

Policy Alert

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Supreme Court Campaign Finance Decision Invalidates Aggregate Limits

Today, in a five-to-four decision written by Chief Justice Roberts, the U.S. Supreme Court invalidated the aggregate limits restricting the total contributions individual donors could make to candidates, political action committees and political party committees in a two-year election cycle (“Aggregate Limits”). The Court’s final ruling has been widely anticipated as the most consequential campaign finance decision since the landmark 2010 “Citizens United” ruling, which eliminated the ban on independent corporate spending in elections.

Holding that the “Congress may not regulate contributions simply to reduce the amount of money in politics, or to restrict the political participation of some in order to enhance the relative influence of others,” the Court declined to accept the government’s arguments that the Aggregate Limits are necessary to prevent corruption or the appearance of corruption. The Court concluded that such concerns are addressed by the base limits which restrict the amount of money an individual may give to a particular candidate, political action committee or political party committee as well as anti-circumvention regulations adopted by the Federal Election Commission since *Buckley v. Valeo* in 1976.

At issue in *McCutcheon v. Federal Election Commission* was the constitutionality of the Aggregate Limits, which restrict the total amount an individual may give to candidates for federal office, federal political action committees and federal political party committees during a two-year election cycle. The Aggregate Limits are indexed for inflation and apply to a two-year election cycle, beginning on January 1 of the odd-numbered year and ending on December 31 of the even-numbered year. The Aggregate Limits are in addition to the specific limits placed on contributions to different types of committees.

Suing the Federal Election Commission in the U.S. District Court for the District of Columbia, the plaintiff, Shaun McCutcheon, a frequent contributor to various candidates and causes, argued that the Aggregate Limits infringed his First Amendment rights of freedom of expression and association by limiting the total amount that he could give to all political committees. Specifically, McCutcheon argued that the Aggregate Limits prohibit him from giving the maximum contribution of \$2,600 per election per candidate to as many candidates as he would like and severely restricts his ability to support political party committees.

In considering McCutcheon’s arguments, the Court was unable to reconcile why, “[i]f there is no corruption concern in giving nine candidates up to \$5,200 each,” a contribution to a tenth candidate, in any amount, would give rise to corruption or the appearance of corruption. The Court stated, “[t]o put it in the 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 Congress views as adequate to protect against corruption.” Such a limitation, the Court concluded,

“do[es] little, if anything to address that concern, while seriously restricting participation in the democratic process. The aggregate limits are therefore invalid under the First Amendment.”

While the decision does not impact contribution limits to specific candidates, political party committees or political action committees, today’s decision significantly increases the ability of individual donors to contribute to a wide-reaching number of political committees.

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