

itedTherefore we do not pass on the validity of an ordinance limited to these or any other supposed evils.”¹⁵³⁰

Talley's anonymity rationale was strengthened in *McIntyre v. Ohio Elections Comm'n*,¹⁵³¹ invalidating Ohio's prohibition on the distribution of anonymous campaign literature. There is a “respected tradition of anonymity in the advocacy of political causes,” the Court noted, and neither of the interests asserted by Ohio justified the limitation. The state's interest in informing the electorate was “plainly insufficient,” and, although the more weighty interest in preventing fraud in the electoral process may be accomplished by a direct prohibition, it may not be accomplished indirectly by an indiscriminate ban on a whole category of speech. Ohio could not apply the prohibition, therefore, to punish anonymous distribution of pamphlets opposing a referendum on school taxes.¹⁵³²

The handbilling cases were distinguished in *City Council v. Taxpayers for Vincent*,¹⁵³³ in which the Court held that a city may prohibit altogether the use of utility poles for posting of signs. Although a city's concern over visual blight could be addressed by an anti-littering ordinance not restricting the expressive activity of distributing handbills, in the case of utility pole signs “it is the medium of expression itself” that creates the visual blight. Hence, the city's prohibition, unlike a prohibition on distributing handbills, was narrowly tailored to curtail no more speech than necessary to accomplish the city's legitimate purpose.¹⁵³⁴ Ten years later, however, the Court unanimously invalidated a town's broad ban on residential signs that permitted only residential identification signs, “for

¹⁵³⁰ 362 U.S. at 64. In *Zwickler v. Koota*, 389 U.S. 241 (1967), the Court directed a lower court to consider the constitutionality of a statute which made it a criminal offense to publish or distribute election literature without identification of the name and address of the printer and of the persons sponsoring the literature. The lower court voided the law, but changed circumstances on a new appeal caused the Court to dismiss. *Golden v. Zwickler*, 394 U.S. 103 (1969).

¹⁵³¹ 514 U.S. 334 (1995).

¹⁵³² In *Buckley v. American Constitutional Law Foundation*, 525 U.S. 182 (1999), the Court struck down a Colorado statute requiring initiative-petition circulators to wear identification badges. It found that “the restraint on speech in this case is more severe than was the restraint in *McIntyre*” because “[p]etition circulation is a less fleeting encounter, for the circulator must endeavor to persuade electors to sign the petition. . . . [T]he badge requirement compels personal name identification at the precise moment when the circulator's interest in anonymity is greatest.” *Id.* at 199. In *Watchtower Bible & Tract Soc'y v. Village of Stratton*, 536 U.S. 150, 166 (2002), concern for the right to anonymity was one reason that the Court struck down an ordinance that made it a misdemeanor to engage in door-to-door advocacy without first registering with the mayor and receiving a permit.

¹⁵³³ 466 U.S. 789 (1984).

¹⁵³⁴ Justice Brennan argued in dissent that adequate alternative forms of communication were not readily available because handbilling or other person-to-person methods would be substantially more expensive, and that the regulation for the sake of aesthetics was not adequately justified.