SPEECH, SPENDING, AND THE STATE: REFORMING CAMPAIGN FINANCE IN AMERICAN DEMOCRACY

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ABSTRACT

The influence of money in American politics, particularly through campaign contributions, has steadily increased over the past decade, even as official contribution limits have remained largely unchanged. For decades, the Supreme Court has wrestled with campaign finance cases, continually seeking to balance First Amendment protections with the government's interest in preventing corruption. Today, limits are placed on direct contributions to candidates from individuals, political parties, and political action committees (PACs). However, super PACs stand apart from these rules by being permitted to raise and spend unlimited amounts of money, so long as they do not coordinate directly with candidates or campaigns.

While lawmakers and justices have accepted this distinction as a legal foundation for campaign finance, the regulations governing super PACs have created a significant legal exception that allows an effectively unlimited flow of money to influence elections. This situation raises serious concerns about the integrity of democratic processes and the disproportionate influence of wealthy donors. Although political donations are an important form of free expression, a better framework must be developed to protect both democratic integrity and constitutional rights. A revised approach would continue to allow citizens to express political preferences through financial support, but would impose meaningful limits on super PAC contributions. Such reform would strike a more appropriate balance between free speech and the need to limit corruption, ensuring that political power is not concentrated in the hands of a few wealthy interests.

INTRODUCTION

In the United States, money plays a significant role in politics through various avenues, but even before a candidate is elected, finances are deeply involved in the electoral process. Campaigns require substantial funding. While money alone cannot guarantee an election win, it can greatly influence the outcome. In 2024, 93.9 percent of the top-spending candidates won their races in the House of Representatives, and 87.9 percent did so in the Senate (OpenSecrets). This data suggests that while elections cannot be outright "bought," financial resources offer a considerable advantage. Candidates can fund their campaigns through personal wealth, individual contributions, political parties, Political Action Committees (PACs), and Super PACs. Exploring the role of money in campaigning raises a critical question of whether financial success can create political victory and how that could affect democracy.

The topic of money in politics has never been more relevant. In 2020, over $9 billion was spent on campaign ads alone across presidential, senate, and even county and local races. That trend continued into 2024, when the total amount spent on political race ads rose to over $10 billion, setting a new record (NPR). These numbers show that there has never been so much money involved in campaigning. But what does this mean?

This surge in political spending highlights the growing influence of money in elections and raises important questions about democratic integrity. When campaigns rely heavily on massive financial backing, candidates with wealthy donors or personal fortunes gain a distinct advantage. This can lead to an uneven playing field where voices without financial power struggle to compete. It also increases the risk of elected officials feeling beholden to large donors or Super PACs, rather than to their constituents. The record-setting amounts of money being spent reflect a system where financial power can shape political outcomes, reinforcing the need for thoughtful campaign finance reform.

The Supreme Court, through a series of cases, answered key components of this question and has played a central role in establishing the legal standards for campaign finance, recognizing the need to balance First Amendment protections, particularly freedom of speech, with the government's interest in preventing corruption. The Court acknowledged that individuals have the right to support political candidates as an expression of their beliefs, including through financial contributions. However, it also recognized that allowing unlimited money in elections could lead to the appearance, or reality, of corruption. Through a series of key decisions since 1975, the Supreme Court has worked to create a system that protects political expression while implementing safeguards to limit undue influence in the democratic process.

This paper will examine key Supreme Court cases and decisions that have shaped campaign finance law in the United States. Foundational cases focus on setting limits on both contributions and expenditures, while making pivotal rulings on whether financial contributions to political campaigns constitute a form of free speech protected by the First Amendment. The Bipartisan Campaign Reform Act (BCRA) is also discussed, as it was one of the first major legislative efforts to address concerns about corruption and the appearance of corruption in elections. Following these foundational rulings, the Court began to explore more nuanced questions, such as how to balance contribution limits with free speech rights, and whether unlimited donations to political entities lead to corruption or undermine the integrity of the electoral process.

The purpose of this paper is to provide background on the current state of campaign finance laws and explain how the legal framework has evolved. In addition to outlining key Supreme Court cases and legislation that shaped the system, this paper also proposes a reform aimed at improving the balance between political contributions and anti-corruption efforts, specifically within the realm of Super PACs. Then, a proposed reform introduces a limit on Super PAC donations to reduce the risk or appearance of corruption. It also addresses potential obstacles that could arise from implementing this limit and offers strategies for confronting those challenges effectively.

The Supreme Court and Campaign Finance Law

Several U.S. Supreme Court cases have shaped the structure of modern campaign finance law through key rulings and interpretations. Cases such as *Buckley v. Valeo*, *McConnell v. FEC*, and *Citizens United v. FEC* help illustrate how campaign finance law has evolved into what it is today. By examining the questions presented to the Court, the majority and dissenting opinions, and the reasoning behind each decision, we gain insight into the complex balance between First Amendment rights, particularly freedom of speech, and the government's interest in preventing corruption.

Additionally, cases like *Skilling v. United States* and *McCutcheon v. FEC* further expand our understanding of what constitutes "corruption" in the context of campaign finance, as well as how the freedom of association factors into these legal frameworks. Together, these rulings show how the courts have navigated the tension between protecting political expression and ensuring fair, transparent elections.

Buckley v. Valeo

Buckley v. Valeo is an essential Supreme Court decision regarding campaign finance. Many later campaign finance cases stem from the decision and baseline of *Buckley*, which would be considered a landmark case.

Senator James L. Buckley filed a lawsuit in the U.S. District Court on January 2, 1975 , alongside Eugene McCarthy and others. The defendants were Francis R. Valeo, the Secretary of the Senate, and other members of the newly formed Federal Elections Commission and the commission itself. The plaintiffs argued that the Federal Election Campaign Act, which established the Commission, and the Presidential Election Campaign Fund Act were unconstitutional on several grounds.

FECA was founded six years before to regulate campaign finances by creating limitations on contributions, mandating disclosures, and making the whole process more transparent to the public. FEC was not the first of its kind, and the Tillman Act of 1907 and Federal Corrupt Practices Act of 1925 also tried to limit campaign spending and expenditures. However, the FEC marked a turning point by creating the Federal Elections Commission, making the regulations stricter than before.

Buckley focused on the FECA and its 1974 amendments, which violated the Constitution. *Buckley* specifically argued that the limitations on campaign contributions violated the First Amendment's guarantee of free speech because they restricted individuals' ability to financially support candidates or causes they believed in. He contended that financial contributions are a form of political expression, as they allow individuals to communicate their preferences and amplify the voices of candidates who represent their views. By capping the amount people could donate, the law limited their ability to participate fully in the democratic process and express their political beliefs, thereby infringing on their constitutional right to free speech. The question being asked was, "Did the limits placed on electoral expenditures by the Federal Election Campaign Act of 1971, and related provisions of the Internal Revenue Code of 1954, violate the First Amendment's freedom of speech and association clauses?" (OYEZ).

On January 24, 1975, under Section 437h(a) of the FECA, the district court referred the constitutional questions in the case to the U.S. Court of Appeals for the District of Columbia Circuit. On August 15, 1975, the appeals court upheld nearly all the substantive provisions of the FECA, including regulations on contributions, expenditures, and disclosure requirements. Additionally, the court affirmed the constitutionality of the process used to appoint members of the Commission (FEC).

Following this decision, the plaintiffs filed an appeal with the Supreme Court on September 19, 1975. The Supreme Court issued its ruling on January 30, 1976 (FEC).

The court arrived at two Per Curiam opinions in *Buckley*. First, in regards to the limits on electoral expenditures violating the First Amendment, it held that the restriction by the FECA on individual contributions to political campaigns did not violate the First Amendment because the limitations imposed by the Federal Election Campaign Act (FECA) aim to enhance the "integrity of our system of representative democracy" by acting as safeguards against unethical and corrupt practices." The Court's decision involved language about restrictions on individual contributions being constitutional, as they served a compelling governmental interest in preventing corruption and the appearance of corruption.

According to the majority, "To the extent that large contributions are given to secure a political quid pro quo from current and potential officeholders, the integrity of our system of representative democracy is undermined." The decision emphasized that these limits did not undermine fundamental First Amendment rights because they were viewed as only marginally restrictive. Contributors could engage in political expression through other means, such as volunteering, endorsing, or supporting political committees.

The Court acknowledged the potential for contributions to distort the political process, highlighting the unequal influence of wealthy individuals and potential corporations and entities. By imposing limits, Congress sought to equalize opportunities for candidates and maintain public trust in the democratic process. The decision established a balance between protecting free speech and stopping unfair outside influence.

In contrast, the Court invalidated FECA's limits on total campaign expenditures, including those expenditures made from a candidate's resources. The majority view was that expenditure limits placed a direct restraint on political expression because they limited the total amount of speech a campaign could have. Drawing on First Amendment principles, the opinion said, "A restriction on the amount of money a person or group can spend on political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached."

The Court drew a line between contributions and expenditures based on their communicative nature. Whereas contributions were indirect expressions, expenditures directly enabled the speaker to engage in expressive activities such as campaign advertisements, rallies, and outreach programs. Spending limits could not be justified because they restrict the free exchange of ideas, which is essential to democracy.

The Court also upheld FECA's disclosure requirements in the interest of public concern for "transparency." Congress had mandated the reporting of contributions and expenditures to inform voters, prevent corruption, and promote compliance with campaign finance laws. Because these requirements imposed no ceiling on campaign-related activities and entailed only minimal burdens of an administrative nature, the Court concluded they did not significantly infringe First Amendment rights.

The Court also upheld FECA's voluntary public financing system because it promoted electoral fairness without forcing people to participate. Public financing was justified as a method of breaking dependence on large private donors and promoting competition among candidates.

In *Buckley v. Valeo*, the dissenting opinion primarily critiqued the majority's distinction between contributions and expenditures. Justice White, the main dissenter, focused on a few major points in his dissent. White explained how the distinction between contribution limits and expenditures was somewhat constructed as both have the power to impact the political process. White dissented that by invalidating expenditure limits, the court left a loophole for wealthier candidates.

White also criticized the majority for focusing only on direct corruption, like bribery, and ignoring bigger issues, such as how unlimited spending can make elections unfair. He discussed concerns about electoral equality because of economic disparities.

In White's last main point, he believed that the Court should have deferred more to Congress's judgment in enacting FECA. He highlighted the legislature's efforts to ensure the integrity of elections and argued that the judiciary overstepped by invalidating key provisions.

White’s dissent focused on how the decision failed to balance the First Amendment fights with the democratic duty to prevent influence in the electoral process.

The takeaway here was that the court upheld the constitutionality of individual contribution limits to political campaigns but struck down expenditure limits.

***McConnell v Federal Election Commission* and the BIpartisan Campaign Reform Act**

After *Buckely v Valeo, McConnell v Federal Election Commission* (2003) was an influential US Supreme Court decision. *McConnell v FEC* began because the Bipartisan Campaign Reform Act (BCRA), also known as the McCain-Feingold Act, was created to address issues of corruption in elections, specifically through donations to political parties.

Before the introduction of the BCRA, there was an unregulated contribution of “soft money,” which was donations to political parties rather than to candidates. These political parties could then donate this money to candidates of their choosing when it was meant for voter education, mobilization movements, and generic party advertising. This unexpected candidate support was seemingly corrupting elections. Major concerns about this money influencing elections for and even against candidates. The BCRA was able to relieve some of this corruption through restrictions.

The main components of the BCRA were a ban on unrestricted donations to political parties and elected officials, limitations on advertising, and restrictions on political parties fundraising on behalf of a candidate. There were also restrictions on electioneering communication ads airing too close to elections. The BCRA banned national political parties from raising or using soft money for federal elections and placed restrictions on state and local parties using soft money for activities that could influence federal elections.

Although the BCRA passed, the Senate minority leader Mitch McConnell strongly opposed it. McConnell argued that the law violated the First Amendment by limiting political speech, especially that of political parties, corporations, and coalitions. In response, McConnell filed a lawsuit challenging the BCRA's constitutionality.

However, the campaign finance reform bill included a unique provision that allowed for an expedited federal trial and a direct appeal to the United States Supreme Court, bypassing the standard federal judicial process.

In May 2003, a special three-judge district court reviewed McConnell's case and issued a mixed ruling on the Bipartisan Campaign Reform Act (BCRA). The court struck down portions of the law, including parts of the ban on soft money contributions, but upheld other provisions, such as certain restrictions on electioneering communications. However, the ruling would not take effect until the Supreme Court could hear and decide the appeals. This expedited review process was made possible by the provision in the BCRA that allowed the case to bypass the typical federal court process, moving directly to the Supreme Court and creating *McConnell v. The Federal Election Commission*. *McConnell* raised two main questions about the constitutionality of the soft money ban because of the freedom of speech through expressing speech in the form of donations and about the regulations and content of the BCRA as a whole, violating the First Amendment free speech clause.

In a 5-4 ruling, the Court upheld most of the BCRA. With a few exceptions, the Court answered both questions with a "no" written by Justices Sandra Day O'Connor and John Paul Stevens. The Court concluded that the regulations mainly affected soft-money contributions used for voter registration and increasing voter turnout rather than campaign expenditures, which more directly express political views and are given greater protection. It found that the restriction on free speech was minimal and that it was justified by the government's legitimate interest in preventing both actual corruption and the appearance of corruption from large financial contributions. The Court also dismissed the claim that Congress had overstepped its authority to regulate elections under Article I, Section 4 of the Constitution. It determined that the law applied solely to state elections involving federal candidates and did not prohibit states from establishing separate election laws for state and local contests.

The Court's reasoning was logical in that the limitations on spending are not unconstitutional because they serve the government's interest in preventing corruption.
It also upheld restrictions on state and local party committees, requiring them to use federal funds for activities affecting federal elections, such as voter registration and public communications about federal candidates.

Federal candidates and officeholders were barred from using soft money for federal elections, with limited allowances for state elections, a measure the Court found necessary to prevent corruption while respecting free speech rights. Additionally, the Court upheld the regulation of electioneering communications, including a ban on corporate and union funding for ads close to elections and disclosure requirements for funders. However, it struck down the BCRA's "choice provision," which forced political parties to choose between coordinated and independent expenditures, as well as the ban on political contributions from minors, both of which were found to violate First Amendment rights. Lastly, the expanded coordination rules, which defined coordinated expenditures broadly, were upheld as constitutional. This decision reinforced efforts to combat corruption while balancing the need to protect free speech.

Justice Scalia, joined by Justice Thomas and Chief Justice Rehnquist's dissenting opinion, argued based on the First Amendment. Scalia argued that the BCRA's restriction on political advertising and fundraising violates the core protections of the First Amendment. Scalia specifically emphasized that political speech related to elections is a right protected by the First Amendment and the BCRA completely and blatantly violates this. In one notable quote, Scalia said, “The premise of the First Amendment is that the American people are neither sheep nor fools." Scalia also used the phrase “suppression of speech” in his dissent.

The dissenters also argued that the BCRA excessively regulated political contributions and advertisements, particularly through its restrictions on "soft money". They considered this an overextension of Congress's authority and an unwarranted interference in the political process.

About grassroots efforts, Scalia explained that the BCRA can negatively affect smaller organizations and grassroots groups because these groups rely on advocacy to influence the public. Additionally, Scalia criticized the law. It favors incumbents and more notable political figures because it makes it harder for their challengers to raise funds.

Responding to the majority opinion's justification that spending limitations were aimed at combating corruption, Scalia argued that the laws were not sufficiently connected to preventing or addressing corruption; they effectively restricted political speech.

In conclusion, the question asked was, “Does the 'soft money'" ban of the Bipartisan Campaign Reform Act of 2002 exceed Congress's authority to regulate elections under Article 1, Section 4 of the United States Constitution and/or violate the First Amendment's protection of the freedom to speak?” No, the First Amendment was not violated because the restrictions on free speech were very minimal. And “Do regulations of the source, content, or timing of political advertising in the Campaign Finance Reform Act of 2002 violate the First Amendment's free speech clause?” No, because any restrictions are justified by anti-corruption in elections.

The Bipartisan Campaign Reform Act (BCRA) was important in these cases because it was, at one point, a standard. *McConnell vs FEC* involved the BCRA but played off of Buckley v Valeo, which was one of the first campaign finance cases to reach the Supreme Court, which came years prior in 1976. In Buckley v. Valeo, the court upheld the constitutionality of individual contribution limits to political campaigns but struck down expenditure limits.

The McCain-Feingold Act introduced and reformed several major changes to U.S. campaign finance laws. The BCRA aimed to reduce money's influence in politics and the appearance of corruption or coercion in elections. A major provision of the BCRA was the ban on soft money or the allowing of unlimited contributions to political parties that could then go to specific candidates, creating an appearance of corruption. The BCRA aimed to allow soft money to go to more grassroots activities.

The law also introduced new limits on hard money (direct contributions to candidates), increasing the amount individuals could donate to federal candidates.

Another major provision was the restriction on electioneering communications, which prohibited corporations and labor unions from funding broadcast ads that mentioned a federal candidate within 30 days of a primary and 60 days of a general election. Additionally, there was a disclosure requirement that finding sources be discussed, preventing corporations and labor unions from buying ads directly. This provision was under pressure in *Citizens United v FEC.* This is also where the popular “And I endorse this message” came from, as accountability was required for candidates in political ads.

Also, while foreign nationals were already banned from contributing to U.S. elections, the BCRA expanded enforcement mechanisms and closed loopholes that allowed foreign money to influence campaigns through third parties. Domestically, the law limited how state and local parties could spend money on activities benefiting federal candidates, requiring that certain expenses be funded with hard money rather than soft money.

The Bipartisan Campaign Reform Act (BCRA) of 2002 was a landmark effort to curb the influence of money in politics by banning soft money, increasing transparency, and regulating electioneering communications. While it initially strengthened campaign finance rules and aimed to prevent corruption, its impact was gradually weakened by legal challenges. *Citizens United v. FEC* then comes into play because it partially overturned *McConnell v. FEC.*

Citizens United v. FEC

Citizens United v. FEC was a major Supreme Court decision regarding campaign finances and overturned prior cases. Citizen United, a nonprofit organization, wanted to release and promote a documentary, "Hillary: The Movie," which was critical of presidential candidate Hillary Clinton in 2008. This violated the BCRA because corporations and unions were not allowed to use treasury funds for electioneering communication within a set time frame before an election.

To regulate "big money" in campaign contributions, the Bipartisan Campaign Reform Act (BCRA) imposes several restrictions on "electioneering communications." Section 203 prohibits corporations and labor unions from using their general treasury funds to finance such communications. Additionally, Sections 201 and 311 mandate that donors to these communications be disclosed and require disclaimers to clarify when the communication is not authorized by the candidate it supports.

On the other hand, *Citizens United* argued that Section 203 violated the First Amendment in the circumstances of this movie. Citizen United sought an injunction against the FEC to prevent the BCRA from being applied to the movie.

The United States District Court rejected the request for an injunction. It ruled that Section 203 was not unconstitutional because the Supreme Court had already upheld it in *McConnell v. FEC*. The court also decided that *The Movie* was essentially the same as direct advocacy since it aimed to convince voters that Senator Clinton was unfit for office, so applying Section 203 was appropriate. Additionally, the court found that Sections 201 and 203 were not unconstitutional when applied to *The Movie* or its ads. It explained that while *McConnell* acknowledged donor disclosure could be unconstitutional if it placed an unfair burden on the freedom to support a cause, those conditions didn't apply to *Citizens United'*s case.

At the Supreme Court level, four questions were asked. One, did the Supreme Court's decision in *McConnell* resolve all constitutional as-applied challenges to the BCRA when it upheld the disclosure requirements of the statute as constitutional? Two, do the BCRA's disclosure requirements impose an unconstitutional burden when applied to electioneering requirements because they are protected "political speech" and not subject to regulation as "campaign speech"? Three, if a communication lacks a clear plea to vote for or against a particular candidate, is it subject to regulation under the BCRA? Fourth, should a feature-length documentary about a candidate for political office be treated like the advertisements at issue in *McConnell* and therefore be subject to regulation under the BCRA?

In a 5-4 decision, the Supreme Court answered, No. No. Yes. Yes. The Supreme Court overturned *Austin v. Michigan Chamber of Commerce,* which allowed prohibition in independent expenditures by corporations. Parts of *McConnell v. FEC*, in which the Court had previously ruled that political speech could be restricted based on the speaker's corporate identity, were also overruled in stating that corporations could be banned from making electioneering communications. In a 5-4 decision along ideological lines, the majority held that the First Amendment prohibits limits on corporate funding of independent political broadcasts during elections. Justice Anthony Kennedy wrote the majority opinion, joined by Chief Justice John Roberts and Justices Antonin Scalia, Samuel Alito, and Clarence Thomas.

The Supreme Court ruled that the ban on corporate funding of political communications violated the First Amendment by suppressing political speech. Instead of narrowly resolving the case, the Court reconsidered and overturned *Austin v. Michigan Chamber of Commerce*, finding its "anti-distortion" rationale incompatible with free speech protections. The Court held that political speech cannot be restricted based on a speaker's corporate identity or wealth, emphasizing that the First Amendment protects all speakers equally in the marketplace of ideas.

The Court rejected the idea that independent corporate expenditures create corruption or the appearance of corruption, as previously established in *Buckley v. Valeo*. It also dismissed concerns about dissenting shareholders funding corporate political speech, arguing that such issues should be resolved through corporate governance.

Finally, the Court upheld the Bipartisan Campaign Reform Act's (BCRA) disclaimer and disclosure requirements, ruling they were constitutional because they promote transparency without restricting the ability to speak. These requirements applied to *The Movie* and its advertisements, as they qualified as electioneering communications.

This majority opinion directly affected *Buckley v Valeo*. Partially overturned *McConnell v. FEC* and fully overturned *Austin v Michigan Chamber of Commerce,* becoming the new standard for campaign finance and First Amendment cases.

Justice John Paul Stevens's dissent, joined by Justices Ruth Bader Ginsburg, Stephen Breyer, and Sonia Sotomayor. The majority argued that political speech is essential to democracy, regardless of whether it comes from an individual or a corporation. They also upheld the BCRA's disclosure requirements for *The Movie*, reasoning that these rules serve a "governmental interest" by informing the electorate about the sources of election-related spending. Additionally, the Court upheld the ban on direct contributions from corporations and unions to candidates. Stevens stated that corporations are not indications and, therefore, treating their spending as equal is dangerous. He felt this notion undermines individuals by giving corporations more weight. Stevens defended the "anti-distortion" rationale from *Austin v. Michigan Chamber of Commerce*, which the majority overturned. He believed that restrictions on corporate spending were necessary to prevent the "corrosive and distorting effects" of wealth accumulated through the corporate structure. Stevens emphasized the government's compelling interest in preventing corruption or the appearance of corruption in elections. He disagreed with the majority's claim that independent expenditures by corporations do not pose a risk of quid pro quo corruption. The dissent highlighted the potential consequences of the decision, including the rise of Super PACs and the ability of foreign-owned corporations to influence U.S. elections indirectly. Stevens believed the ruling lacked a realistic understanding of its implications for campaign finance and governance.

In a concurring opinion, Chief Justice Roberts, joined by Justice Alito, stressed the Court's effort to address constitutional issues carefully and avoid them when possible but noted that in this case, the First Amendment concerns had to be addressed. Justice Scalia, in another concurring opinion, joined in part by Justices Alito and Thomas, criticized Justice Stevens's view of the Framers' perspective on corporations. Stevens argued that corporations are not part of society in the same way individuals are and that there are compelling government interests in limiting corporate spending in elections.

In conclusion, the question asked was, "How to balance free speech concerns regarding the First Amendment with corporations' influence of money in politics, specifically should The Movie be treated as an advertisement similar to the issue in *McConnell's* taking in soft money be regulated by the BCRA?" The First Amendment protects the right to free speech, despite the speaker's corporate identity.

Case Extension

To connect the prior cases, *McConnell v FEC's* main point was that it upheld the BCRA, and in doing so, upheld the restriction on campaign finances. It established that the BCRA's soft money ban did not violate the First Amendment because the restrictions on free speech were minimal. The restrictions were justified as being foro "anti-corruption" in elections; therefore, McConnell v FEC was a case where the First Amendment was not violated with the reasoning being if any speech was limited, it was outweighed by anti-corruption.

A part of the *Buckley v Valeo* majority opinion re-established this decision because the Supreme Court said that restrictions by the FEC on individual contributions to political campaigns did not violate the First Amendment. The reasoning behind this decision was similar to *McConnell's* in saying that it was for the "integrity of democracy," essentially an anti-corruption reasoning.

However, in response to the expenditure cap limits challenged in *Buckley v. Valeo*, the Court made it clear that it would determine when the First Amendment was being violated and would not consistently rule in favor of campaign finance regulations. Up until this point, the court has never said in decisions that the BCRA violated the First Amendment. But in the second, per the curiam decision in Buckley v Valeo, the court found that the FECA's limits on total campaign expenditures placed a direct restraint on political expression. The court drew a line here between contributions and expenditures based on the nature of communication. The court found that contributions to campaigns were somewhat indirect in expressing political views and, therefore, did not limit the First Amendment, but that spending limits could not be justified because it was directly stopped the exchange of political ideas.

Citizens United v FEC shook up the rulings in the world of campaign finance. *Citizens United v FEC* was built on the precedent set by the two prior cases but managed to reshape campaign finance law by overruling *McConnell* and expanding on *Buckley's* free speech protections. *Citizens United* tried to balance free speech concerns and the First Amendment with the influence of money in politics. It specifically touched on the electioneering communication and disclosure provisions in the BCRA but expanded and affected many parts of campaign finance law. *Buckley v. Valeo* established that limits on a candidate's expenditures were unconstitutional under the First Amendment, but it upheld limits on direct contributions to prevent corruption. *Citizens United* extended this logic, ruling that corporations and unions also have First Amendment rights and that restrictions on their independent expenditures were unconstitutional. *McConnell v. FEC* upheld major provisions of the BCRA, particularly restrictions on corporate-funded "electioneering communications." *Citizens United* overturned this part of *McConnell*, ruling that corporations and unions could spend unlimited amounts on independent political expenditures.

An important thing to note is the court's shift on campaign finances through these three cases, which occurred in 27 years. *McConnel*l assured limits on contributions, and *Buckley* reassured contribution limits but not spending limits, both stating that the First Amendment was not in jeopardy. *Citizen United* shot down these limits and argued that independent expenditures do not lead to corruption and should be protected under the First Amendment. *Citizen United* fundamentally changed how money can flow in elections, leading to Super PACs that can raise and spend unlimited amounts of money as long as it's not "coordinated" directly with a candidate. *Citizens United* switched the court's emphasis from prioritizing anti-corruption concerns to emphasizing free speech through political spending.

More Supreme Court Cases Dealing with Corruption and Limits

In addition to campaign finance cases going through the Supreme Court, *Skillings v United States* ruled regarding public officials being bribed, which played off the prior cases where "corruption" was frequently discussed.

The Honest Service Fraud Statute is a provision that is intended to protect the public from corruption, deceit, and failure of public officials or employees to perform duties honestly and ethically. "Honest services" literally refers to public officials performing duties with integrity. The statute applies to public officials not engaging in bribery or "kickback" schemes. If a government official takes a bribe, they could be charged under this statute; the same applies to a corporate executive benefiting from investors due to a secret deal.

In a Texas Federal Court district, Jeffrey Skilling was convicted of conspiracy and other charges involving insider trading. Skilling was the former CEO of Enron Corp. He appealed and argued that the government prosecuted him with an invalid legal concept and that the jury was biased.

The United States Court of Appeals for the Fifth Circuit upheld Mr. Skilling's conviction but vacated his sentence and sent the case back for resentencing. The court first ruled that the government's argument under the "Honest Services" fraud statute was valid. It stated that it didn't matter whether Enron's board of directors was aware of or implicitly approved of Mr. Skilling's fraudulent actions, as he had withheld crucial information that would have caused a reasonable employer to act differently. Additionally, while Mr. Skilling demonstrated that there was significant and widespread pretrial publicity that could have prejudiced the jury, the court determined that the government had met its responsibility to show that the jury selection process was sufficient and that no juror with unconstitutional bias was seated.

The majority opinion had some partial answers, and six justices did agree on an opinion. The Supreme Court ruled that pretrial publicity and community bias did not prevent Mr. Skilling from getting a fair trial. He didn't prove that the jury was prejudiced or biased. Justice Ruth Bader Ginsburg, writing for the majority, pointed out that there were key differences between Mr. Skilling's case and others where jury bias was assumed. Most importantly, the Court noted that his trial took place in Houston, a large city, making it easier to find unbiased jurors compared to a small town. The Court also acknowledged that the jury acquitted Mr. Skilling on nine counts. Additionally, the Court ruled that Section 1346, which criminalizes fraudulent deprivation of "honest services," should only apply to bribery and kickback schemes. Since Mr. Skilling's actions didn't involve bribery or kickbacks, they didn't fall under this law.

The majority opinion essentially partially upheld Skilling's conviction but narrowed the application of the Honest Service Fraud statute to only apply to bribery and kickback schemes. Before this decision, the statute had been used to prosecute a wide range of fraud involving undisclosed conflicts of interest or general dishonesty by employees and public officials without the need to show bribery or kickbacks.

Justice Antonin Scalia, joined by Justices Clarence Thomas and Anthony M. Kennedy, agreed in part with the Court's decision and reasoning on Mr. Skilling's jury impartiality challenge. He also agreed that the Fifth Circuit's decision regarding the "honest services fraud" claim should be reversed but for different reasons. He argued that Section 1346 is unconstitutionally vague.

Justice Samuel A. Alito also agreed in part with the judgment. He clarified that, in his view, the Sixth Amendment's impartial jury requirement means that only unbiased jurors should be seated at trial, not necessarily that prejudice can be presumed.

Justice Sonia Sotomayor, joined by Justices John Paul Stevens and Stephen G. Breyer, agreed in part and dissented. She concurred with the Court's ruling on the "honest services fraud" claim but disagreed with the conclusion that Mr. Skilling received a fair trial, given the widespread hostility in Houston following the collapse of Enron.

This decision narrowed the application of the honest services fraud statute. It limited the statute's reach to cases involving bribery and kickbacks, thus providing more clarity on what constitutes criminal behavior under the law.

Although this case was focused specifically on Mr. Skilling and his conviction, it helped clarify a key provision that could serve as the basis for courts to hold public officials accountable for fraudulent schemes. This clarification may become particularly relevant in situations involving officials accepting bribes, such as receiving money from PACs and using it for purposes other than campaign expenses.

There are two types of limits on campaign contributions: base limits and aggregate limits. Base limits are the maximum amount an individual can donate to a single candidate, party, or PAC. Aggregate limits are the total amount an individual could contribute to all candidates, parties, and PACs combined in a two-year cycle. The aggregate limits were $48,600 total to federal candidates, $74,600 to all political parties and PACs, and a max of $48,600 of that could go to PACs of state or local parties. An individual donor could give up to $123,200 total across all contributions in a two-year election cycle.

In 2014, Shaun McCutcheon, a conservation businessman from Alabama, along with the Republican National Committee, challenged the aggregate limits as unconstitutional. They argued that these limits violated the First Amendment by restricting the total amount an individual could contribute across multiple campaigns. This stemmed from the fact that McCutcheon wanted to donate more than the limit, and the RNC wanted to be able to receive that money.

The Supreme Court ruled in a 5-4 decision in favor of McCutcheon, with Chief Justice John Roberts writing the plurality opinion. The ruling struck down aggregate limits, determining that they placed an unconstitutional restriction on free speech. However, the Court upheld base limits, meaning individuals remained restricted in the amount they could donate to a single candidate but were no longer limited in their total contributions across multiple candidates. In the decision, Chief Justice Roberts referred to the Buckley v Valeo decision, where anti-corruption was used in defending expenditure limits. Roberts stated in the decision, "The right to participate in democracy through political contributions is protected by the First Amendment, but that right is not absolute. Our cases have held that Congress may regulate campaign contributions to protect against corruption or the appearance of corruption."

As a result of this case, the Court determined that aggregate contribution limits did not advance the sole governmental interest it had previously recognized as legitimate in *Buckley v. Valeo*. Instead, the Court found that these limits unjustifiably restricted a citizen's ability to engage in what it described as "the most fundamental First Amendment activities. The court essentially changed its mind. Also to note, although the Court's ruling eliminated the overall cap on individual contributions, it did not alter the base limits set by the Act for donations to federal candidate campaigns, PACs, or party committees. As of 2014, individuals could contribute up to $2,600 per election to a federal candidate, $10,000 per calendar year to a state party committee, $32,400 per calendar year to a national party committee, and $5,000 per calendar year to a PAC.

The dissenting opinion, written by Justice Stephen Breyer and joined by Justices Ginsburg, Sotomayor, and Kagan, strongly disagreed with the majority decision. The dissent argued that removing the aggregate contribution limits would increase corruption and allow the wealthy to have too much influence over elections by making large donations to multiple candidates and committees, bypassing the individual contribution limits.

Breyer believed the Court misunderstood the purpose of campaign finance laws, which are meant to prevent not just direct bribery but also the appearance of corruption that can damage public trust in the political system. He warned that without aggregate limits, donors could funnel large amounts of money through multiple channels to indirectly support one candidate, thus undermining the fairness of the electoral system.

The dissent also criticized the majority for defining corruption too narrowly as bribery, ignoring the wider influence of money in politics. Breyer pointed out that previous rulings, like *Buckley v. Valeo* and *McConnell v. FEC*, upheld restrictions to limit the power of wealthy donors.

In the end, the dissent argued that removing the aggregate limits would concentrate political power in the hands of the wealthy and harm the idea of equal participation in the political process.

In conclusion, the question asked was, "Is the two-year aggregate campaign contribution limit constitutional under the First Amendment?" The Court ruled that the biennial aggregate limits are unconstitutional under the First Amendment.

In discussing campaign finances, the First Amendment frequently comes up. However, freedom of association could also be brought up because it associates donors with the candidate, PAC, or party in donating to an entity.

Freedom of Association

Freedom of Association is a right that is protected under the First Amendment. It allows citizens the right to associate with any organization, whether it's for political activism or just a community group. In *NAACP v Alabama* (1958), Alabama sought to compel the NAACP to reveal its membership list as part of an investigation into its activities. The NAACP resisted, asserting that disclosure would subject its members to harassment and deter them from exercising their First Amendment right to free association.

The Supreme Court ruled in favor of the NAACP, determining that mandating the release of its membership records would infringe on the right to private association and potentially stifle civil rights advocacy.

In *Gibson v Florida Legislative Investigation Committee*, A Florida legislative committee was investigating alleged Communist influences in the NAACP and demanded that a local NAACP leader, Gibson, provide membership records. Gibson refused, citing First Amendment protections.

The Supreme Court ruled in favor of Gibson, stating that the state had not demonstrated a compelling interest to justify infringing on the NAACP's right to private association.

In a more niche scenario, *Boy Scouts of America V. Dale* (2000), while still dealing with freedom of association, the Boy Scouts of America (BSA) revoked the adult leadership position of James Dale, an openly gay scout leader, arguing that his presence was inconsistent with the organization's values. Dale sued, claiming this violated New Jersey's anti-discrimination law.

The Supreme Court ruled in favor of the BSA, holding that forcing them to accept Dale as a leader would violate their First Amendment right to expressive association by compelling them to endorse a message contrary to their beliefs.

In summary, the *NAACP* and *Gibson* protected groups from government interference in their membership and internal affairs, ensuring civil rights groups could organize freely.

Boy Scouts v. Dale expanded this right to private organizations, allowing them to exclude members who might contradict their expressive mission.

Regarding disclosure, the *NAACP* and *Gibson* dealt with forced disclosure, where the government wanted to access private membership lists. The Court ruled that forced disclosure threatened free association by deterring participation in civil rights groups. *Boy Scouts v. Dale* was about exclusion, where a private group claimed the right to limit membership to uphold its values. The Court ruled that requiring the group to accept Dale would violate its right to define its identity.

Connecting these three, somewhat random, cases that dealt with freedom of association and disclosure relates to many campaign finance cases where a big part of rulings dealt with the difference in a candidate having to disclose their donors but a PAC, specifically Super PAC, have looser regulation on disclosure of how they get their money and where they spend it. Specifically, “dark money” nonprofits can donate to Super PACs, and they must report the contributions, but the donors are completely hidden from the public, and this is a known loophole. Why are candidates' donors disclosed if they are just associating in a way politically? And why can Super PACs accept dark money donations and not have to disclose the donors?

In *NAAC*P and *Gibson*, the court ruled that the disclosure of the membership lists would threaten freedom of association. Isn't that similar to someone donating to a political candidate because they are choosing to associate with that candidate's views, ideologies, etc? There is a disconnect between the court ruling on freedom of association and singling out candidates' donors who are, in a way, just associating with a group, too.

The Court’s ruling in *NAACP v. Alabam*a emphasized that the government cannot force disclosure of private group members without a compelling interest. This logic influenced later cases about campaign finance disclosure laws, where donor anonymity was argued as essential to protecting individuals from political retaliation. So, if the court's reasoning is “compelling interest” in disclosure laws, what is the compelling interest in a candidate's donations being released?

This is a gray area. Essentially, the reasoning for the disclosure of individual candidates to release their donors is “transparency.” However, this is not a universal rule, it seems to the Supreme Court, because there are loopholes for donors to remain anonymous when donating to Super PACs. After all, "social welfare" nonprofits and trade associations are not required to disclose their donors, as long as politics is not their primary activity (though enforcement is weak). These groups can spend money on political ads or donate to Super PACs, keeping donor names secret. The strong regulation on candidates releasing their donor lists feels like “transparency” so that PACs and Super PACs can slide under the radar with their donors and not regulate the loopholes of how and where they spend their money.

After looking at all these cases and how the theories are connected, here is information on the current limits and where campaign finance stands. Currently, the contribution limits for 2025-2026 are as follows.

Current Limits on Campaign Contributions

Contribution limits for 2025-2026 federal elections

		Recipient				
		Candidate committee	PAC† (SSF and nonconnected)	Party committee: state/district/local	Party committee: national	Additional national party committee accounts‡
Donor	Individual	$3,500* per election	$5,000 per year	$10,000 per year (combined)	$44,300* per year	$132,900* per account, per year
	Candidate committee	$2,000 per election	$5,000 per year	Unlimited transfers	Unlimited transfers	
	PAC: multicandidate	$5,000 per election	$5,000 per year	$5,000 per year (combined)	$15,000 per year	$45,000 per account, per year
	PAC: nonmulticandidate	$3,500* per election	$5,000 per year	$10,000 per year (combined)	$44,300* per year	$132,900* per account, per year
	Party committee: state/district/local	$5,000 per election (combined)	$5,000 per year (combined)	Unlimited transfers	Unlimited transfers	
	Party committee: national	$5,000 per election**	$5,000 per year	Unlimited transfers	Unlimited transfers	

Courtesy of the FEC

Contribution limits regulate the amount of money individuals and organizations can donate to political candidates, parties, and committees. All of the following information is courtesy of the Federal Elections Commison website[1]. As of recent federal guidelines, individuals can contribute $3,300 per election to a candidate's campaign ($6,600 total for primary and general elections). Contributions to national party committees, like the DNC or RNC, are capped at $41,300 per year. PACs that contribute to candidates can donate up to $5,000 per election, while super PACs can raise unlimited funds but cannot coordinate directly with candidates.

Each race has its contribution limit in federal elections, whether it's a primary, general, runoff, or special election. However, for presidential campaigns, all primaries in a single year are treated as one election when it comes to contribution limits. Sometimes, special elections or legal rulings create additional elections, which come with their limits. In some cases, party

[1] Federal Election Commission https://www.fec.gov/.

conventions or caucuses also count as separate elections. If a candidate loses in the primary, any donations they received for the general election must be refunded, reassigned, or reattributed within 60 days. Independent and third-party candidates don’t always have traditional primaries, so they can choose a specific date—such as their party’s nomination day or the last day to qualify for the ballot—to determine their contribution limits.

Campaigns have to keep primary and general election donations separate, making sure that general election funds aren’t used to cover primary expenses. That said, leftover primary funds can be spent during the general election. Even if a candidate runs unopposed or an election doesn’t take place, they still qualify for a separate contribution limit and must file the required financial reports. For presidential candidates, all primaries count as one election for fundraising purposes, and publicly funded candidates can’t spend more than $50,000 of their own money. If a candidate takes public funds for the general election, they can’t accept private contributions, though third-party candidates with partial public funding follow standard contribution rules.

There’s also a special type of fund called the General Election Legal and Compliance (GELAC) fund, which publicly funded presidential candidates can use to cover legal and accounting costs, but these donations still count toward regular contribution limits. Meanwhile, people running to be delegates at national conventions face no limits on contributions they can receive.

The contribution limits seem to be pretty standard, but it's important to note that "unlimited transfers" refer to the ability to move unlimited amounts of money between certain entities. For example, while a candidate's committee can only donate $2,000 to another candidate's committee per election cycle, it can contribute unlimited amounts to a party committee.

A party committee is not a candidate running for office, so what happens when it receives unlimited funds? It can use that money to buy advertisements or support a candidate indirectly. However, direct contributions to a candidate are still subject to the $5,000 donation limit per election cycle.

While donation limits technically exist, the presence of unlimited transfers enables unlimited spending through these entities, creating a loophole that allows vast sums to flow into campaigns.

As a candidate, campaigns will need to rely on multiple sources of funding. Fundraising is one of the largest parts of campaigning that the public does not necessarily realize. The smartest, most political candidate would want to run for Congress, but if they lack fundraising skills, their candidacy could not make it all the way.

The main source of fundraising for candidates is individual donors. Individuals can donate 3,300 to a federal candidate, such as presidential candidates, senators, and congress members. This donor group is the average Joe, some doing it through a link on the website or attending an event and donating there. However, these donations tend to be less money but come from a lot of people, so candidates need more support.

Beyond individual donors, campaigns also receive money from Political Action Committees (PACs), which are organizations that pool contributions from multiple donors to support candidates or causes. Regular PACs have limits on how much they can donate directly to the campaign, but they can also spend money independently to support the candidate without coordinating with the campaign. This is where Super PACs come in; these groups can raise and spend unlimited amounts of money, but they can't donate directly to a candidate or coordinate with the campaign in any way. Essentially, PACs can run ads, fund voter outreach, or support messaging that helps candidates, but can't control how they spend their money. As a candidate, it would be smart to have a close friend or colleague start a PAC to support the campaign. Then, if an individual maxed out how much they could donate directly, good news: they can give more to an individual PAC.

Another major funding source is a political party's committee, which can donate a certain amount directly to the campaign and help with coordinated expenditures, such as running ads or organizing events. If a party's national or state committee raises a lot of money, it can legally spend unlimited amounts on efforts that benefit the campaign indirectly, as long as they don't coordinate with a candidate beyond the legal limit.

In running for president and accepting public funding, the candidate has strict spending limits, but most modern candidates opt to raise private money instead. However, public funding can still be used for certain expenses, like compliance and legal costs, through a General Election Legal and Compliance (GELAC) fund.

To sum it up, as a candidate, money will come from individual donors, PACs, Super PACs (though not directly), party committees, and possibly public funding. Managing these funds carefully is crucial, as different rules apply to each source, and failing to comply with campaign finance laws can lead to fines or other penalties.

If a donor is looking to support a candidate, they have a few options, but essentially, if the goal is to donate to endless campaigns and political organizations, that is possible!

The most direct way to support a candidate is by donating to their campaign. Federal law sets a limit on how much a donor can contribute, it's $3,300 per election for federal candidates. This means they can give that amount for the primary and again for the general. The money goes directly to the candidate's campaign and helps pay for things like advertising, travel, staff, and events.

If someone wants to give more, they can donate to a Political Action Committee (PAC) that supports the candidate. Regular PACs have contribution limits, but they can donate more to candidates than individual donors can. Some PACs are associated with businesses, labor unions, or interest groups that align with the donor's views.

Then there are Super PACs, which can raise and spend unlimited amounts of money to support a candidate. However, they can't give money directly to the campaign or coordinate with it. Instead, they run ads, hold events, and do other outreach to help elect the candidate. This is a somewhat gray area because they "can't communicate", but burner phones exist, so it is hard to regulate the informal communication that could occur.

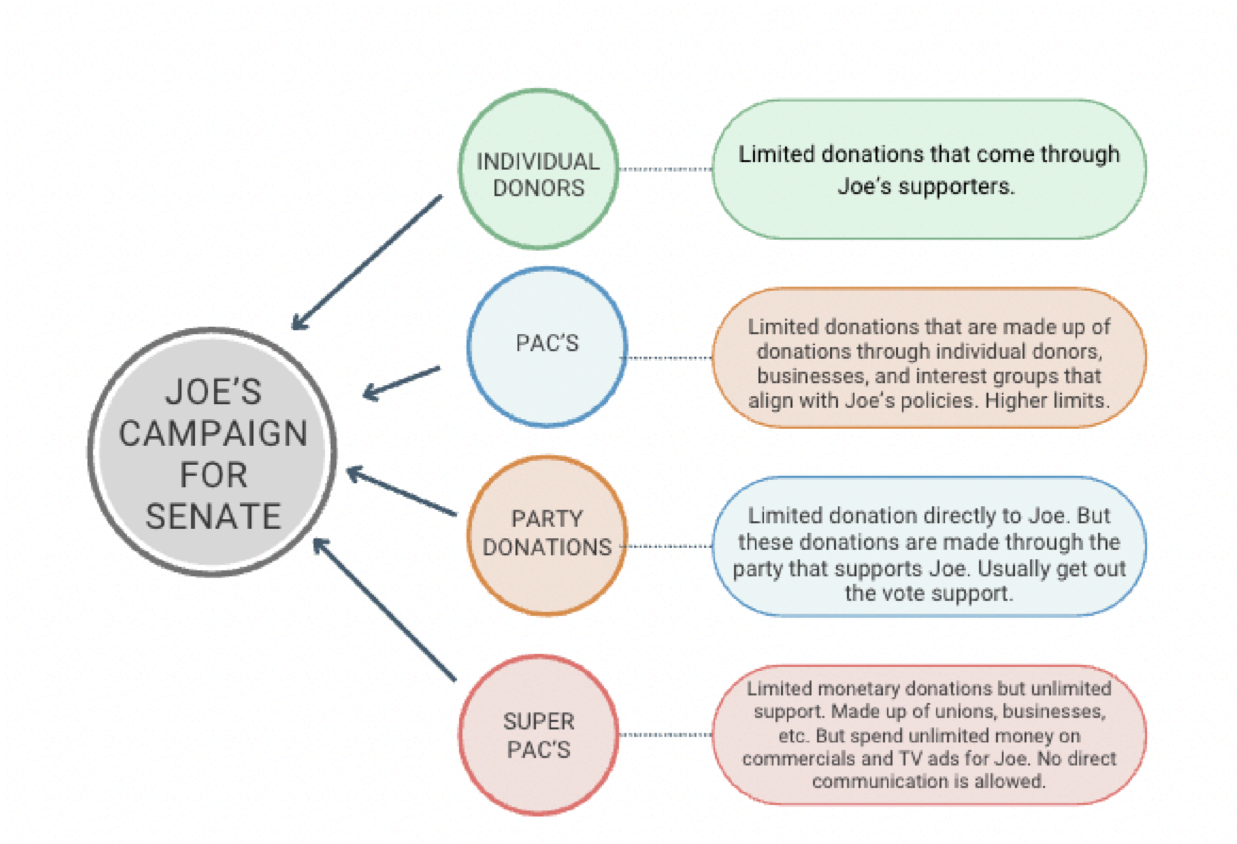
If a donor wants to make a huge impact without hitting legal limits, donating to a Super PAC is the way to go. Also, if there is a PAC specifically created to support the candidate the donor wants to donate to, giving to a candidate's specific PAC is as close as a donor can get to making another individual donation.

Another way to support a candidate is through their party committees like the Republican National Committee (RNC) or Democratic National Committee (DNC). These organizations can take much larger donations, into the hundreds of thousands, and use the money to help multiple candidates, fund voter outreach, and cover party operations.

If a donor is supporting a presidential candidate, things change a bit. If they take public funding, they agree to strict spending limits, so direct donations may not go as far. However, donors can still contribute to their General Election Legal and Compliance (GELAC) fund, which helps cover legal and accounting expenses.

At the end of the day, how much influence a donors money has depends on where they give it—direct campaign donations are limited but go straight to the candidate, while Super PACs and party committees allow for bigger spending and impact but with fewer direct ties to the campaign.

Simulation of campaign donations:



Analysis and Reform

When analyzing the campaign finance system, it becomes evident that while there are strict limits on individual donations to political candidates, the regulations surrounding contributions to PACs and Super PACs are much less clear-cut. Traditional PACs have contribution limits, but Super PACs do not. Because donors can contribute unlimited sums to Super PACs, massive amounts of money are funneled into elections. Super PACs, in turn, can spend unlimited amounts wherever they see fit, with the main restriction being that they cannot coordinate directly with a candidate's campaign. However, it is unclear how strictly this rule is enforced.

Through Supreme Court rulings, it is clear that campaign donations are considered a form of free speech, allowing individuals to support the candidates they want to see elected. However, limits on contributions exist to prevent corruption. In *McConnell v. FEC*, the Court upheld restrictions on campaign finance under the justification of preventing corruption or its appearance. While this is a valid concern, one could argue that if a billionaire wants to donate unlimited funds to support their preferred candidate, it may influence the election, but is that corruption or simply an exercise of free speech? Ultimately, the money itself is not inherently corrupt, it is the sheer volume that raises concerns.

So, it doesn't make sense that any part of campaign finance is limited because that's limiting free speech. But it also doesn't make sense that any amount of donations are unlimited because that could cause corruption.

In trying to make sense of all the different financial restrictions on donors, it's completely clear that it simply does not make sense. By allowing Super PACs to accept unlimited donations, it allows unlimited money into elections, and that defeats the goal of anti-corruption. It seems as though the limits are almost placed just to make it appear there are limits on the fiscal donations.

Even though most aspects of campaign finance are regulated with limits, allowing just one avenue, Super PAC contributions, to remain unlimited effectively undermines the entire system. If donors can give unlimited amounts to Super PACs, which they can then spend without restriction, it creates a loophole that renders other limits meaningless. The intent behind contribution caps is to prevent undue influence and corruption, but when unlimited money can still find its way into elections, it raises the question: Do these restrictions serve their purpose? By permitting just one unrestricted channel, the system essentially allows unlimited spending to flow through it, bypassing the very limits designed to regulate campaign finance.

The campaign finance system sometimes contradicts itself because it addresses some important things and completely fails to address others, but strangely, this feels intentional. When analyzing anything, looking at the goals can help understand the solutions. The campaign finance system aimed to protect the First Amendment and give people their freedom of speech by supporting candidates. But another goal is to limit corruption. Understanding the goals makes what the current system was trying to accomplish clearer.

Essentially, an individual's contribution to candidates satisfies the First Amendment, and the limits satisfy the attempt to reduce corruption. However, super PACs allow for unlimited spending, just not directly to candidates. This allows free speech but does not limit corruption because the unlimited donation aspect could hinder democracy. Trying to make sense out of all of the Super PACs and their rules doesn't fit in with the rest of the system, because by any sort of limits, the rules are saying, "Have your free speech and donate to candidates you want to take office, but it's limited because of corruption." So if free speech is already limited, it should be limited in Super PACs to regulate the money in elections and keep the rules standard across the board.

The current campaign finance system does some things well. It protects free speech, requires public disclosure of donations, encourages political participation, and maintains a degree of transparency. However, what it doesn't do, largely because of Super PACs, is effectively limit the potential for corruption. Unlimited money opens the door to undue influence, even if coordination with candidates is technically prohibited. While there can be corruption with limited donations, too, the caps make it far less likely.

That's why I believe Super PACs should still be allowed to spend unlimited amounts on independent expenditures such as ads, mailers, and events without directly coordinating with candidates. This preserves their ability to raise funds from corporations, unions, and associations, and it aligns with the principle of free political expression.

However, I propose a new rule: individual contributions to Super PACs should be capped at ten million dollars. That means any person can only donate ten million dollars as a maximum, whether through a corporation, union, or association. Their donations would be treated as coming from a single entity, with a total limit of ten million dollars to any given Super PAC.

Corporations or unions could still donate more overall if multiple individuals within the organization choose to contribute separately, each under their ten-million-dollar cap. This wouldn't violate the rule, as the total would still be made up of individual donors operating within their legal limits.

For example, if Joe wants to support the "Red, White, and Blue Super PAC," he could donate up to ten million dollars either personally or through his company, but not both. The company itself could contribute more in total if it included other individuals who also donate under their own ten-million-dollar cap.

This kind of regulation would not restrict overall political spending but would reduce the likelihood of single donors gaining outsized influence. It strikes a balance between protecting political expression and minimizing the risk of corruption.

Ten million dollars is a substantial amount for a wealthy individual to express strong political support and significantly boost a candidate's visibility. But it's not an overwhelming sum like two hundred million dollars, which could single-handedly alter the outcome of an election. I'm not suggesting that ten million dollars isn't a lot of money, but in the context of national campaigns, it's a realistic compromise between influence and fairness.

Reform Reasoning

This proposal aligns with the Supreme Court's established campaign finance rulings, which draw a critical line between contributions and expenditures. In *Buckley v. Valeo,* the Court upheld limits on direct contributions to candidates, citing the government's compelling interest in preventing corruption or the appearance of corruption. However, it struck down limits on independent expenditures, ruling that such spending is a form of protected political speech under the First Amendment.

Later, in *Citizens United v. FEC* (2010), the Court expanded this logic by holding that corporations and unions could spend unlimited funds on independent expenditures, reaffirming that the lack of coordination with candidates reduces the risk of quid pro quo corruption. Similarly, a lower court case that followed *Citizens United* allowed individuals to contribute unlimited amounts to Super PACs, since those PACs only make independent expenditures.

However, none of these cases require unlimited contributions as a constitutional necessity. The key constitutional concern is whether the regulation infringes on free speech or directly suppresses political advocacy. A cap on individual contributions to Super PACs, such as ten million dollars, would not violate the core principle of *Citizens United*, which focused on spending, not the size of each donation. The spending remains unlimited; the cap merely limits the influence of any single donor while still allowing them to meaningfully participate.

This approach is consistent with the Buckley framework: the government may regulate contributions to prevent corruption, as long as it does not directly harm political expression. By allowing Super PACs to continue unlimited expenditures but limiting individual contributions, the system preserves political speech while addressing the growing concern over the concentration of influence among ultra-wealthy donors.

It's essential to consider the role of the courts in determining whether money equates to speech and whether the ability to financially support a candidate constitutes an exercise of free speech. In *Buckley v. Valeo*, the Court ruled that limits on campaign expenditures violate the First Amendment. More recently, in *McCutcheon v. FEC*, the Court found that aggregate limits on contributions raised significant free speech concerns. Across a majority of its rulings, the Supreme Court has treated money as a means of expressing political views. While the Court has never explicitly stated that "money equals speech," it has repeatedly upheld the idea that spending money is a form of political expression, though other forms of expression, such as volunteering, also exist.

A compelling dissent in *Citizens United v. FEC* by Justices Stevens, Ginsburg, Breyer, and Sotomayor argued that corporate spending can drown out individual voices, creating an uneven playing field. This highlights how money in politics can lead to unfair advantages, granting certain individuals or corporations disproportionate influence. While the courts have considered this issue and created some limits to reduce corruption, I don't believe that actual corruption is necessary to justify such limits. As discussed earlier, a company can funnel millions of dollars to a candidate through a Super PAC. Even if that money is "clean," it can still significantly impact the election,so what's the difference between that and actual corruption? In my view, there isn't much of one.

Corruption is difficult to define. How can courts or election commissioners reliably distinguish between "corrupt" and "non-corrupt" money? It's easy to imagine scenarios where someone passes regulations by donating under a corporate or union name. That's why I believe the courts focus not only on actual corruption but also on preventing the *appearance* of corruption. Super PACs provide an avenue for unlimited money to flow into elections, and that avenue exists for a reason: the very people making these laws are often the ones who benefit from them. As a result, limits on traditional donations seem more symbolic than substantive, designed to give the appearance of combating corruption without addressing its deeper roots.

The reform proposals I've developed aim to reduce not only the *appearance* of corruption but actual corruption as well by placing a $10 million cap on individual donations to Super PACs. Whether it's $5 million to a union that then donates or another $5 million to a coalition that supports a specific candidate, the total amount attributed to a single individual cannot exceed $10 million. This limit would apply *only* to Super PAC contributions; individuals would still be able to donate the current legal limits to candidates, parties, and traditional PACs.

Of course, with any meaningful reform, challenges and objections are bound to arise. One of the most likely criticisms is that imposing such a cap would infringe upon First Amendment rights, after all, if money is considered a form of speech, then limiting it could be seen as limiting free speech. However, there's a strong rebuttal to this concern: citizens already have multiple avenues to express their political views, through volunteering, canvassing, attending rallies, and more. This proposed limit doesn't silence anyone; it simply ensures that no single individual can disproportionately dominate the political conversation with massive financial contributions. If this limit were to be considered unconstitutional, then so should the many other limits already in place. A $10 million ceiling still allows for expression and association, it merely aims to restore balance and fairness to our democratic process.

Another potential obstacle or loophole that could arise is individuals or companies attempting to bypass the $10 million limit by funneling money through others. For example, someone intent on exceeding the cap could delegate funds to friends, employees, or subsidiaries, instructing them to donate under their own names. This tactic would be an intentional attempt to evade the law, and it constitutes corruption.

It's important to note that limits exist for a reason: to maintain fairness and integrity in the political process. If someone tries to work around those limits, it's simply a violation of the law. Fortunately, there would likely be a clear "money trail" or "paper trail" that regulators could follow. Because Super PAC donations must be disclosed, such schemes could be investigated and prosecuted accordingly. While no system is foolproof, transparency requirements are a key tool in identifying and stopping abuse.

To ensure enforcement of this regulation, a dedicated team of Super PAC election regulators would be established. Their primary role would be to monitor for suspicious donations, irregular accounting practices, and potential efforts to circumvent the $10 million limit. These regulators would conduct audits and investigations, much like the current process for overseeing other types of campaign contributions.

There would be a zero-tolerance policy for violations. Any attempt to bypass the limit, such as funneling money through others, would be treated as a serious offense. Since Super PAC donations must be disclosed, all donation activity would remain public, allowing for transparency and accountability.

Violations would result in felony charges, which would remain on the offender's record, and make them ineligible to donate or vote to any campaigns or elections again. Although this penalty may seem harsh, intentionally breaking the law in this way clearly indicates an attempt to corrupt the electoral process. As a consequence, the offender would forfeit their ability to contribute to political campaigns, demonstrating that the right to free speech through political donations is not absolute when it's used to undermine democracy.

Penalties could include jail time and any additional punishment deemed appropriate by the court. The goal is to make it clear that intentionally breaking federal campaign finance laws will have real, lasting consequences.

CONCLUSION

Campaign finance has long been a complex and contentious issue in American democracy. While regulations exist to cap direct contributions and limit corruption, the rise of super PACs has created a significant legal exception that allows virtually unlimited financial influence in elections. Although political donations are a recognized form of free speech, the current system disproportionately favors wealthy individuals and organizations, raising concerns about fairness, accountability, and public trust. As campaigns increasingly rely on super PAC spending to remain competitive, the gap between average voters and political elites continues to widen, undermining the democratic principle of equal representation.

The Supreme Court has played a critical role in shaping today's campaign finance environment through landmark decisions such as *Buckley v. Valeo* and *Citizens United v. FEC*. These cases affirmed that money is a form of political speech protected under the First Amendment, but they also opened the door for entities like super PACs to operate with minimal restrictions. While the Court has sought to balance free expression with the need to prevent corruption, the resulting legal framework has inadvertently created pathways for unlimited and often opaque political influence. Revisiting the standards set by these decisions and closing the super PAC loophole would bring campaign finance law closer to its original purpose: safeguarding democratic integrity without silencing political participation.

Limiting contributions to super PACs would help close this loophole while still protecting citizens' rights to express their political preferences financially. Without such changes, it could begin to appear that elections are decided not by the strength of ideas or public support, but by the size of donors' wallets. A campaign finance system that prioritizes transparency, fairness, and limits on outsized influence is essential for preserving the health of American democracy.

Addressing the unchecked flow of money into politics, specifically Super PAC's will require both legislative action and a renewed commitment to ensuring that the government remains accountable to all citizens, not just the wealthiest few.

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