

# Indiana judge: Door-to-door canvassing law violates free speech



Kristine Guerra, [kristine.guerra@indystar.com](mailto:kristine.guerra@indystar.com) 12:58 p.m. EDT October 3, 2014



(Photo: Charlie Nye/Star file photo)

An Indiana town's ordinance severely restricting door-to-door canvassing violates free speech, a federal judge says.

Judge Richard Young of the U.S. District Court for the Southern District of Indiana issued the ruling Tuesday in favor of the [Citizens Action Coalition of Indiana, Inc.](http://www.citact.org/) (<http://www.citact.org/>) which relies on field canvassing for a quarter of its annual revenue.

The Indianapolis-based nonprofit filed a lawsuit in March 2013 against Yorktown, alleging its ordinance requiring application and licensing fees and prohibiting door-to-door canvassing before 9 a.m. and after 8 p.m. or dusk violates the group's First Amendment rights and significantly limits its ability to reach its audience.

In his ruling, Young said there isn't enough evidence to show that evening canvassing poses a threat to residents' safety. Those who aren't willing to talk to canvassers don't have to do so, he said. Young also wrote that the ordinance does not leave other alternatives for the group.



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"Without any substantive evidence establishing an increase in the crime rate due to door-to-door solicitation, the Town fails to show how canvassing after sunset but before 9:00 p.m. poses any greater threat to its citizens than any other person who may come to a resident's door after dark," the judge wrote.

The [American Civil Liberties Union of Indiana](http://aclu-in.org/) (<http://aclu-in.org/>), which represents the coalition, applauded the ruling.

"We are pleased that the Court recognized that the ability of the government at any level to interfere with this activity is severely limited, and hope that this ruling will educate other municipalities that might consider similar legislation," ACLU of Indiana staff attorney Gavin Rose said in a statement.

The grass-roots organization, which focuses on utility rates and regulation, energy policy and health care, garners about 25 percent of its annual revenue from door-to-door canvassing. The group also uses canvassers to gain membership and to discuss issues with residential neighborhoods.

In February 2012, the town passed an ordinance that requires peddlers, fundraisers and solicitors to apply for a license and prohibits door-to-door canvassing before 9 a.m. and after 8 p.m. or dusk.

The ordinance also called for a \$150 application fee and a weekly \$50 license fee for each person. Those who violate the time restriction had to pay a \$2,500 fine.

According to the coalition's lawsuit, the fees are too costly for the group, which typically sends five to 30 canvassers to a city or town, depending on its size. Yorktown Town Manager Pete Olson said that part of the ordinance was later clarified to apply only to those who are selling something.

The coalition also said the restriction is significantly limiting because residents are more likely to be at home after 7 p.m. Documents said nearly 50 percent of all donations made to the group between April and October 2013 were through door-to-door canvassing after 7 p.m. The organization also said the word "dusk" in the ordinance is too vague, because sunset can be as early as 5:30 p.m. during the winter.

Documents said the coalition's canvassers had been knocking on doors in Yorktown for almost two years, typically between 4 and 9 p.m. on weekdays, before Yorktown passed the ordinance.

Olson said town officials are disappointed about the ruling. He said they are weighing their options, which could include filing an appeal.

The Delaware County town about 55 miles northeast of Indianapolis has a population of more than 11,000 people, according to the latest census

estimates.

The Town Council passed the ordinance after residents voiced concerns about their privacy and safety, according to court documents. Most were apprehensive about canvassers knocking on their doors after dark.

Contact Star reporter Kristine Guerra at (317) 444-6209. Follow her on Twitter: @kristine\_guerra.

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