



August 11, 2022

Kenneth Jordan, Municipal Counselor
City of Oklahoma City
200 N. Walker Ave.
Oklahoma City, OK 73102

AMERICAN CIVIL
LIBERTIES UNION OF
OKLAHOMA
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RE: Constitutionality of Oklahoma City Municipal Sign Code

Dear Mr. Jordan,

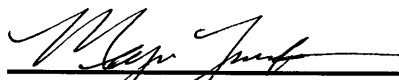
We write to inform you that Oklahoma City's sweeping ban of "political, social, civic, or charitable" signs from streets, parks, medians, and other traditional places for speech among fellow citizens, is a blatant violation of the First Amendment. Oklahoma City Mun. Code § 3-83(a)(3) ("Sign Ban"). Under the Supreme Court decision in *Reed v. Gilbert*, 576 U.S. 155 (2015), Oklahoma City's Sign Ban unconstitutionally censors protected speech at the core of the First Amendment, including the profusion of political signs of every stripe that line the public square during every election cycle.

We are prepared to challenge the constitutionality of the Sign Ban in federal court. However, we believe it is in the public's best interests for the City Council instead to repeal this unconstitutional section of the Sign Code before any litigation. As the City is well aware, we had warned that its ill-advised 2015 anti-panhandling ordinance violated the First Amendment. After that warning went unheeded, our organization successfully challenged it in a federal lawsuit. *See McCraw v. City of Oklahoma City*, 973 F.3d 1057, 1061, 1077 (2020) (finding that the City "utterly failed" to justify its sweeping ban of "the First Amendment rights of citizens in the public square—specifically on medians in public roads"). The City's tooth-and-nail defense of the indefensible over five years of litigation ultimately cost City taxpayers more than a million dollars in attorneys' fees. Repealing the unconstitutional Sign Ban prior to any litigation is a more expeditious and cost-effective way to respect Oklahomans' constitutional freedoms and protect taxpayers.

We hope to come to a resolution that obviates the need for costly litigation. Please let us know no later than September 13, 2022 if you are willing to work with us to repeal the unconstitutional Sign Ban.

CC: David Holt, Mayor
Bradley Carter, Ward 1 City Councilmember
James Cooper, Ward 2 City Councilmember
Barbara Young, Ward 3 City Councilmember
Todd Stone, Ward 4 City Councilmember
David Greenwell, Ward 5 City Councilmember
JoBeth Hamon, Ward 6 City Councilmember
Nikki Nice, Ward 7 City Councilmember
Mark K. Stonecipher, Ward 8 City Councilmember

Sincerely,



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