



## Campaign Finance Fact Sheet for Journalists

As you report on elections in 2017 and 2018 – and the myriad campaign finance-related stories that will likely emerge – we hope this fact sheet will help by highlighting key facts about federal campaign finance law.

### *Federal Campaign Finance Contribution and Disclosure Laws:*

- Individuals may donate a maximum of \$5,400 to a federal candidate in an election cycle.
- Corporations and super PACs may not contribute to the campaigns of federal candidates.
- Federal candidates, political parties, political action committees (PACs), and independent-expenditure only committees (super PACs) must disclose all of their spending and donors over \$200 to the FEC.
- All spending on independent expenditures and electioneering communications must be disclosed to the FEC.
- An organization that spends a majority of its time and funding advocating for or against federal candidates must disclose the names, addresses, occupations, and employers of its donors over \$200 to the FEC.
- All political ads in federal races must state in the ad what organization paid for the communication.

### *Rules Covering Nonprofit Organizations and Elections:*

- 501(c)(4) advocacy groups may not spend more than half of their funding supporting or opposing candidates.
- 501(c)(3) charitable organizations are prohibited by law from supporting or opposing candidates.
- Donors who earmark contributions over \$200 to nonprofits for independent expenditures or electioneering communications must be disclosed to the FEC.

### *Important Facts About Recent Supreme Court Decisions on Campaign Finance Issues:*

- *Citizens United* upheld existing disclosure requirements, but did not prescribe or consider additional disclosure mandates.
- 501(c) nonprofit organizations frequently made electioneering communications before *Citizens United*, with no legal obligation to disclose their individual donors.
- The *Citizens United* decision did not change any party or candidate contribution limits.
- Prior to *Citizens United*, a majority of states allowed independent spending by corporations and unions.
- *Citizens United* did not reverse “100 years” (or “a century”) of Supreme Court jurisprudence. The decision overruled two cases – one that was just over 6 years old, and another that was less than 20 years old.
- The *Citizens United* decision makes no reference to “corporate personhood.” This legal concept has existed since the early 19<sup>th</sup> century and has been cited in hundreds of Supreme Court decisions.
- *McCutcheon* did not affect the amount contributors can give to any one candidate, PAC, or political party.
- The Supreme Court vote striking down spending limits as unconstitutional in *Buckley v. Valeo* was 7-1. The majority included liberal Justices Harry Blackmun, William Brennan, and Thurgood Marshall.

### *Other Key Facts to Know:*

- Prior to 1974, there were no limits on individual spending or contributions to candidates.
- So-called “dark money” (nonprofit) spending on independent expenditures constituted approximately 4.9 percent of overall spending in the 2012 federal election cycle, 4.6 percent of overall spending in the 2014 cycle, and 2.9 percent of total spending in the 2016 cycle.
- 28 states allow unlimited contributions to political parties, and 11 states allow unlimited contributions from individuals to state candidates. Of these 11 states, 5 have no limits at all.
- If contribution limits on individual giving to federal candidates had kept pace with inflation, today’s limits would be at least \$9,400 per election cycle (or \$4,700 per election), and the disclosure threshold (currently over \$200) would be over \$560.
- If limits on giving to PACs were indexed to inflation, they would be at least \$23,400 per year (not \$5,000).