

## **Essay Question No. 2**

### **Answer this question in booklet #2.**

Senator Sam introduced a bill in the Alaska legislature that would limit door to door solicitation for all purposes to the hours of 10:00 a.m. to 3:00 p.m. Shortly after introducing the bill, Senator Sam gave a speech at a fundraiser for Develop Alaska, an advocacy organization consisting of businesses involved in resource extraction. Develop Alaska raises money by hosting dinners at which notable people give speeches. Senator Sam told Develop Alaska that the new statute should help resource extraction businesses by limiting the ability of radical environmentalists to raise money and contact voters.

The legislature passed Senator Sam's bill. As passed, the statute contains a provision setting out the legislature's findings. According to the statute, there are very few sidewalks or roadside paths in the residential areas in Alaska's villages, towns, and cities. Further, during winter, snow piles up in large berms in road right of ways. The statute also states that these conditions make it hazardous for pedestrians in the winter and that restricting solicitation to the hours between 10:00 a.m. and 3:00 p.m. is necessary to reduce vehicle accidents involving pedestrians in the dark.

Peter Plaintiff is a member of Green Voters, an advocacy organization that lobbies the legislature on environmental issues and educates voters on ballot measures that affect the environment. Green Voters also pursues its goals through litigation. Green Voters has drawn the ire of the pro-development community by aggressively litigating every issue no matter how picayune. Peter is a volunteer solicitor for Green Voters. Once a week in the evening after work, Peter goes door to door for Green Voters. Peter prefers going door to door in the evening because it accommodates his work schedule and because more people are at home. Peter asks the people who answer the doors if they are aware of the issue he wants to discuss. He carries pamphlets and other handouts that explain Green Voters' position on the issue. If people express interest or support, he asks them if they would like to join Green Voters or make a donation.

Peter Plaintiff is also a member of a church that requires its members go out amongst the public and attempt to convert people. Because Peter is comfortable going door to door, he fulfills his obligation by spending Sunday evening trying to convert people one household at a time. He has been doing this for the past three years. He never asks for money. If people express interest, he will talk to them about his beliefs.

He will leave pamphlets with his church's meeting times and offer to come back and discuss his beliefs further.

Peter Plaintiff wants to know if he has any basis for challenging Senator Sam's statute under the Alaska Constitution. Please discuss the arguments that Peter could make.