

WILL: Town of New Chester repeals illegal ban on distributing political materials

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WILL sent a [demand letter](#) earlier this summer on behalf of Steve Blake, a resident of the Town of New Chester, Wisconsin. Blake had previously handed out political materials on public land in the Town of New Chester, but the town had recently adopted an ordinance which made such activities unlawful. The demand letter made clear that the ban was an unconstitutional violation of Mr. Blake's freedom of speech, and demanded that the Town immediately repeal the ordinance.

Last week, the Town voted to [repeal](#) the unlawful ordinance in its entirety.

WILL Deputy Counsel, Lucas Vebber, stated, "The right to distribute political materials on public land in this country has been recognized since time immemorial. Our state and federal constitutions guarantee our rights to distribute these messages to others, and ensure that Government entities cannot simply ban speech they disagree with. WILL always stands in defense of those rights."

Steve Blake, a resident of the Town of New Chester, said, "I am pleased that the Town repealed this ridiculous ordinance, and that myself and others are once again able to freely exercise our constitutional rights without fear of government reprisal. I am grateful that WILL was around to help me defend my rights."

Following the November 2020 elections, the Town of New Chester adopted an ordinance ([Ordinance 02-2020](#)) which purported to ban the distribution or posting of "political materials" on public land in the Town. The Town defined "political materials" as "signs, handbills, flyers, and any other printed materials that supports or opposes a candidate for partisan office or it supports or opposes a ballot

measure.” Violations of the ordinance carried up to a \$1,000 fine.

Steve Blake, a resident of New Chester, had previously distributed political materials, as defined by the ordinance, on public land in the Township, and wanted to do so again in the future. Fearing punishment if he did so, he retained WILL to represent him.

In June, WILL sent a [demand letter](#) to the Town of New Chester regarding the ordinance, and made clear it was an unconstitutional exercise of the Town’s authority, and blatantly restricted Mr. Blake’s ability to engage in First Amendment protected expression. WILL demanded that the town immediately take steps to repeal the ordinance, and to confirm to Mr. Blake that it would not be enforced against him in the interim.

After reviewing WILL’s letter, the Town Board agreed not to enforce the ordinance, and just last week [repealed](#) it altogether.