



THE CITIZEN ADVOCACY CENTER'S

How to Find Policies Regulating Public Assembly (Issued 9/2018)

Introduction

One of the freedoms enjoyed by Americans is the right to assemble, which is one of the five freedoms in the First Amendment. Assembly includes rallies, marches, parades, and other activities where people convene for a particular reason. One reason for which people may exercise their Freedom to Assemble is to make a political statement, often in protest. Although the government must not interfere with citizens' freedom to assemble, the state and local authorities have the power to pass laws that regulate how assembly happens through requiring that the sponsors apprise local authorities of the assembly activities, apply for a permit, or purchase insurance. In addition, there are often rules limiting the time, location, or number of attendees. Unfortunately, state or local government is not required to make the rules and regulations governing assembly easy to find, even if they are available electronically. The rules may be embedded in the government code, or an assembly policy may appear somewhere on a government website untethered to the government code.

This guide will explain what to look for and how to find your municipality or county's rules for assembly so you may confidently exercise First Amendment rights. For the sake of simplicity, these instructions will refer to municipal policies, but the steps apply to any type of public body.

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Step 1: Know what information you are searching for

Governments are allowed to restrict the manner of assembly so that it complies with local laws and ordinances, but they may not regulate the message or viewpoint that is the basis for the assembly. These unlawful regulations are called content-based regulation, and they violate the First Amendment.

The following information may not apply to every municipality, but is a list of potential restrictions and requirements a municipality can have:

- Required Permit
 - If there is one, what is the deadline for the permit application?
 - Are there fees to apply, and what are they?
- Required Insurance
 - Is insurance required?
 - What is the deadline to file insurance?
 - What specific insurance coverage is required, if any?
- Time Restrictions for the Assembly Event
- Restrictions on Number of Attendees
- Variability of Application of Policy (e.g., to streets or sidewalks)

Step 2: Where to find information

The two main resources used to find any regulations on assembly are the municipality's website and municipal code. Some municipalities may have links on their website to a permit called a "Special Event Permit" or a "Parade Permit." This can be found either by searching in the website's search bar, or by looking under sections such as "How to Apply" or "Resources." These permits often outline what is required from the assembly organizers.

If the website does not have the permit application with instructions, then find the municipal code for more information. Search for "special event," "temporary use," "parade," "open air meeting," or "permit." Many codes have a section titled "Special Events," which might provide all applicable information on the application process, insurance requirements, and other regulations. Some municipal codes do not have sections specifically for "protests" and "parades," for examples; but there may be general restrictions such as location and time limitations that can be found under an "Unlawful Assemblies" section in a municipal code.

Step 3: Who to contact if information is unclear

If you cannot find any information pertaining to a permit or other procedures for holding your assembly, the only way to ensure that you are planning lawfully is to contact a government official at the municipality or county who has knowledge of

assembly regulations. You may send an email or make a phone call to the city clerk or chief police officer. Some municipalities do not have any specific regulations on protests, especially if they occur on the sidewalk. However, it is recommended to contact the police or an administrator so that government officials are aware of the assembly, may identify any potential safety hazards, and can help your event run smoothly, even if no formal application is required. Another way to request information from a municipality that does not have clear or relevant information in its municipal code is to send a Freedom of Information Act (FOIA) Request to ask for the relevant regulations or ordinances. In this case, the government body has 5 business days to respond to your request. For more on FOIA, please consult [CAC's Freedom of Information Act Citizen Guide](#).

This brochure is meant to provide a general guide to automatic voter registration in Illinois and should not be taken as legal advice.

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