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MINNESOTA

COMMUNITY LIVING



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DESPITE CONFLICT**



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UPCOMING EVENT:

Annual Golf Tournament
Monday, June 29

Midland Hills Country Club

SUMMER 2020

Political Signs & Campaign Visits: Be Aware of the Law

BY NANCY T. POLOMIS, ESQ.

As political campaigning heats up for the 2020 elections, all homeowners and community associations should be aware of two state statutes affecting a homeowner's ability to place a political sign in his or her yard, and affecting a candidate's ability to enter a community association to campaign.

Political Signs

Minnesota Statutes Section 211B.045 states, "All non-commercial signs of any size may be posted in any number beginning 46 days before the state primary in a state general election year until ten days following the state general election. Municipal ordinances may regulate the size and number of noncommercial signs at other times." Minnesota's 2020 primaries are scheduled to take place August 11, 2020. Although the statute is somewhat ambiguous, a conservative interpretation is that a homeowner is entitled to post a sign of any size in the owner's yard from **June 26, 2020, to November 13, 2020**.

There are some who have taken the position that Section 211B.045 applies only to *municipal* regulation of political signs, and that, as a result, associations may restrict or prohibit the posting of political signs based on the terms of the association's governing documents. Given the ambiguity of the statute, an association could, therefore, take the good-faith position that the statute does not apply to the association's regulation of signs.

However, there may be association members who feel strongly about their right to post political signs and interpret this statute as applying to the association—and they're willing to fight over it. While arguments of First Amendment rights are not applicable to a non-governmental entity's regulations, associations may nonetheless want to weigh the benefits and risks of restricting the posting of signs.

Note that, in any event, there is no right to post signs on other people's property, so an association may be

able to regulate the posting of signs on common areas (not merely areas the association maintains, however, which may be part of an owner's unit). Further, if the posting of signs increases, for example, lawn maintenance costs, the association may be entitled to assess those additional costs to the owner posting the signs.

Candidate Visits

Minnesota Statutes Section 211B.20 states, "It is unlawful for a person, either directly or indirectly, to deny access to . . . [a] multiple unit facility used as a residence, or an area in which two or more single-family dwellings are located on private roadways to a candidate who has (1) organized a campaign committee under applicable federal or state law; (2) filed a financial report as required by Minnesota Statutes Section 211A.02; or (3) filed an affidavit of candidacy for elected office. A candidate granted access under this section must be allowed to be accompanied by campaign volunteers."

Access is required only if the facility or area is within the district or territory that will be represented by the office to which the candidate seeks election, and only if the candidate and any accompanying campaign volunteers seek access exclusively for the purpose of campaigning for a candidate or registering voters. The candidate must be seeking election to office at the next general or special election to be held for that office.

A candidate and any accompanying campaign volunteers granted access under this statute **must** be permitted to leave campaign materials for residents at their doors. The campaign materials must be left in an orderly manner.

If a facility or area contains multiple buildings, a candidate and accompanying volunteers must be permitted to access more than one building on a single visit, but access is limited to only one building at a time. However, if multiple candidates are traveling together, each candidate and their respective volunteers is

entitled to access only one building at a time—but all of the candidates and accompanying volunteers cannot be restricted to accessing the same building at the same.

Thus, candidates who seek entry to an apartment-style condominium or cooperative must be allowed into the building. The association can require reasonable and proper identification, and can limit the hours or number of persons accompanying the candidate. While the association is required to permit a candidate entrance into a building, no homeowner is required to allow a candidate entry into his or her home.

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Please Note: The information in this article is provided solely as general information and not as legal advice. Neither receiving nor implementing this information establishes an attorney-client relationship. Readers are urged to speak with a qualified attorney focusing on community association law when making decisions regarding a specific legal issue.