] disserves the anticorruption interest." [867] Citing *Buckley* again, the Court added that the governmental interest in equalizing the financial resources of candidates does not provide a justification for restricting expenditures, and, in fact, to restrict expenditures "has ominous implications because it would permit Congress to arrogate the voters' authority to evaluate the strengths of candidates competing for office. . . . Different candidates have different strengths. Some are wealthy; others have wealthy supporters who are willing to make large contributions. Some are celebrities; some have the benefit of a well-known family name. Leveling electoral opportunities means making and implementing judgments about which strengths should be permitted to the outcome of an election." [868]

A related question is whether the government violates the First Amendment rights of a candidate running a privately funded campaign when it provides public "equalization" funds to opposition candidates. In *Arizona Free Enterprise Club's Freedom Club PAC v. Bennett*,[869] the Court considered an Arizona voluntary public financing system which granted an initial allotment to the campaigns of candidates for state office who agreed to certain requirements and limitations.[870] In addition, matching funds were made available to the campaign if the expenditures of a privately financed opposing candidate, combined with the expenditures of any independent groups supporting that opposing candidacy, exceeded the campaign's initial allotment. Citing *Davis*, the Court found the scheme unconstitutional because it forced the privately financed candidate to "shoulder a special and potentially significant burden" in choosing to exercise his First Amendment right to spend funds on behalf of his candidacy.[871] Although the dissent argued that the provision of benefits to one speaker had not previously been considered by the Court as

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[867] 128 S. Ct. at 2773 (emphasis in original). Justice Stevens, in the part of his dissenting opinion joined by Justices Souter, Ginsburg, and Breyer, found that the Millionaire's Amendment does not cause self-funding candidates "any First Amendment injury whatsoever. The Millionaire's Amendment quiets no speech at all. On the contrary, it does no more than assist the opponent of a self-funding candidate in his attempts to make his voice heard. . . . Enhancing the speech of the millionaire's opponent, far from contravening the First Amendment, actually advances its core principles." Id. at 2780.

[868] 128 S. Ct. at 2773–74. The Court also struck down the disclosure requirements in § 319(b) of BCRA because they "were designed to implement the asymmetrical contribution limits provided for in § 319(a), and . . . § 319(a) violates the First Amendment." Id. at 2775.

[869] 564 U.S. ___, No. 10–238, slip op. (2011).

[870] These included limiting the expenditure of personal funds to $500, participating in at least one public debate, adhering to an over all expenditure cap, and returning all unspent public moneys to the State.

[871] *Bennett*, 564 U.S. ___, No. 10–238, slip op. at 11 quoting *Davis,* 554 U.S. at 739.