



**NEWS** from the ACLU of Indiana

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## FOR IMMEDIATE RELEASE

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# ACLU Challenges Sign Ordinance Limiting Political Expression

Indianapolis – The American Civil Liberties Union of Indiana today filed a lawsuit on behalf of a Bedford, Ind. resident who is challenging a newly enacted city ordinance regulating yard signs that has the effect of stifling his political expression. The lawsuit claims that the ordinance violates the First and the Fourteenth Amendments to the U.S. Constitution.

The ACLU of Indiana filed the case against the City of Bedford on behalf of Samuel Shaw, who is seeking to stop the city from enforcing City Ordinance 15-2016, which was enacted in September.

Shaw had placed several signs in his yard that express his opinions about political candidates and topical issues. But last month, after receiving a letter from the city’s planning and zoning director informing him that he was in violation of the ordinance and that the “penalty for sign violations is \$300 per day,” he removed the signs from his property.

The City’s ordinance has several provisions that the lawsuit alleges violate the Constitution, including:

- a provision prohibiting permanent non-governmental signs on residential properties and imposing an unconstitutionally vague and content-based definition of what constitutes a “temporary” sign;
- a content-based provision imposing temporal and quantity restrictions that depend on whether the sign is advertising a special event, an open house, or the sale or rental of a property;
- a nonconformity provision that incorporates content-based restrictions from a prior ordinance that are unconstitutional; and
- a provision that limits the number of signs with an unregulated message to one outdoor sign, and one small sign in a resident’s window.

“The Supreme Court recently held that the kind of regulations that the City of Bedford has instituted violate the First Amendment of the Constitution,” said Jan Mensz, ACLU of Indiana staff attorney. “The Ordinance’s limitation of one general use sign on a resident’s lawn is a particularly oppressive during election time when citizens wish to voice their support and opposition for multiple candidates and political issues.”

The case, *Samuel Shaw v. City of Bedford, Indiana*, Case No. 4:16-cv-00190-SEB-TAB was filed in the U.S. District Court, Southern District of Indiana, New Albany Division on Oct. 31, 2016.

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