



U.S. Supreme Court strikes down limits on aggregate campaign contributions

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On April 2, 2014, the United States Supreme Court struck down the aggregate limits on how much an individual may contribute in one campaign cycle. The ruling applies to contributions to federal candidates, political parties and political action committees (PACs). [McCutcheon v. Federal Election Commission](#).

Under the Federal Election Campaign Act of 1971 (FECA), as amended by the Bipartisan Campaign Reform Act of 2002 (BCRA), an individual may contribute up to \$2,600 per election to a candidate (\$5,200 total if the candidate has a primary and general election). A person may also contribute \$32,400 per year to a national party committee, \$10,000 to a state or local party committee and \$5,000 per year to a PAC. These "base limits" restrict how much an individual may contribute to a particular candidate or committee.

The FECA and BCRA also imposed "aggregate limits," or restrictions on the total amount an individual may contribute. In effect, these restrictions limit how many candidates or committees a person can support. Aggregate limits allowed an individual to contribute a total of \$48,600 to federal candidates (with the base limit of \$5,200 to each individual candidate) and \$74,000 to political parties, only \$48,600 of which could go to all PACs and state political parties. Essentially, an individual may only give the full legal base amount to nine candidates before reaching the aggregate limit.

In its opinion in the case, the Court concluded that the aggregate limits are invalid under the First Amendment. Writing for the majority, Chief Justice Roberts emphasized that – while not an absolute right – the right of citizens to participate in the democratic process by making political contributions is a right protected by the First Amendment.

Historically, other limits on campaign contributions have withstood scrutiny by the Supreme Court on the grounds that such limits are necessary to protect against corruption or the appearance of corruption. However, in this case the court was unconvinced that the aggregate limits prevent the circumvention of base contribution limits. Thus, the Court concluded that, without any anti-corruption

justification, the aggregate limits only act as a restriction on participation in the democratic process. As the Chief Justice wrote, “The government has a strong interest, no less critical to our democratic system, in combating corruption and its appearance. We have, however, held that this interest must be limited to a specific kind of corruption – quid pro quo corruption – in order to ensure that the Government’s efforts do not have the effect of restricting the First Amendment right of citizens to choose who shall govern them.”

The majority dismissed notions that contributing less money to more candidates or volunteering time on behalf of additional candidates were reasonable alternatives.

It is important to note that the base limits – the restrictions on contributions to a particular candidate or committee – were not struck down and remain in place. Notwithstanding, in his concurring opinion, Justice Thomas suggests he would have used the opportunity to overrule the decision in *Buckley v. Valeo*, in which the Court upheld the base limits.

Dissenting were Justice Breyer, Justice Ginsburg, Justice Sotomayor and Justice Kagan.