

# **Bond Case Briefs**

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## **PUBLIC MEETINGS - OHIO**

### **Ison v. Madison Local School District Board of Education**

**United States Court of Appeals, Sixth Circuit - July 7, 2021 - 3 F.4th 887**

Four attendees of school board meetings, who were interrupted or prevented from speaking for failing to comply with board's public participation policy, filed § 1983 action asserting that board's policy violated First Amendment facially and as applied to them, and they sought compensatory damages, declaratory relief, and an injunction.

The United States District Court for the Southern District of Ohio granted summary judgment in favor of board. Attendees appealed.

The Court of Appeals held that:

- Policy constituted impermissible viewpoint discrimination in violation of the First Amendment;
- Policy violated First Amendment as applied to attendee who was interrupted and removed from meeting;
- Board had significant governmental interest supporting policy's in-person preregistration requirement, as necessary for requirement to be valid time, place, or manner restriction;
- Preregistration requirement was narrowly tailored to that significant governmental interest, as necessary for it to be valid time, place, or manner restriction;
- Individuals who could not comply with preregistration requirement had ample alternative channels to communicate with board, and thus requirement was valid time, place, or manner restriction;
- Preregistration requirement did not violate First Amendment as applied to three attendees who were prevented from speaking; and
- Policy was not void for vagueness under the First Amendment.