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November 18, 2024

South Kingstown Town Council  
Town Hall  
180 High Street  
Wakefield, RI 02879

VIA EMAIL AND MAIL

Dear Town Councilors:

Almost two years ago, the ACLU of RI wrote to you about a Town zoning ordinance – Section 802(i) – that bars individuals from posting political signs on their property more than 60 days before an election or 120 days total in a year. Because this time restriction (along with a related provision barring political signs more than 14 days after an election) is a clear violation of the First Amendment rights of town residents, we asked the Council to repeal that provision in order to avoid any confusion in future elections. I have enclosed for your reference a copy of that letter, which cited decades of court decisions in support of our position.

I was therefore quite surprised to learn that, in addition to not having repealed the ordinance, the Town posted on its website last month a reminder about the zoning ordinance's time restrictions governing the posting of political signs. Enclosed is a copy of that notice, which remains on the Town's website to this day.<sup>1</sup>

We do not know whether this unconstitutional restriction was enforced against any residents during this most recent election cycle. However, there can be little question that its continued presence on the books, along with the Town's public affirmation of its continued enforceability, can only have had – and continue to have – a chilling effect on individuals wishing to exercise their First Amendment right to post political signs on their property.

I would therefore appreciate learning whether the Council has any plans to initiate a prompt repeal of the ordinance – well before any more elections take place. If not, the ACLU is prepared to take appropriate action to protect the free speech rights of the Town's residents.

I look forward to hearing back from you about this at the earliest possible opportunity. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Steven Brown". The signature is fluid and cursive.

Steven Brown  
Executive Director

Enclosures

cc: James Manni, Town Manager  
Jamie Gorman, Building Official & Zoning Enforcement  
Nichole Romane, Town Clerk  
Michael Ursillo, Town Solicitor

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<sup>1</sup> <https://www.southkingstownri.gov/CivicAlerts.aspx?AID=1108>



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January 5, 2023

South Kingstown Town Council  
Town Hall  
180 High Street  
Wakefield, RI 02879

(via email)

Dear Town Councilors:

At the end of the election cycle last November, the ACLU of Rhode Island was contacted by resident Alex Petrucci, who unsuccessfully ran for Town Council, about a Town zoning ordinance – Section 802(i) – that prohibits individuals from posting political signs more than 60 days before an election or 120 days total in a calendar year. Because the ordinance’s time restriction on the display of political signs is indisputably unconstitutional, I am writing to request that the Town Council take action in the new year to repeal it so as to avoid any confusion in future elections.

I do not know when this restriction was enacted, but durational limits on the posting of political signs have been deemed unconstitutional by the courts, including courts in Rhode Island, for decades. In Rhode Island alone, our Affiliate has successfully challenged other ordinances similar to South Kingstown’s as far back as 1988.<sup>1</sup> In last year’s elections, the ACLU sued the City of Pawtucket, over a similar zoning restriction, leading to the entry of a consent judgment against its enforcement, which included an award of attorneys’ fees and damages. I have enclosed a copy of that court order for your reference.

All 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.

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<sup>1</sup> *Thibodeau v. Town of Cumberland*, C.A. No. 88-0460T (D.R.I.)(consent judgment entered Nov. 15, 1988)(Torres, J.)(enjoining enforcement of ordinance which restricted posting of political signs to no more than 30 days prior and 14 days after election for which they were erected). For some other Rhode Island cases, see, e.g., *Williams v. City of Warwick*, C.A. No. 01-194L (D.R.I.)(consent judgment entered August 8, 2001)(Lagueux, J.)(enjoining enforcement of ordinance which restricted posting of political signs to no more than 60 days prior to election and 120 days total in any calendar year); *Jones v. Town of West Warwick*, C.A. No. 08-375ML (D.R.I.)(consent judgment entered Aug. 24, 2009)(Lisi, J.)(enjoining enforcement of ordinance which, among other things, required the removal of political signs within seven (7) days after election for which they were erected).

The amount of time that political signs can be posted is especially important for candidates not presently in office. One of the key issues for any challenger in a political campaign is name recognition, something he or she generally lacks in comparison to incumbent candidates. 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 South Kingstown's, "Two months is simply not enough time to allow a relatively unknown person to achieve household familiarity."<sup>2</sup> Indeed, since Rhode Island now allows early voting, which commences 20 days before Election Day, the improper effect of your town's time restriction on the meaningful exercise of First Amendment rights is only heightened.

I look forward to hearing back from you about this. Thank you in advance for your consideration.

Sincerely,



Steven Brown  
Executive Director

Enclosure

cc: James Manni, Town Manager  
James Rabbitt, Planning Director  
Michael Ursillo, Town Solicitor

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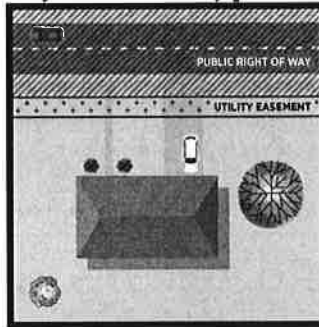
<sup>2</sup> *Van v. Travel Information Council*, 628 P.2d 1217, 1226 (1981).

## SIGN ORDINANCE

**"Signs, signs everywhere a sign blocking up the scenery,  
breaking my mind"**



**Signs are prohibited from being installed on any public right-of-way,  
Town or State owned property.  
This includes utility easements, sidewalks, parks, roadways and intersections.**



**Political Signs are allowed sixty (60) days prior to any election or referendum and  
must be removed within fourteen (14) days following the election or referendum,  
and must not be located in any right-of-way.**



**Inflatable Air Dancers and Banners are prohibited in all zoning districts.**



**Non-compliant signs will be removed by the Zoning Enforcement Officer.  
Please refer to the Zoning Ordinance Article 8, Signs.  
[Sign Ordinance Link](#)**

**Any questions or concerns can be directed to the  
Building & Zoning Department at 401-789-9331 x 1225**