



# DODGE COUNTY SHERIFF'S OFFICE

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**FOR IMMEDIATE RELEASE**

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## **Laws on the Legal Placement/Removal of Political Signs**

Recently Sheriff Schmidt was asked about political signs and if it is legal for them to remain up following an election. The sheriff has fielded this question many times throughout the years and so he thought he would provide some information to the public regarding what is legal. The sheriff's opinion is that it is respectful to remove political signs soon after an election and allow newly elected officials to prove their worth while in office, but that is merely an opinion.

The truth is that there is very little in state law governing election signs and the legality for those signs to be taken down following an election. Wisconsin State Statute 12.04 enumerates that any individual may place a sign containing a political message upon residential property owned or occupied by that individual during an election campaign period. The statute defines that the election campaign period begins on the first day of circulation until the day of election. However, while the statute permits the display of signs with a political message during this time, it does not expressly forbid signs outside of that election period.

Transportation Code 201.16 does go into regulation of political signs a bit more and at first glance it seems to control how long a sign can stay up, but you always must be cognizant of the details in statutes. This code states:

*A political sign which would otherwise be subject to the permit requirement of s. Trans 201.07, is exempted if ... the following conditions are satisfied:*

*(c) The sign is erected less than 45 days before the election for which it is intended and is removed within 7 days after the election.*

The permit for which this transportation code references is a permit on a controlled highway. A controlled highway is defined in statute as being one of the following (Dodge County Highways Listed below each):

1. The Interstate System
  - a. Interstate 41
2. The Federal Aid Primary or National Highway System (Dodge County Listed Below as found on [https://www.fhwa.dot.gov/planning/national\\_highway\\_system/](https://www.fhwa.dot.gov/planning/national_highway_system/))

- a. US 151
  - b. Hwy 33 from Beaver Dam to Washington County line
  - c. Hwy 26
  - d. Hwy 16 from Hwy 26 to Jefferson County Line
  - e. Business 26 in Watertown
  - f. Main St in Watertown
3. The Great River Road
- a. Not in Dodge County

Local municipalities can have ordinances regarding what is allowed in their municipality. I am not aware of any ordinances in municipalities in Dodge County, but you may want to check with your local city, village, or town. Dodge County does not have ordinances regulating political signs.

We realize this is all very confusing, but the bottom line is, unless there is a local ordinance, or you live on one of the highways I have listed above, there is no restriction on what a person can put on their private property as far as political signs. While you may not agree with this, we need to remember that all of us have the freedom of speech under the First Amendment of the Constitution. That includes what we place on our yards. We would venture to guess that the reason why there are very few ordinances on the books regarding the placement of signs is because of that constitutional right and generally municipalities do not want to enact ordinances that might infringe on that right.

Of course, signs may never be placed in the right of way, regardless of what kind of a sign it is. The state also leaves the removal of signs that are placed illegally, not to law enforcement, but to the local Highway Department or Department of Public Works.

We hope this helps to clarify this issue for our residents and while it may not be the answer you were hoping for, our goal is to help point the public to applicable law and explain it when it is confusing.

Questions may be directed to Sheriff Dale J. Schmidt

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