

489 U.S. 214 (1989)

EU, SECRETARY OF STATE OF CALIFORNIA, ET AL.

v.

SAN FRANCISCO COUNTY DEMOCRATIC CENTRAL COMMITTEE ET AL.

A [paragraph 223]

We first consider California's prohibition on primary endorsements by the official governing bodies of political parties. California concedes that its ban implicates the First Amendment, Tr. of Oral Arg. 17, but contends that the burden is "miniscule." *Id.*, at 7. We disagree. The ban directly affects speech which "is at the core of our electoral process and of the First Amendment freedoms." *Williams v. Rhodes*, *supra*, at 32. We have recognized repeatedly that "debate on the qualifications of candidates [is] integral to the operation of the system of government established by our Constitution." *Buckley v. Valeo*, 424 U. S. 1, 14 (1976) (per curiam); see also *NAACP v. Claiborne Hardware Co.*, 458 U. S. 886, 913 (1982); *Carey v. Brown*, 447 U. S. 455, 467 (1980); *Garrison v. Louisiana*, 379 U. S. 64, 74-75 (1964). Indeed, the First Amendment "has its fullest and most urgent application" to speech uttered during a campaign for political office. *Monitor Patriot Co. v. Roy*, 401 U. S. 265, 272 (1971); see also *Mills v. Alabama*, 384 U. S. 214, 218 (1966). Free discussion about candidates for public office is no less critical before a primary than before a general election. Cf. *Storer v. Brown*, 415 U. S. 724, 735 (1974); *Smith v. Allwright*, 321 U. S. 649, 666 (1944); *United States v. Classic*, 313 U. S. 299, 314 (1941). In both instances, the "election campaign is a means of disseminating ideas as well as attaining political office." *Illinois Bd. of Elections*, *supra*, at 186.

California's ban on primary endorsements, however, prevents party governing bodies from stating whether a candidate adheres to the tenets of the party or whether party officials believe that the candidate is qualified for the position sought. This prohibition directly hampers the ability of a party to spread its message and hamstring voters seeking to inform themselves about the candidates and the campaign issues. See *Tashjian*, *supra*, at 220-222; *Pacific Gas & Electric Co. v. Public Utilities Comm'n of California*, 475 U. S. 1, 8 (1986); *Brown v. Hartlage*, 456 U. S. 45, 60 (1982); *First National Bank of Boston v. Bellotti*, 435 U. S. 765, 791-792 (1978). A "highly paternalistic approach" limiting what people may hear is generally suspect, *Virginia State Bd. of Pharmacy v. Virginia Citizens Consumer Council, Inc.*, 425 U. S. 748, 770 (1976); see also *First National Bank of Boston*, *supra*, at 790-792, but it is particularly egregious where the State censors the political speech a political party shares with its members. See *Roberts v. United States Jaycees*, 468 U. S. 609, 634 (1984) (O'CONNOR, J., concurring).