cal purposes, to promote candidates and issues, and to participate in the political process.[847] The Court is divided with respect to the constitutionality of many of these federal and state restrictions, but it has been consistent in not permitting the government to bar or penalize political speech directly. Thus, it held that the Minnesota Supreme Court could not prohibit candidates for judicial election from announcing their views on disputed legal and political issues.[848] And, when Kentucky attempted to void an election on the ground that the winner's campaign promise to serve at a lower salary than that affixed to the office violated a law prohibiting candidates from offering material benefits to voters in consideration for their votes, the Court ruled unanimously that the state's action violated the First Amendment.[849]

Similarly, California could not prohibit official governing bodies of political parties from endorsing or opposing candidates in primary elections.[850] Minnesota, however, could prohibit a candidate from appearing on the ballot as the candidate of more than one party.[851] The Court wrote that election "[r]egulations imposing severe burdens on plaintiffs' [associational] rights must be narrowly tailored and advance a compelling state interest. Lesser burdens, however, trigger less exacting review, and a State's important regulatory interests will usually be enough to justify reasonable nondiscriminatory restrictions."[852] Minnesota's ban on "fusion" candidates was not severe, as a party that could not place another party's candidate on the ballot was free to communicate its preference for that candidate by other means, and the ban served "valid state interests in ballot integrity and political stability."[853]

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[847] *See*, *e.g.*, Mills v. Alabama, 384 U.S. 214, 218–19 (1966); Buckley v. Valeo, 424 U.S. 1, 14, 19 (1976); First National Bank of Boston v. Bellotti, 435 U.S. 765, 776–78 (1978); Brown v. Hartlage, 456 U.S. 45, 52–54 (1982).

[848] Republican Party of Minnesota v. White, 536 U.S. 765 (2002). Four Justices, however, dissented from this decision.

[849] Brown v. Hartlage, 456 U.S. 45 (1982). *See also* Mills v. Alabama, 384 U.S. 214 (1966) (setting aside a conviction and voiding a statute that punished electioneering or solicitation of votes for or against any proposition on the day of the election, applied to publication of a newspaper editorial on election day supporting an issue on the ballot); Vanasco v. Schwartz, 401 F. Supp. 87 (E.D.N.Y. 1975) (three-judge court), *aff'd*, 423 U.S. 1041 (1976) (statute barring malicious, scurrilous, and false and misleading campaign literature is unconstitutionally overbroad).

[850] Eu v. San Francisco County Democratic Central Comm., 489 U.S. 214 (1989). *Cf.* Burson v. Freeman, 504 U.S. 191 (1992) (upholding Tennessee law prohibiting solicitation of votes and distribution of campaign literature within 100 feet of the entrance to a polling place; plurality found a "compelling" interest in preventing voter intimidation and election fraud).

[851] Timmons v. Twin City Area New Party, 520 U.S. 351 (1997).

[852] 520 U.S. at 538 (internal quotation marks omitted).

[853] 520 U.S. at 369–70.