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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 668  
135<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Rep. Lorenz

Austin C. Strohacker, Attorney

### SUMMARY

- Prohibits homeowners, neighborhood, civic, and other associations from restricting the display of political yard signs.

### DETAILED ANALYSIS

Under current law, homeowners, neighborhood, civic, and other associations are prohibited from enacting rules, regulations, or bylaws restricting the placement or display of certain flags. The bill expands this protection to include political yards signs, if the signs are displayed in accordance with relevant state and local laws and ordinances.<sup>1</sup>

A yard sign is considered political for the purposes of the bill if it endorses a particular political candidate, party, or belief and does not violate state or federal hate crime laws.<sup>2</sup>

The prohibition might not be enforceable with respect to deed restrictions, rules, regulations, bylaws, and governing documents adopted before the bill's effective date. Both the U.S. Constitution and the Ohio Constitution prohibit the General Assembly from enacting laws "impairing the obligation of contracts."<sup>3</sup> Deed restrictions and the governing documents of homeowners, neighborhood, and civic associations create contractual rights and obligations. The U.S. Supreme Court has held that the contract clause does not prohibit states from enacting laws to protect the vital interests of citizens which could, presumably, include free speech interests.<sup>4</sup> However, the Court stipulates that a state's regulation of contracts must be reasonably designed

<sup>1</sup> R.C. 5301.072(A)(5).

<sup>2</sup> R.C. 5301.072(B); R.C. 2927.12, not in the bill, and 18 United States Code 249.

<sup>3</sup> Ohio Constitution, Article II, Section 28; U.S. Constitution, Article I, Section 10.

<sup>4</sup> *Home Bldg. & Loan Asso. v. Blaisdell*, 290 U.S. 398, 434 (1934).

and appropriately tailored to achieve a legitimate public purpose.<sup>5</sup> Only a court can determine whether the bill meets that standard.

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## HISTORY

Action	Date
Introduced	09-06-24

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<sup>5</sup> *United States Trust Co. v. New Jersey*, 431 U.S. 1, 20 (1977).