

Campaign Finance Position Affirmed

The American Civil Liberties Union's position on campaign finance was affirmed in June when the U.S. Supreme Court ruled that limits placed by the state of Vermont on a candidate's campaign efforts were unconstitutional.

By a 6-3 vote, the court ruled in *Randall v. Sorrell* that Vermont's Act 64 violated the First Amendment to the U.S. Constitution, as well as the court's own precedent against campaign spending limits.

The 1997 Vermont law imposed severe limits on the amount of money that candidates could spend to promote their own elections, coupled with the lowest statewide contribution limits in the country.

"The decision is good news for Vermont voters and good news for the First Amendment," said Mitchell Pearl, an ACLU-Vermont cooperating attorney involved in the case. "It will help to ensure that Vermont voters receive the information they need to evaluate the candidates who are running for office."

Under Act 64, spending in a gubernatorial race was limited to \$300,000 per candidate and to \$2,000 for a state House seat. Individuals could only contribute between \$200 and \$400 to candidates in a two-year election cycle, depending on the office being sought.

"Contribution limits cannot be set so low that they prevent candidates from getting their message to the voters," said ACLU Legal Director Steven R. Shapiro. "By crossing that line, Vermont's law had less to do with preventing corruption than suppressing speech."

Thirty years ago, in the landmark case of *Buckley v. Valeo*, the justices found that a candidate, "no less than any other person, has a First Amendment right to engage in the discussion of public issues and vigorously and tirelessly advocate his own election and the election of other candidates."

"Indeed," the court noted in *Buckley*, "it is of particular importance that candidates have the unfettered opportunity to make their views known so that the electorate may intelligently evaluate the candidates' personal qualities and their positions on vital public issues before choosing among them on Election Day."

"The Supreme Court upheld what we believe to be fundamental," said ACLU senior staff attorney Mark Lopez. "It is not the place of government to dictate how much candidates may speak and how much voters are entitled to hear."

With Pearl as ACLU-Vermont cooperating attorneys were Peter F. Langrock, David Putter, Joshua Diamond, and Melanie Kehne, and with Shapiro and Lopez as national ACLU attorneys was Joel Gora.

The ACLU's briefs in the case are online at

www.aclu.org/scotus/2005/22826res20051213041528/22826res20051213.html

The Supreme Court's *Buckley v. Valeo* decision can be found at
<http://supct.law.cornell.edu/>

-- *From September 2006 ACLU-VT Defender newsletter*