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May 19, 2016

Ms. Georgia Luster
City Clerk
City of Safford
717 West Main Street
P.O. Box 272
Safford, Arizona 85548

Re: Political signs

Dear Clerk Luster:

This firm represents the Arizona Republican Party. I write because it has come to my attention that you have been informing candidates, including Republican candidates, that they are legally required to remove their campaign signs. Your order to these candidates is contrary to law, and it must be rescinded immediately.

The United States Supreme Court has spoken clearly on the issue of political and other signs. In *Reed v. Town of Gilbert*, the U.S. Supreme Court struck down Gilbert, Arizona's sign ordinance. 135 S.Ct. 2218 (2015). In discussing what a "content" based sign code was, the Supreme Court stated:

The Town's Sign Code is content based on its face. It defines "Temporary Directional Signs" on the basis of whether a sign conveys the message of directing the public to church or some other "qualifying event." Glossary 25. It defines "Political Signs" on the basis of whether a sign's message is "designed to influence the outcome of an election." *Id.*, at 24. And it defines "Ideological Signs" on the basis of whether a sign "communicat[es] a message or ideas" that do not fit within the Code's other categories. *Id.*, at 23. It then subjects each of these categories to different restrictions.

Id. at 2227. Safford's sign code clearly suffers from precisely the same infirmities as Gilbert's sign code did. As such, it simply cannot stand. And its restrictions on political speech cannot stand either. I would also note that notwithstanding the Reed decision, Safford's City Code has not been updated since that time to bring it into compliance with the United States Constitution.

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The Arizona Republican Party is committed to ensuring that our candidate's receive the full First Amendment protections so that they can freely communicate with voters, and we will do what is legally necessary to achieve this end. Overly regulatory city codes such as Safford's inhibit this free communication and leave the electorate less informed.

I expect to hear from you within ten days about whether you will rescind your ordinance. I appreciate your attention to this matter.

Very truly yours,

TIMOTHY A. LA SOTA, PLC

A handwritten signature in black ink, appearing to read 'T. La Sota', with a long, sweeping horizontal stroke extending to the right.

Timothy A. La Sota