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August 13, 2024

Michael Wood  
Town Manager  
Burrillville Town Hall  
105 Harrisville Main Street  
Harrisville, RI 02830

VIA EMAIL

Dear Mr. Wood:

The ACLU of Rhode Island was contacted this week about a notice you recently posted on the Town's website relating to "Political Sign Regulations 2024 Elections."<sup>1</sup> The notice references a town ordinance, Section 30-157, which bars the posting of political signs on private property more than 60 days before an election. It appears that violations carry a \$500 dollar a day penalty.

Because the Town's time restriction on the display of political signs is blatantly unconstitutional, I am writing to request that you immediately revise the notice posted on the website – and anywhere else it is posted – to eliminate any reference to enforcement of §30-157 and provide us assurances that this provision will not be enforced.<sup>2</sup>

A durational limit on the posting of political signs has been deemed unconstitutional by the courts *for decades*. In Rhode Island alone, our Affiliate has successfully challenged other ordinances similar to Burrillville's over many years. As recently as two years ago, we sued the City of Pawtucket over a city ordinance barring the posting of political signs on residential property more than 30 days before an election. The suit led to entry of a consent judgment awarding damages to the plaintiffs and permanently barring the City from enforcing any durational limit on the posting of political signs.<sup>3</sup>

These Rhode Island cases are in keeping with long-standing caselaw around the country finding durational restrictions on political signs to be a clear violation of residents' free speech rights.

In addition to the clear legal problems with the ordinance, it is worth emphasizing the important public policy considerations involved. In a society that values freedom of speech and political participation, political signs play an important role for both candidates and voters. Many people do not have the time to actively participate in political campaigns, nor the money to make substantial financial contributions to the candidates they support. Political signs are an easy way for people at the grassroots level to get involved in political campaigns and to show their support for a candidate or idea.

The amount of time that political signs can be posted is especially important for some candidates. One of the key issues for any challenger in a political campaign is name recognition,

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<sup>1</sup> The notice appears at: <https://www.burrillville.org/home/news/political-sign-regulations-2024-elections>

<sup>2</sup> It is unclear to us whether the ordinance also contains problematic size limitations for political signs, but that is a separate issue that we are not raising here.

<sup>3</sup> *Stewart v. City of Pawtucket*, C.A. No. 22-280-MSM (D.R.I.) (McElroy, J.) (consent judgment entered Dec. 6, 2022).

something he or she generally lacks in comparison to the incumbent candidate. The use of political signs is a simple, inexpensive way for a candidate without much money to make his or her name known in a community. Without crossing this threshold, a candidate's campaign is often doomed to failure, regardless of the ideas or platform the candidate is running on. As one court noted about a sign ordinance similar to Burrillville's, "Two months is simply not enough time to allow a relatively unknown person to achieve household familiarity." Indeed, since Rhode Island now allows early voting, which commences 20 days before Election Day, the improper effect of time restrictions on the meaningful exercise of this First Amendment right is only heightened.

In light of the numerous cases in Rhode Island leading to court settlements recognizing the unconstitutionality of these durational restrictions, the Town's infringement on the free speech rights of residents is especially disturbing. Because this is a time-sensitive matter, I would appreciate hearing back from you as soon as possible about the Town's plans regarding enforcement of this ordinance.

Thank you.

Sincerely,

A handwritten signature in black ink that reads "Steven Brown". The signature is written in a cursive, flowing style.

Steven Brown  
Executive Director

cc: Burrillville Town Council  
Steven Detonnancourt, Zoning Official  
Vicki Martin, Town Clerk  
William C. Dimitri, Town Solicitor