

In an effort to prevent quid pro quo corruption between donors and candidates for state elective office, a state enacted a law that limits the total amount an individual may contribute to individual candidates during an election cycle. A donor who was fined for violating this statute has argued that it is unconstitutional.

Is the state law constitutional?

- A. No, because political speech cannot be restricted.
- B. No, because the law is not the least restrictive means to serve a compelling state interest.
- C. Yes, because campaign contributions are not speech protected by the First Amendment.
- D. Yes, because the law is closely drawn to serve an important state interest.

Explanation:

Campaign-finance restrictions

	Examples	Test
Contribution restrictions	<ul style="list-style-type: none">• Limit on amount of contribution to:<ul style="list-style-type: none">– single candidate– political candidates, parties & action committees combined• Increase of limit on amount of contribution to candidate when self-financed opponent exceeds certain spending amount	Intermediate scrutiny <ul style="list-style-type: none">• closely drawn/substantially related to important government interest
Expenditure restrictions	<ul style="list-style-type: none">• Limit on spending by:<ul style="list-style-type: none">– corporations or unions in support of or opposition to candidate– candidate on his/her own behalf	Strict scrutiny <ul style="list-style-type: none">• necessary/least restrictive means to achieve compelling government interest

The **First Amendment** protects political speech, which includes campaign contributions and expenditures (**Choice C**). Political speech is fundamental to a free and democratic society but may be restricted if the government satisfies the appropriate level of scrutiny (**Choice A**). A government **restriction on campaign contributions** must survive **intermediate scrutiny**, which requires the government to prove that its restriction is **closely drawn** to serve (ie, substantially related to) an **important government interest**.

Here, the state law limits the amount that an individual may contribute to a single candidate for state elective office during an election cycle. The state has an important interest in preventing quid pro quo corruption between donors and candidates.* And in *Buckley v. Valeo*, the U.S. Supreme Court held that limiting the amount of money an individual may donate to a single candidate is closely drawn to serve that interest. Therefore, the state law is constitutional.

*Preventing quid pro quo corruption or the appearance of it is the only government interest that the U.S. Supreme Court has recognized is important enough to justify government restrictions on campaign contributions.

(Choice B) A government restriction on campaign *expenditures* must satisfy strict scrutiny—ie, the government must show that its restriction is the least restrictive means to

serve a compelling government interest. However, this law restricts campaign *contributions*, so the state need only satisfy intermediate scrutiny.

Educational objective:

The First Amendment protects political speech, which includes campaign contributions and expenditures. A law that restricts campaign contributions is unconstitutional unless the government satisfies intermediate scrutiny by showing that the law is closely drawn to serve (ie, substantially related to) an important government interest.

References

- Buckley v. Valeo, 424 U.S. 1, 29 (1976) (holding that a limit on the amount an individual may donate to a candidate is a constitutional means to serve the government's important interest in combating quid pro quo corruption).

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