



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-5377/1
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2019 SENATE BILL 845

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

1 **AN ACT** *to amend* 710.17 (title) and 710.17 (3) (b); and *to create* 710.17 (1) (d)
2 and 710.17 (2m) of the statutes; **relating to:** the rights of members of
3 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:

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

2 **710.17 (title) Right to display the flag of the United States and political**
3 **signs.**

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

5 710.17 (1) (d) "Political sign" means a sign that supports or opposes a candidate
6 for public office or a referendum question.

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

8 710.17 (2m) RIGHT TO DISPLAY POLITICAL SIGNS. (a) Except as provided in sub.
9 (3), a homeowners' association may not adopt or enforce a covenant, condition, or
10 restriction, or enter into an agreement, that restricts or prevents a member of the
11 homeowners' association from displaying a political sign on property in which the
12 member has an ownership interest and that is subject to any policy or restriction
13 adopted by the homeowners' association.

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

19 **SECTION 4.** 710.17 (3) (b) of the statutes is amended to read:

