



August 26, 2015

OPEN LETTER TO THE CITY OF KENNER REGARDING
BANS ON POLITICAL SIGNS

By email kennermayor@kenner.la.us

And by regular mail
Hon. Michael Yenni
City of Kenner
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Dear Mr. Yenni:

Our office has learned that the City of Kenner has municipal ordinances restricting the display of signs, including political signs, in residential neighborhoods. This letter is to advise you that under the U.S. Constitution, cities such as Kenner may not impose restrictions on political speech, and to urge you to discontinue any enforcement this unlawful ordinance.

The Kenner Municipal Code states, among other things:

Pennants, banners, streamers, and all other fluttering, spinning or similar type signs and advertising devices are prohibited except for national flags and flags of political subdivisions of the United States and except for flags of bona fide civic, charitable, fraternal, religious and welfare organizations; provided that during nationally recognized holiday periods, or during a special civil event, such as Mardi Gras, pennants, banners, streamers, and other fluttering, spinning, or similar devices pertaining to said periods or events may be displayed on a temporary basis upon resolution of the city council.
Section 20.09 (a)(1)(e).

The Code further permits:

A temporary, nonilluminated sign, limited to thirty-two (32) square feet in area, indicating the support of the owner or occupant for candidates running for election to local, state, or national governmental positions providing said election pertains to the respective political jurisdiction within which the property is located and provided further that any such sign shall not be erected more than sixty (60) days prior to the election and that such sign shall be removed within ten (10) days following said election.
Section 6.02 (a) (14)(g).

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Political speech such as campaign signs merits the highest level of First Amendment protection, In *City of Ladue v. Gilleo*, 512 U.S. 46 (1994), the Supreme Court said:

A special respect for individual liberty in the home has long been part of our culture and our law. . . . that principle has special resonance when the government seeks to constrain a person's ability to speak there. . . . Whereas the government's need to mediate among various competing uses, including expressive ones, for public streets and facilities is constant and unavoidable, . . . its need to regulate temperate speech from the home is surely much less pressing. 512 U.S. 46, 58 (citations omitted).

While municipalities have considerable authority to regulate the display of signs on public property, banning political signs on private property is a violation of the First Amendment rights of private individuals. *Members of the City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789 (1984).

Kenner's ordinances overreach by imposing a content-based restriction that turns upon whether the sign is for someone running for office, whether the resident supports that candidate, and whether the election pertains to the political jurisdiction within which the property is located. A resident of Kenner may wish to engage in political speech outside the stated time periods or jurisdictional limits, or express their opposition to as well as support for a candidate. Candidates often begin their campaigns before the dates allowed by the ordinance, and while an election may be over, a resident may wish to continue to show support for a favored candidate as a way of communicating with neighbors. The Supreme Court has indicated in no uncertain terms that these forms of speech are protected under the First Amendment and may not be restricted.

For these reasons, we urge the City of Kenner to discontinue enforcement of these unlawful bans on political speech, and we hope that the ordinances will be repealed.

Sincerely,



Marjorie R. Esman
Executive Director

cc: Michael J. Power, City Attorney
via email mpower@kenner.la.us