

The Constitution of Electoral Speech Law

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The Supreme Court and Freedom of Expression
in Campaigns and Elections



BRIAN K. PINAIRE

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"Bush v. Gore" brought to the public's attention the significance of election law and the United States Supreme Court's role in structuring the rules that govern how campaigns and elections function in America. In this book, Brian K. Pinaire examines one expanding domain within this larger legal context: freedom of speech in the political process, or, what he terms, electoral speech law. Specifically, Pinaire examines the Court's evolving conceptions of free speech in the electoral process and then traces the consequences of various debates and determinations from the post-World War II

era to the present. In his analysis of the broad range of cases from this period, supplemented by four recent case study investigations, Pinaire explores competing visions of electoral expression in the marketplace of ideas, various methods for analyzing speech dilemmas, the multiple influences that shape the justices' notions of both the potential for and privileged status of electoral communication, and the ultimate implications of these Court rulings for American democracy.

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