

Content Neutrality in Post-Reed v. Gilbert Era

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Reed v. Town of Gilbert

- 135 S.Ct. 2218 (2015)
- · A case about signs
- · But really about speech
- Decision has been applied to other types of speech regulations
 - -But with mixed results
 - -Will continue to evolve

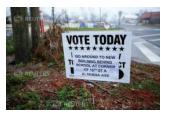


Reed v. Town of Gilbert - the ordinance

- Different rules for different types of temporary signs
- Size/location/duration requirements differed for:
 - -Ideological signs
 - -Political signs
 - -Temporary directional signs
 - -20 other categories







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Reed v. Town of Gilbert - what it changed

- Supreme Court adopted a new way for determining whether speech regs are:
 - -Content neutral
 - -Content based



Reed v. Town of Gilbert - the holding

- Content based includes restrictions aimed at:
 - -Viewpoints
 - -Topics
- Town's distinctions were content based, even if:
 - -Intent was innocuous
 - -They didn't target viewpoints
- Now, if you had to read sign, content based

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Content neutral vs. content based

- Content neutral:
 - -Gets intermediate scrutiny
 - -Requires
 significant
 government
 interest

- Content based:
 - -Gets **strict** scrutiny
- -Requires
 compelling
 government
 interest
- With a few exceptions

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Also available as part of the eCourse Signs and Other Forms of Expression: Content Neutrality in the Post-Reed Era

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