

McCutcheon v. FEC (2013)

Holding: Because aggregate limits restricting how much money a donor may contribute to candidates for federal office, political parties, and political action committees do not further the government’s interest in preventing quid pro quo corruption or the appearance of such corruption, while at the same time seriously restricting participation in the democratic process, they are invalid under the First Amendment.

SUPPORT

DISSENT

<p>“In its simplest terms, the aggregate limits prohibit an individual from fully contributing to the primary and general election campaigns of ten or more candidates, even if all contributions fall within the base limits... And it is no response to say that the individual can simply contribute less than the base limits permit: To require one person to contribute at lower levels because he wants to support more candidates or causes is to penalize that individual for “robustly exercis[ing]” his First Amendment rights.” –Justice Roberts</p> <p>--“Today’s court decision in McCutcheon v. FEC is an important first step toward restoring the voice of candidates and party committees and a vindication for all those who support robust, transparent political discourse,” – Republican National Committee Chair Reince Priebus</p> <p>-- An aggregate limit on <i>how many</i> candidates and committees an individual may support through contributes is no a ‘modest restraint’ at all</p> <p>--Removing this limit won’t prevent quid pro quo corruption (bribery)</p>	<p>--“The ‘appearance of corruption’ can make matters worse. It can lead the public to believe that its efforts to communicate with its representatives or to help sway public opinion have little purpose. And a cynical public can lose interest in political participation altogether.” –Justice Breyer</p> <p>--“There [is] an indisputable link between generous political donations and opportunity after opportunity to make one’s case directly to a Member of Congress.” –Breyer</p> <p>--Does money count as speech?</p> <p>--People will lose faith in the American political process</p> <p>--Campaign finance “eviscerates our Nation’s campaign finance laws, leaving a remnant incapable of dealing with the grave problems of democratic legitimacy that those laws were intended to resolve.” --Breyer</p> <p>--A small percentage of donors accounts for a large bulk of funding in U.S.</p>
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ADDITIONAL INFO:

- You can already donate to a 501(c)4 without disclosing
- Joint fundraising committees; \$\$ to RNC as opposed to Super PACs/501(c)4s
- **Quid pro quo**- “something for something”; direct bribery

Publicly Funded Elections:

What are Publicly Funded elections?

- In publicly funded elections, candidates are able to spend taxpayer dollars on their campaigns in exchange for accepting spending limits and foregoing private donations.

What is the purpose of publicly funded elections?

1. Publicly funded elections reduce the influence of big money in politics
2. Effectively limit outside funding. Reduce the amount of money that candidates would need to raise from outside groups
3. Reduce overall campaign expenditures
4. Candidates could spend less time fundraising and devote more time to their duties as elected officials.
5. Makes it easier for challengers to enter and win the race when incumbents have structural advantages in fundraising

How do publicly funded elections work?

There are many different mechanisms for publicly funded elections. For example, if candidates opt into a program, they may forgo contributions over a certain dollar amount (\$250) and only accept small \$ donations with matching funds from the government.

- **H.R. 20- Government By the People Act-** Every person given a “My Voice Voucher”- \$50 that can be spent in \$5 increments on federal election candidates

“That voucher could then be given to any candidate for Congress who agreed to one simple condition: the only money that candidate would accept to finance his or her campaign would be either “democracy vouchers” or contributions from citizens capped at \$100. No PAC money. No \$2,500 checks. Small contributions only. And if the voter didn’t use the voucher? The money would pass to his or her party, or, if an independent, back to this public funding system.”

- Lawrence Lessig, Founder of Rootstrikers

Do they work?

Maine and Arizona have implemented similar clean election programs for their state level races in 2000. In both states, the clean election programs greatly enhanced competition in districts where challengers accepted public funding. The results show that public money does not simply attract lower quality candidates and that access to funds is an important determinant of competitiveness.

Sources: http://www.ncsl.org/research/elections-and-campaigns/public-financing-of-campaigns-overview.aspx#Table_3
<http://www.scotusblog.com/case-files/cases/mccutcheon-v-federal-election-commission/>