



**IDAHO TRANSPORTATION DEPARTMENT**

P.O. Box 7129  
Boise ID 83707-1129

(208) 334-8000  
itd.idaho.gov

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January 27, 2020

Dear County Clerks:

As the primaries and general election both approach, campaign signs will appear around the state. The Idaho Transportation Department (ITD) understands that County Clerks often receive questions from candidates related to the placement of campaign signs. ITD would like to remind candidates of the law governing election signs in public rights-of-way and to inform you of ITD policy.

Enclosed are copies of §18-7029 and §40-1910, Idaho Code, which address the requirements and some limitations for placing posters or promotional material on public or private property.

Candidates have the right to request permission to place election signs or posters at appropriate locations. However, ITD is unable to grant permission to post election signs or posters on any roadway under its jurisdiction due to federal restrictions, Idaho Code, safety concerns and maintenance requirements. This includes fences along all Interstate corridors and all rights-of-way on the state highway system. ITD respectfully asks that folks avoid placing signs in these areas.

ITD's maintenance crews have limited resources to address illegally placed signs or posters. However, when ITD maintenance crews are working in the general area, they will remove signs that pose a visual obstruction or safety hazard or if the signs generate complaints.

The Department holds removed election signs or posters at the nearest ITD maintenance yard where they can be retrieved up to 10-days after the election. After this time, they will be disposed of.

ITD appreciates your consideration. If you have questions, please contact your nearest district office from the enclosed list.

Sincerely,

\_\_\_\_\_/s/\_\_\_\_\_  
  
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Travis McGrath, PhD, PE  
Chief Operations Officer

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## Idaho Statutes

### TITLE 18 CRIMES AND PUNISHMENTS CHAPTER 70 TRESPASS AND MALICIOUS INJURIES TO PROPERTY

18-7029. Placing posters or promotional material on public or private property without permission. It shall be unlawful for any person to erect, install, attach or paint, or cause to be erected, installed, attached or painted, election posters or signs upon public or private property, real or personal, in the state of Idaho, without permission from the owner or occupant of such property, and it shall be unlawful for any person to place or leave any literature or other political, promotional or sales materials upon public or private property, real or personal, in the state of Idaho when the owner or occupant of such property, by a sign conspicuously posted on the property, or by other written or audio communication to such person, has forbidden the placing or leaving of literature or other political, promotional or sales material upon that property. Provided, however, that the granting of such permission by any public utility company on behalf of any candidate for public office shall constitute the granting of like permission by such public utility company to all other candidates for the same public office. Any violation of this section shall be a misdemeanor.

#### History:

[LC., sec. 18-7029, as added by 1972, ch. 336, sec. 1, p. 979; am. 1994, ch. 167, sec. 8, p. 377.)

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## Idaho Statutes

### TITLE 40 HIGHWAYS AND BRIDGES CHAPTER 19 BEAUTIFICATION OF HIGHWAYS

40-1910. Location of displays. No advertising display shall be placed or maintained in any of the following locations or positions or under any of the following conditions or if the advertising structure or sign is of the following nature:

- (1) Within the right-of-way of any highway;
- (2) Visible from any interstate or primary highway and simulating or imitating any directional, warning, danger or information sign permitted under the provisions of this chapter, or if intended or likely to be construed as giving warnings of traffic;
- (3) Within any stream or drainage canal or below the flood water level of any stream or drainage canal where the advertising display might be deluged by flood waters and swept under any highway structure crossing the stream or drainage canal or against the supports of the highway structure;
- (4) Not maintained in a safe condition;
- (5) Visible from any interstate or primary highway and displaying any red, blue or blinking intermittent light likely to be mistaken for a warning or danger signal;
- (6) Illuminated with such brilliance and so positioned as to blind or dazzle the vision of travelers on adjacent interstate or primary highways;
- (7) Purported to direct the movement of traffic;
- (8) Painted, affixed or attached to any natural feature as more particularly prohibited by section 18-7017, Idaho Code;
- (9) Hinder the clear, unobstructed view of approaching or merging traffic, nor obscure from view any traffic sign or other official sign;
- (10) Located as to obscure the view of any connecting highway or intersection; and
- (11) Not clear or in good repair.

History:

[40-1910, added 1985, ch. 253, sec. 2, p. 685.]

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## **Idaho Transportation Department District Offices**

### Idaho Transportation Department District 1

Mailing address - 600 W. Prairie  
Coeur d'Alene, Idaho 83815-8764  
Office Hours - 7:00 a.m. to 4:00 p.m., Pacific Time Zone  
Phone - (208) 772-1200

### Idaho Transportation Department District 2

2600 Frontage Road, Lewiston  
Mailing address - P.O. Box 837  
Lewiston, Idaho 83501-0837  
Office Hours - 7:00 a.m. to 4:00 p.m., Pacific Time Zone  
Phone - (208) 799-5090

### Idaho Transportation Department District 3

8150 Chinden Blvd., Boise  
Mailing address - P.O. Box 8028  
Boise, Idaho 83707-2028  
Office Hours - 8:00 a.m. to 5:00 p.m., Mountain Time Zone  
Phone - (208) 334-8300

### Idaho Transportation Department District 4

216 South Date Street, Shoshone  
Mailing address - P.O. Box 2-A  
Shoshone, Idaho 83352-0820  
Office Hours - 8:00 a.m. to 5:00 p.m., Mountain Time Zone  
Phone - (208) 886-7800

### Idaho Transportation Department District 5

5151 South 5th, Pocatello  
Mailing address - P.O. Box 4700  
Pocatello, Idaho 83205-4700  
Office Hours - 8:00 a.m. to 5:00 p.m., Mountain Time Zone  
Phone - (208) 239-3300

### Idaho Transportation Department District 6

206 North Yellowstone Highway, Rigby  
Mailing address - P.O. Box 97  
Rigby, Idaho 83442-0097  
Office Hours - 8:00 a.m. to 5:00 p.m., Mountain Time Zone  
Phone - (208) 745-7781