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NEWSLETTER

Supreme Court Strikes Down Federal Aggregate Contribution Limits

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The Supreme Court issued its much-anticipated opinion in *McCutcheon v. Federal Election Commission* this morning, striking down the federal aggregate contribution limits as unconstitutional under the First Amendment. Importantly, the base contribution limits—that is, the amount an individual may contribute to a specific federal candidate, political party, or political action committee—remain unchanged and were not at issue in this case.

What Are The Federal Aggregate Contribution Limits?

The federal aggregate contribution limits, also referred to as the election cycle contribution limits or biennial contribution limits, limit how much an individual may contribute in the aggregate to all federal candidates, political parties, and political action committees during a two-year federal election cycle. In addition to establishing an overall limit on contributions to federal candidates and political committees, the federal aggregate contribution limits contained two sub-limits that restrict how much a donor may contribute to all federal candidates and separately all political parties/political action committees during an election cycle.

How Does *McCutcheon* Change The Federal Contribution Limits?

The *McCutcheon* decision only strikes down the federal *aggregate* contribution limits. The *base* contribution limits on how much a donor may contribute to any federal candidate or political committee remain in place.

For example, an individual may still contribute no more than $2,600 per election to a federal candidate, $5,000 per calendar year to a political action committee, and $32,400 per calendar year to a national political party committee. The *McCutcheon* decision permits an individual to contribute to as many federal candidates, political action committees, and political parties as he or she wishes—subject to these base contribution limits.

The contribution limit chart below indicates the post-*McCutcheon* federal contribution limits for the 2013-14 election cycle. The crossed out portions of the chart are the aggregate limits that were struck down in *McCutcheon* and no longer apply.

Does *McCutcheon* Affect State Aggregate Contribution Limits?

While the *McCutcheon* decision only struck down the federal aggregate contribution limits, the ruling will inevitably impact similar aggregate contribution limits under state law. Connecticut, Maine, Maryland, Massachusetts, New York, Rhode Island, Washington, Wisconsin, Wyoming, and the District of Columbia each have some type of aggregate contribution limit. The validity of the aggregate contribution limits in these jurisdictions is now doubtful. We expect that these jurisdictions will review their aggregate contribution limit laws and determine whether they intend to continue enforcing these limits. The remaining states do not have any limits on aggregate contributions.

2013-14 Federal Contribution Limits, Post-*McCutcheon*

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