or occupant of the property, who may not be paid to display the signs.

In addition, the Sept. 10, 2018, order provides that:

- DOT&PF may continue to remove signs of any size, regardless of what the sign displays or where located, that pose a safety concern.
- Paid, off-premises outdoor advertising remains prohibited. The court specifically stated that the State’s prohibition on paid, off-premises outdoor advertising, such as billboards, remains intact.