



POLITICAL SIGNS AND “DISCLAIMER REQUIREMENTS”

What is a “disclaimer”?

A disclaimer identifies who paid for certain political material and whether any candidate approves of the material, if the material is paid for by someone other than the candidate.

Are there any disclaimer requirements on political signs or campaign materials?

Yes. Miss. Code Ann. 23-15-897 requires all published campaign materials to have the name, of the candidate along with a statement that the message is approved by the candidate; or if the message has not been approved by the candidate, the name of the person, political committee or organization paying for the publication of the message; or if the message has not been approved by the candidate and no person/political committee or organization is identified as having paid for the publication, the entity producing the campaign materials must be identified.

Publication of campaign materials through an electronic platform will be deemed to be in compliance with the statute if the home page of the candidate or political committee provides the required information, and each electronic publication provides a link to that home page.

Note: Miss. Code Ann. 23-15-897 does not apply to editorials, original or copies, in any newspaper or other publication regularly published and issued to bona fide paid subscribers, which are not published solely or principally for political purposes. See Miss. Code Ann. 23-15-879.

What are examples of political campaign materials requiring disclaimers?

“Campaign materials” are defined in Miss. Code Ann. 23-15-897 as any materials designed to influence voters for or against any candidate, party or measure to be voted on at any election, or containing information about any candidate, party or measure paid for by a candidate, political committee, or independent expenditure which requires disclosure under campaign finance laws. “Publish” is defined as the act or instance of making campaign material available to the public, or to a list of subscribers, by mail, telephone, electronic communications platforms, internet, software applications, printed materials or any other means of distribution. “Printed material” includes, but is not limited to any notice, placard, bill, poster, dodger, pamphlet, advertisement, sign or any other form of printed publication, except notices, posters and the like, which simply announce a speaking date and invitation for attendance.

Is there a procedure to report violations of election law?

Yes. Miss. Code Ann. 23-15-903 provides that in addition to any other procedure provided by law, any person who has reason to believe that any election law has been violated may file a written complaint with the election commissioner of the county in which the alleged violation occurred. If the election commissioners determine the allegations would be a violation of election law or of Miss. Code Ann. 97-13-1, et seq., the election commissioners shall refer the complaint to the district attorney. In addition, sanctions can be imposed on any member of the Mississippi Transportation Commission, any members of county board of supervisors, any mayor, or members of the board of aldermen, or members of the governing authority of any municipality for violations of the provisions of Article 27 of the Mississippi Election Code, which can include fines of not less than \$100.00 nor more than \$500.00, or by imprisonment in the county jail for a term not to exceed six (6) months, or by both such fine and imprisonment.

May political signs be posted on a highway right-of way?

No. See the following: https://mdot.ms.gov/portal/guidelines_on_political_signage
See also 37 Miss. Admin. Code Pt. 1, Subpt. 7501, R. 09015, which is the rule establishing policy and procedures for removal of encroachments from a highway right of way. It provides that the responsibility for removal of encroachments from highway rights of way within a municipality is that of the municipality in accordance with MCA 65-1-75. The responsibility of removal of encroachments from highway rights of way outside municipalities is that of MDOT. This specifically provides that political signs located on the rights of way will be removed on a regular basis, and no notification is necessary prior to removal. The signs will be held for two weeks at the maintenance area headquarters before disposal. Sign owners are allowed to retrieve the salvaged signs without penalty.

May political signs be posted on public property?

Inquiries regarding public property need to be directed to the authority having control over the public property. Municipalities have the authority to make all needful police regulations necessary for the preservation of good order and peace of the municipality and to prevent injury to, destruction of, or interference with public or private property. Miss. Code Ann. 21-19-15(1); See also *In re Pittman*, 1992 WL 614547 (Miss. A.G. Feb. 14, 1992), which states that municipalities could, by ordinance, require candidates to take down political signs on city property and rights-of-way after an election pursuant to Miss. Code Ann. 21-19-15 and 21-17-5.

Municipalities and counties are allowed to impose zoning regulations, so long as those are made in accordance with a comprehensive plan, and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; provide adequate light and air; prevent overcrowding of land; avoid undue concentration of population; and facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

Such regulations shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, with a view of conserving the value of buildings, and encouraging the most appropriate use of land through the municipalities. See Miss. Code Ann. 17-1-9.

Please review local ordinances and regulations regarding placement and sizes of allowed signage. Local ordinances of some municipalities within Mississippi can be found here: <https://library.municode.com/ms>

When can yard signs be placed?

State law does not specify when yard signs may be placed. Please contact local county and municipal authorities to determine whether or not there is an ordinance or regulation limiting the number or size of signs, or designating a time period for when such signs may be placed.

