February 20, 2020 - Introduced by Senators DARLING and WANGGAARD, cosponsored by Representatives OTT, SUBECK, BROSTOFF, DITTRICH, FELZKOWSKI, GUNDRUM, MAGNAFICI, SCHRAA, SORTWELL, THIESFELDT and WITTKE. Referred to Committee on Utilities and Housing.

AN ACT to amend 710.17 (title) and 710.17 (3) (b); and to create 710.17 (1) (d) and 710.17 (2m) of the statutes; relating to: the rights of members of homeowners’ associations and housing cooperatives to display political signs.

Analysis by the Legislative Reference Bureau

This bill prohibits a homeowners’ association and a housing cooperative from restricting or preventing a member from displaying a political sign on property in which the member has a property interest or a right to exclusive use. Under the bill, a political sign is a sign that supports or opposes a candidate for public office or a referendum question.

Current law prohibits homeowners’ associations and housing cooperatives from restricting or preventing a member of the association or cooperative from displaying the United States flag on property in which the member has a property interest or a right to exclusive use. However, current law does allow homeowners’ associations and housing cooperatives to impose reasonable restrictions on the time, place, or manner of displaying the United States flag that is necessary to protect a substantial interest of the homeowners’ association or housing cooperative. The bill extends this exception to allow a homeowners’ association and a housing cooperative to impose reasonable restrictions on the time, place, or manner of displaying political
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signs if necessary to protect the substantial interest of the homeowners’ association or housing cooperative.

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

SECTION 1. 710.17 (title) of the statutes is amended to read:

710.17 (title) Right to display the flag of the United States and political signs.

SECTION 2. 710.17 (1) (d) of the statutes is created to read:

710.17 (1) (d) “Political sign” means a sign that supports or opposes a candidate for public office or a referendum question.

SECTION 3. 710.17 (2m) of the statutes is created to read:

710.17 (2m) Right to display political signs. (a) Except as provided in sub. (3), a homeowners’ association may not adopt or enforce a covenant, condition, or restriction, or enter into an agreement, that restricts or prevents a member of the homeowners’ association from displaying a political sign on property in which the member has an ownership interest and that is subject to any policy or restriction adopted by the homeowners’ association.

(b) Except as provided in sub. (3), a housing cooperative may not adopt or enforce a covenant, condition, or restriction, or enter into an agreement, that restricts or prevents a member of the housing cooperative from displaying a political sign on property of the housing cooperative to which the member has a right to exclusive possession or use.

SECTION 4. 710.17 (3) (b) of the statutes is amended to read:
710.17 (3) (b) Provides a reasonable restriction on the time, place, or manner of displaying the flag of the United States or a political sign that is necessary to protect a substantial interest of the homeowners’ association or housing cooperative.