

Campaign Signs

The Office of Elections does not regulate campaign signs. However, for your information the following are some of the state and federal laws that touch on the use of campaign signs.

Federal Regulations

23 CFR §750.704 Statutory Requirements

Department of Transportation's Federal Highway Administration (FHWA) restricts signs adjacent to Interstate and primary highways which are visible from the main-traveled way and within 660 feet of the edge of the right-of-way to the following:

- Directional and official signs
- Signs advertising the sale or lease of property upon which they are located
- Signs advertising activities conducted on the property on which they are located
- Signs which are zoned industrial or commercial under State law
- Signs which are unzoned industrial or commercial as determined by the State and U.S. Secretary of Transportation
- Landmark signs which have been lawfully in existence since October 22, 1965

State Laws

§11-391 Advertisements

Any advertisement that is broadcast, televised, circulated, published, distributed, or otherwise communicated, including by electronic means, shall:

- Contain the name and address of the candidate, candidate committee, noncandidate committee, or other person paying for the advertisement;
- Contain a notice in a prominent location stating either that:
 - The advertisement has the approval and authority of the candidate; provided that an

advertisement paid for by a candidate, candidate committee, or ballot issue committee does not need to include the notice; or

- The advertisement has not been approved by the candidate; and
- Not contain false information about the time, date, place, or means of voting.

The fine for violation of this section, if assessed by the Campaign Spending Commission, shall not exceed \$25 for each advertisement that lacks the information required by this section or provides prohibited information, and shall not exceed an aggregate amount of \$5,000.

§264-6 State highway not to be disturbed without permit

No person or government agency, whether federal, state, or county, shall, in any manner or for any purpose do any of the following acts without a written permit from the director of transportation or the director's authorized representative:

Place, erect, leave, or store any structure, motor or other vehicle, equipment, or any other object wholly or partially within the right-of-way of any state highway; provided that this paragraph shall not apply to the holding or displaying of movable signs, for the purpose of carrying on political campaign activities.

§264-72 Control of outdoor advertising

No person shall erect or maintain any outdoor advertising outside the right of way boundary and visible from the main-traveled way of any federal-aid or state highway within the State, except for the following:

- Directional and other official signs and notices
- Signs, displays, and devices advertising the sale or lease of the property upon which they are located

- Signs, displays, and devices advertising activities conducted on the property upon which they are located
- Signs lawfully in existence on October 22, 1965 that have been determined as landmark signs

§445-112 Where and when permitted

Signs urging voters to vote for or against any person or issue, may be erected, maintained, and used, except where contrary to or prohibited by law.

A prior version of this law prohibited the posting of such signs more than forty five days prior to an election. However, it was deemed unconstitutional and unenforceable by the Attorney General. As such, it was subsequently amended to its current form which has no such prohibition. Att. Gen. Op. 96-4 & Act 194, SLH 2003.

§445-113 Regulation by counties

Except for outdoor advertising devices authorized under section 445-112 (16) and (17), the several counties may adopt ordinances regulating billboards and outdoor advertising devices not prohibited by section 445-111 to 445-121.

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