

Second Circuit Upholds Vermont's Candidate Expenditure Limits

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On August 7, 2002, the Second Circuit Court of Appeals upheld, among other aspects of the law, Vermont's candidate expenditure limitation provisions in *Landell v. Vermont Public Interest Research Group*, 300 F.3d 129 (2d Cir. 2002).

A three-judge panel of the Second Circuit held that the state's expenditure and contribution limits are constitutional but ruled that Vermont's attempt to limit contributions from out-of-state sources is unconstitutional. Particularly noteworthy was the court's determination that the candidate expenditure limits satisfied the state's interest in limiting preferential treatment provided by politicians to large contributors. The court found that "the evidence considered by the District Court and the Vermont legislature demonstrates that, absent expenditure limitations, the fundraising practices in Vermont will continue to impair the accessibility which is essential to any democratic political system. The race for campaign funds has compelled public officials to give preferred access to contributors, selling their time in order to raise campaign funds."

The decision is currently on appeal to the full Second Circuit.

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