

Key Campaign Finance Cases

CONTRIBUTION LIMITS

- *Buckley v. Valeo*, 424 U.S. 1 (1976)
 - Some contribution limits are constitutional; expenditure limits are not.
- *First National Bank of Boston v. Bellotti*, 435 U.S. 765 (1978)
 - States cannot prohibit corporations from contributing money to ballot proposals
- *Citizens Against Rent Control v. City of Berkeley*, 454 U.S. 290 (1981)
 - No contribution limits for ballot measures.
- *Nixon v. Shrink Missouri Government PAC*, 528 U.S. 377 (2000)
 - States may establish contribution limits.
- *McConnell v. Federal Election Commission*, 540 U.S. 93 (2003)
 - Recognized connection between “soft money” and corruption.
- *Randall v. Sorrell*, 548 U.S. 230 (2006)
 - States cannot limit independent expenditures; contribution limits may not be impermissibly low.
- *Davis v. Federal Election Commission*, 554 U.S. 724 (2008)
 - Struck down “Millionaire’s amendment” which tripled contribution limit for candidates whose opponents spent more than \$350,000 of personal funds in support of campaign.
- *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010)
 - States cannot place limits on the amount of money corporations, unions, or political committees use for electioneering communications, as long as they are independent expenditures and not made in coordination with the candidate or political committee.
- *McCutcheon v. Federal Election Commission*, 134 S. Ct. 1434 (2014)
 - States cannot impose aggregate limits on how much an individual or group contributes to all campaigns during a campaign cycle.
- *Lair v. Bullock*, 787 F.3d 989 (9th Cir. 2015)
 - State contribution limits must be analyzed differently after *Citizens United*. The prevention of *quid pro quo* corruption, or its appearance, is now the only sufficiently important state interest to justify contribution limits.
- *Randall v. Sorrell*, 548 U.S. 230 (2006)
 - Struck down Vermont’s contribution limits of \$200 for State Representative, \$300 for State Senator and \$400 for statewide office as being too low and permitting incumbents to insulate themselves from effective electoral challenges.
- *VanNatta v. Keisling*, 151 F.3d 1215 (9th Cir. 1998)
 - Overturned Ballot Measure 6, which amended Oregon Constitution to limit out-of-district contributions to 10 percent of total amount of candidate’s contributions.
- *VanNatta v. Keisling*, 324 Or. 514 (1997)
 - Contribution limits violate Article 1, section 8 of Oregon Constitution.

- [*Hazell v. Brown, 352.Or. 455 \(2012\)*](#)
 - Measure 47 (establishing contribution limits) is held in abeyance pending a constitutional amendment permitting contribution limits.

PUBLIC FINANCING

- [*Buckley v. Valeo, 424 U.S. 1 \(1976\)*](#)
 - Upheld presidential public financing scheme, saying that public money may be conditioned on a candidate's agreement to abide by expenditure limits.
- [*Arizona Free Enterprise Club's Freedom Club PAC v. Bennett, 131 S. Ct. 2806 \(2011\)*](#)
 - Overturned Arizona's attempt at public financing. Under decision, it is difficult to allocate public financing based on amount raised or spent by other side, as this would likely constitute a "penalty" on speech, subject to strict scrutiny. Argument that scheme is designed to make candidates less reliant on private donors is insufficient.

DISCLOSURE

- [*Buckley v. Valeo, 424 U.S. 1 \(1976\)*](#)
 - Established three interests that may justify disclosure: informing the electorate of where campaign money comes from and how it is spent; deterring corruption and avoiding the appearance of corruption by exposing large contributors who may be seeking special treatment; and gathering information needed to detect violations of contribution limits.
- [*McConnell v. Federal Election Commission, 540 U.S. 93 \(2003\)*](#)
 - Upheld disclosure requirements against a facial challenge, reasoning that they would help voters make informed choices.
- [*Citizens United v. Federal Election Commission, 558 U.S. 310 \(2010\)*](#)
 - Upheld disclosure portion of *McConnell*.
- [*Brown v. Socialist Workers '74 Campaign Committee, 459 U.S. 87 \(1982\)*](#)
 - Disclosure requirement may not constitutionally be applied where there is a reasonable probability of threats, harassment, or reprisals from government officials or private parties.
- [*McIntyre v. Ohio Elections Commission, 514 U.S. 334 \(1995\)*](#)
 - Struck down law prohibiting distribution of anonymous campaign literature.
- [*Buckley v. American Constitutional Law Foundation, 525 U.S. 182 \(1999\)*](#)
 - Struck down law requiring paid petition circulators to wear badge with name and requiring initiative proponents to file reports listing circulators and their income received from circulation.
- [*Doe v. Reed, 130 S. Ct. 2811 \(2010\)*](#)
 - Rejected challenge to state law requiring disclosure of names and addresses of referendum petition signatories absent specific evidence of

threats, harassment, or reprisals against those signing the referendum petition.

- *State v. Moyer*, 348 Or. 220 (2010)
 - Sets forth how *Robertson* test applies to elections law issues. States that disclosure “may not necessarily offend the constitutional requirement” set forth Article 1, section 8 (emphasis in original). In fn. 11, notes that it is still an open question as to whether Article I, section 8 would prevent Legislative Assembly from prohibiting anonymous contributions.
- 49 Op. Att'y Gen. 179 (1999)
<http://www.doj.state.or.us/agoffice/agopinions/op8266.pdf>
 - Attorney General opinion that led to repeal of ORS 260.522 (requiring identification of source of political publication). Attorney General concluded that this requirement violated Article I, section 8 and was therefore unenforceable.

EXPENDITURES

- *Buckley v. Valeo*, 424 U.S. 1 (1976)
 - Expenditure limits are not constitutional.
- *Randall v. Sorrell*, 548 U.S. 230 (2006)
 - States cannot limit independent expenditures.
- *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010)
 - No valid constitutional interest in limiting independent expenditures.
- *Speechnow.org v. Federal Election Commission*, 599 F.3d 686 (D.C. Cir. 2010)
 - Following *Citizens United*, no valid constitutional interest in limiting contributions to independent expenditure only committees (Super PACs).
- *Deras v. Myers*, 272 Or. 47 (1975)
 - Political expenditure limits violate Article I, section 8 of Oregon Constitution.