



Thorn Township Zoning Department
Attn: Dale Factor, Zoning Inspector
P.O. Box 460
Thornville, Ohio 43076

October 1, 2009 - Sent via U.S. Mail

Dear Mr. Factor:

It has come to the attention of the American Civil Liberties Union of Ohio Foundation that Thorn Township Zoning Resolution Section 27.03(D) rigidly restricts political sign posting. The resolution limits the display of political signs to a period of forty-five (45) days before and fifteen (15) days after an election. This rule infringes on Thorn Township residents' free speech rights under the Ohio and United States Constitutions.

Political speech is at the core of the First Amendment. According to the United States Supreme Court, "speech on public issues occupies the highest rung of the hierarchy of First Amendment values, and is entitled to special protection." *Connick v. Myers*, 461 U.S. 138, 145 (1983). Signs, "[o]ften placed on lawns or in windows...play an important part in political campaigns...residential signs have long been an important and distinct medium of expression." *City of Ladue v. Gilleo*, 512 U.S. 43, 55 (1994).

The ACLU of Ohio is concerned about the Township's temporal restriction on signs. I direct your attention to *Painesville Bldg. Dept. v. Dworken & Bernstein Co. L.P.A.* (2000), 89 Ohio St. 3d 564, 2000-Ohio-488, where the Supreme Court of Ohio held that a City of Painesville ordinance restricting the number of days political signs may be posted before and after an election violated the First Amendment to the United States Constitution. *Id.* at 573-574. As the *Painesville* court recognized, people have the right to advocate publicly on political concerns even when an election is not imminent.

If Thorn Township insists on enforcing its limitations on political speech, I will have little choice but to consider legal action to compel compliance with the constitutional right of free speech. I sincerely hope Thorn Township will cease enforcing the time limits and no further action from my office will be required.

I look forward to hearing from you within the next two weeks. Please feel free to call me if you have any questions.

Sincerely,

Carrie L. Davis
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