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SENT VIA EMAIL TO RSHAW@STAMFORDCT.GOV

City of Stamford Board of Representatives
888 Washington Blvd., 4th Floor
Stamford, CT 06901
Attn: Board President Ramya Shaw

March 4, 2026

RE: PROPOSED AMENDMENT TO SECTION E.3 OF PUBLIC COMMENT PERIOD RULES

Dear Board President Shaw,

I'm writing on behalf of the New England First Amendment Coalition. NEFAC is the region's leading advocate for First Amendment freedoms and the public's right to know about government. The coalition is a non-partisan and non-profit organization that believes in the power of citizen engagement in a democratic society. Its Board of Directors and Advisors include many of the state's top media attorneys, journalists and fellow open government advocates.¹

While these are contentious times and managing public meetings can be increasingly difficult, our coalition is nonetheless concerned with recently proposed amendments to Section E.3 of the Board's rules for public comment periods.² It's our understanding that the Board is considering several different options and will soon vote on whether to change its policy. Though this letter focuses on the Dec. 8 proposal by Rep. Michael McKeown, the laws and principles cited are generally applicable to all public comment rules.

The amendment proposed by Rep. McKeown states that:

"Speakers may not address a topic that the speaker has addressed in a previous public comment period. A speaker may address the Board during a public comment period no more than three times during a calendar year ... Disparaging personal comments about a Board member or other public official (elected or appointed) shall be deemed to be disruptive or unruly, whether or not the speaker states the name of the Board members or public official."

This amendment — at least in part — would violate the Connecticut Constitution and the First Amendment of the U.S. Constitution. We urge you to either abandon the proposed amendment to Section E.3 or revise it in accordance with our guidance below.

Limited Public Forums

Government meetings that are opened for public comment are considered limited public forums. In such a forum, speech restrictions must be viewpoint neutral and reasonable. Limiting public commentary to particular subjects without regard to viewpoint may be allowed under the First Amendment but restricting comments on prior unresolved issues related to those subjects is unreasonable. Similarly, limiting speakers to three comments per calendar year when their concerns may warrant more attention is also unreasonable.

Such restrictions not only silence ongoing concerns that need renewed attention but they also disenfranchise the residents who raise these issues. Consider an individual who repeatedly expresses a safety concern about a public roadway yet the town unjustifiably takes no action. Restricting the individual to just three comments each year and preventing them from repeating their concerns would drastically limit their ability to engage with city government and demand accountability.

Criticism of Public Officials

The First Amendment also protects speech that may be considered disparaging so long as such speech doesn't veer into unprotected categories of expression such as libel, true threats or incitement. This protection ensures individuals can adequately critique those who represent them, hold their public officials accountable, demand better representation, and express dissent without fear of censorship. If the concern behind the proposed policy is the reputation of those being disparaged, remember that there already exist judicial remedies for libel and slander. A policy that prohibits "disparaging" comments — without regard for whether those comments are true or strictly one's opinion — is ripe for abuse by city officials who might use the ordinance to silence valid criticism and specific viewpoints.

While the case is not binding in Connecticut, we encourage you to take guidance from a recent Massachusetts decision addressing similar civility codes while noting our country's long history of impolite discourse.³ The Massachusetts Declaration of Rights provides that "[t]he people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives; and to request of the legislative body . . . redress of the wrongs done to them," the court wrote, adding that "'peaceable and orderly' is not the same as 'respectful and courteous.'" It continued:

"There was nothing respectful or courteous about the public assemblies of the revolutionary period. There was also much that was rude and personal, especially when it was directed at the representatives of the king and the king himself."

The court then held that the content sought to be prohibited — "discourteous, rude, disrespectful, or personal speech about government officials and governmental actions" — was clearly protected and thus the prohibition was impermissible under the state's constitution. Article I, clause 16 of the Connecticut Constitution is similar to the provision of the Massachusetts Declaration of Rights at issue in this case. The Connecticut Constitution guarantees the right of citizens to assemble and demand from their government a redress of grievances and likewise includes the same protections for speech.

Constitutional Options Remain

Despite our concerns with the proposed amendment to Section E.3, the city is still able to regulate public comments. It is permissible under state and federal constitutions, for example, to designate when in a meeting such speech is allowed or to set reasonable time limits for those speaking. Without these limits on expression, one might argue, government meetings cannot proceed effectively and efficiently. These limits, however, must be viewpoint neutral and reasonable. Much of the proposed amendment to Section E.3 is not.

Again, we request this proposed amendment to Section E.3 be either abandoned or revised to align with the public's free speech rights pursuant to state and federal law. We welcome the opportunity to assist in revising the rule or helping in any other way.

Thank you for your time and consideration.



Justin Silverman
NEFAC Executive Director

¹ Please visit nefac.org to learn more about the New England First Amendment Coalition and its leadership.

² Full text of proposed amendment enclosed.

³ See *Barron v. Kolenda*, 291 Mass. 408 (2023).

Proposed Amendments to Board Rules Re Public Comment Period

Amend Section E.3 as follows:

3. Time for Public Comment

- a. As set forth in Article IV.A.1.f, there shall be a period for public comment, subject to the following procedures.
 - i. The public comment period shall not exceed thirty (30) minutes. However, any member may make a motion to extend the public comment period, provided the total does not exceed 50 minutes. The motion must be made before the public comment period starts and must pass by a simple majority vote of members present and voting.
 - ii. The President shall establish the amount of time allocated per speaker, which shall neither exceed three (3) minutes nor be less than one and one half (1½) minutes per speaker. Given the time limits set forth in section i, there is no guarantee that all members of the public who have signed up to speak will have the opportunity to do so. In the event that the public comment period is extended beyond thirty (30) minutes, the time allocated per speaker shall be no more than two (2) minutes.
 - iii. Speakers shall sign in indicate their wish to speak during the public comment period by notifying the Board Office no later than 5:00 PM prior to the start of the meeting, indicating their name and Board district. The Board Office shall construct a sign-in sheet accordingly. Speakers may address any topic which has not been subject to a prior public hearing of either the Board or a Board committee. Speakers may not address a topic that the speaker has addressed in a previous public comment period. A speaker may address the Board during a public comment period no more than three times during a calendar year.
 - iv. Speakers shall be heard in the order listed on the sign-in sheet, ~~or in the instance of online meetings, the order in which their request to speak was received by the office of the Board.~~
- b. The President may keep good order and decorum in any manner authorized by Roberts Rules of Order, and, for the avoidance of doubt, may shorten or cancel the speaking time of any speaker during the public comment period deemed in the President's sole discretion to be disruptive or unruly. Disparaging personal comments about a Board member or other public official (elected or appointed) shall be deemed to be disruptive or unruly, whether or not the speaker states the name of the Board member or public official.