

1974 WL 27770 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 20, 1974

\*1 Honorable Dan Bridges  
Mayor  
Town of Duncan  
Duncan, S. C. 29334

Dear Mr. Bridges:

You have requested an opinion from this office on the constitutionality of municipal resolution forbidding door-to-door selling or canvassing.

In [Martin v. City of Struthers](#), 319 U.S. 141, 141; 63 S.Ct. 862, 862; 87 L.Ed. 1313, 1316, (1943), the Supreme Court ruled that such ordinances were unconstitutional.

‘Whether such visiting shall be permitted has in general been deemed to depend upon the will of the individual master of each household, and not upon the determination of the community.’

The Court does allow regulation of time, place, and manner of distribution to protest the peace, good order, and comfort of the community.

This constitutional protection extends to salesmen as well as religious groups. In [City of Orangeburg v. Farmer](#), 186 S.E. 783 (1936) the South Carolina Supreme Court ruled unconstitutional a city ordinance forbidding door-to-door salesmen from soliciting within the city. The Court said that the city could regulate standards based on the public interest. The ordinance here which completely forbade such solicitation was seen as unreasonable.

In these and other cases, both the U. S. Supreme Court and the South Carolina Supreme Court have clearly stated that ordinances such as the one in question violate basic First Amendment rights and thus are unconstitutional. These decisions do allow regulation of the manner of solicitation or canvassing to protect the public's interest, but this regulation must be reasonable and non-discriminatory.

Please do not hesitate to contact me if there is any further problem.

Yours truly,

Van Edwards  
Law Clerk

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