

2009 DRAFTING REQUEST

Bill

Received: **12/01/2008**

Received By: **pkahler**

Wanted: **As time permits**

Identical to LRB:

For: **Terese Berceau (608) 266-3784**

By/Representing: **Brian Rieselman**

This file may be shown to any legislator: **NO**

Drafter: **pkahler**

May Contact:

Addl. Drafters:

Subject: **Real Estate - landlord/tenant**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Berceau@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Allow political signs at rental units

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 12/03/2008	wjackson 12/13/2008		_____			
/P1			jfrantze 12/15/2008	_____	lparisi 12/15/2008		
/1	pkahler 12/17/2008	wjackson 01/07/2009	rschluet 01/08/2009	_____	cduerst 01/08/2009		
/2	pkahler	wjackson	phenry	_____	lparisi		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	01/14/2009	01/20/2009	01/21/2009	_____	01/21/2009		
/3	pkahler 01/28/2009	wjackson 01/29/2009	phenry 01/30/2009	_____	sbasford 01/30/2009	cduerst 01/30/2009	

FE Sent For: **NONE**

<END>

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12 Wlj 1/20

Handwritten initials

Handwritten initials and dates

FE Sent For:

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Handwritten notes: 1/27/08, pkahler, 1/27/08

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/?	pkahler	/pl wlj 12/13		<i>J. Ball</i> 12/15			

FE Sent For:

<END>

Bill Request Form

Legislative Reference Bureau
One East Main Street, Suite 200
Legal Section 266-3561

You may use this form or talk directly with the LRB attorney who will draft the bill.

Date 11/25/08

Legislator, agency, or other person requesting this draft Rep. Berceau

Person submitting request (name and phone number) Brian Rieselman 6-3847

Persons to contact for questions about this draft (names and phone numbers) Brian

Describe the problem, including any helpful examples. How do you want to solve the problem?

*GRANT RIGHTS TO RENTERS (residential) similar to wis. law
ON Condominium rights to display political signs
-- Following guidelines addressed in attached
Leg. Council memo*

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.

attached

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 2005 LRB-2345/1 or 2003 AB-67).

Requests are confidential unless stated otherwise. May we tell others that we are working on this for you? YES NO

If yes:

Anyone who asks? YES NO

Any legislator? YES NO

EXCEPT. Only the following persons Mary Mathias, Leg. Council

Do you consider this request urgent? YES NO If yes, please indicate why _____

Should we give this request priority over any pending request of this legislator, agency, or person?

YES NO

Rieselman, Brian

From: Rieselman, Brian
Sent: Thursday, November 20, 2008 4:06 PM
To: Matthias, Mary
Subject: FW: reminder -- political signs for renters

Hi Mary -- I'm going to share this LRB drafters, addressing the following points, per my directives from Terese. Does this sound okay?

Thanks,

Brian

Brian-

Here's the law regarding display of political signs in condominiums:

703.105 Display of the United States flag and political signs.

(1) No bylaw or rule may be adopted or provision included in a declaration or deed that prohibits a unit owner from respectfully displaying the United States flag.

(1m) No bylaw or rule may be adopted or provision included in a declaration or deed that prohibits a unit owner from displaying in his or her condominium a sign that supports or opposes a candidate for public office or a referendum question.

(2) Notwithstanding subs. (1) and (1m), bylaws or rules may be adopted that regulate the size and location of signs, flags and flagpoles.

703.105 - ANNOT.

History: 2003 a. 161; 2005 a. 303.

To grant similar rights to renters, a bill would add similar language to chapter 704 of the statutes, which governs residential landlord-tenant law. The new language would state that a residential lease may not contain provisions that prohibit political signs and that any lease provision that does so is unenforceable. -- with exceptions as noted in

Some Issues to consider in drafting the bill are:

the following

1. Should the bill allow landlords to dictate the size, placement (location), or number of signs? For example, the condo law above states that condo bylaws cannot prohibit a unit owner from displaying a sign **in his or her condominium**. It doesn't allow owners to place signs in the lawn, and maybe not even on the outside of their window or door. In the case of apartment buildings where many tenants share the yard, should each tenant be limited to one yard sign?

YES -- LIMIT TO WINDOWS, DOORS, BALCONIES IN THE SPACE OF THE RENTAL UNIT ONLY. NO LAWNS OR YARDS.

2. Should the bill have time limits? In other words, should it require landlords to allow signs only within a certain length of time before an election or vote on a referendum?

YES -- SIGN CAN GO UP NO SOONER THAN 30 DAYS PRIOR TO AN ELECTION, AND MUST COME DOWN 15 DAYS AFTER AN ELECTION.

3. Should the bill allow political signs other than the type covered in the condo law? The condo law allows only a **sign that supports or opposes a candidate for public office or a referendum question.** (So a sign opposing the war, for example, or asking drivers to "Slow Down for Children" or "Support the Troops" wouldn't be covered. -- right) ~~Correct~~

NO -- SAME AS CONDO LAW; ONLY SUPPORT OR OPPOSE CANDIDATE FOR PUBLIC OFFICE OR A REF. QUESTION.

I found a bill from California -2005 SB 540- that is on point. It didn't pass in California, but it may be useful to look at the bill for ideas:

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

see notes -- in general, yes (but not sec. 2)

SECTION 1. Section 1940.3 is added to the Civil Code, to read:
 1940.3. (a) Except as provided in subdivision (b), a landlord shall not prohibit a tenant from posting or displaying campaign signs relating to (1) an election or legislative vote, including an election for a candidate for public office or (2) the initiative, referendum, or recall process. Campaign signs may be posted or displayed in the window or on the door of the premises leased by the tenant in a multifamily dwelling, or from the yard, window, door, balcony, or outside wall of the premises leased by a tenant of a single family dwelling. **see above**

(b) A landlord may prohibit a tenant from posting or displaying campaign signs in the following circumstances: **YES -- RESTRICT SIZE TO THAT OF TYPICAL YARD SIGN**

(1) The campaign sign is more than six square feet in size. **see above**

(2) The posting or displaying would violate a local, state, or federal law. **YES**

(3) The posting or displaying would violate a lawful provision in a common interest development governing document that satisfies the criteria of Section 1353.6. **okay**

(4) The posting or displaying is in excess of the period of time between 90 days prior to the relevant election or vote and 15 days following the election or vote. **see above**

SEC. 2. It is the intent of the Legislature that enactment of this bill shall not diminish or affect in any way any other form of political or noncommercial expression by a tenant where that expression is not associated with an election or political campaign. ~~is this needed?~~

NO:

Sec. 2

I hope this is helpful.

Let me know if you'd like to discuss this or have me contact an LRB drafter for you to get a first draft in the works.

Mary

Mary Matthias
Senior Staff Attorney
Wisconsin Legislative Council Staff
Ph.(608)266-0932;Fax (608)266-3830



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-note
(in 12-3)

do not
gen cat

1 AN ACT **relating to**; **relating to**: allowing certain political signs on rental premises.

Analysis by the Legislative Reference Bureau

limitations

Under current law, a condominium bylaw or rule may not prohibit a unit owner from displaying in his or her unit a sign that supports or opposes a candidate for public office or a referendum question. This bill prohibits a landlord from prohibiting a tenant from displaying a political sign, but allows a landlord to place a number of ~~conditions~~ on the display. Political signs may be limited to those that support or oppose a candidate for public office or a referendum question; signs may be limited in size to that of a typical yard sign; the display may be prohibited from the yard or lawn and may be limited to windows, doors and balconies; the display also may be limited in time to not more than 30 days before an election and not more than 15 days after an election. The bill also provides that any provision in a rental agreement that violates the requirement or permitted limitations is void and unenforceable, and that the display of a political sign in a manner that would violate any federal law, any local law, or another state law that is applicable to the tenant is prohibited and supersedes the requirement and permitted limitations in the bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 704.43 of the statutes is created to read:

1 **704.43 Landlord may not prohibit certain political signs.** (1) (a) Subject
2 to par. (b), a landlord may not prohibit a tenant from displaying a political sign in his
3 or her rental dwelling unit or premises.

4 (b) A landlord may do any of the following:

5 1. Limit the political signs that a tenant may display to those that support or
6 oppose a candidate for office or a referendum question. ↓

7 2. Restrict the size of a political sign that a tenant may display to that of a
8 typical yard sign. ↓

 ****NOTE: Do you want to be more specific about this? People can disagree on what
the size of a typical yard sign is.

9 3. Prohibit the tenant from displaying a political sign on the lawn or in the yard
10 of the premises.

11 4. Limit the locations where a tenant may display a political sign to the
12 windows, doors, or balconies of the tenant's rental unit or premises.

13 5. Limit the time during which a tenant may display a political sign to 30 days
14 or less before an election and 15 days or less after an election.

 ****NOTE: Would you prefer that this be stated so that 30 days before an election
and 15 days after an election are the minimum (rather than maximum) times that a
political sign may be displayed?

15 (2) Any provision in a rental agreement that violates sub. (1) ↓ is void and
16 unenforceable.

17 (3) Notwithstanding subs. (1) and (2), ↓ a tenant may not display a political sign
18 in a manner that would violate a federal or local law, or another state law, that is
19 applicable to the tenant.

20 **SECTION 2. Initial applicability.**

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0966/7dn

PJK:.....

PI
WLY

Rather than prohibit a rental agreement from containing a provision that prohibits political signs, I prohibited a landlord from prohibiting political signs. The reason is that it is possible to be a tenant without an actual agreement, either written or oral. See the definition of "tenant at will" in s. 704.01 (5). Let me know if you don't want to include tenants at will. In that case, I will limit the draft to rental agreements.

Do you want to limit the number of signs that a tenant may display at any one time?

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0966/P1dn
PJK:wlj:jf

December 15, 2008

Rather than prohibit a rental agreement from containing a provision that prohibits political signs, I prohibited a landlord from prohibiting political signs. The reason is that it is possible to be a tenant without an actual agreement, either written or oral. See the definition of "tenant at will" in s. 704.01 (5). Let me know if you don't want to include tenants at will. In that case, I will limit the draft to rental agreements.

Do you want to limit the number of signs that a tenant may display at any one time?

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

Kahler, Pam

6-3784

From: Rieselman, Brian
Sent: Tuesday, December 16, 2008 2:16 PM
To: Kahler, Pam
Subject: RE: Draft review: LRB 09-0966/P1 Topic: Allow political signs at rental units

Hi Pam,

I ran this by a leg council atty helping us. Mary Mathias. Here are our points for a re-draft, addressing the issues you raised.

1. I agree that the size of the sign should be specified. The standard size is 22" by 14" -- let's add 6 inches to each dimension for a maximum of 28" by 20" -- and say something like a "standard size yard sign, not to exceed" etc.

2. As for the second point- I don't like how it is worded now. I think it could be interpreted to mean that the landlord could restrict sign display to a time that is less than 30 days before an election. I would reword it as follows:

ll may → 5. Specify that a tenant may display political signs only during the period that begins 30 days before an election and ends 15 days after an election. *(45-day period)*

3. I think it is unclear whether a landlord may restrict a tenant to displaying only one sign or if a tenant has to be allowed to display as many signs as they want as long as each sign meets the requirements of the bill. I think this should be clarified-in which ever way you want. *limit to one*

4. Page 2, line 2: the use of the word "in" could be changed. It sounds like the landlord can restrict the things a tenant hangs on the walls inside their apartment. Maybe "in" could be changed to "on the exterior portions of" or "at" or "on."
visible from exterior / outside

Mary is available if any questions -- or give me a call.

Thanks for your help!

Brian

Mary Matthias
 Senior Staff Attorney
 Wisconsin Legislative Council Staff
 Ph.(608)266-0932;Fax (608)266-3830

12/16/2008

From: Rieselman, Brian
Sent: Monday, December 15, 2008 3:11 PM
To: Matthias, Mary
Subject: FW: Draft review: LRB 09-0966/P1 Topic: Allow political signs at rental units

Hi Mary -- This looks okay to me. Could you take a look? Okay with the point raised in the drafter's note?

Other points, in the draft:

Maybe we should be specific about the size of the sign -- say that "standard" is approximately X by X ?

Also, I don't understand the second point the drafter raises? Isn't it written the way we want it ?

Thanks.

Brian

From: Rieselman, Brian
Sent: Monday, December 15, 2008 2:53 PM
To: Rieselman, Brian
Subject: FW: Draft review: LRB 09-0966/P1 Topic: Allow political signs at rental units

From: Parisi, Lori
Sent: Monday, December 15, 2008 2:35 PM
To: Rep.Berceau
Subject: Draft review: LRB 09-0966/P1 Topic: Allow political signs at rental units

Following is the PDF version of draft LRB 09-0966/P1 and drafter's note.



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Draft
(in 12-17)

Standard

but not exceeding
28 inches by 22 inches

Regen

1 AN ACT to create 704.43 of the statutes; relating to: allowing certain political
2 signs on rental premises.

Analysis by the Legislative Reference Bureau

Under current law, a condominium bylaw or rule may not prohibit a unit owner from displaying in his or her unit a sign that supports or opposes a candidate for public office or a referendum question. This bill prohibits a landlord from prohibiting a tenant from displaying a political sign, but allows a landlord to place a number of limitations on the display. Political signs may be limited to those that support or oppose a candidate for public office or a referendum question; signs may be limited in size to that of a typical yard sign; the display may be prohibited from the yard or lawn and may be limited to windows, doors and balconies; the display also may be limited in time to not more than 30 days before an election and not more than 15 days after an election. The bill also provides that any provision in a rental agreement that violates the requirement or permitted limitations is void and unenforceable, and that the display of a political sign in a manner that would violate any federal law, any local law, or another state law that is applicable to the tenant is prohibited and supersedes the requirement and permitted limitations in the bill.

in number to one at any
five times and

the period
that begins

about

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 704.43 of the statutes is created to read:

1 **704.43 Landlord may not prohibit certain political signs.** (1) (a) Subject

2 to par. (b), a landlord may not prohibit a tenant from displaying a political sign in his
3 or her rental dwelling unit or premises. *or on*

4 (b) A landlord may do any of the following:

5 1. Limit the political signs that a tenant may display to those that support or
6 oppose a candidate for office or a referendum question.

7 3 ~~4~~ Restrict the size of a political sign that a tenant may display to that of a
8 typical yard sign, *standard* but not exceeding 28 inches by 22 inches ✓

****NOTE: Do you want to be more specific about this? People can disagree on what the size of a typical yard sign is.

9 4 ~~4~~ Prohibit the tenant from displaying a political sign on the lawn or in the yard
10 of the premises.

11 5 ~~5~~ Limit the locations where a tenant may display a political sign to the
12 windows, doors, or balconies of the tenant's rental unit or premises.

13 6 ~~6~~ Limit the time during which a tenant may display a political sign to 30 days
14 or less before an election and 15 days or less after an election. *only during the period that begins*

****NOTE: Would you prefer that this be stated so that 30 days before an election and 15 days after an election are the minimum (rather than maximum) times that a political sign may be displayed?

15 (2) Any provision in a rental agreement that violates sub. (1) is void and
16 unenforceable.

17 (3) Notwithstanding subs. (1) and (2), a tenant may not display a political sign
18 in a manner that would violate a federal or local law, or another state law, that is
19 applicable to the tenant.

20 **SECTION 2. Initial applicability.**

Insert 2-6

only during the period that begins

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0966/lins
PJK:.....

INSERT 2-3

1 not a political sign that is visible to passersby

(END OF INSERT 2-3)

INSERT 2-6

2 2. Limit the number of political signs that a tenant may display at any given
3 time to one.

(END OF INSERT 2-6)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0966/1dn

PJK: [unclear]

Wlj

Date

It could be that most yard signs are rectangular, but if a tenant wanted to display a square sign that was 28 inches on a side, ^{he or she} they would not be able to do it under this bill. Perhaps it would be better to restrict the length of a side, or to say something like not more than 28 inches across or from one side to the other. That way, a circular sign ^{that} could be displayed, too.

We discussed not specifying where a sign could be displayed, but the bill already does that in proposed s. 704.43 (1) (b) 5. I assume that limitation is still okay with you. We also discussed not allowing a political sign to be displayed on the exterior of a building, but since a landlord can limit where the sign may be displayed to windows and doors, I thought it would be okay to include "on" in proposed s. 704.43 (1) (intro.). Let me know if you do not want to include "on."

(a) ✓

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0966/1dn
PJK:wlj:rs

January 8, 2009

It could be that most yard signs are rectangular, but if a tenant wanted to display a square sign that was 28 inches on a side, he or she would not be able to do it under this bill. Perhaps it would be better to restrict the length of a side, or to say something like "not more than 28 inches across or from one side to the other." That way, a circular sign could be displayed, too.

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Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

Kahler, Pam

966

From: Rieselman, Brian
Sent: Friday, January 09, 2009 2:24 PM
To: Kahler, Pam
Cc: Matthias, Mary
Subject: FW: political signs for renters / question related to drafter's note attached

Hi Pam,

I am working with Mary Mathias in Leg. Council on clarifying some points in our bill. I'm copying Mary into this message in case there's further discussion.

Please re-draft per the points Mary lists below. I still am not clear, though, about the "on" question. I'd say we should go ahead and remove it because we do specify that a landlord may restrict a sign to windows. Not sure we should allow balconies or anything outside of the unit...? I'd opt for no. Or maybe make it more clear that signs can't be posted on walls, hallways, etc.

Thanks,

Brian

From: Matthias, Mary
Sent: Friday, January 09, 2009 1:51 PM
To: Rieselman, Brian
Subject: RE: political signs for renters / question related to drafter's note attached

I have never seen a square or circular candidate sign—have you? I wouldn't worry about it. Or if you are concerned, use square inches- then the shape of the sign is irrelevant.

I think the current wording of the size restriction could be interpreted to mean that a landlord cannot allow a sign larger than 28 by 22. I don't think that is your intent—it now reads:

3. Restrict the size of a political sign that a tenant may display to that of a standard yard sign, but not exceeding 28 inches by 22 inches.

Maybe it could be written as follows:

3. Specify than a political sign displayed by a tenant sign may not be larger than 28 inches by 22 inches.

As for the actual size of signs-- I would go with the standard size rectangular yard sign and add a few inches to each size to accommodate any unusually-dimensioned rectangular signs. You can't just specify "no wider than a certain amount" because then the sign could be 8 feet tall-

like a banner. I THINK WE ALREADY DID THIS, AND CAME UP WITH 28 BY 22

Also- The bill allows a landlord to limit the display of "political signs" to those that support or oppose a candidate for office or a referendum question. The bill is silent as to non-political signs, but "political sign" isn't defined. I could see a situation where a landlord and tenant disagree as to whether a sign is political. For example, a sign that says "Keep Christ in Christmas", or one that says "Support the Troops". A way to avoid this ambiguity would be to draft the bill to say:

No landlord may prohibit a tenant from displaying a sign that meets all of the following requirements:

1. The sign is in support of or opposition to a candidate for office or a referendum question.
2. The tenant displays only one sign at a time.
3. The sign is no larger than 28 inches by 22 inches.
4. The sign is not located on the lawn or in the yard of the premises.
5. The sign is displayed in or on a window, door, or balcony of the tenant's rental unit or premises.
6. The sign is displayed only during the period that begins 30 days before an election and ends 15 days after an election.

Hope this is helpful!

Mary

Brian



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2009 BILL

(in 1-14)

Regen

1 AN ACT *to create* 704.43 of the statutes; **relating to:** allowing certain political
2 signs on rental premises.

Analysis by the Legislative Reference Bureau

Under current law, a condominium bylaw or rule may not prohibit a unit owner from displaying in his or her unit a sign that supports or opposes a candidate for public office or a referendum question. This bill prohibits a landlord from prohibiting a tenant from displaying a political sign, but allows a landlord to place a number of limitations on the display. Political signs may be limited to those that support or oppose a candidate for public office or a referendum question; signs may be limited in number to one at any given time and in size to that of a standard yard sign, but not exceeding 28 inches by 22 inches; the display may be prohibited from the yard or lawn and may be limited to windows, doors and balconies; the display also may be limited in time to the period that begins 30 days before an election and ends 15 days after an election. The bill also provides that any provision in a rental agreement that violates the requirement or permitted limitations is void and unenforceable, and that the display of a political sign in a manner that would violate any federal law, any local law, or another state law that is applicable to the tenant is prohibited and supersedes the requirement and permitted limitations in the bill.

Insert A.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

BILL

Insert 2-2

SECTION 1. 704.43 of the statutes is created to read:

704.43 Landlord may not prohibit certain political signs. (1)(a) Subject

to par. (b), a landlord may not prohibit a tenant from displaying in or on his or her rental dwelling unit or premises a political sign that is visible to passersby.

(b) A landlord may do any of the following:

1. Limit the political signs that a tenant may display to those that support or oppose a candidate for office or a referendum question.

2. Limit the number of political signs that a tenant may display at any given time to one.

3. Restrict the size of a political sign that a tenant may display to that of a standard yard sign, but not exceeding 28 inches by 22 inches.

3.4. Prohibit the tenant from displaying a political sign on the lawn or in the yard of the premises.

4.5. Limit the locations where a tenant may display a political sign to the windows, doors, or balconies of the tenant's rental unit or premises.

5.6. Specify that a tenant may display a political sign only during the period that begins 30 days before an election and ends 15 days after an election.

(2) Any provision in a rental agreement that violates sub. (1) is void and unenforceable.

(3) Notwithstanding subs. (1) and (2), a tenant may not display a political sign in any manner that would violate a federal or local law, or another state law, that is applicable to the tenant.

SECTION 2. Initial applicability.

Insert 2-17

INSERT A

4 Under current law, a condominium bylaw or rule may not prohibit a unit owner from displaying in his or her unit a sign that supports or opposes a candidate for public office or a referendum question. This bill prohibits a landlord from prohibiting a tenant from displaying a sign that is in support of or opposition to a candidate for public office or a referendum question; is the only one displayed at any given time; is not larger than 28 inches by 22 inches; is displayed in or on a window, door or balcony of the rental premises; is displayed only during the period that begins 30 days before an election and ends 15 days after an election. The bill also provides that any provision in a rental agreement that violates the prohibition is void and unenforceable, and that the display of a sign in any manner that would violate any federal law, any local law, or another state law that is applicable to the tenant is prohibited.

(END OF INSERT A)

INSERT 2-17

1 SECTION ~~1~~ 704.43 of the statutes is created to read:

2 **704.43 Landlord may not prohibit certain political signs.** (1) A landlord
3 may not prohibit a tenant from displaying a sign that meets all of the following
4 requirements:

5 (a) The sign is in support of or opposition to a candidate for public office or a
6 referendum question.

7 (b) The sign is the only one displayed by the tenant at any given time.

8 (c) The sign is no larger than 28 inches by 22 inches.

9 (d) The sign is displayed in or on a window, door, or balcony of the tenant's rental
10 unit or premises.

11 (e) The sign is displayed only during the period that begins 30 days before an
12 election and ends 15 days after an election.

(END OF INSERT 2-17)

Kahler, Pam

From: Rieselman, Brian
Sent: Tuesday, January 27, 2009 4:51 PM
To: Kahler, Pam
Cc: Matthias, Mary
Subject: RE: renters posting signs / question

Pam, could we get a re-draft when you have time that removes that provision limiting it to one sign at a time? Contrary to our previous directive, we now (on further reflection) do not want to say anything about numbers of signs (just as California law does not address that point).

Sorry for the inconvenience, and thank you for your patience with us as we feel our way along.

Thanks,

Brian

From: Kahler, Pam
Sent: Friday, January 23, 2009 2:18 PM
To: Rieselman, Brian
Subject: RE: renters posting signs / question

Sounds good.

From: Rieselman, Brian
Sent: Friday, January 23, 2009 2:16 PM
To: Kahler, Pam
Cc: Matthias, Mary
Subject: RE: renters posting signs / question

Thanks, I also took a look over notes and see that yes, we did say "yes" to that, though outside of the context of all the other questions we can't remember why we did that -- ☺

I think we would not want to allow unlimited signs, but I think I'll discuss this with Terese, and maybe limit it to...two or three?

I'll get back to you soon.

Best,

Brian

From: Kahler, Pam
Sent: Friday, January 23, 2009 2:12 PM
To: Rieselman, Brian
Cc: Matthias, Mary
Subject: RE: renters posting signs / question

Brian:

According to the drafting file, the California law does not appear to address the number of signs. In your original instructions, certain questions were posed and answered. One question was, "Should the bill allow landlords to dictate the size, placement, or number of signs?" The answer was, "Yes -- limit to windows, doors, balconies in the space of the rental unit only. No lawns or yards." In my D-note with the first version of the draft, I asked whether you wanted to limit the number of signs. In your next drafting instructions, Mary noted that it was unclear whether a landlord could limit the

number of signs and that "this should be clarified-in which ever way you want." You and I spoke on the phone regarding the instructions, and my notation by that comment is "limit to one," so I assume you indicated to limit the number to one, but I don't know how your decision was made.

Pam

From: Rieselman, Brian
Sent: Friday, January 23, 2009 1:00 PM
To: Kahler, Pam; Matthias, Mary
Subject: renters posting signs / question

Pam, Mary,

Terese asked about the provision saying "only one sign at a time," and the reason for this. I can't recall if that is something we took from the condo law or from the California law (or elsewhere). Is there some precedent?

Thanks,

Brian



3
v m is m m

2009 BILL

(w-1-28)

Regen

1 AN ACT to create 704.43 of the statutes; relating to: allowing certain political
2 signs on rental premises.

Analysis by the Legislative Reference Bureau

Under current law, a condominium bylaw or rule may not prohibit a unit owner from displaying in his or her unit a sign that supports or opposes a candidate for public office or a referendum question. This bill prohibits a landlord from prohibiting a tenant from displaying a sign that is in support of or opposition to a candidate for public office or a referendum question; is the only one displayed at any given time; is not larger than 28 inches by 22 inches; is displayed in or on a window, door, or balcony of the rental premises; and is displayed only during the period that begins 30 days before an election and ends 15 days after the election. The bill also provides that any provision in a rental agreement that violates the prohibition is void and unenforceable, and that the display of a sign in any manner that would violate any federal law, any local law, or another state law that is applicable to the tenant is prohibited.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 704.43 of the statutes is created to read:

Duerst, Christina

From: Rieselman, Brian
Sent: Friday, January 30, 2009 1:08 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-0966/3 Topic: Allow political signs at rental units

Please Jacket LRB 09-0966/3 for the ASSEMBLY.

Kahler, Pam

From: Rieselman, Brian
Sent: Tuesday, February 17, 2009 11:30 AM
To: Kahler, Pam
Subject: RE: co-sponsorship of LRB-0966/3, relating to allowing certain political signs on rental premises

In which case it would a much bigger sign than we intend to allow...so I think we stick with what we have -- good? (I don't think it's a hardship for a person to get a smaller sign if they happen to have a round sign... :)

From: Kahler, Pam
Sent: Tuesday, February 17, 2009 11:28 AM
To: Rieselman, Brian
Subject: RE: co-sponsorship of LRB-0966/3, relating to allowing certain political signs on rental premises

I think that is correct. Although a circle would probably have to be smaller, since if it is 28 inches in diameter, it would arguably be larger than 22 by 28, because it would in effect be 28 by 28.

From: Rieselman, Brian
Sent: Tuesday, February 17, 2009 11:23 AM
To: Kahler, Pam
Subject: RE: co-sponsorship of LRB-0966/3, relating to allowing certain political signs on rental premises

Which is not the case, right? We simply set up the limits; the circle can be acceptable if it's no bigger than the limits we set

From: Kahler, Pam
Sent: Tuesday, February 17, 2009 11:21 AM
To: Rieselman, Brian
Subject: RE: co-sponsorship of LRB-0966/3, relating to allowing certain political signs on rental premises

I don't think he's asking for a larger sign - the square footage sounds to be similar to what 22 inches by 28 inches would be. I think he's just concerned that giving the dimensions as X by X implies that the sign must be rectangular.

From: Rieselman, Brian
Sent: Tuesday, February 17, 2009 11:09 AM
To: Kahler, Pam
Subject: RE: co-sponsorship of LRB-0966/3, relating to allowing certain political signs on rental premises

Thanks -- I guess I'd like to be able to tell Craig that our dimensions specifically went over the standard sign size to encompass such variations...I'm trying to picture what he's talking about. Why would we allow a circular sign to be an unusually larger size than what we allow for a square/rectangular sign?

From: Kahler, Pam
Sent: Tuesday, February 17, 2009 11:06 AM
To: Rieselman, Brian
Subject: RE: co-sponsorship of LRB-0966/3, relating to allowing certain political signs on rental premises

Yes, primaries are elections. There is a definition in s. 5.02 (4) that specifically defines an election as a public primary or election. Throughout the statutes, there are references to "primary election." The definition in s. 5.02 (4) could be added, however, to make sure.

As far as whether signs can be circular???? I don't know. When I raised the issue, Mary Matthias said that she had never seen a square or circular candidate sign, that she wouldn't worry about it, and then recommended the current language of "no larger than 28 inches by 22 inches." (See her email of January 9). I suppose a sign could be circular with

a diameter of not more than 22 inches. That would be not larger than 28 by 22. If it had a diameter of 28 inches that would be larger than 22 by 28.

Pam

From: Rieselman, Brian
Sent: Tuesday, February 17, 2009 9:48 AM
To: Kahler, Pam
Subject: FW: co-sponsorship of LRB-0966/3, relating to allowing certain political signs on rental premises

Hi Pam -- I don't nec. Want to change anything. But I assume elections means all elections, including primaries (which are also elections -- right?)

We kind of went over the size of the sign thing already and made the dimensions a little bigger to include unusual sign sizes. I assume that our bill would include a "round" sign -- we simply say that the sign can't exceed the dimensions we specified -- not that it must be square or rectangular -- right?

Thanks,

Brian

From: Arrowood, Craig
Sent: Monday, February 16, 2009 11:43 AM
To: Rep.Berceau
Cc: Rieselman, Brian; Peloquin, Traci
Subject: RE: co-sponsorship of LRB-0966/3, relating to allowing certain political signs on rental premises

Hello-

Representative Tauchen is considering signing onto your bill LRB-0966/3. He has a couple questions and or changes to the bill. First does "election" in the LRB also refer to Primaries as well to general elections? Second, would your office consider changing the size limitations from the current draft 22"x28" to either 616 sq. inches or 4.3 sq feet? It is the same size as what you are describing however with the past election some candidates have used "circle" layouts ala President Obama or other various designs that maybe used in the future.

Warm regards-

Craig Arrowood
Research Assistant to Rep. Tauchen

From: Rep.Berceau
Sent: Thursday, February 12, 2009 10:02 AM
To: *Legislative All Senate; *Legislative All Assembly
Subject: co-sponsorship of LRB-0966/3, relating to allowing certain political signs on rental premises

To: All Legislators

From: Representative Terese Berceau

Date: February 12, 2009

Re: LRB-0966/3, relating to allowing certain political signs on rental premises

Deadline for Co-sponsorship: February 26, 2009 at 5:00 p.m.

Please email or call Rep. Berceau's office at 6-3784 to co-sponsor

This proposal is being introduced at the request of a constituent.

The recent election generated more excitement in Wisconsin citizens than any in recent memory. There were strong feelings on all sides. The simple act of putting up a yard sign or placing a campaign sign in your window is one way of being publicly involved in this process.

Some rental properties do not allow tenants to display campaign signs. Under current law, renters have no legal right to do so. This bill creates this right with some simple guidelines that respect both landlords and tenants. The passage of this legislation will help let everyone express his or her view in this process.

Analysis by the Legislative Reference Bureau

Under current law, a condominium bylaw or rule may not prohibit a unit owner from displaying in his or her unit a sign that supports or opposes a candidate for public office or a referendum question. This bill prohibits a landlord from prohibiting a tenant from displaying a sign that is in support of or opposition to a candidate for public office or a referendum question; is not larger than 28 inches by 22 inches; is displayed in or on a window, door, or balcony of the rental premises; and is displayed only during the period that begins 30 days before an election and ends 15 days after the election. The bill also provides that any provision in a rental agreement that violates the prohibition is void and unenforceable, and that the display of a sign in any manner that would violate any federal law, any local law, or another state law that is applicable to the tenant is prohibited.

<< File: jan.09.LRB 0966.3.pdf >>

Kahler, Pam

From: Rieselman, Brian
Sent: Tuesday, February 17, 2009 11:33 AM
To: Kahler, Pam; Matthias, Mary
Subject: FW: co-sponsorship of LRB-0966/3, relating to allowing certain political signs on rental premises

Is this really a problem?

From: Arrowood, Craig
Sent: Tuesday, February 17, 2009 11:27 AM
To: Rieselman, Brian
Subject: RE: co-sponsorship of LRB-0966/3, relating to allowing certain political signs on rental premises

Brian-

We were looking at from the aspect that the size 22" x 28' inches is fine. However, in the future there maybe more creative designs that move away from the standard rectangle form. Which is why are simply suggesting that the height by width model be changed to an area model---in this case 22" x 28" = 616 square inches or converted to 4.3 square feet to provide simplistic and universal area of a political sign. So, the area we are talking about is exactly the same. A circle that would fit in a 22"x28" inch rectangle would have to be significantly smaller in diameter to fit within the allowed height and width your boss is proposing.

My boss likes the idea of the bill, he just wants to ensure that size issue is universal.

Craig

From: Rieselman, Brian
Sent: Tuesday, February 17, 2009 11:16 AM
To: Arrowood, Craig
Subject: RE: co-sponsorship of LRB-0966/3, relating to allowing certain political signs on rental premises

Craig,

Primaries are elections so they are included.

Not sure about the circle lay-out sign. Wouldn't the circle fit within the dimensions we specified? We determined the standard sign size and added to it to allow for some variation. A circle inside those parameters would be allowed.

Any reason why we'd want to go larger than that?

From: Arrowood, Craig
Sent: Monday, February 16, 2009 11:43 AM
To: Rep.Berceau
Cc: Rieselman, Brian; Peloquin, Traci
Subject: RE: co-sponsorship of LRB-0966/3, relating to allowing certain political signs on rental premises

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