

## LibraryLaw Blog

Issues concerning libraries and the law - with latitude to discuss any other interesting issues Note: Not legal advice - just a dangerous mix of thoughts and information. Brought to you by Mary Minow, J.D., A.M.L.S. [California, U.S.] and Peter Hirtle, M.A., M.L.S. Follow us on twitter @librarylaw

 LibraryLaw.com

[Home](#)

[Archives](#)

[Subscribe](#)

July 17, 2006

### Can libraries prohibit people from gathering petition signatures on library grounds?

I wouldn't recommend it. Although it may be possible to require petitions be a certain distance away from entryways, libraries should talk to their lawyers before making or enforcing rules against petitions on library grounds.

A federal district court ruled on June 29th against library directors and others in Omaha, Lincoln and Grand Island (Nebraska). These cities all had policies restricting petitions on the grounds of libraries and other public buildings. The court ruled in favor of plaintiffs [Stop OverSpending Nebraska](#), who wanted to circulate petitions. The court ruled (as a temporary restraining order at this stage) that libraries and other local govt couldn't prohibit petitions on streets, sidewalks, exterior courtyards, parks, and walkways that carry public pedestrian traffic. This ruling explicitly did not include steps into buildings or vestibules connected to such buildings. The order did, however, include streets, sidewalks and walkways adjacent to government buildings or offices located in strip malls and streets, sidewalks and walkways where temporary festivals are being conducted.

**Minow comment:** I hope that library positions [against SOS measures](#) did not enter into any of the policies, as alleged in the [sosnebraska.com](#) press release. It looks to me from the court opinion that the policies were content-neutral. Although libraries make content-neutral policies all the time *inside the library* in community rooms etc., even content neutral rules cannot survive a First Amendment challenge unless the rules are narrowly tailored to serve a significant state interest *and* leave open ample alternative channels of communication.

Judge Kopf granted the plaintiff's request for a temporary restraining order to overturn the petition policy:

At this very early stage of the litigation, it appears that the policy at issue is a content-neutral restriction on expressive activity in traditional public fora which must be narrowly tailored to serve a significant state interest. While Omaha, Grand Island, and Lincoln have a significant state interest in maintaining clear access to its public buildings and events, controlling pedestrian traffic on sidewalks, and preventing disturbances, it is not necessary to remove all petition circulators from public areas to achieve those interests. These cities could enact legitimate time, place, and manner restrictions which limit the number of circulators in a given area or require that circulators remain a certain distance from public facilities, but a total ban on all petition circulators in public areas cannot be considered "narrowly tailored."

*Groene v. Seng*, 2006 U.S. Dist. LEXIS 45174 (D. Nebr. June 29, 2006)

Posted by [Mary](#) on July 17, 2006 in [Court cases](#), [First Amendment](#), [Patron policies](#) | [Permalink](#)

[Reblog \(0\)](#) | [Digg This](#) | [Save to del.icio.us](#) |

[Tweet](#)

### Comments

In Nevada, NRS 293.127565 requires the managers of all public buildings except public elementary and secondary schools to designate an area where petition signatures may be gathered. At Boulder City Library, board policy restricts petitions to the library's Nevada Room. The rationale is that daytime temps can be very hot in the summer, so the board wants petitioners inside, enjoying the AC. The Nevada Room is also an area which can be closed off, so the inevitable political discussions which accompany petition-signing can be had without disturbing other library patrons.

Posted by: [Duncan R. McCoy](#) | [July 20, 2006 at 10:41 AM](#)

## Verify your Comment

### Previewing your Comment

Posted by: |

This is only a preview. Your comment has not yet been posted.




Your comment could not be posted. Error type:

Your comment has been posted. [Post another comment](#)

The letters and numbers you entered did not match the image. Please try again.

As a final step before posting your comment, enter the letters and numbers you see in the image below. This prevents automated programs from posting comments.

Having trouble reading this image? [View an alternate.](#)



[LibraryLaw Blog](#)

[Powered by TypePad](#)