

# Content Neutrality in Post-Reed v. Gilbert Era

Julian Grant Senior Legal Editor Thomson Reuters Practical Law Government Practice Service

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1

### 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

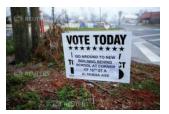


### Reed v. Town of Gilbert - the ordinance

- 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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5

## 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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