

Michael Toner Discusses Campaign Finance Case Before High Court

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Michael E. Toner, co-chair of Wiley Rein's Election Law & Government Ethics Practice, was quoted yesterday by WFPL-FM (Louisville, KY) in a story about a case before the Supreme Court of the United States that could further ease restrictions on campaign contributions.

On Tuesday, the Court heard oral arguments in *McCutcheon v. Federal Election Commission*, which is a constitutional challenge to the individual biennial contribution limit to federal candidates and committees. Under current law, individuals are allowed to contribute up to \$123,200 to all federal candidates and committees combined per election cycle, including up to \$48,600 to candidates and up to \$74,600 to political parties and PACs. Senate Minority Leader Mitch McConnell (R-KY) has filed an *amicus* brief urging the Court to strike down the aggregate contribution limits.

Mr. Toner, a former FEC chairman, said *McCutcheon* is an effort to broaden the ability of individuals to make contributions to the federal candidates and committees of their choice. "[B]oth political contributions and expenditures are core political speech protected by the First Amendment," he said. "The Supreme Court has repeatedly stated that governmental efforts to level the playing field among contributors and to equalize campaign resources between candidates are not constitutionally permissible bases for campaign finance restrictions."

Mr. Toner noted that the *McCutcheon* case only challenges the aggregate limits on contributions made per election cycle, not the base contribution limit that applies to each candidate. "It's also important to note that the *McCutcheon* case only involved personal,

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non-corporate contributions that are disclosed to the Federal Election Commission—so-called hard dollar funds,” Mr. Toner said. “*McCutcheon* does not concern corporate and labor union contributions and other contributions that are not disclosed to the public.”