

Hi Ray –

Thanks for your e-mail. The short answer is that the Township should not impose different sign requirements based on the signs being political/election-related. The Supreme Court of the United States held in *Reed v Town of Gilbert* that regulating political signs is a content-based regulation, meaning that it is subject to strict scrutiny. If challenged, the Township would have to show that the restrictions on political signs advance a compelling township interest that is as narrow as possible – and the Township likely would not be able to meet that standard.

Here is a longer summary of the *Reed* decision that our firm wrote: <https://www.fosterswift.com/communications-Sign-Regulation-Freedom-of-Speech.html> One takeaway is that "[i]f your code enforcement officer has to read the sign in order to determine whether a regulation applies, the ordinance provision will likely be subject to challenge."

Based on *Reed*, we advise against enforcing the part of your sign ordinance that regulates "election signs," whether as traditional signs or flags, or other regulations based on what the sign says. We would instead recommend that you amend the sign ordinance to remove content-based regulations. We can assist with that if you'd like.

Hope this answers your question! Have a good evening.