

U.S. Congress

Fundraising

Nathan Barron

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1 Major Supreme Court Rulings

1.1 *Buckley v. Valeo* (1976)

- Congress passes the Federal Election Campaign Act of 1971 as an anti-corruption measure after Watergate
- FECA aimed to regulate who could donate how much to campaigns and how campaigns could spend that money
- SCOTUS determined that political donations carry the weight of political speech and are thus given First Amendment rights
- SCOTUS determined that the FEC can regulate individual contributions to candidate campaigns; while these donations are free speech, anti-corruption is a compelling government interest that must be counterbalanced
- SCOTUS determined that the FEC cannot regulate a campaign's total expenditures or money self-raised; the government's interest in anti-corruption is not sufficiently advanced by these regulations

1.2 *McConnell v. FEC* (2003)

- Congress passes the Bipartisan Campaign Reform Act of 2002 (or the McCain-Feingold Act) to regulate “soft money” transfers from source-to-source that bypass giving limits and place additional restrictions on “electioneering” activities
- SCOTUS ruled that Congress possessed the authority to regulate soft money and electioneering with 60 days of the election

1.3 *Citizens United v. FEC* (2010)

- The conservative group Citizens United published a film *Hillary: The Movie* during the 2008 election cycle where Hillary Clinton ran against Barack Obama for the Democratic nomination for President
- The FEC attempted to enforce electioneering and finance restrictions on Citizens United for engaging in election-related expenditures
- SCOTUS determined that the First Amendment fully protects *independent* expenditures as political speech unrelated to the purpose of anti-corruption
- This case led to the proliferation of independent PACs – known as Super PACs – and dark money

2 Other information

2.1 Where does the money come from?

	Small Individual Giving	Large Individual Giving	PACs	Self-financed
House Dems	46.4	18.4	21.2	6.9
House Reps	36.2	14.9	32.6	0.2
Senate Dems	52.4	25.7	9.7	0.0
Senate Reps	41.2	19.1	14.7	3.6

Table 1: Percentage (%) of Campaign Funds by Origin, 2024 Congressional Races (Source: OpenSecrets.org)

2.2 Slides

Be sure to review the slides and be familiar with interpretations for the figures therein.