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FOR IMMEDIATE RELEASE
September 14, 2004

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ACLU of Utah Files Suit Challenging Draper's Unconstitutional Campaign Sign Ordinance

(Salt Lake City, UT) Today the ACLU of Utah filed a complaint in Federal District Court challenging as unconstitutional a Draper City ordinance. The ordinance impermissibly places durational time limits on political campaign signs according to the content of the signs. In part, the ordinance prohibits display of many candidates' signs on private property more than thirty days prior to the general election.

"Courts have routinely upheld our fundamental right to political expression and have consistently struck down any durational limitations on political signs placed on private property," stated Dani Eyer, Executive Director for the ACLU of Utah affiliate.

"Yard and window signs, including campaign and political signs, are a unique and inexpensive medium for free speech," said Margaret Plane, staff attorney for the ACLU of Utah. "Our culture has special respect for individual liberty in the home, and this respect extends to our ability to speak from our homes. A ban or durational restriction on political, personal, or religious messages conveyed on our private property violates the right to free expression."

Robert Latham is a Draper resident and attorney who wishes to display campaign and political issue signs in his yard, but was thwarted by the city ordinance. Heather Rice, a second plaintiff in the suit, is concerned about being cited for placing campaign signs for the candidate of her choice in a yard in Draper. Also included as a plaintiff is Ken Larsen, a candidate running for Utah governor under the People's Choice party, who would have liked to immediately begin posting his campaign signs in visible Draper front yards by now. Brian Barnard, a longtime Utah civil rights advocate, joins the ACLU of Utah as a cooperating attorney on this suit.

"Draper is part of America and we have free speech in America," said Larsen. "This ordinance is unfair and unconstitutional. It allows candidates who successfully won primary elections to leave their signs up while other candidates who are running for the same office, who did not go through either primary, are not allowed to display signs until thirty days before the election. That gives my opponents an unfair advantage. That infringes upon my protected speech and the speech of my supporters who want to place my signs in their yards."

The suit calls for an immediate temporary restraining order to prohibit Draper from enforcing the ordinance because it unconstitutionally interferes with free expression and political speech as defined by the First Amendment to the United States Constitution and the Utah Constitution.

"We need a Court order right away so that the political process is not stymied," said Barnard.

This past week, Mark E. Towner, a candidate for the State School Board found his campaign signs in Draper had been removed allegedly at the direction of his opponent, a Draper City Councilman. The councilman allegedly cited the challenged ordinance as authority for the action.

In August, the ACLU of Utah sent letters to several counties and cities that have similar ordinances asking for assurance that they will not enforce their respective ordinances and will change the ordinances to reflect constitutional standards.

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