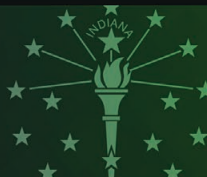


FREE SPEECH --- INDEX

Grading the 50 States
on Political Giving
Freedom



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INSTITUTE FOR
FREE SPEECH

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About the Institute for Free Speech

Since its founding by former Federal Election Commission Chairman Bradley A. Smith, the Institute for Free Speech (IFS) has sought to protect the rights of Americans to engage on issues of politics, public policy, and campaigns. The Institute was originally founded as the Center for Competitive Politics in November 2005 and changed its name to the Institute for Free Speech in October 2017.

The Institute analyzes the First Amendment impacts of legislation and regulations, and educates lawmakers, regulators, and the public on the effects of proposed and current law, including through original research publications like the Free Speech Index. Across the 50 states, when speech-stifling laws are enacted, the Institute pursues strategic litigation to overturn these laws and restore the full authority of the First Amendment. Efforts to restrict speech are often enacted with the express intention of reducing political competition and driving dissenting voices from the debate. The Institute's legislative, research, educational, and litigation efforts fight such restrictions and create freer public discourse in America.

Since its founding, the Institute has played a key role in every significant court case on political speech, and the result has been a dramatic restoration of First Amendment rights in the realm of political speech that few thought possible in

so short a time. In particular, the Institute was co-counsel in the landmark *SpeechNow.org v. Federal Election Commission* case, which created what are now informally known as "super PACs." The Institute also led the amicus brief efforts in support of the *Citizens United v. Federal Election Commission* case, which struck down a federal law banning independent speech by corporations, unions, and trade associations. Since these two rulings, over 20 states with contribution limits have passed laws raising or repealing their limits on giving to candidates, political parties, or PACs.



Free political speech guaranteed by the First Amend-

ment is one of Americans' most important rights. Without it, improving government is impossible. The Institute for Free Speech is the sole organization dedicated to promoting and defending citizens' First Amendment political rights of speech, press, assembly, and petition.

Given its mission, the Institute is in a unique position to analyze state law and supply accurate and complete information regarding each state's commitment to free political speech. This Index reflects the Institute's tireless effort to protect the right of every American to support the candidates and causes of their choice without fear of government-created barriers.

For more information about the Institute and to access our other work, please visit www.ifs.org.

Foreword by Chairman Bradley A. Smith and President David Keating

On behalf of the Institute for Free Speech, we are pleased to present Part I of the first-ever Free Speech Index. This tool will assist citizens, lawmakers, and the media in evaluating how their states treat political speech rights.

The First Amendment to the United States Constitution states that “Congress shall make no law... abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.”

Unfortunately, Congress and the states have passed too many laws limiting these rights. Federal campaign finance laws and regulations contain over 376,000 words, but this statistic only scratches the surface. Each of the 50 states has its own collection of campaign finance laws and regulations limiting the freedoms of speech, assembly, and petition. Many of these state laws are poorly written, complex, or both. Despite the advances made in constitutional protections for speech over the last decade, our politics, and campaign finance in particular, remains more highly regulated than at any time prior to the 1970s, and in some important ways more highly regulated than ever. Far from a “wild west” with no rules, arcane campaign finance rules govern the minutiae not only of almost every campaign, but of what ordinary citizens and the groups they belong to can say, and how and when they can say it.

The Supreme Court has long recognized that political speech strikes at the core of the First Amendment, yet today the Court gives less protection to that core political speech than it does to topless dancing, flag burning, or tobacco advertisements.

The right to contribute to candidates, parties, and political groups allows citizens to simply and effectively join with others to amplify their voices and advocate for change.

To assess the impact of such speech regulation, we created the Free Speech Index. In the future, we hope to publish similar ratings of state laws on other types of restrictions on political speech. This first installment measures the freedom of individuals, political parties, and groups to contribute to causes and candidates they support.

One of the most important avenues through which citizens can voice their political preferences, contributing to candidates and causes, is restricted in myriad ways across the country. The right to contribute to candidates, parties,

and political groups allows citizens to simply and effectively join with others to amplify their voices and advocate for change.

The right to speak out about politics is a core First Amendment right, and limits on one's political donations infringe on that right. While the Supreme Court has generally upheld candidate and party contribution limits, that doesn't mean such limits are good policy. At the same time, the Court has repeatedly ruled that campaign spending limits are unconstitutional and independent groups may speak without limit. The Court ruled in 2006 that even candidate and party contribution limits can be unconstitutionally low when it struck down limits in Vermont. Several of the states with low scores in this Index may have or be approaching similarly unconstitutionally-low limits.

Many people mistakenly believe that most states limit all types of campaign contributions. Historically, states have not limited contributions for most of our nation's history, and even today most states permit citizens to donate at a level of their choosing in at least one of the categories we studied.

Additionally, most states do not place limits on giving to parties, candidates, or both. Over half (28) allow unlimited donations to parties. Twenty-two states permit parties to provide unlimited support to their candidates. Thirty-two states allow unions, corporations, or both to give contributions directly to candidate campaigns. Eleven states have no limits on how much individuals may contribute to candidates or parties.

When people want to change government, they donate to and volunteer for candidates, parties, and groups. Restrictions on these contributions protect incumbents and result in less speech.

Before the first campaign ad runs, incumbents often have a huge advantage in name recognition. By limiting contributions, those in power can limit information published by challengers and help retain an electoral edge.

For many years, the debate has focused almost entirely on limiting our political speech freedoms in the name of "fairness" or preventing "corruption." All of these actions are based on the mistaken belief that regulation of political speech and participation will improve our political discourse.

Such limits can also help protect the corrupt. When contribution limits are low, it requires the participation of more citizens to get the word out about corrupt behavior or the need for a change. But taking on a corrupt politician is something not many Americans are willing to do, because the cost of failure is often high. As the old saying goes, "When you strike at a king, you must kill him." Low limits make it both harder and more risky to take on a corrupt politician. Meanwhile, those same corrupt politicians often try to ward off charges of corruption by demanding new laws restricting campaign speech. They benefit twice. First by the usually favorable media coverage they get for calling for limits on "money in

politics.” Then a second time when new speech restrictions make it harder to expose their corruption.

Unfortunately, for many years, the debate has focused almost entirely on limiting our political speech freedoms in the name of “fairness” or preventing “corruption.” All of these actions are based on the mistaken belief that regulation of political speech and participation will improve our political discourse. Consistently absent from the debate has been any serious evaluation of the erosion of First Amendment rights or the long-term effect on our national debates when individuals’ right to participate is artificially limited.

Moreover, there has been no mechanism to test the core assumption underlying regulation of political speech: whether it leads to better government. By creating an Index ranking each state on the degree of speech freedoms enjoyed by residents to financially support their preferred candidates and causes, we have, for the first time, a way to cross-reference against data in other areas. Are states with more speech restrictions – that is to say, less freedom – better governed? Do they have higher median incomes or income growth? Greater levels of educational attainment? Lower taxes? Better health? Better funded public pension systems? More job growth?

We know that speech regulation restricts freedom, and therefore comes with a cost. This cost is not only the limit on our right to speak, individually or in association with others, but on our ability and right to hear the views of other

First Amendment speech freedoms should not be an afterthought when lawmakers pass campaign finance laws.

speakers. But does it produce benefits to offset those costs? Those opposed to free speech often assert that it does, but, in fact, no one knows. The first step to answering this question is to actually determine how free the 50 states are.

Thus, this Index gauges an important aspect of the ability of citizens of each state to participate in the political process, as a candidate or as a voter, with minimal government interference. It reflects our belief at the Institute for Free Speech that campaign and election processes flourish most when individual liberties are protected. First Amendment speech freedoms should not be an afterthought when lawmakers pass campaign finance laws. Ultimately, we believe this makes for better public policy.

Many thanks are in order to former and current staff who worked on this project, including Matt Nese, Scott Blackburn, Luke Wachob, Allen Dickerson, Joe Albanese, Alexandra Cordell, Brian Walsh, Anne Marie Mackin, and David Silvers, as well as Senior Fellow Eric Wang.

Executive Summary

This installment of the Free Speech Index rates each state on how well it supports free speech rights in a core area of political participation: the rights of individuals and groups to contribute to and support the candidates and causes of their choice.¹

To assess each state in this area, we ranked the states on nineteen variables grouped into five categories:

- Individual Freedom (the ability of individuals to give to candidates, parties, and political committees, known informally as PACs);
- Party Freedom (the ability of political parties to give to or support their candidates);
- Group Freedom (the ability of PACs to give to candidates and parties);
- Inflation-Indexing Provisions; and
- Union and Corporate Freedom (the ability of unions and corporations to donate to candidate campaigns).

States earn points in each category, which are then weighted and combined to produce a total score from 100 to 0 and a letter grade, from A+ to F.

Because the states and legislative districts vary widely in population, contribution limits were compared based on population. For example, a \$1,000 per election contribution limit in a New Hampshire State House district with a roughly 2,500 voting-eligible population is much less restrictive than a \$1,000 per election South Carolina limit where the State House district has over ten times the number of voters. We also had to

account for the wide variety of ways in which states write campaign limit laws. For a full explanation of the five categories and how the scores are computed, see the Methodology section.

Eleven states received an A+ or A grade. The top 11 rated states overall were: Alabama, Nebraska, Oregon, Utah, and Virginia (each tied for #1), Mississippi (#6), Iowa (#7), Indiana (#8), and North Dakota, Pennsylvania, and Texas (each tied for #9). These 11 states are diverse in size, population, geography, and politics. They include large states (Texas), less populated states (North Dakota), eastern states (Pennsylvania), western states (Utah), blue states (Oregon), and red states (Alabama).

State	Points	Score	Grade	Rank
Alabama	5000	100%	A+	1
Nebraska	5000	100%	A+	1
Oregon	5000	100%	A+	1
Utah	5000	100%	A+	1
Virginia	5000	100%	A+	1
Mississippi	4892	98%	A	6
Iowa	4850	97%	A	7
Indiana	4740	95%	A	8
North Dakota	4700	94%	A	9
Pennsylvania	4700	94%	A	9
Texas	4700	94%	A	9

The best overall grade, A+, went to Alabama, Nebraska, Oregon, Utah, and Virginia. These five states permit individuals, political parties,

The best overall grade, A+, went to Alabama, Nebraska, Oregon, Utah, and Virginia. These five states permit individuals, political parties, and PACs to contribute unlimited sums to the candidates, parties, and causes of their choice.

and PACs to contribute unlimited sums to the candidates, parties, and causes of their choice. These states also allow unlimited donations from unions and businesses to candidate campaigns. Because none of these states impose limits, all received the same top grade.

The five lowest scores belong to Kentucky, West Virginia, Alaska, Colorado, and Maryland. In the end, eleven states receive an F, a sad commentary on the widespread existence of stringent restrictions on political giving across the country.

States in the middle of the rankings all have their own specific shortcomings. For example, Illinois and Nevada rank 29th and 30th in the Index, respectively. Both receive a C- grade. Yet, their limits are polar opposites. Nevada allows individuals to give unlimited amounts to parties and political committees, but imposes low limits on contributions from parties to candidates and fails to adjust these limits for inflation. Illinois allows parties to provide unlimited support to their candidates, and its limits are adjusted for inflation, but individuals can only give small amounts to parties and PACs.

Looking closer at the Index's five categories allows us to unearth some common themes in state regulation of political giving. We can see that, for example, party freedom is highly valued by many states compared to individual and PAC freedom. Almost half of states (22) place no limits on party giving to candidates. By contrast, only the 11 states with A+ or A grades allow individuals and PACs to contribute to candidates in unlimited amounts. (A 12th state – Wyoming – limits individual giving to candidates and PAC giving to legislative candidates, but allows PACs to give in unlimited amounts to gubernatorial candidates.)

The strictest limits exist on donations by unions and corporations to candidate campaigns. Only five states place no limits on such giving, while 18 states prohibit such donations entirely. Even though this is the area with the most restrictions, another 32 states allow at least some donations by unions, corporations, or both.

As a whole, states earn a higher score when protecting their contribution limits from erosion by inflation. Simply indexing existing limits ensures that contributors' ability to give does not diminish over time. A majority of states (30) either adjust their contribution limits to keep pace with inflation or have no limits on individual giving to candidates. Inflation-indexing is the only one of the five categories in which a majority of states earn the highest possible score.

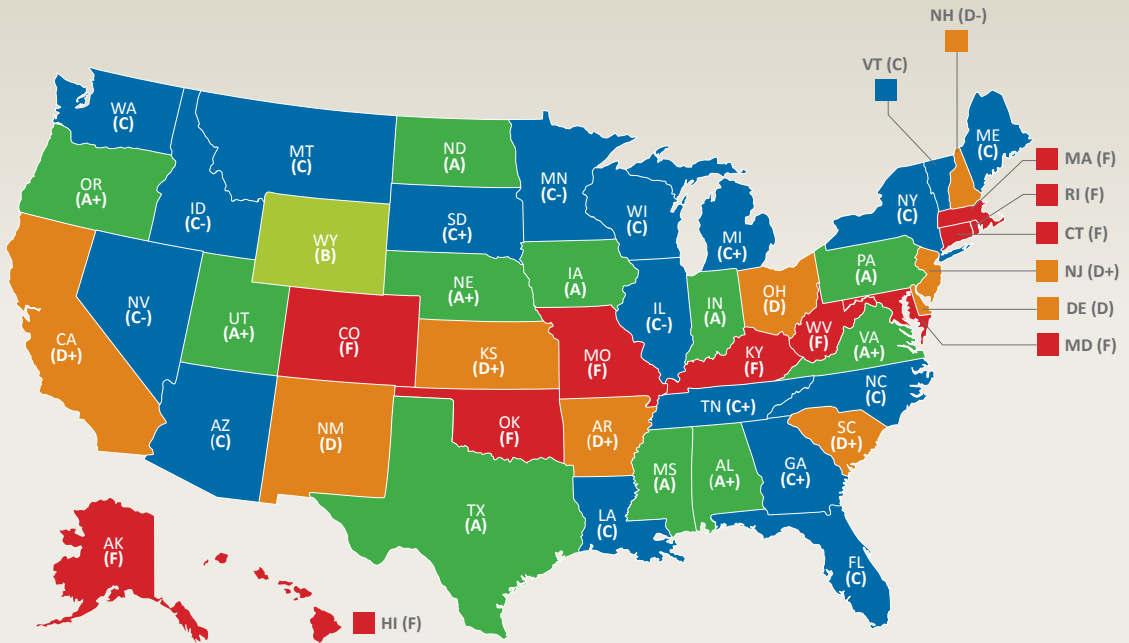
These basic observations are just the tip of the iceberg. We hope this first-of-its-kind resource will aid scholars, journalists, and policymakers in developing new research projects as they examine in detail the impact of contribution limits on government and campaigns.

The full list of scores and grades is on page 11.

Overall Score / Rank

State	Points	Score	Grade	Rank
Alabama	5000	100%	A+	1
Nebraska	5000	100%	A+	1
Oregon	5000	100%	A+	1
Utah	5000	100%	A+	1
Virginia	5000	100%	A+	1
Mississippi	4892	98%	A	6
Iowa	4850	97%	A	7
Indiana	4740	95%	A	8
North Dakota	4700	94%	A	9
Pennsylvania	4700	94%	A	9
Texas	4700	94%	A	9
Wyoming	3676	74%	B	12
Michigan	2916	58%	C+	13
South Dakota	2901	58%	C+	14
Georgia	2839	57%	C+	15
Tennessee	2802	56%	C+	16
North Carolina	2789	56%	C	17
Arizona	2747	55%	C	18
Maine	2657	53%	C	19
Washington	2631	53%	C	20
Vermont	2586	52%	C	21
Wisconsin	2512	50%	C	22
Louisiana	2485	50%	C	23
New York	2445	49%	C	24
Florida	2392	48%	C	25
Montana	2337	47%	C	26
Minnesota	2232	45%	C-	27
Idaho	2180	44%	C-	28
Illinois	2176	44%	C-	29
Nevada	2125	42%	C-	30
Kansas	1997	40%	D+	31
Arkansas	1908	38%	D+	32
California	1900	38%	D+	33
New Jersey	1867	37%	D+	34
South Carolina	1835	37%	D+	35
Ohio	1780	36%	D	36
Delaware	1598	32%	D	37
New Mexico	1425	28%	D	38
New Hampshire	1028	21%	D-	39
Hawaii	971	19%	F	40
Oklahoma	925	19%	F	41
Rhode Island	858	17%	F	42
Missouri	838	17%	F	43
Massachusetts	704	14%	F	44
Connecticut	692	14%	F	45
Maryland	630	13%	F	46
Colorado	600	12%	F	47
Alaska	503	10%	F	48
West Virginia	194	4%	F	49
Kentucky	124	2%	F	50

State Grade Map



Why We Published this Index

“[I]f spending money [was] not a form of speech, the First Amendment would become hollow for all but newspapers and other press outlets, since any effort to spread one’s message, through advertising or pamphleteering, could be stripped of First Amendment protections simply by attacking the expenditure of money.”² – Institute for Free Speech Chairman Bradley A. Smith in [Unfree Speech: The Folly of Campaign Finance Reform](#)

States infringe on the First Amendment’s guarantee of free political speech in many different ways. Indeed, there are more regulations governing political speech today than at any time in our nation’s history.³

For the First Amendment to be meaningful, it must protect the means of making and disseminating speech as well as the speech itself.

This Index takes a first step towards quantifying First Amendment political speech freedoms in the states. Here we examine one of its key components: the freedom to associate with candidates and groups through raising and contributing funds to be spent to advocate for candidates or causes.

In our system of government, the ability to speak about candidates for public office is perhaps sec-

ond only to voting in its ability to effect change.⁴ But in a country with a population over 300 million, speech is not particularly effective when shouted from a street corner.

To reach a significant number of voters, speakers need the ability to amplify their voices by forming associations and pooling resources. Modern campaigns rely on television, radio, online advertising, newspapers, rallies, mailings, canvassers, and volunteers. All of these efforts cost significant amounts of money. For the First Amendment to be meaningful, it must protect the means of making and disseminating speech as well as the speech itself. Indeed, for those who do not own their own media outlet or have the time to volunteer for a campaign, contributions to candidates or causes offer perhaps the best and most efficient way to give voice to one’s political views.

Those who argue for contribution restrictions say such infringements benefit democracy. They maintain that unlimited contributions will increase corruption, shut out citizens who lack significant financial resources from the political process, drive up the cost of campaigning such that new candidates are unable to compete with incumbents, and allow wealthy contributors to “buy” special favors from public officials.

However, a varied and extensive collection of academic research finds little evidence for these claims. This research shows that: (1) there is “no strong or convincing evidence that state campaign finance reforms [including contribution limits] reduce public corruption”;⁵ (2) limits often

do more harm to individuals' constitutionally protected First Amendment rights to participate in the political system than is justifiable;⁶ (3) contribution limits stifle the speech of political entrepreneurs – the individuals and organizations who form and grow new political voices and movements;⁷ (4) contribution limits have little impact on voter turnout and, in so doing, fail to place more electoral power in the hands of everyday citizens;⁸ (5) individuals, not so-called “special interests,” are the main source of campaign contributions;⁹ (6) contribution limits add to the inherent advantages of incumbency;¹⁰ and (7) campaign contributions do not “buy” politicians' votes, as legislative voting patterns have not changed with changes to campaign contributions.¹¹

Media corporations like *The New York Times* and Fox News as well as public figures such as Oprah Winfrey and Bill Maher can exercise unrestricted influence while the speech of non-famous citizens is capped by contribution limits.

In addition to the ample evidence provided by academic research, the Institute has conducted numerous studies on the effects of contribution limits that substantiate and inform this research. Our own analysis has found that there is no relationship between a state's limits on contributions from individuals to state legislative candidates and its corruption rate.¹² Indeed, four of the ten least corrupt states in the country place no limit on the amount individuals may contribute to state legislative candidates.¹³

Additionally, the Institute has found no relationship between a state's limits on contributions from individuals to state legislative candidates and its quality of government management as determined by the Pew Center on the States.¹⁴ In fact, two of the top three best-governed states have no limits at all on how much may be given to candidates from any source.¹⁵

Our research also finds no relationship between the presence of limits on corporate and union contributions to state legislative candidates and

a state's corruption rate or quality of government as determined by the Pew Center on the States.¹⁶

Ultimately, as the research indicates, campaign contribution limits fail to achieve their goals because they flow from a flawed premise: that absent the ability to make monetary contributions to candidates and groups that share a contributor's views, everyone's speech and influence in the political process would be equal. In reality, however, contribution limits do not result in equal speech or equal influence. Instead, they restrict the speech of some, and, in effect, enhance the speech of others. The playing field is shifted, but it does not – and cannot – become level.¹⁷

For this reason, contribution limits give tremendous advantages to media corporations and celebrities who have platforms to speak without limit. Media corporations like *The New York Times* and Fox News as well as public figures such as Oprah Winfrey and Bill Maher can exercise unrestricted influence while the speech of non-famous citizens is capped by contribution limits.

Contribution limits also favor the status quo and incumbent politicians over new ideas and challengers. Incumbents benefit from many advantages over challengers that are only exacerbated by contribution limits, such as name recognition, free media coverage from their official duties, franking privileges, a full database of past contributors to call on, and personal connections to existing political networks and party committees.

By contrast, challengers have a greater need for larger contributions early in a campaign to boost their name recognition and provide information to voters about why the challenger deserves support. By capping what supportive donors can give to a campaign, contribution limits prevent challengers from amassing the funding they need to wage a competitive election against entrenched incumbents.

Furthermore, while limits on contributions impede political engagement and discourage some donors, they do not always deter politically motivated individuals from expressing their political opinions and preferences. Besides limiting speech, they distort and make more opaque and mysterious the ways in which individuals can participate. In particular, they give politically active individuals an incentive to contribute to independent groups, such as super PACs, that

can fundraise and spend without limit. As the Supreme Court has found it unconstitutional to limit contributions to and expenditures from independent groups, contribution limits place candidates and political parties at a permanent political disadvantage.¹⁸

First Amendment principles reject the notion that government should decide who speaks, how much they speak, and with whom they speak. Yet contribution limits do just that, imposing direct restrictions on the ability of citizens to associate with each other and with candidates, PACs, or parties, and on their collective ability to speak. And when candidates and causes cannot raise the funds needed to reach a large audience, it is not only the would-be contributors, but also the would-be listeners who are deprived of the benefits of the First Amendment. Capping speech is one of the most serious offenses that states commit against First Amendment political speech rights, and is therefore the subject of our first Index analyzing political freedom in the 50 states.

The freedom to join together with others, pool resources, and speak is certainly not the only aspect of political freedom protected by the First Amendment. It is, however, one of the most important.

Methodology Summary

This section explains the methodology used to rate the states in the Free Speech Index.

Variable Overview and Weighting

In order to grade each state, we examined nineteen variables in five general categories. The maximum possible points a state can earn is 5,000. The following list outlines every variable, along with the relative weight each carries in the Index:

- The freedom of individuals to support candidates, parties, and PACs (2,400 possible points, or 48%):
 - Individual giving to political parties (12%)
 - Individual giving to political action committees (12%)
 - Individual giving to gubernatorial candidates (12%)
 - Individual giving to state senate candidates (6%)
 - Individual giving to state representative candidates (6%)
- The freedom of political parties to support candidates (1,000 points, or 20%)
 - Party support for gubernatorial candidates (10%)
 - Party support for state senate candidates (5%)
 - Party support for state representative candidates (5%)
- The freedom of political action committees to donate to candidates and parties (800 points, or 16%):
 - PAC donations to political parties (8%)
 - PAC donations to gubernatorial candidates (4%)

- PAC donations to state senate candidates (2%)
- PAC donations to state representative candidates (2%)
- Inflation-indexing provisions for states that impose contribution limits (500 points, or 10%)
- The freedom of unions and corporations to support candidates (300 points, or 6%):
 - The amounts unions or corporations may give to gubernatorial candidates (1.5% each)
 - The amounts unions or corporations may give to state senate candidates (.75% each)
 - The amounts unions or corporations may give to state representative candidates (.75% each)

While the limits themselves are expressed in monetary terms, the Index attempts to measure political freedom. The weightings, therefore, attempt to take into account both the scope of a particular contribution limit and the monetary limit itself. Thus, a limit on contributions to a gubernatorial candidate affects more speakers and is given more weight than a limit on giving to a single state legislative candidate. Taken together, the executive and legislative branches equally affect state laws. When accounting for both houses of a legislature, contribution limits on giving to candidates for each branch are given equal weight.

We give the greatest weight for limits on individual giving since such donations are by far the largest source of all political contributions.

Political parties are, by definition, actors in nearly all election campaigns. Parties raise and spend more funds than any other group, so limits on their ability to support their candidates were also significantly weighted.

Likewise, political action committees are groups of individuals who have come together expressly for the purpose of speaking out in election campaigns and donating to like-minded candidates. While not as historically significant or large as parties, PACs also receive notable weight in the Index. Limits on donations by unions and corporations receive the least weight because these groups do not usually account for a large portion of a candidate's funding, even in states where such contributions are unrestricted. Due to the complexity of these limits, we limited our study of union and corporate speech in this Index to contributions by these entities to candidates, and did not include limits on donations from unions and corporations to parties and PACs. Generally, states that have pro-speech policies with regard to contributions to candidates tend to have pro-speech policies in other areas well. These entities also often have limited alternative means available to engage in politics – often most notably by laws that allow these entities to form a PAC and pay for solicitation and fundraising costs.

Finally, inflation adjustment provisions comprise a significant portion of the Index for two reasons. First, any contribution limit not adjusted for inflation, no matter how large, will restrict more speech in the future than it does today. Second, inflation adjustments ensure that a lower limit on political giving must be adopted by passing a bill into law, instead of letting inflation silently erode these rights over time. There is also reason to believe that such indexing is constitutionally important. The Supreme Court noted in the 2006

decision *Randall v. Sorrell* that “[a] failure to index limits means that limits which are already suspiciously low will almost inevitably become too low over time. It means that future legislation will be necessary to stop that almost inevitable decline, and it thereby imposes the burden of preventing the decline upon incumbent legislators who may not diligently police the need for changes in limit levels to assure the adequate financing of electoral challenges.”¹⁹ Adjusting limits for inflation is a simple and uncontroversial way for states to acknowledge that political speech is important.

Basic Principles

To make meaningful comparisons between states, considerable effort went into generating standardized methods accounting for differences among state laws. Political speech regulations vary tremendously from state to state, with important campaign finance terms defined differently in different states, and distinct regulatory frameworks operating on distinct timeframes. For example, some states limit contributions for each election, while other states define the limit based on an election cycle.

The Index did not review campaign limits imposed on local election campaigns.

Scoring and Controls

States with no limits in each category received the highest possible points. States with limits were ranked based on the size of the limit. In order to compare the impact of limits in different states, the Index takes into account both a state's population and, for limits on state legislative candidates, the number of potential voters in legislative districts. For these purposes, we used voting-eligible population (VEP).²⁰

While we recognize that this variable could be scored differently, based on the dollar amount of the limit, we concluded that a low dollar limit in a highly populated state or district was much more restrictive than the same monetary limit in an area with fewer people. Accounting for population provides a more meaningful basis of comparison.

The state with the lowest limit per population in a category earned a score of 0. Of the states with a limit, the state with the highest limit per population in a category received 60% of the points awarded to a state without a limit in that category. States with contribution limits were scored based on their relative ranking to each other. A state with a per capita limit half of that imposed by the state with the highest per capita limit received half the points. For example, for limits on individual giving to gubernatorial candidates, states with no limit received 600 points. Of the states with limits in this category, Wyoming is the state with the highest limit per VEP and received 360 points, 60% of the maximum 600 points achievable for this variable. Hawaii, with a per capita limit roughly half that of Wyoming, received 177 points.

The limit-per-VEP metric was used (as opposed to simply the monetary value of the contribution limit) to adjust for the relative value of donations among states. A dollar's worth of speech in California (across a vast geographic area encompassing numerous highly populated and, therefore, expensive TV markets) covers a smaller portion of voters. Likewise, relatively lower limits in high population states, such as Florida, dilute the effective value of political contributions. Finally, given that campaigns are more expensive in highly populated states, a single maxed out donor winds up providing a smaller portion of a campaign's funds.

For candidates in state house and senate races, we accounted for the VEP in each district. In New Hampshire, for instance, where there are 400 members of the State House of Representatives, each legislator represents a relatively small constituency. It is far less costly for those candidates to speak to voters in their district than it is for candidates in one of the 40 California Senate districts.

Because of the considerable variability among the statutes and codes of the 50 states relating to contribution limit restrictions, the process for standardization into a single metric had many additional complications. Therefore, many other rules specific to a single state or small group of states were taken into account (see "Appendix I" for these many and varied idiosyncrasies). The most common variation is that bonus points were awarded in states that provided substantial exceptions to contribution limits. This is most common for exemptions to limits on giving to political parties or on the ability of parties to support their candidates. For example, sixteen states provide significant exemptions for parties to support their candidates. Such exemptions include providing staff, slate card mailings, polling, get out the vote efforts, and more.

This Free Speech Index is based on data current as of December 1, 2016. State laws, of course, are often in flux due to legislative, regulatory, and judicial action. As such, since the publishing of this Index, some contribution limits may have changed. While we have attempted to account for some of these changes, it is possible that some recent increases have gone unnoticed. For example, some states have raised their contribution limits to adjust for inflation after 2016, and therefore have contribution limit values different from those displayed in this Index.

Grading

To make comparisons easy, each state received a grade ranging from A+ to F. These grades attempt to account for each state's relative standing on political speech freedom. Thus, we graded on a curve, to the benefit of most states.

The Index reveals a large gap between the roughly top 25% of states and the others. The grades reflect this gap. The top 25% were very close to each other and received A+ or A grades. The raw scores in these states ranged from 5000 to 4000 points. Just one state (Wyoming) earned a B. The middle two quartiles received Cs and Ds, respectively, with raw scores between 2999 and 1000 points. Approximately the bottom 25% of states received Fs with scores ranging from 999 to 0. Variances within each group were awarded or penalized with plusses and minuses.

Data Sources

We gathered data for this analysis from a variety of sources, including the section of each state's statutes relating to campaign finance and election law. We also relied upon the National Conference of State Legislatures' (NCSL) compilation of state limits on giving to candidates from individuals, state political parties, PACs, corporations, and unions.²¹ As of writing, this database of state limits on contributions to candidates is only up-to-date through October 2015.²² To account for changes in state law since that time, some data is culled directly from the legal databases of state statutes, or the text of bills signed into law, which altered state contribution limits in some manner but are not reflected in NCSL's chart.

A Note About Independent Expenditures

Given the myriad ways in which political speech is regulated, many types of regulations inevitably fell outside the scope of this first Index. Most notably, state regulation of independent expenditures, which affects a variety of organizations wishing to engage in political speech without directly coordinating with a candidate, political party, or political action committee, was not considered in this iteration of the Free Speech Index.

Organizations that make independent expenditures take many legal forms. Among the most prominent among these groups are independent expenditure-only committees (informally known as “super PACs”). Super PACs fully disclose their donors and are able to solicit unlimited contributions, but they are prohibited by law from coordinating their activity with campaigns. Also prominent are various advocacy nonprofits, which can only use up to half of their resources to urge voters to vote for or against candidates. Regardless of the particulars, these organizations have a long and storied history of contributing to political debates in the U.S. and an equally well-documented history of being subject to speech-chilling regulations by overzealous legislative and regulatory bodies.

Recent Supreme Court decisions, however, have made explicitly clear that the free speech rights of these organizations are of paramount importance to the maintenance of a healthy democratic system. In a 1986 decision, *Massachusetts Citizens for Life* (“MCFL”), the Supreme Court allowed qual-

ified nonprofit corporations to conduct express advocacy through independent expenditures.²³ This included groups such as the League of Conservation Voters and NARAL Pro-Choice America. Later, in 2007’s *Wisconsin Right to Life* ruling, the High Court affirmed that only political ads with “express advocacy or its functional equivalent” could be restricted close to elections.²⁴ In 2010’s *Citizens United* decision, the Supreme Court made clear that corporations, unions, and trade associations could not be prohibited by law from making independent expenditures in political campaigns using general treasury funds.²⁵ Shortly thereafter, in *SpeechNow.org*, the United States Court of Appeals extended the Court’s decision in *Citizens United*, allowing independent expenditures to be made from pooled funds not subject to contribution limits for PACs, effectively giving rise to super PACs.²⁶ Every other federal court of appeals that has ruled on these types of laws has agreed with the *SpeechNow* decision.

Despite the tremendous importance of these organizations to a free and open political debate, state laws regulating and restricting groups that choose to make independent expenditures have been omitted from this version of the Index. Unlike laws limiting contributions to candidates, political parties, and PACs, laws restricting independent expenditures vary widely in their definitions. As such, comparing 50 states in this category would require far more interpretation of the degree to which legal definitions of “independent expenditure” restrict speech.

How States Can Improve Their Scores in Future Versions of the Index

This section contains general tips for state policymakers interested in improving their state's score in future editions of the Free Speech Index. To see where a state lost points, a complete listing of all the variables graded and the points assigned to each is available in "Variable Overview and Weighting" in the Methodology Summary. However, the types of policy changes that are likely to result in significant improvements to a state's score fall into five broad categories.

In each case, many or a majority of states have already demonstrated that First Amendment-friendly policies work. States need only adopt each other's best practices to fully protect free speech rights. Each of the following recommendations offers a major opportunity for states to protect the First Amendment's guarantee of free political speech while improving their state's Index score in the process.

- 1) **Eliminate or raise existing limits on individual contributions to candidates, parties, and PACs.**

As explained earlier in the "Why We Published This Index" section, the evidence suggests, where it does not prove, that limits on campaign contributions fail to achieve the goals outlined by their proponents. They do not prevent or reduce corruption²⁷ and they do not improve the quality of

a state government.²⁸ Rather, they do great harm to candidates pushing new ideas and to challengers. More importantly, however, this Index is about political freedom. States may believe that there are benefits from such restrictions, but the purpose of this Index is to consider the costs of limiting First Amendment rights. Some states will choose to sacrifice First Amendment liberties in the hope that such sacrifices will result in better government. But states can improve their Index score, and increase the political freedoms in their state generally, by raising or eliminating existing limits on contributions to candidates. This Index will allow policy makers to better evaluate if trading liberty for campaign finance regulation is a good deal.

Since 2010, seventeen states with contribution limits have increased or even eliminated some limits. These increases are common in states controlled by both Democrats and Republicans.

Since 2010, seventeen states with contribution limits have increased or even eliminated some limits. These increases are common in states controlled by both Democrats and Republicans.

Limits on how much can be raised by candidates and parties leads to campaigns becoming more influenced by independent groups, which candidates by law cannot control. This is leading to frustration among candidates and party officials. For example, former Florida House Speaker Will Weatherford (R), an advocate of eliminating contribution limits, explained, “We all know people are spending a lot of money on campaigns. Unfortunately, none of it’s going through the actual campaign.”²⁹

In Minnesota, the Democratic sponsor of a bill that doubled contribution limits, former Representative Ryan Winkler, was cited in a news account explaining that, “low limits mean big dollar donors give their money to third party groups that spend on behalf of candidates. As a result, ‘the candidate becomes relatively insignificant in their election.’”³⁰

As these policymakers of different political backgrounds note, allowing individuals to make larger contributions directly to candidates and parties increases candidate and party speech compared to independent speech. Many donors to candidates and political parties would like to support more speech by candidates and parties, but the candidate and party contribution limits force them to look for alternatives like independent groups in order to speak out. Simply put, if donors can give more to candidates and parties, many will.

With higher donation limits, many donors are likely to give less to independent groups. If policymakers are concerned that independent political speech reduces the voice of candidates and parties, then allowing more money to go to candidates and parties will re-establish a balance. Regardless of how one views independent expenditures and super PACs, the only way to

give parties and candidates a louder voice is to allow candidates, parties, and PACs to raise more money. States appear to be moving in that direction, and that’s a positive development for First Amendment speech rights and more competitive elections.

The diversity of states without limits on contributions from individuals to candidates demonstrates that free speech in campaigns works everywhere.

Currently, contributions from individuals to state-wide and legislative candidates are unlimited in 11 states, contributions from PACs to candidates are unlimited in 12 states,³¹ and contributions from parties to candidates are unlimited in 22 states. The 11 states that until 2016 had no limits on individual giving to candidates include two of the five least corrupt states³² (Oregon, Nebraska) and in a 2013 study were five of the ten best governed³³ (Utah, Virginia, Texas, Nebraska, Indiana).

The states with no individual limits includes big states (Texas), small states (Indiana), states with large populations (Virginia), states with small populations (North Dakota), Northern states (Pennsylvania), Southern states (Alabama, Mississippi), Midwestern states (Iowa, Nebraska), and Western states (Oregon, Utah).

The diversity of states without limits on contributions from individuals to candidates demonstrates that free speech in campaigns works everywhere.

States appear to be taking note and recognizing the importance of First Amendment speech freedoms by raising a range of campaign contribution limits in sizable numbers. Since 2010, 17 states have raised some or all of their contribution limits.

In September 2011, the Nebraska Accountability and Disclosure Commission announced in an order that it would no longer enforce the state's aggregate limits on giving to candidates, effectively rendering the state without any contribution limits on any source.³⁴ That same year, Tennessee modified its prohibition on direct corporate giving to candidates and now allows businesses to give directly to candidates.³⁵ A year later, Illinois decided that when super PACs spend \$250,000 in a race for statewide office or \$100,000 in a race for legislative office, contribution limits on giving to candidates in that race no longer apply.³⁶ Nine states – Alabama, Arizona, Connecticut, Florida, Maryland, Michigan, Minnesota, North Carolina, and Wyoming – raised or eliminated various campaign contribution limits in 2013.³⁷ Seven of those states increased their limit on individuals giving to candidates, including four that increased their limits on individual giving by 100% or more.³⁸ Continuing this trend, Vermont,³⁹ Oklahoma,⁴⁰ and Massachusetts⁴¹ increased their contribution limits in 2014, and Arkansas⁴² and Wisconsin⁴³ increased their limits in 2015.

It's clear that states that choose to raise or eliminate contribution limits on giving to candidates will not be alone. If anything, they will be late to the party, and will join a large group of diverse and well-governed states with either recently raised limits or no limits at all. Consequently, these states will also earn better scores in future editions of the Free Speech Index.

2) **Eliminate or raise existing limits on contributions to political parties.**

If a state is not able to raise candidate or PAC contribution limits, it should consider eliminating or raising party contribution limits. Most states, 28 in all, currently have no limits on the amount that individuals can contribute to political parties.

Raising limits on political parties may have benefits beyond increasing speech freedoms. Noted political scientists Raymond J. La Raja and Brian F. Schaffner believe that doing so could reduce political polarization and help create a political environment where lawmakers can work out solutions to complex policy problems. In their recent book, Campaign Finance and Political Polarization: When Purists Prevail, they write:

In an era when money is an essential electoral resource, party organizations have often struggled to finance politics because campaign finance laws and court jurisprudence constrain political parties more tightly than they limit interest groups or individual donors.

...

[P]arties are the sole political organizations whose primary goal is to win elections. We will argue that this unique characteristic forces parties to exercise a moderating effect on those who win office. One of the main thrusts of our argument will be that the introduction of party-friendly campaign finance laws would moderate the distancing of the major political parties in Congress and the states.⁴⁴

3) **Eliminate or raise existing limits on contributions to candidates and parties from political action committees.**

Over half the states (27) have no limits on the amount individuals can contribute to PACs. PACs are simply groups that collect funds from individuals who agree on a cause. The pooled funds are donated to candidates and parties that the PAC believes will support their cause.

The courts have repeatedly ruled that contributions to Independent Expenditure-Only PACs, known as super PACs, may not be constitutionally limited. Only traditional PACs that donate to candidates may be subject to limits. However, these groups play an important role as a source of funds for candidates. PACs also are a convenient way for like-minded citizens to support candidates who agree with them on key issues. Citizens can write one check to a PAC that does a good job of representing their views knowing that those running the PAC can find the best candidates to support.

4) **Index existing contribution limits to inflation.**

A state with fixed-dollar contribution limits can add ten percentage points to its score by indexing its contribution limits to inflation.

This simple move ensures that future contributors will have the same freedom to support candidates that today's contributors enjoy. This is one of the easiest ways for states to improve their score, because limits are not truly "raised" when they are simply adjusted to keep pace with inflation. Rather, failing to index limits to inflation effectively causes limits to decline year after year, steadily diminishing First Amendment freedoms

and suffocating candidates, parties, and political committees.

Currently, 19 of the 39 states with limits on individual giving to candidates index the limits for inflation. The rest can easily raise their scores in future editions of the Free Speech Index by joining this group.

5) **Reduce restrictions on donations by unions and corporations to candidates.**

Although most states allow corporations and unions to contribute directly to the campaigns of candidates for governor and state legislative office, others prohibit such contributions. These restrictions are not the norm, are not necessary, and cost states points in the Free Speech Index. Thirty states allow unions to contribute to candidate campaigns and 27 allow corporations to do the same.

Allowing such contributions would level the playing field between small and large unions and corporations. In states that ban contributions from unions and corporations, the law typically allows these entities to establish PACs. While large unions and corporations can afford the administrative expense to organize and operate a PAC, small unions and family-run businesses usually cannot.

Allowing these entities to donate the same amount as individuals would help smaller unions and corporations have a voice in election campaigns.

A study conducted by the Institute found no relationship between restrictions on union and corporate giving to candidates and states' quality of government.⁴⁵ Instead, these restrictions

arbitrarily stifle important voices in the public debate, an effect long acknowledged by the Supreme Court. Referencing a prior Supreme Court ruling that found that corporations have a First Amendment right to contribute to ballot initiative campaigns,⁴⁶ Justice Anthony Kennedy wrote for the Court in *Citizens United v. FEC* that “[p]olitical speech is ‘indispensable to decision-making in a democracy, and this is no less true because the speech comes from a corporation rather than an individual.’”⁴⁷

Allowing unions and corporations to contribute to candidates, parties, and groups that advocate for candidates will improve states’ speech freedom, increase the amount of information about candi-

dates available to voters, and result in states earning better grades in future editions of the Index.



Taking any of these five courses of action is likely to result in states receiving significantly improved scores in future editions of the Free Speech Index. To see exactly where your state can do better, view your State Report Card, and see all the variables we use to grade states in “Variable Overview and Weighting” in the Methodology Summary. You can also contact the Institute for additional information on ways to improve freedom of political speech in your state.

Top States by Category

The tables below list the top ten states in each of the Index's five general categories.

Individual Freedom

State	Score	Rank
Alabama	2400	1
Indiana	2400	1
Iowa	2400	1
Mississippi	2400	1
Nebraska	2400	1
North Dakota	2400	1
Oregon	2400	1
Pennsylvania	2400	1
Texas	2400	1
Utah	2400	1
Virginia	2400	1
Wyoming	1957	12
Idaho	1544	13
Nevada	1497	14
Wisconsin	1354	15
Michigan	1350	16
Maine	1330	17
Georgia	1318	18
South Carolina	1287	19
Tennessee	1271	20
Montana	1269	21
Arizona	1266	22
Minnesota	1243	23
Washington	1239	24
Florida	1211	25
Louisiana	1107	26
South Dakota	1101	27
Delaware	994	28
North Carolina	868	29
Arkansas	857	30
Kansas	855	31
Vermont	708	32
New York	660	33
Hawaii	576	34
New Mexico	560	35
New Hampshire	479	36
Ohio	466	37
Maryland	395	38
Oklahoma	286	39
Illinois	279	40
Alaska	278	41
Missouri	230	42
California	219	43
Connecticut	186	44
New Jersey	182	45
Rhode Island	136	46
West Virginia	121	47
Kentucky	53	48
Massachusetts	18	49
Colorado	5	50

PAC Freedom

State	Score	Rank
Alabama	800	1
Indiana	800	1
Iowa	800	1
Mississippi	800	1
Nebraska	800	1
North Dakota	800	1
Oregon	800	1
Pennsylvania	800	1
South Dakota	800	1
Texas	800	1
Utah	800	1
Virginia	800	1
Wyoming	719	13
Idaho	461	14
Tennessee	454	15
Nevada	448	16
New Hampshire	447	17
Arkansas	432	18
Maine	423	19
North Carolina	420	20
Georgia	420	21
South Carolina	415	22
Montana	412	23
Arizona	411	24
Minnesota	408	25
Michigan	406	26
Florida	402	27
Illinois	281	28
Louisiana	268	29
Delaware	245	30
Hawaii	242	31
Vermont	228	32
New York	209	33
Wisconsin	157	34
New Mexico	143	35
Oklahoma	100	36
Missouri	99	37
Ohio	98	38
New Jersey	92	39
California	87	40
Washington	73	41
Connecticut	67	42
Kansas	46	43
Alaska	38	44
Rhode Island	25	45
Maryland	22	46
West Virginia	17	47
Kentucky	8	48
Massachusetts	6	49
Colorado	3	50

Top States by Category

The tables below list the top ten states in each of the Index's five general categories.

Party Freedom

State	Score	Rank
Alabama	1000	1
California	1000	1
Illinois	1000	1
Indiana	1000	1
Iowa	1000	1
Kansas	1000	1
Louisiana	1000	1
Mississippi	1000	1
Nebraska	1000	1
New Jersey	1000	1
New York	1000	1
North Carolina	1000	1
North Dakota	1000	1
Oregon	1000	1
Pennsylvania	1000	1
South Dakota	1000	1
Texas	1000	1
Utah	1000	1
Vermont	1000	1
Virginia	1000	1
Wisconsin	1000	1
Wyoming	1000	1
Washington	732	23
Ohio	717	24
Florida	697	25
Rhode Island	697	26
Michigan	660	27
Massachusetts	640	28
Arizona	570	29
Minnesota	538	30
Tennessee	537	31
Georgia	505	32
Connecticut	439	33
Maine	302	34
Delaware	262	35
Alaska	187	36
Arkansas	119	37
Maryland	113	38
Montana	109	39
Colorado	93	40
New Mexico	66	41
Kentucky	62	42
New Hampshire	47	43
Oklahoma	39	44
South Carolina	39	45
Idaho	28	46
Nevada	20	47
Hawaii	11	48
Missouri	8	49
West Virginia	6	50

Corporate/Union Freedom

State	Score	Rank
Alabama	300	1
Nebraska	300	1
Oregon	300	1
Utah	300	1
Virginia	300	1
Mississippi	192	6
Nevada	159	7
New Mexico	155	8
Vermont	150	9
Iowa	150	10
Idaho	146	11
Hawaii	141	12
Illinois	116	13
Louisiana	110	14
Maine	102	15
Maryland	100	16
Georgia	97	17
Delaware	97	18
Kansas	96	19
South Carolina	95	20
California	94	21
New Jersey	94	22
Washington	86	23
Florida	82	24
New York	75	25
New Hampshire	54	26
West Virginia	50	27
Montana	46	28
Minnesota	43	29
Tennessee	40	30
Indiana	40	31
Massachusetts	40	31
Alaska	0	50
Arizona	0	50
Arkansas	0	50
Colorado	0	50
Connecticut	0	50
Kentucky	0	50
Michigan	0	50
Missouri	0	50
North Carolina	0	50
North Dakota	0	50
Ohio	0	50
Oklahoma	0	50
Pennsylvania	0	50
Rhode Island	0	50
South Dakota	0	50
Texas	0	50
Wisconsin	0	50
Wyoming	0	50

Inflation Indexing

State	Inflation Indexing
Alabama	N/A
Alaska	No
Arizona	Yes
Arkansas	Yes
California	Yes
Colorado	Yes
Connecticut	No
Delaware	No
Florida	No
Georgia	Yes
Hawaii	No
Idaho	No
Illinois	Yes
Indiana	N/A
Iowa	N/A
Kansas	No
Kentucky	No
Louisiana	No
Maine	Yes
Maryland	No
Massachusetts	No
Michigan	Yes
Minnesota	No
Mississippi	N/A
Missouri	Yes
Montana	Yes
Nebraska	N/A
Nevada	No
New Hampshire	No
New Jersey	Yes
New Mexico	Yes
New York	Yes
North Carolina	Yes
North Dakota	N/A
Ohio	Yes
Oklahoma	Yes
Oregon	N/A
Pennsylvania	N/A
Rhode Island	No
South Carolina	No
South Dakota	No
Tennessee	Yes
Texas	N/A
Utah	N/A
Vermont	Yes
Virginia	N/A
Washington	Yes
West Virginia	No
Wisconsin	No
Wyoming	No

Key Facts

While there is significant debate at the federal level about the burdens of existing regulations on contributions to candidates, political parties, and PACs, policy at the state level is far more varied. Some states do indeed have low contribution limits, but most have no limits in some very important respects. The following facts highlight a variety of state policies that support free speech:

- 31** states allow unlimited donations from individuals to either candidates, parties, or PACs.
- 11** states allow unlimited donations from individuals, political parties, and PACs to statewide or legislative candidates – limiting only donations from unions and corporations to statewide or legislative candidates.
- 28** states allow unlimited donations from individuals to political parties.
- 27** states allow unlimited donations from individuals to PACs.
- 27** states allow unlimited donations from PACs to political parties.
- 13** states allow unlimited donations from PACs to statewide candidates.
- 12** states allow unlimited donations from PACs to legislative candidates.
- 22** states allow unlimited donations from political parties to statewide and legislative candidates.
- 27** states allow corporations to contribute to statewide and legislative candidates.
- 30** states allow unions to contribute to statewide and legislative candidates.
- 19** states, of the 39 with limits on individual giving to candidates, index those contribution limits to inflation.

Conclusion

The recent trend of states raising or repealing contribution limits – which 17 states have done since the Supreme Court’s 2010 ruling in *Citizens United v. FEC* – suggests that state policymakers and thought leaders are beginning to understand the negative impact of low contribution limits. A broad swath of states has shown an increased interest in protecting the right of individuals and groups to support the candidates and causes of their choice.

Despite this positive news, the Free Speech Index reveals that Americans’ freedom to contribute to candidates, political parties, or PACs is still severely restricted across most of the country. In many states, contribution limits remain unchanged long after they have outlived their usefulness. Twenty states allow inflation to further erode already low limits.

While 11 states do not limit the amounts that individuals may give to candidates, 39 states do. Regrettably, over a fifth of states earn an F in the Index, demonstrating that, in many states, limits on contributions exist across the political ecosystem. Political parties are generally afforded the most freedom to give and receive contributions while corporations and unions are most often prohibited entirely from contributing, but regardless of the group or individual, some state has imposed some limit on their ability to contribute.

States are often said to be laboratories of democracy, and that appears to be the case with contribution limits. Further research will hopefully lead to new insights about the effects of these myriad

limits, but the sheer variance across the 50 states challenges simplistic assumptions about their impact on government. Eleven have no limits on political giving by individuals whatsoever, while others limit contributions to candidates to just a few hundred dollars. Yet these states do not fit any clear pattern, whether geographical, political, or economic. Previous research by the Institute and independent scholars has found that limits do not deter corruption or promote better government.

If there is an overarching lesson to be drawn from the Index, it is perhaps to challenge the assumption that campaign contributions are regulated in a similar manner by all states. Quite the contrary.

If there is an overarching lesson to be drawn from the Index, it is perhaps to challenge the assumption that campaign contributions are regulated in a similar manner by all states. Quite the contrary. For anyone interested in effective campaigns and free and open political debate, the Index’s data and ranking on state contribution limit laws can be used to examine the states – big and small, east and west, red and blue – and see what they are doing, what impact it has made, and how

they have attempted to embrace (or stifle) free political speech.

Hopefully, this Index will become a valuable tool as an informational resource for scholars, citizens, policymakers, and journalists. Scholars can refine their study of the impact of limits. Citizens and policymakers can see how well (or poorly) their state protects the freedom to support candidates and causes when compared to their neighbors.

Journalists reporting on efforts to raise or lower contribution limits can put new laws in context by comparing them to the rankings and limits of other states.

Trends toward greater freedom to contribute suggest a brighter future ahead. Hopefully, subsequent editions of the Index will reflect such a future.

Alabama

1

Overall Rank

A+

Overall Grade

Alabama	Overall Rank	To Governor	To State Senate	To State House	To Parties	To PACs
Individual Giving	1	1	1	1	1	1
		Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
PAC Giving	1	1	1	1	1	
		Unlimited	Unlimited	Unlimited	Unlimited	
Party Giving	1	1	1	1		
		Unlimited	Unlimited	Unlimited		
Union Giving	1	1	1	1		
		Unlimited	Unlimited	Unlimited		
Corporate Giving	1	1	1	1		
		Unlimited	Unlimited	Unlimited		

Inflation Adjustment: N/A

Alabama is one of five states to earn the highest grade possible in the Free Speech Index. The home of the Iron Bowl made an ironclad commitment to free political speech in 2013, when the signing of Senate Bill 445 into law eliminated a \$500 per election limit

on direct corporate contributions to candidates. Now individuals, political parties, PACs, businesses, and labor unions are all free to contribute to candidates without limit in the Yellowhammer State.

Alaska

48 Overall Rank **F** Overall Grade

Alaska	Overall Rank	To Governor	To State Senate	To State House	To Parties	To PACs
Individual Giving	41	45	43	42	33	41
		\$500/cycle	\$500/cycle	\$500/cycle	\$5,000/cycle	\$500/cycle
PAC Giving	44	33	36	36	44	
		\$1,000/cycle	\$1,000/cycle	\$1,000/cycle	\$1,000/cycle	
Party Giving	36	36	35	37		
		\$100,000/cycle	\$15,000/cycle	\$10,000/cycle		
Union Giving	50	50	50	50		
		Prohibited	Prohibited	Prohibited		
Corporate Giving	50	50	50	50		
		Prohibited	Prohibited	Prohibited		

Inflation Adjustment: No

Alaska's very low contribution limits leave candidates and their supporters out in the cold. Indeed, the state's limits are so low that they are currently being challenged in federal court as an unconstitutional restriction on free speech and association. Also at issue in the lawsuit is a peculiar quirk of the state's campaign finance laws: special restrictions on political giving by non-residents.

Under current law, gubernatorial candidates may not accept more than \$20,000 in aggregate from all non-residents, while aggregate limits on Senate and House candidates sit at \$5,000 and \$3,000 from non-residents, respectively. In similarly restrictive fashion, political parties and PACs in Alaska may not

receive more than 10% of their funding from non-residents. Corporations and other groups based out of state are prohibited from giving to candidates entirely, and may only contribute small amounts to PACs and state parties under certain circumstances.

Alaska is one of just two states (Hawaii is the other) to add these additional speech restrictions on top of its exceedingly low contribution limits. Although Alaska is not penalized in the Index for this aspect of its limits, special restrictions on non-resident giving serve no anti-corruption purpose and limit speech by hindering a candidate or group's ability to disseminate its message.

Arizona

18

Overall Rank

C

Overall Grade

Arizona	Overall Rank	To Governor	To State Senate	To State House	To Parties	To PACs
Individual Giving	22	43 \$5,000/4-year cycle	35 \$5,000/4-year cycle	36 \$5,000/4-year cycle	1 Unlimited	1 Unlimited
PAC Giving	24	43 \$5,000/4-year cycle	37 \$5,000/4-year cycle	38 \$5,000/4-year cycle	1 Unlimited	
Party Giving	29	29 \$80,000/4-year cycle	30 \$8,000/4-year cycle	31 \$8,000/4-year cycle		
Union Giving	50	50 Prohibited	50 Prohibited	50 Prohibited		
Corporate Giving	50	50 Prohibited	50 Prohibited	50 Prohibited		

Inflation Adjustment: Yes

Overall, Arizona ranks better than most states in the Free Speech Index, due to its strong support for free association among parties and PACs. But the Grand Canyon State's ranking hides some unusual and unfortunate speech restrictions in the state's campaign finance regulatory regime.

Candidates who decline to participate in the state's misguided taxpayer-financed campaign program – which requires participants to agree to additional arbitrary restrictions on their campaign fundraising – face a 20% reduction in the amount they are allowed to raise from a contributor. Arizona's ranking in the Index is based on this reduced limit. An oddity creat-

ed by this system is that contribution limits are functionally lower for statewide and legislative candidates than for local officials who are not eligible to finance their campaign with tax dollars.

Mitigating the negative effects of Arizona's low limits are several important exemptions for standard party activities in support of candidates. Political parties in Arizona may pay for campaign staff, slate card mailings, get out the vote drives, and voter registration efforts outside of the existing party to candidate limit regime. This mixed bag of restrictions on political giving is a driving factor underpinning Arizona's middle-of-the-pack Index ranking.

Arkansas

ARKANSAS

32

Overall Rank

D+

Overall Grade

Arkansas	Overall Rank	To Governor	To State Senate	To State House	To Parties	To PACs
Individual Giving	30	29	23	19	1	34
		\$2,700/election	\$2,700/election	\$2,700/election	Unlimited	\$5,000/election
PAC Giving	18	29	23	21	1	
		\$2,700/election	\$2,700/election	\$2,700/election	Unlimited	
Party Giving	37	39	39	38		
		\$2,700/election	\$2,700/election	\$2,700/election		
Union Giving	50	50	50	50		
		Prohibited	Prohibited	Prohibited		
Corporate Giving	50	50	50	50		
		Prohibited	Prohibited	Prohibited		

Inflation Adjustment: Yes

Arkansas' motto may be "Regnat Populus" – Latin for "the people rule" – but that doesn't stop the state from imposing extremely low limits on the amount its citizens can donate to the candidates and political committees of their choice. As a result, Arkansas earns a poor grade in the Free Speech Index, made worse by a successful 2014 ballot measure that imposed a prohibition on union and corporate giving to candidates. On the bright side, however, the General Assembly further amended the state's contribution laws in 2015, modestly raising the state's limits on giving to candidates from \$2,000 per election to \$2,700 per election and indexing these limits to inflation so that the value of speech doesn't erode over time.

Unfortunately, some in Arkansas seek to continue exploiting the initiative process to further trample on political speech. A proposed 2016 ballot measure contained a wide array of additional and unnecessary regulations applicable to political campaigns and issue groups. Fortunately, this measure never garnered the support it needed to appear on the ballot.

One bright spot for Arkansas is that political parties can raise unlimited amounts from individuals and PACs, but despite this, The Natural State still places among the bottom half of states in the Index.

California



33 Overall Rank

D+ Overall Grade

CALIFORNIA REPUBLIC

California	Overall Rank	To Governor	To State Senate	To State Assembly	To Parties	To PACs
Individual Giving	43	30	47	47	43	48
		\$28,200/election	\$4,200/election	\$4,200/election	\$35,200/year	\$7,000/year
PAC Giving	40	30	46	45	35	
		\$28,200/election	\$4,200/election	\$4,200/election	\$35,200/year	
Party Giving	1	1	1	1		
		Unlimited	Unlimited	Unlimited		
Union Giving	23	17	26	26		
		\$28,200/election	\$4,200/election	\$4,200/election		
Corporate Giving	20	14	23	23		
		\$28,200/election	\$4,200/election	\$4,200/election		

Inflation Adjustment: Yes

While, at first glance, California appears to have some of the nation's most permissive contribution limits, those contributions don't go very far in America's most populous state. As a result, the Golden State doesn't even qualify for bronze in the Free Speech Index. The best aspect of California's contribution limit regime is that parties can make unlimited contributions to their candidates. However, unlike in a majority of states, they are limited in how much they can raise from a single donor.

Unfortunately, political speech in California is in even worse shape than its limits would suggest. The Cal-

ifornia Fair Political Practices Commission (FPPC) is one of the most draconian campaign finance enforcement agencies in the country, and recently succeeded in curtailing the ability of independent speakers to advocate for or against candidates. The FPPC is able to operate with such latitude because of excessively permissive rules in California's statute governing the powers of the Commission. For Californians that are concerned about their political speech rights, scrutiny of FPPC proposals is crucial.

Colorado

47 Overall Rank

F

Overall Grade

Colorado	Overall Rank	To Governor	To State Senate	To State House	To Parties	To PACs
Individual Giving	50	49	50	50	47	50
		\$575/election	\$200/election	\$200/election	\$3,050/year	\$575/cycle
PAC Giving	50	49	50	50	47	
		\$575/election	\$200/election	\$200/election	\$3,050/year	
Party Giving	40	37	42	45		
		\$615,075/cycle	\$22,125/cycle	\$15,975/cycle		
Union Giving	50	50	50	50		
		Prohibited	Prohibited	Prohibited		
Corporate Giving	50	50	50	50		
		Prohibited	Prohibited	Prohibited		

Inflation Adjustment: Yes

Political speech is on rocky ground in Colorado. The Centennial State ranks among the five worst states in the nation for political giving, imposing extremely low limits on how much individuals can contribute to both candidates and groups. In fact, only Montana, a state with less than a quarter of Colorado's population, imposes lower limits on the amount individuals can contribute to legislative candidates, and no state in the country has lower limits on what individuals may give to political committees.

Colorado makes a small concession to so-called "small donor committees," which allow groups that agree to raise no more than \$50 from any one contributor to give larger amounts to candidates. However, that's little consolation to donors or to groups that have to raise money in such a restricted fashion. There can be no doubt that Colorado's excessively low limits stifle important speech about candidates and elections.

Connecticut

45

Overall Rank

F

Overall Grade

Connecticut	Overall Rank	To Governor	To State Senate	To State House	To Parties	To PACs
Individual Giving	44	28 \$3,500/election	36 \$1,000/election	46 \$250/election	40 \$10,000/year	47 \$750/year
PAC Giving	42	23 \$5,000/election	33 \$1,500/election	35 \$750/election	41 \$7,500/year	
Party Giving	33	33 \$50,000/election	33 \$10,000/election	33 \$5,000/election		
Union Giving	50	50 Prohibited	50 Prohibited	50 Prohibited		
Corporate Giving	50	50 Prohibited	50 Prohibited	50 Prohibited		

Inflation Adjustment: No

Connecticut ranks among the 10 worst states in the nation for political giving. Corporations and unions are prohibited from giving entirely, and individuals may only contribute small amounts to candidates and political committees. While Connecticut's limit on contributions from individuals to political parties was raised in 2013, from \$5,000 to \$10,000 per year for state parties, such a positive change was not nearly enough to overcome the state's across-the-board restrictions on political speech and association rights.

Beyond its low limits, Connecticut goes out of its way to interfere with the association rights of its citizens. State law differentiates political committees representing business entities from committees representing labor organizations. Committees made up of two or more individuals get another designation, as do

committees formed for a single election. Lobbyists, state contractors, government officials, and minors also each face special restrictions on their ability to contribute. All this red tape does little to prevent corruption or improve government while discouraging citizens from getting involved.

Just as regrettably, Connecticut is one of only three states (Arizona, Maine) with a robust program intent on dishing out tax dollars to statewide and legislative candidates who meet certain regulatory requirements and agree to restrict how much political activity is performed by a campaign. At any rate, certain of the Constitution State's contribution limits tread close to the line of being unconstitutionally low, and are further at risk since the state's limits are not indexed to inflation.

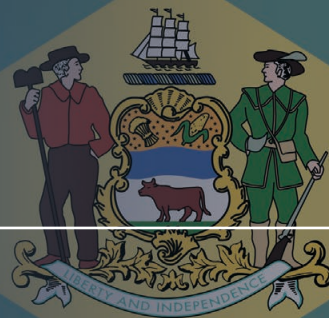
Delaware

37

Overall Rank

D

Overall Grade



Delaware	Overall Rank	To Governor	To State Senate	To State House	To Parties	To PACs
Individual Giving	28	36	44	43	30	1
		\$1,200/cycle	\$600/cycle	\$600/cycle	\$20,000/cycle	Unlimited
PAC Giving	30	36	43	43	29	
		\$1,200/cycle	\$600/cycle	\$600/cycle	\$20,000/cycle	
Party Giving	35	35	36	35		
		\$75,000/cycle	\$5,000/cycle	\$3,000/cycle		
Union Giving	20	21	19	17		
		\$1,200/cycle	\$600/cycle	\$600/cycle		
Corporate Giving	17	19	16	15		
		\$1,200/cycle	\$600/cycle	\$600/cycle		

Inflation Adjustment: No

The First State falls to 36th in the Free Speech Index. Delaware has some of the lowest monetary limits on giving to candidates in the country, a highly restrictive measure for prospective officeholders that have to run in the major media market around Philadelphia.

Delaware is one of just two states (Kansas) in the nation to limit citizen contributions to parties while allowing unlimited giving to PACs. On the other hand, parties can contribute much larger amounts to candidates than PACs can, and parties may also fund voter registration and get out the vote efforts independent

of the existing limits on what parties can give to their candidates.

Even for a small state, Delaware's limits on giving to candidates are very low with few exceptions. Delaware also fails to adjust its contribution limits for inflation, allowing Delawareans' ability to give to diminish over time. Including those 11 states without limits on individual, political party, and PAC giving to candidates, 30 states already adjust their limits for inflation. The residents of Delaware would benefit if their state joined the club.

Florida



25

Overall Rank

C

Overall Grade

Florida	Overall Rank	To Governor	To State Senate	To State House	To Parties	To PACs
Individual Giving	25	48	49	49	1	1
		\$3,000/election	\$1,000/election	\$1,000/election	Unlimited	Unlimited
PAC Giving	27	48	48	47	1	
		\$3,000/election	\$1,000/election	\$1,000/election	Unlimited	
Party Giving	25	26	26	23		
		\$250,000/election	\$50,000/election	\$50,000/election		
Union Giving	28	28	28	28		
		\$3,000/election	\$1,000/election	\$1,000/election		
Corporate Giving	24	24	25	25		
		\$3,000/election	\$1,000/election	\$1,000/election		

Inflation Adjustment: No

The Sunshine State is partly cloudy when it comes to political speech freedom. The good news is that individuals face no limit on their ability to contribute to parties and political committees. The bad news is that Florida's limits on non-party giving to candidates are among the lowest in the nation. In America's third most populous state, a \$1,000 per election contribution to a candidate for State Senate or State House doesn't help the candidate spread their message very far.

Florida's limits apply per election, meaning that candidates can raise \$1,000 for the primary and \$1,000 for the general from the same Floridian. However, candidates who run unopposed in a primary are only permitted to raise the \$1,000 for the general. Florida

is one of a handful of states to limit giving in this way. A wiser course would be to impose a larger per election cycle limit.

Remarkably, these limits are an improvement over how things used to be. In 2013, Florida eliminated its limit on individual giving to PACs, and raised its limits on individual giving to legislative candidates from \$500 to \$1,000 and to gubernatorial candidates from \$500 to \$3,000. But the state needs to go further – or simply index its limits to inflation – to improve its ranking in the Free Speech Index. Adjusting its limits for inflation to prevent the erosion of speech rights over time is a particularly easy – and smart – step that 30 states (including those 11 without limits on individual giving) already take.

Georgia

15

Overall Rank

C+

Overall Grade

Georgia	Overall Rank	To Governor	To State Senate	To State House	To Parties	To PACs
Individual Giving	18	34	31	28	1	1
		\$6,600/election	\$2,600/election	\$2,600/election	Unlimited	Unlimited
PAC Giving	21	34	32	29	1	
		\$6,600/election	\$2,600/election	\$2,600/election	Unlimited	
Party Giving	32	31	32	32		
		\$6,600/election	\$2,600/election	\$2,600/election		
Union Giving	19	19	21	19		
		\$6,600/election	\$2,600/election	\$2,600/election		
Corporate Giving	16	17	18	17		
		\$6,600/election	\$2,600/election	\$2,600/election		

Inflation Adjustment: Yes

Georgia earns high marks for allowing individuals to give unlimited amounts to parties and political committees. Its grade suffers though from moderately low limits on giving to candidates across-the-board, particularly by party committees. Fortunately, these limits are adjusted for inflation, maintaining Georgians' ability to contribute over time.

Interestingly, Georgia imposes separate limits in runoff elections. While the Index does not credit the Peach State for this provision (rather, it takes the "regular per election" limits), it is another positive sign that the Georgia General Assembly recognizes that limiting contributions limits speech, and more speech is needed if you have to run in a runoff election.

Hawaii

40

Overall Rank

F

Overall Grade

Hawaii	Overall Rank	To Governor	To State Senate	To State House	To Parties	To PACs
Individual Giving	34	17	18	31	31	40
		\$6,000/cycle	\$4,000/cycle	\$2,000/cycle	\$25,000/cycle	\$1,000/election
PAC Giving	31	19	20	32	30	
		\$6,000/cycle	\$4,000/cycle	\$2,000/cycle	\$25,000/cycle	
Party Giving	48	46	47	50		
		\$6,000/cycle	\$4,000/cycle	\$2,000/cycle		
Union Giving	12	11	9	12		
		\$6,000/cycle	\$4,000/cycle	\$2,000/cycle		
Corporate Giving	10	9	7	10		
		\$6,000/cycle	\$4,000/cycle	\$2,000/cycle		

Inflation Adjustment: No

Hawaii is one of the worst ranked states in the Index, imposing low limits on all manner of political giving. While no one limit in Hawaii is particularly egregious, by limiting the ability of individuals to contribute to parties and PACs, and the ability of those groups to contribute to candidates, the state is effectively doubly restrictive of political association.

On top of its low limits, Hawaii has a number of regulatory quirks. Family members are exempt from the state's relatively low contribution limits. However,

candidates may not receive more than \$50,000 in total in family contributions, including loans, during an election cycle. Hawaii also imposes special restrictions on the ability of non-residents to contribute, a restriction shared only by Alaska. Candidates may not receive more than 30% of their contributions from non-residents in an election cycle. Although the Aloha State is not penalized in the Index for this constricting aspect of its limits, special restrictions on non-resident giving serve no anti-corruption purpose and limit speech.

Idaho



28

Overall Rank

C-

Overall Grade

Idaho	Overall Rank	To Governor	To State Senate	To State House	To Parties	To PACs
Individual Giving	13	13	25	29	1	1
		\$5,000/election	\$1,000/election	\$1,000/election	Unlimited	Unlimited
PAC Giving	14	16	27	30	1	
		\$5,000/election	\$1,000/election	\$1,000/election	Unlimited	
Party Giving	46	42	45	46		
		\$10,000/election	\$2,000/election	\$2,000/election		
Union Giving	11	8	13	13		
		\$5,000/election	\$1,000/election	\$1,000/election		
Corporate Giving	9	6	12	12		
		\$5,000/election	\$1,000/election	\$1,000/election		

Inflation Adjustment: No

Idaho earns high marks for not imposing a limit on the amount that individuals can contribute to political parties and committees. Commendably, its limits on giving to candidates, although too low, rank in the middle of the nation when accounting for each state's population. Relatively speaking, Idaho's \$1,000 per election limit on individual giving to candidates for State House and State Senate travels a lot further in the Gem State than it would in more populous states like California, Texas, or Florida.

One simple change could vault Idaho into the upper half of the Index: indexing its contribution limits to inflation. As it stands now, Idahoans' ability to con-

tribute to the candidates and committees of their choice slowly diminishes each year. Thirty states (including those without limits on individual giving) already employ this simple free speech protection.

A proposed 2016 ballot initiative would have done severe damage to political giving in Idaho, prohibiting wide swaths of Idahoans from contributing to candidates and cutting contribution limits in half, among other sweeping changes. Fortunately, the measure failed to qualify for the November 2016 ballot. Despite this fortunate development, however, Idahoans should remain vigilant with respect to future threats to their First Amendment rights.

Illinois

29

Overall Rank

C-

Overall Grade



Illinois	Overall Rank	To Governor	To State Senate	To State House	To Parties	To PACs
Individual Giving	40	23	15	18	45	38
		\$5,400/cycle*	\$5,400/cycle*	\$5,400/cycle*	\$10,800/cycle	\$10,800/cycle
PAC Giving	28	15	13	13	33	
		\$53,900/cycle	\$53,900/cycle	\$53,900/cycle	\$53,900/cycle	
Party Giving	1	1	1	1		
		Unlimited	Unlimited	Unlimited		
Union Giving	13	16	12	10		
		\$10,800/cycle	\$10,800/cycle	\$10,800/cycle		
Corporate Giving	11	13	10	8		
		\$10,800/cycle	\$10,800/cycle	\$10,800/cycle		

Inflation Adjustment: Yes

* Contribution limits to candidates are lifted if an independent group makes significant expenditures in the race for or against a candidate or if a candidate makes significant personal contributions to his or her own campaign.

* Contributions from family members of a candidate are not subject to these limits.

* For contributions to candidates, the primary and general election are defined as separate cycles. For contributions to parties and PACs, an election cycle is defined as one calendar year.

For the country's fifth largest state, Illinois's limits on individual giving to parties and political committees are far too restrictive. The Prairie State has little hope of stretching into the upper half of the Index so long as it limits political participation in this manner – especially when a majority of states (28, to be exact) do not limit individual giving to political parties at all.

Illinois fares better with respect to its limits on giving to candidates, allowing candidates' family members

and political parties to give without limit. The state also boasts a provision unique to Illinois, which lifts contribution limits applicable to those candidates whose opponents self-fund their campaigns or benefit from the support of large independent expenditures. Residents of Illinois would be well served if the state would extend these protections to all campaigns, particularly by eliminating limits on individual giving to PACs and political parties.

Indiana

8

Overall Rank

A

Overall Grade

Indiana	Overall Rank	To Governor	To State Senate	To State House	To Parties	To PACs
Individual Giving	1	1	1	1	1	1
		Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
PAC Giving	1	1	1	1	1	
		Unlimited	Unlimited	Unlimited	Unlimited	
Party Giving	1	1	1	1		
		Unlimited	Unlimited	Unlimited		
Union Giving	30	30	30	30		
		\$5,000/year	\$2,000/year	\$2,000/year		
Corporate Giving	26	26	26	26		
		\$5,000/year	\$2,000/year	\$2,000/year		

Inflation Adjustment: N/A

Indiana is almost perfect when it comes to its political giving laws. The state imposes no limits on contributions to candidates from individuals, political committees, and parties, and individuals can give unlimited amounts to political parties and PACs as well.

What holds the Hoosier State back from achieving the Index's highest possible ranking are low limits on the ability of businesses and unions to give to candidates they support. Making these limits even worse

is that they define the overall amount corporations and unions can give to all candidates combined, rather than simply limiting the amount they can give to a single candidate.

Removing these unnecessary restrictions on corporate and union giving would allow Indiana to join the five states with perfect scores (Alabama, Nebraska, Oregon, Utah, Virginia) in the Index.

Iowa



7

Overall Rank

A

Overall Grade

Iowa	Overall Rank	To Governor	To State Senate	To State House	To Parties	To PACs
Individual Giving	1	1	1	1	1	1
		Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
PAC Giving	1	1	1	1	1	
		Unlimited	Unlimited	Unlimited	Unlimited	
Party Giving	1	1	1	1		
		Unlimited	Unlimited	Unlimited		
Union Giving	1	1	1	1		
		Unlimited	Unlimited	Unlimited		
Corporate Giving	50	50	50	50		
		Prohibited	Prohibited	Prohibited		

Inflation Adjustment: N/A

Iowa is almost perfect when it comes to political giving. Individuals can make contributions of the size of their choosing to candidates, political parties, and political committees. Parties and PACs can similarly provide unlimited support to candidates. Labor unions, too, are free to give to aspiring officeholders.

However, Iowa falls just short of a perfect grade because it prohibits businesses from contributing to

candidates. The Hawkeye State would be well served by removing this final barrier to free political giving.

Overall, Iowa ranks among the best states for unfettered political speech in the nation, but some room for improvement remains.

Kansas

31

Overall Rank

D+

Overall Grade



Kansas	Overall Rank	To Governor	To State Senate	To State House	To Parties	To PACs
Individual Giving	31	32	33	39	35	1
		\$2,000/election	\$1,000/election	\$500/election	\$15,000/year	Unlimited
PAC Giving	43	31	35	40	43	
		\$2,000/election	\$1,000/election	\$500/election	\$5,000/year	
Party Giving	1	1	1	1		
		Unlimited	Unlimited	Unlimited		
Union Giving	21	18	18	23		
		\$2,000/election	\$1,000/election	\$500/election		
Corporate Giving	18	15	15	20		
		\$2,000/election	\$1,000/election	\$500/election		

Inflation Adjustment: No

Kansas is a mixed bag for political giving. Individuals can contribute unlimited amounts to political committees, and parties can contribute unlimited amounts to their candidates in uncontested primaries and general elections. (Kansas, unusually, limits party contributions in contested primaries.) However, contributions from individuals to parties are limited, unlike in a majority of states. In fact, Kansas is one of just two states (Delaware) in the country that limits individual contributions to parties while allowing unlimited giving to PACs.

That aspect of Kansas's contribution limits, along with its low limits on individual, PAC, corporate, and union giving to candidates and its failure to adjust those limits for inflation, pull down the state's score. At the very least, residents of the Jayhawk State would benefit from their limits being indexed to account for inflation. This is a simple, uncontroversial measure used by 30 states to prevent the erosion of free speech rights with the passage of time.

Kentucky



50

Overall Rank

F

Overall Grade

Kentucky	Overall Rank	To Governor	To State Senate	To State House	To Parties	To PACs
Individual Giving	48	47	39	37	48	46
		\$1,000/election	\$1,000/election	\$1,000/election	\$2,500/year	\$1,500/year
PAC Giving	48	47	40	39	48	
		\$1,000/election	\$1,000/election	\$1,000/election	\$2,500/year	
Party Giving	42	45	41	39		
		\$10,000/election	\$10,000/election	\$10,000/election		
Union Giving	50	50	50	50		
		Prohibited	Prohibited	Prohibited		
Corporate Giving	50	50	50	50		
		Prohibited	Prohibited	Prohibited		

Inflation Adjustment: No

Kentucky ranks dead last in the Free Speech Index. The Bluegrass State imposes very low limits across-the-board on contributions by individuals, parties, and political committees, and prohibits businesses and labor unions from giving to candidates at all. Inexcusably, parties can give just \$10,000 per election to their candidates, including those citizens running for governor.

Until recently, unions in Kentucky could make contributions to candidates, although corporations could not. This imbalance initially led a court to enjoin enforcement of the prohibition on corporate giving. However, the Kentucky Registry of Election Finance opted to respond – not by expanding the speech rights of both groups – but instead by issuing new rules prohibiting both businesses and unions from making direct contributions to candidates.

As if ranking dead last for its low limits was insufficient, Kentucky also has additional regulations that restrict speech. Kentucky limits different types of PACs and party committees separately, creating confusion that discourages speech. The state further imposes an aggregate limit on party and PAC giving to candidates, such that no candidate can receive more than 50% of their funds from a party or PAC (or \$10,000, whichever is greater).

The Bluegrass State performs so badly at protecting free political speech that it would do well to consider a complete overhaul of its campaign laws, with an eye toward embracing – not restricting – free and open debate.

Louisiana

23

Overall Rank

C

Overall Grade

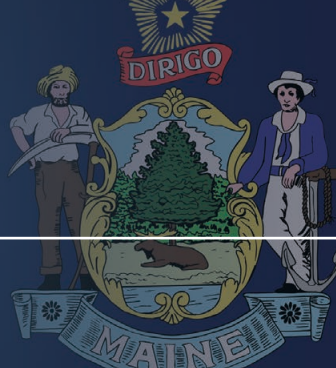
Louisiana	Overall Rank	To Governor	To State Senate	To State House	To Parties	To PACs
Individual Giving	26	25	26	25	1	29
		\$5,000/election	\$2,500/election	\$2,500/election	Unlimited	\$100,000/4-year cycle
PAC Giving	29	26	28	27	28	
		\$5,000/election	\$2,500/election	\$2,500/election	\$100,000/4-year cycle	
Party Giving	1	1	1	1		
		Unlimited	Unlimited	Unlimited		
Union Giving	15	15	14	14		
		\$5,000/election	\$2,500/election	\$2,500/election		
Corporate Giving	12	12	13	13		
		\$5,000/election	\$2,500/election	\$2,500/election		

Inflation Adjustment: No

Louisiana is a better state for political giving than many with regard to political parties, allowing individuals to give unlimited amounts to parties and parties to give unlimited amounts to candidates. Somewhat less laudably, the state's limits on individual, PAC, and business and union giving to candidates rank generally in the middle of the nation, a major reason for the Pelican State's 23rd place Index ranking. Louisiana could significantly improve its standing in the Free Speech Index by indexing these limits to inflation, a simple measure already implemented in 30 states (counting those states with no limits on individual giving at all).

Unfortunately, some quirks in Louisiana law serve to create confusion and limit speech. The state differentiates between regular PACs and "Big PACs." Big PACs, which can give twice as much to candidates as normal PACs, are PACs with over 250 members who have contributed at least \$50 to the entity over the past calendar year. (For scoring purposes, the Index uses the more restrictive regular PAC limit.) Louisiana is also one of only a few states with 4-year election cycles, meaning donors can give the maximum amount less often than in most other states, as many of its limits are per election, effectively diminishing the ability of candidates to disseminate their message.

Maine



19

Overall Rank

C

Overall Grade

Maine	Overall Rank	To Governor	To State Senate	To State House	To Parties	To PACs
Individual Giving	17	24	38	30	1	1
		\$1,525/election	\$375/election	\$375/election	Unlimited	Unlimited
PAC Giving	19	25	39	31	1	
		\$1,525/election	\$375/election	\$375/election	Unlimited	
Party Giving	34	34	34	34		
		\$1,525/election	\$375/election	\$375/election		
Union Giving	16	14	22	20		
		\$1,525/election	\$375/election	\$375/election		
Corporate Giving	14	11	19	18		
		\$1,525/election	\$375/election	\$375/election		

Inflation Adjustment: Yes

Maine's contribution limits are a study in contrast. Individuals are permitted to make unlimited contributions to political parties and political committees, but contributions to candidates are limited at remarkably low levels. Factoring in population makes Maine's limits look better, as does its indexing of contribution limits to inflation. These factors help Maine to land in the upper half of the Free Speech Index. The Pine Tree State's score is also rooted in two important exemptions from limits on party giving for standard activities by parties in support of their candidates: slate card mailings and get out the vote efforts.

However, Maine's rank in the Index belies some significant restrictions on free political speech in the

state. Like only Arizona and Connecticut, Maine doles out significant tax dollars to interested statewide and legislative candidates who meet certain additional regulatory requirements and agree to spending limits, arbitrarily restricting how much political activity can be done by these campaigns. These misguided programs fail to improve the quality of government management while incentivizing candidates to cap their campaign spending, when states should instead be encouraging as much public discussion of candidates as possible.

Maryland

46

Overall Rank

F

Overall Grade

Maryland	Overall Rank	To Governor	To State Senate	To State Delegate	To Parties	To PACs
Individual Giving	38	21	17	14	49	42
		\$6,000/4-year cycle*	\$6,000/4-year cycle*	\$6,000/4-year cycle*	\$6,000/4-year cycle	\$6,000/4-year cycle
PAC Giving	46	38	26	24	49	
		\$6,000/4-year cycle	\$6,000/4-year cycle	\$6,000/4-year cycle	\$6,000/4-year cycle	
Party Giving	38	40	40	40		
		\$6,000/4-year cycle	\$6,000/4-year cycle	\$6,000/4-year cycle		
Union Giving	17	23	15	15		
		\$6,000/4-year cycle	\$6,000/4-year cycle	\$6,000/4-year cycle		
Corporate Giving	15	20	14	14		
		\$6,000/4-year cycle	\$6,000/4-year cycle	\$6,000/4-year cycle		

Inflation Adjustment: No

*Contributions from family members of a candidate are not subject to these limits.

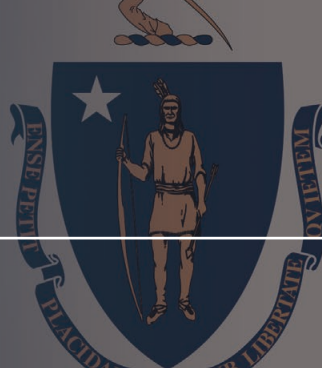
Maryland ranks in the bottom five nationally, and receives the lowest score of any of the 13 original colonies in the Free Speech Index, due in large part to the Free State's restrictions on contributions to – and from – political parties. Whereas most states do not limit the amount individuals can give to parties, Maryland limits both the amount parties can receive from a donor and the amount they can provide to a candidate, effectively doubly restricting free speech and association.

Despite this, Maryland actually does better in the Index than it would have a few years ago. In 2013,

Maryland increased the amount individuals may contribute to candidates, parties, and PACs from \$4,000 per 4-year election cycle to \$6,000. Maryland is one of a small number of states with a 4-year election cycle, meaning donors can give the maximum amount less often than in the vast majority of states.

Unfortunately for Maryland, one positive aspect of its limit regime – the ability of a candidate's family members to make unlimited contributions to their campaign – isn't nearly enough to correct for the state's severe restrictions on its residents' political speech.

Massachusetts



44

Overall Rank

F

Overall Grade

Massachusetts	Overall Rank	To Governor	To State Senate	To State House	To Parties	To PACs
Individual Giving	49	50	48	45	46	49
		\$1,000/year	\$1,000/year	\$1,000/year	\$5,000/year	\$1,000/year
PAC Giving	49	50	49	48	46	
		\$500/year	\$500/year	\$500/year	\$10,000/year	
Party Giving	28	28	29	28		
		\$3,000/year	\$3,000/year	\$3,000/year		
Union Giving	29	29	29	29		
		\$500/year	\$500/year	\$500/year		
Corporate Giving	50	50	50	50		
		Prohibited	Prohibited	Prohibited		

Inflation Adjustment: No

Massachusetts has some of the lowest contribution limits in the nation – especially the state’s cap on individual giving to gubernatorial candidates, which is tied with neighboring Rhode Island and ahead of only Alaska for the lowest limit in the country. Consequently, the home of Bay Staters earns one of the lowest scores in the Free Speech Index. Although the General Court raised some of the state’s limits as recently as 2014, when legislators modestly increased the amount individuals can give to statewide and legislative candidates from \$500 to \$1,000 per year, these limits remain much lower than in most states, particularly given the high cost of speech in a populous state like Massachusetts.

The lone bright spot in Massachusetts’ limits regime comes in an exemption for party giving: the state allows unlimited in-kind contributions from parties to their candidates. While parties are still much too restricted in their ability to raise money and contribute to candidates directly, in-kind contributions allow parties significant leeway to support their candidates in other important ways. Residents of Massachusetts would benefit if these same freedoms were extended to all individuals and groups.

Michigan

13

Overall Rank

C+

Overall Grade



Michigan	Overall Rank	To Governor	To State Senate	To State House	To Parties	To PACs
Individual Giving	16	27	30	26	1	1
		\$6,800/cycle*	\$2,000/cycle*	\$1,000/cycle*	Unlimited	Unlimited
PAC Giving	26	45	47	49	1	
		\$6,800/cycle	\$2,000/cycle	\$1,000/cycle	Unlimited	
Party Giving	27	25	28	27		
		\$136,000/cycle	\$20,000/cycle	\$10,000/cycle		
Union Giving	50	50	50	50		
		Prohibited	Prohibited	Prohibited		
Corporate Giving	50	50	50	50		
		Prohibited	Prohibited	Prohibited		

Inflation Adjustment: Yes

*Contributions from family members of a candidate are not subject to these limits.

In America's automotive capital, parties are the engine of political speech. Michigan earns praise for allowing individuals and PACs to contribute without limit to political parties. In turn, parties may contribute modest amounts to candidates and may also provide extensive in-kind support. Limits on the ability of Michiganders and PACs to contribute directly to candidates are more restrictive, but were raised as recently as 2013 to afford these entities a greater capacity to support the candidates of their choosing.

Fortunately for Michigan residents, the state's ranking in the Index is buoyed by a statutory requirement that its limits must be adjusted to account for inflation at the beginning of every odd numbered year. This simple measure is also used by 30 other states (including those with no limits on individual giving to candidates at all) and is crucial to preventing the erosion of free speech rights with the passage of time. Michigan's Index ranking is also lifted by a provision that allows members of a candidate's immediate family to donate without limit to their campaign.

Minnesota

27

Overall Rank

C-

Overall Grade



Minnesota	Overall Rank	To Governor	To State Senate	To State House	To Parties	To PACs
Individual Giving	23	44	45	44	1	1
		\$4,000/cycle*	\$1,000/cycle	\$1,000/cycle	Unlimited	Unlimited
PAC Giving	25	44	44	44	1	
		\$4,000/cycle*	\$1,000/cycle	\$1,000/cycle	Unlimited	
Party Giving	30	30	31	30		
		\$40,000/cycle*	\$10,000/cycle	\$10,000/cycle		
Union Giving	27	26	27	27		
		\$4,000/cycle*	\$1,000/cycle	\$1,000/cycle		
Corporate Giving	50	50	50	50		
		Prohibited	Prohibited	Prohibited		

Inflation Adjustment: No

*These figures represent "election cycle segment" limits

Minnesota is a mixed bag for political speech, boasting relatively robust laws with regard to giving to parties and PACs, but suffering from overly restrictive limits on contributions to candidates. Both parties and PACs can raise unlimited amounts from individuals, and parties can make modest contributions to their candidates. Political parties can also conduct unlimited express advocacy independent of candidate campaigns.

Prior to the passage of S.F. 661 in 2013, the state's limits were lower: individuals could give just \$2,000 and \$500 to gubernatorial and legislative candidates, respectively. That bill also changed how Minnesota's limits apply, creating "election segments" for statewide candidates and those running for State Senate, in which candidates are permitted to raise more

money during an election year and the year prior than in off-years. The Index takes into consideration the higher limits that exist in election segments and disregards the off-year limits, as many candidates and donors will not make decisions about whether to run or contribute until the year of or the year prior to an election.

One simple change would vault Minnesota into the top half of the Index: allowing its limits to rise with the rate of inflation. Doing so would preserve Minnesotans' ability to contribute over time. Under current law, the state's contribution limits effectively shrink slightly each year. Thirty states have already enacted this simple, uncontroversial protection for free political speech or done away with individual limits altogether.

Mississippi

6

Overall Rank

A

Overall Grade

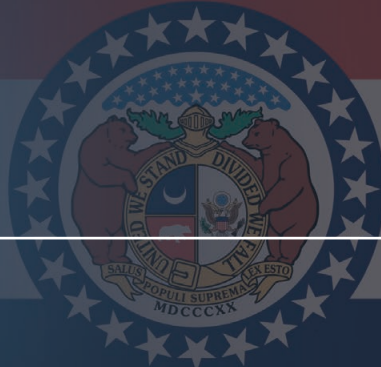
Mississippi	Overall Rank	To Governor	To State Senate	To State House	To Parties	To PACs
Individual Giving	1	1	1	1	1	1
		Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
PAC Giving	1	1	1	1	1	
		Unlimited	Unlimited	Unlimited	Unlimited	
Party Giving	1	1	1	1		
		Unlimited	Unlimited	Unlimited		
Union Giving	1	1	1	1		
		Unlimited	Unlimited	Unlimited		
Corporate Giving	23	23 \$1,000/year	21 \$1,000/year	21 \$1,000/year		

Inflation Adjustment: N/A

Political speech receives a warm welcome from the Hospitality State. No state comes closer than Mississippi to a perfect grade without achieving one. Individuals, parties, political committees, and labor unions are all free to make contributions of the size of their choosing in the state.

Just one thing prevents Mississippi from joining the five states with perfect scores in the Index: a \$1,000 limit on contributions from corporations to statewide and legislative candidates. Removing it would give Mississippi a worthy claim of having the best political giving laws in the country.

Missouri



43

Overall Rank

F

Overall Grade

Missouri	Overall Rank	To Governor	To State Senate	To State House	To Parties	To PACs
Individual Giving	42	42	32	24	36	45
		\$2,600/election	\$2,600/election	\$2,600/election	\$25,000/election	\$2,600/election
PAC Giving	37	42	34	25	34	
		\$2,600/election	\$2,600/election	\$2,600/election	\$25,000/election	
Party Giving	49	50	50	48		
		\$2,600/election	\$2,600/election	\$2,600/election		
Union Giving	50	50	50	50		
		Prohibited	Prohibited	Prohibited		
Corporate Giving	50	50	50	50		
		Prohibited	Prohibited	Prohibited		

Inflation Adjustment: Yes

In 2016, Missouri plummeted from the best state for political speech in the Index to one of the worst. At the ballot box in 2016, Missourians voted in favor of Constitutional Amendment 2, which imposes contribution limits on individuals, political parties, and PACs, as well as prohibits direct contributions from businesses and labor unions to candidates. Prior to passage of Constitutional Amendment 2, individuals, parties, political committees, businesses, and labor unions were free to make contributions of the size of their choosing in the Show-Me State. With the enactment of contribution limits, Missouri stands in stark contrast to recent trends in other states. Since 2010, 17 states have raised or eliminated contribution limits, and Missouri is the only state that has imposed greater restrictions.

Though the language of the ballot measure is too vague to say with certainty, it is likely that this new law is so restrictive as to be unconstitutional. While outside the scope of this Index, it's possible to read this measure as restricting contributions to political action committees that make expenditures independent of any candidate. Such restrictions are a violation of citizens' First Amendment rights and court precedent.

All told, in addition to adding needless restrictions to the individuals and groups looking to participate in Missouri politics, the passage of the ballot measure is likely to force the state to spend many years and countless tax dollars attempting to defend its newly-enacted but constitutionally suspect law in the courts.

Montana



26

Overall Rank

C

Overall Grade

Montana	Overall Rank	To Governor	To State Senate	To State House	To Parties	To PACs
Individual Giving	21	37	40	40	1	1
		\$660/election	\$170/election	\$170/election	Unlimited	Unlimited
PAC Giving	23	37	41	41	1	
		\$660/election	\$170/election	\$170/election	Unlimited	
Party Giving	39	38	38	42		
		\$23,850/election	\$1,400/election	\$850/election		
Union Giving	25	22	24	24		
		\$660/election	\$170/election	\$170/election		
Corporate Giving	50	50	50	50		
		Prohibited	Prohibited	Prohibited		

Inflation Adjustment: Yes

Montana's mediocre ranking in the Index fails to fully capture the dismal condition of free speech within its borders. The Treasure State's standing is enriched as a result of its small population, masking the fact that its raw limits are some of the lowest in the nation – so low, in fact, that they were ruled unconstitutionally restrictive in a recent federal district court decision. After significant legal proceedings, that case is now before the U.S. Court of Appeals for the Ninth Circuit.

The Index reflects the limits as they appear in Montana statute and does not reflect changes made by the Commissioner of Political Practices. The Commissioner has, through the regulatory process, provisionally reverted the state's limits to previously-passed, higher limits. Since Montana continues to argue in

court for its potentially unconstitutionally low limits, the Index does not give the state credit for this temporary reversion.

While Montana allows giving to candidates on a per election basis, it does not consider uncontested primaries to be an election. The Index does not take into account this additional restriction. While this rule may be intended to prevent some candidates from gaining an electoral advantage, it results in further restrictions on the First Amendment rights of Montana residents who may wish, but are unable to, support certain candidates in this situation. Montanans would be better served by significantly increased limits that were regulated on a per election cycle basis.

Nebraska



1

Overall Rank

A+

Overall Grade

Nebraska	Overall Rank	To Governor	To Senate	To Parties	To PACs
Individual Giving	1	1	1	1	1
		Unlimited	Unlimited	Unlimited	Unlimited
PAC Giving	1	1	1	1	
		Unlimited	Unlimited	Unlimited	
Party Giving	1	1	1		
		Unlimited	Unlimited		
Union Giving	1	1	1		
		Unlimited	Unlimited		
Corporate Giving	1	1	1		
		Unlimited	Unlimited		

Inflation Adjustment: N/A

Nebraska is one of five states to earn the highest grade possible in the Free Speech Index. Nebraska has no contribution limits, making it one of the best places in America for candidates, parties, and groups to freely express their political beliefs. Prior to September 2011, some aggregate limits on the total amount that groups could contribute remained in the state, but the Nebraska Accountability and Disclosure Commission announced that those limits would not be enforced after the June 2011 Supreme Court decision, *Arizona Free Enterprise Club's Free-*

dom Club PAC v. Bennett. That case ruled unconstitutional an Arizona statute similar to a provision in Nebraska law.

Nebraska should be praised both for respecting Supreme Court precedent, and for showing restraint in not attempting to enact new speech-restrictive laws following the Commission's order. The Cornhusker State is better off now that everyone can voice their political opinions freely.

Nevada



30

Overall Rank

C-

Overall Grade

Nevada	Overall Rank	To Governor	To State Senate	To State Assembly	To Parties	To PACs
Individual Giving	14	18	14	22	1	1
		\$5,000/election	\$5,000/election	\$5,000/election	Unlimited	Unlimited
PAC Giving	16	20	18	22	1	
		\$5,000/election	\$5,000/election	\$5,000/election	Unlimited	
Party Giving	47	47	46	47		
		\$5,000/election	\$5,000/election	\$5,000/election		
Union Giving	8	12	8	8		
		\$5,000/election	\$5,000/election	\$5,000/election		
Corporate Giving	6	10	6	6		
		\$5,000/election	\$5,000/election	\$5,000/election		

Inflation Adjustment: No

Nevada's consistent \$5,000 per election limit on most political giving puts the state squarely in the middle of the pack with regard to speech freedom. The allure of simplistic monetary limits has actually led to greater restrictions on the First Amendment in some sectors of Nevada. By limiting political party contributions to candidates to just \$5,000, Nevada has dramatically limited parties' freedom to associate with their own candidates. By contrast, 21 states have recognized that parties have a unique connection to candidates and should not be limited in their ability to support them financially. Nevadans would benefit

if the state raised all of its limits, but particularly its limits on giving by political parties. Fortunately, the Silver State allows individuals and PACs to contribute to parties without limit.

At the very least, residents of Nevada would benefit from having the state's limits regularly adjusted to account for the effects of inflation. This is a simple, uncontroversial measure done by a majority of states that prevents free speech rights from diminishing over time.

New Hampshire



39

Overall Rank

D-

Overall Grade

New Hampshire	Overall Rank	To Governor	To State Senate	To State House	To Parties	To PACs
Individual Giving	36	33	29	12	37	31
		\$1,000/election	\$1,000/election	\$1,000/election	\$5,000/year	\$5,000/year
PAC Giving	17	32	31	15	1	
		\$1,000/election	\$1,000/election	\$1,000/election	Unlimited	
Party Giving	43	48	49	36		
		\$1,000/election	\$1,000/election	\$1,000/election		
Union Giving	50	50	50	50		
		Prohibited	Prohibited	Prohibited		
Corporate Giving	13	16	11	11		
		\$1,000/election	\$1,000/election	\$1,000/election		

Inflation Adjustment: No

When it comes to political speech, New Hampshire fails to live up to its motto, “live free or die.” New Hampshire is one of just a handful of states that continues to impose spending limits on campaigns, which were ruled unconstitutional in the seminal 1976 Supreme Court case, *Buckley v. Valeo*. New Hampshire circumvents *Buckley* by making the expenditure limits “voluntary” while severely restricting contributions to candidates that refuse. Since spending limits constitute a First Amendment violation of their own, the Index grades New Hampshire

on the limits imposed on candidates who do not agree to limit their spending.

Interestingly, New Hampshire is one of only two states (Tennessee) that prohibit unions from contributing to candidates while permitting businesses to give – a distinction that if challenged may not survive court scrutiny. The political freedom of Granite State residents would benefit greatly if the state removed its outdated expenditure limit program, and dramatically raised its very low contribution limits.

New Jersey

34

Overall Rank

D+

Overall Grade



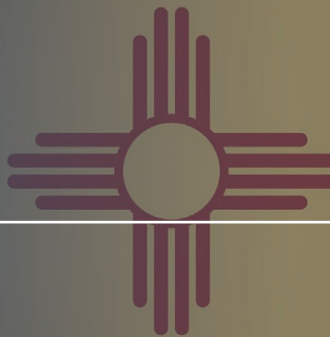
New Jersey	Overall Rank	To Governor	To State Senate	To State Assembly	To Parties	To PACs
Individual Giving	45	41	34	34	39	39
		\$3,800/election	\$2,600/election	\$2,600/election	\$25,000/year	\$7,200/year
PAC Giving	39	28	19	23	38	
		\$8,200/election	\$8,200/election	\$8,200/election	\$25,000/year	
Party Giving	1	1	1	1		
		Unlimited	Unlimited	Unlimited		
Union Giving	24	25	20	18		
		\$3,800/election	\$2,600/election	\$2,600/election		
Corporate Giving	21	21	17	16		
		\$3,800/election	\$2,600/election	\$2,600/election		

Inflation Adjustment: Yes

While New Jersey's limits across-the-board may appear almost average at first glance, they are actually some of the more restrictive in the country when accounting for the state's large population and its two expensive media markets, New York City and Philadelphia. Limits should reflect the cost of speech in a given state and the size of the audience candidates must reach, leaving New Jerseyans worse off than many Americans who reside in smaller states with nominally lower limits.

To its credit, New Jersey allows unlimited contributions from parties to their candidates; however, this one sunny spot in the Garden State is clouded by the fact that individuals are restricted to making relatively small contributions to both parties and candidates. New Jersey also restricts contributions from national party committees (a fact the Index does not account for). To improve its score, the state must accept that speech within its borders is expensive and raise its limits, particularly on giving to gubernatorial candidates.

New Mexico



38

Overall Rank

D

Overall Grade

New Mexico	Overall Rank	To Governor	To State Senate	To State House	To Parties	To PACs
Individual Giving	35	16 \$5,400/election	13 \$2,500/election	20 \$2,500/election	41 \$5,400/election	33 \$5,400/election
PAC Giving	35	18 \$5,400/election	15 \$5,400/election	16 \$5,400/election	39 \$5,400/election	
Party Giving	41	44 \$5,400/election	37 \$5,400/election	41 \$5,400/election		
Union Giving	9	10 \$5,400/election	10 \$2,500/election	9 \$2,500/election		
Corporate Giving	7	8 \$5,400/election	8 \$2,500/election	7 \$2,500/election		

Inflation Adjustment: Yes

At least compared to most states, none of New Mexico's limits appear overly restrictive, but the absence of very low limits is countered by the state's commitment to restricting all manner of contributions and contributors. The state limits how much individuals can give to candidates, parties, and PACs, restricts how much PACs can give to candidates and parties, and regulates how much parties can give to their candidates. There's simply no escape from limits in New Mexico, leaving the state with a poor overall ranking in the Index.

Unfortunately, this situation could get even worse. Some in the state have called for legislation that would place even more restrictions, not only on the ability to contribute, but that also would increase government reporting requirements for political groups and issue groups. Despite these misguided proposals, the best way for New Mexicans to improve their campaign finance laws would be to expand the freedom of individuals and groups to speak and associate in the state.

New York

24

Overall Rank

C

Overall Grade



New York	Overall Rank	To Governor	To State Senate	To State Assembly	To Parties	To PACs
Individual Giving	33	20 \$44,000/general*	24 \$18,000/primary + general	32 \$8,800/primary + general	34 \$102,300/year	30 \$102,300/year
PAC Giving	33	22 \$44,000/general*	24 \$18,000/primary + general	33 \$8,000/primary + general	31 \$102,300/year	
Party Giving	1	1 Unlimited	1 Unlimited	1 Unlimited		
Union Giving	14	13 \$44,000/general*	17 \$18,000/primary + general	21 \$8,800/primary + general		
Corporate Giving	26	26 \$5,000/year	26 \$5,000/year	26 \$5,000/year		

Inflation Adjustment: Yes

* In primary elections, limits on individual, PAC, and union giving to gubernatorial candidates are set at different levels based on the number of registered voters in a candidate's political party.

New York may have an average ranking in the Index, but there is nothing average about the state's patchwork of unusual laws, complicated exemptions, and regulatory red tape. For example, the Empire State limits individual, PAC, and union contributions to gubernatorial candidates in primary elections differently depending on the political party of the candidate. The limit is proportional to the registered voter population for that party, effectively making the limit higher for Democrats than Republicans (and especially minor parties). To account for this quirk, the Index takes the average of the limits for all political parties for the primary and adds it to the general election limit, which is a flat figure.

The state also imposes a low (and constitutionally suspect) aggregate limit on overall corporate giving to all candidates in a given year. In another difficult to justify oddity of New York law, the state prohibits party giving to candidates in primary elections, while allowing parties to donate to their candidates in unlimited amounts in the general election. (The Index ignores this quirk, scoring New York as having unlimited party to candidate donations) On the bright side, the state deserves credit for allowing unlimited giving to party housekeeping accounts, but still, unfortunately, limits what New Yorkers can give directly to political parties.

North Carolina

17

Overall Rank

C

Overall Grade

North Carolina	Overall Rank	To Governor	To State Senate	To State House	To Parties	To PACs
Individual Giving	29	22	16	16	1	43
		\$5,100/election*	\$5,100/election*	\$5,100/election*	Unlimited	\$5,100/election
PAC Giving	20	39	25	26	1	
		\$5,100/election	\$5,100/election	\$5,100/election	Unlimited	
Party Giving	1	1	1	1		
		Unlimited	Unlimited	Unlimited		
Union Giving	50	50	50	50		
		Prohibited	Prohibited	Prohibited		
Corporate Giving	50	50	50	50		
		Prohibited	Prohibited	Prohibited		

Inflation Adjustment: Yes

*Contributions from family members of a candidate are not subject to these limits.

North Carolina legislators increased the amount that individuals may contribute to candidates and political committees as recently as 2013, strengthening its score in the Index. Among the states that limit individual contributions to candidates, only five earn higher scores in the Index than the Tar Heel State. Unfortunately, North Carolina's score is dragged

down by its unusually low limit on contributions from individuals to PACs. Furthermore, 11 states impose no limits on individual, party, and PAC giving to candidates, including North Carolina's northern neighbor, Virginia. North Carolinians would be well served if their state learned from Virginia's example and removed its contribution limits entirely.

North Dakota



9

Overall Rank

A

Overall Grade

North Dakota	Overall Rank	To Governor	To State Senate	To State House	To Parties	To PACs
Individual Giving	1	1	1	1	1	1
		Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
PAC Giving	1	1	1	1	1	
		Unlimited	Unlimited	Unlimited	Unlimited	
Party Giving	1	1	1	1		
		Unlimited	Unlimited	Unlimited		
Union Giving	50	50	50	50		
		Prohibited	Prohibited	Prohibited		
Corporate Giving	50	50	50	50		
		Prohibited	Prohibited	Prohibited		

Inflation Adjustment: N/A

North Dakota is a guiding light for all of its neighbors. It is one of 11 states in the nation that imposes no limits on the amount individuals, political committees, and parties may contribute to candidates. The Peace Garden State also allows unlimited giving from individuals to parties and PACs and from PACs to parties. As a result, the state earns high marks in the Index and bragging rights over its southern neighbor, which much more stringently restricts the ability of individuals to give to candidates, parties, and political committees.

While North Dakota is already one of the best places to speak freely about candidates and campaigns, it could still improve its score slightly by removing its prohibitions on giving to candidates by businesses and unions. Five states, including Nebraska, have already taken this step and achieved perfect scores in the Index – North Dakotans would benefit if their state considered following suit.

Ohio

36

Overall Rank

D

Overall Grade

Ohio	Overall Rank	To Governor	To State Senate	To State House	To Parties	To PACs
Individual Giving	37	26 \$12,532.34/ election	19 \$12,532.34/ election	17 \$12,532.34/ election	38 \$37,597.02/ year	36 \$12,532.34/ election
PAC Giving	38	27 \$12,532.34/ election	21 \$12,532.34/ election	20 \$12,532.34/ election	37 \$37,597.02/ year	
Party Giving	24	24 \$706,823.95/ election	23 \$140,988.82/ election	23 \$70,181.10/ election		
Union Giving	50	50 Prohibited	50 Prohibited	50 Prohibited		
Corporate Giving	50	50 Prohibited	50 Prohibited	50 Prohibited		

Inflation Adjustment: Yes

Ohio is home to seven of the 101 largest metropolitan areas in the nation, meaning political speakers need significant resources to effectively distribute their message in the state. While Ohio's limits appear large to the untrained eye, they are average or even low in some cases when accounting for the state's sizable population. Ohio is particularly restrictive of political committees, imposing low limits both on individual giving to PACs and on PAC giving to candidates.

On a positive note, Ohio allows political parties to operate with greater freedom. The state allows unlimited contributions to a variety of different party housekeeping accounts and imposes no restrictions

on party get out the vote and voter registration activities, among multiple other useful exemptions. The Buckeye State gets credit in the Index for these speech-friendly provisions.

Finally, while Ohio is rightly rewarded for indexing its limits to inflation, it would be wise to follow the example of every other state in the country and make life easier for contributors by rounding its limits to the nearest hundred-dollar increment. Not doing so creates unnecessary confusion for would-be donors, who may accidentally run afoul of regulators by giving incorrect amounts.

Oklahoma



41

Overall Rank

F

Overall Grade

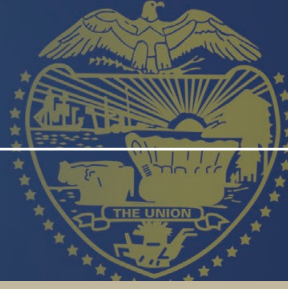
Oklahoma	Overall Rank	To Governor	To State Senate	To State House	To Parties	To PACs
Individual Giving	39	31	20	23	42	35
		\$2,700/election	\$2,700/election	\$2,700/election	\$10,000/year	\$5,000/year
PAC Giving	36	24	16	17	40	
		\$5,000/election	\$5,000/election	\$5,000/election	\$10,000/year	
Party Giving	44	43	43	43		
		\$25,000/cycle	\$10,000/cycle	\$10,000/cycle		
Union Giving	50	50	50	50		
		Prohibited	Prohibited	Prohibited		
Corporate Giving	50	50	50	50		
		Prohibited	Prohibited	Prohibited		

Inflation Adjustment: Yes

Although Oklahoma raised its limits on the amount candidates can receive from individuals and political parties in 2014, the Sooner State has a lot more work to do to protect free political speech within its borders. Oklahoma is one of just fifteen states to impose limits both on contributions from individuals to political parties and from parties to their candidates. Regrettably, the state also severely curbs the ability of PACs to contribute to parties as well. All in all, parties – the political institutions closest to the people – are severely restricted in Oklahoma, a driving factor behind the state’s dismal rating in the Index.

Fortunately for Oklahomans, the state finally said goodbye to its “per family” contribution limit in 2014, a provision that further restricted the amount an individual could donate to a candidate of their choice. Prior to this policy change, Oklahoma was the only state in the country to apportion their limits in this manner. Now limits apply to individuals, as they do throughout the rest of the country. Despite this step in the right direction, residents of Oklahoma would benefit if the state looked to its southern neighbor for guidance – Texas is one of 11 states that have no limits on political giving from individuals, PACs, or political parties.

Oregon



1

Overall Rank

A+

Overall Grade

Oregon	Overall Rank	To Governor	To State Senate	To State House	To Parties	To PACs
Individual Giving	1	1	1	1	1	1
		Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
PAC Giving	1	1	1	1	1	
		Unlimited	Unlimited	Unlimited	Unlimited	
Party Giving	1	1	1	1		
		Unlimited	Unlimited	Unlimited		
Union Giving	1	1	1	1		
		Unlimited	Unlimited	Unlimited		
Corporate Giving	1	1	1	1		
		Unlimited	Unlimited	Unlimited		

Inflation Adjustment: N/A

Leave it to the Beaver State to show the rest of the nation how to stand up for free speech. Oregon may have the country's greatest protections for First Amendment political speech rights, thanks in large part to *Vannatta v. Keisling*, a 1997 Oregon Supreme Court decision in which the court ruled that campaign contributions are acts of expression safeguarded by the Oregon Constitution's free speech guarantees. Since then, Oregon has been the shining example of free political expression in the Pacific Northwest and across the country. It is one of five states with no limits and a well-deserved perfect score in the Index.

Unfortunately, some in Oregon have periodically attempted to amend the state's Constitution to shred these free speech guarantees in order to enact contribution limits. Fortunately, the most recent attempt, spearheaded by Governor Kate Brown, failed to gain traction in the Oregon Legislative Assembly. Oregonians would be wise to pay attention to such efforts to undo one of the country's greatest free speech protections.

Pennsylvania

9

Overall Rank

A

Overall Grade



Pennsylvania	Overall Rank	To Governor	To State Senate	To State House	To Parties	To PACs
Individual Giving	1	1	1	1	1	1
		Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
PAC Giving	1	1	1	1	1	
		Unlimited	Unlimited	Unlimited	Unlimited	
Party Giving	1	1	1	1		
		Unlimited	Unlimited	Unlimited		
Union Giving	50	50	50	50		
		Prohibited	Prohibited	Prohibited		
Corporate Giving	50	50	50	50		
		Prohibited	Prohibited	Prohibited		

Inflation Adjustment: N/A

Pennsylvania is one of 11 states without limits on contributions from individuals, political parties, or PACs, helping the state earn a high score in the Free Speech Index. Surrounded on all sides by states with highly complicated and restrictive laws on political giving, Pennsylvanians have instead opted to enjoy a free and open political debate. In that regard, the Keystone State serves as a model for the nation. It can join the five states with perfect scores in the Index by affording the same freedom to businesses and labor unions, which are prohibited from giving directly to candidates.

laws for the worse, calling for contribution limits and unnecessary reporting requirements that would impede individuals and small groups from speaking in the state. Such moves, ostensibly in response to unrelated political scandals, would diminish freedom of speech without combatting corruption. Campaign finance regulations cannot transform a corrupt official into a dutiful public servant, and instead function to stifle the speech of those who would spotlight public corruption. Pennsylvanians would benefit greatly if such calls for limits were rejected as attacks on the state's praiseworthy commitment to free speech.

Sadly, Governor Tom Wolf has recently announced a desire to change Pennsylvania's campaign finance

Rhode Island

42

Overall Rank

F

Overall Grade



Rhode Island	Overall Rank	To Governor	To State Senate	To State House	To Parties	To PACs
Individual Giving	46	40	27	33	44	37
		\$1,000/year	\$1,000/year	\$1,000/year	\$1,000/year	\$1,000/year
PAC Giving	45	41	29	34	45	
		\$1,000/year	\$1,000/year	\$1,000/year	\$1,000/year	
Party Giving	26	27	23	23		
		\$25,000/year	\$25,000/year	\$25,000/year		
Union Giving	50	50	50	50		
		Prohibited	Prohibited	Prohibited		
Corporate Giving	50	50	50	50		
		Prohibited	Prohibited	Prohibited		

Inflation Adjustment: No

Rhode Island legislators have apparently never met a political speech restriction they didn't like. Despite ranking as one of the worst states in the nation, it's possible the Index actually understates how restrictive The Ocean State's campaign finance laws are. Rhode Island receives a boost in our ratings because of its relatively small population – speech is cheaper when your audience is small. But given the state's proximity to Boston, the seventh largest media market in the United States, campaigns in Rhode Island are more expensive than its modest population would suggest.

The one bright spot for Rhode Island lies in certain exemptions for giving to and from political parties.

The state allows larger donations for party building accounts and exempts from limits a variety of in-kind contributions from parties to their candidates. These provisions are welcome, but they cannot overcome the highly restrictive limits that make Rhode Island one of the ten worst states in the country for political giving. Rhode Islanders would be significantly better served if the state's strict limits on individual giving to candidates, political parties, and PACs were increased and indexed to inflation in order to prevent the limits from becoming more restrictive over time.

South Carolina

35

Overall Rank

D+

Overall Grade

South Carolina	Overall Rank	To Governor	To State Senate	To State House	To Parties	To PACs
Individual Giving	19	35	37	35	1	1
		\$3,500/election	\$1,000/election	\$1,000/election	Unlimited	Unlimited
PAC Giving	22	35	38	37	1	
		\$3,500/election	\$1,000/election	\$1,000/election	Unlimited	
Party Giving	45	41	44	44		
		\$50,000/election	\$5,000/election	\$5,000/election		
Union Giving	22	20	23	22		
		\$3,500/election	\$1,000/election	\$1,000/election		
Corporate Giving	19	18	20	19		
		\$3,500/election	\$1,000/election	\$1,000/election		

Inflation Adjustment: No

South Carolina's Index ranking could be improved significantly with one simple and uncontroversial change: indexing the state's modest contribution limits to inflation. Contribution limits that are not tied to inflation have an insidious effect on free speech and association over time; as the price of communicating rises, the amount a contributor can give stays constant. This is precisely why a majority of states (counting those without limits on individual giving) periodically adjust their limits upward based on inflation to account for this reality.

South Carolina's score also suffers from extremely low limits on the amount political parties can give to their legislative candidates. If not for a 2010 court case that ruled the state's definition of "political committee" overly broad and unconstitutional, the Palmetto State would perform even worse in the Index, as PACs were previously restricted to giving just \$3,500 to political parties. As it stands, the state is credited for having no limits on giving to parties by individuals and political committees.

South Dakota



14

Overall Rank

C+

Overall Grade

South Dakota	Overall Rank	To Governor	To State Senate	To State House	To Parties	To PACs
Individual Giving	27	14	22	21	29	28
		\$4,000/year	\$1,000/year	\$1,000/year	\$10,000/year	\$10,000/year
PAC Giving	1	1	1	1	1	
		Unlimited	Unlimited	Unlimited	Unlimited	
Party Giving	1	1	1	1		
		Unlimited	Unlimited	Unlimited		
Union Giving	50	50	50	50		
		Prohibited	Prohibited	Prohibited		
Corporate Giving	50	50	50	50		
		Prohibited	Prohibited	Prohibited		

Inflation Adjustment: No

Fortunately for those in South Dakota who favor political freedom, The Mount Rushmore State fended off a significant attack to its citizens' First Amendment rights in early 2017. A ballot measure championed by former Democratic Senate candidate Rick Weiland (Initiated Measure 22) was narrowly approved in the 2016 general election by just over 11,000 votes. Among other speech chilling regulatory provisions, several of which were likely unconstitutional, the measure would have lowered South Dakota's existing limits on individual giving to candidates for State Senate and State House and imposed new limits on contributions from parties and PACs to candidates. Because this measure contained unconstitutional provisions, however, the Legislature acted quickly to

repeal the Initiative before it could take effect. If the measure had become law, South Dakota would have dropped precipitously in the Index rankings, going from 14th to 38th.

As it stands, South Dakota is the third best state for political freedom, among those that have limits. If the state does seek to improve, however, it could look to its neighbors in Nebraska, Iowa, and North Dakota, which, along with eight other states in the country, have no limits on individual giving to candidates. At the very least, South Dakota should consider adjusting its limits for inflation, in order to prevent the limits from becoming more restrictive over time.

Tennessee



16

Overall Rank

C+

Overall Grade

Tennessee	Overall Rank	To Governor	To State Senate	To State House	To Parties	To PACs
Individual Giving	20	38	41	38	1	1
		\$3,900/election	\$1,500/election	\$1,500/election	Unlimited	Unlimited
PAC Giving	15	21	17	18	1	
		\$11,500/election	\$11,500/election	\$7,600/election	Unlimited	
Party Giving	31	32	27	29		
		\$383,000/election	\$61,300/election	\$30,700/election		
Union Giving	50	50	50	50		
		Prohibited*	Prohibited*	Prohibited*		
Corporate Giving	25	25	24	24		
		\$250/quarter*	\$250/quarter*	\$250/quarter*		

Inflation Adjustment: Yes

*Unions are allowed to contribute to candidates only if they register as PACs themselves. We treat this in the same manner as unions that are allowed to give to PACs but not to candidates and, as such, we list union contributions as prohibited. Likewise, corporations in Tennessee are permitted to give \$250/quarter to candidates directly, in aggregate. To give more the corporation must register as a PAC.

Among states that have limits on contributions from individuals, parties, and political committees to candidates, Tennessee ranks fifth in the Free Speech Index. However, 11 states have no such limits, including three of Tennessee's neighbors – Alabama, Mississippi, and Virginia. Tennesseans should look to these states as models of free political speech.

On a more positive note, in 2011, the Tennessee Legislature passed a measure eliminating the state's prohibition on direct giving by businesses to candidates in order to more equitably align state campaign finance statutes permitting unions to donate directly to candidates, albeit through an onerous process in

which a union must register itself as a PAC in order to contribute. Currently, Tennessee restricts businesses to giving no more than \$250 in aggregate to all candidates per quarter. Such a provision leaves Tennessee as one of only two states (New Hampshire) to allow direct corporate giving to candidates but prohibit all direct union contributions to candidates. Although both unions and corporations are able to give in greater amounts by registering as PACs in Tennessee, the bureaucratic red tape required to do so is a deterrent to many smaller entities who may wish to speak. Abolishing this arbitrary rule would allow even greater political freedom in the Volunteer State.

Texas



9

Overall Rank

A

Overall Grade

Texas	Overall Rank	To Governor	To State Senate	To State House	To Parties	To PACs
Individual Giving	1	1	1	1	1	1
		Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
PAC Giving	1	1	1	1	1	
		Unlimited	Unlimited	Unlimited	Unlimited	
Party Giving	1	1	1	1		
		Unlimited	Unlimited	Unlimited		
Union Giving	50	50	50	50		
		Prohibited	Prohibited	Prohibited		
Corporate Giving	50	50	50	50		
		Prohibited	Prohibited	Prohibited		

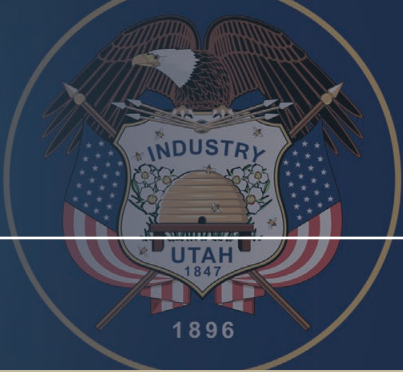
Inflation Adjustment: N/A

Texas is one of 11 states that appropriately impose no limits on contributions from individuals, parties, and political committees to candidates, earning the state high marks in the Index and making it a lone star for freedom in the Southwest.

While the state is already one of the best places to speak about candidates and campaigns, room for improvement remains. Unlike a majority of states, Tex-

as prohibits both businesses and labor unions from making contributions to candidates. While unions and corporations are able to form and contribute to political committees, the red tape involved in doing so discourages groups – particularly small ones – from putting in the effort required to speak. Meanwhile, five states allow all manner of entities to make contributions without limit. Texans would hear more speech if their state followed suit.

Utah



1

Overall Rank

A+

Overall Grade

Utah	Overall Rank	To Governor	To State Senate	To State House	To Parties	To PACs
Individual Giving	1	1	1	1	1	1
		Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
PAC Giving	1	1	1	1	1	
		Unlimited	Unlimited	Unlimited	Unlimited	
Party Giving	1	1	1	1		
		Unlimited	Unlimited	Unlimited		
Union Giving	1	1	1	1		
		Unlimited	Unlimited	Unlimited		
Corporate Giving	1	1	1	1		
		Unlimited	Unlimited	Unlimited		

Inflation Adjustment: N/A

Utah is one of five states to earn the highest possible grade in the Free Speech Index. The state fully embraces the First Amendment, understanding that free political speech by all people and groups is crucial to ensuring a vibrant democracy and a competitive political process.

Unfortunately, as the Beehive State has been buzzing about recent corruption scandals, some have responded by proposing contribution limits as a

method of preventing future scandals. Such legislation is severely misguided. Contribution limits do not protect citizens against corrupt politicians; on the contrary, they stifle the ability of citizens and groups to criticize corrupt public officials and promote better candidates. Utah is currently a beacon of free political speech that all states can look to as a model. Utahns should proudly support their state's First Amendment protections and oppose efforts to tarnish them.

Vermont



21

Overall Rank

C

Overall Grade

Vermont	Overall Rank	To Governor	To State Senate	To State House	To Parties	To PACs
Individual Giving	32	15	21	15	32	32
		\$4,000/cycle	\$1,500/cycle	\$1,000/cycle	\$10,000/cycle	\$4,000/cycle
PAC Giving	32	17	22	19	32	
		\$4,000/cycle	\$1,500/cycle	\$1,000/cycle	\$10,000/cycle	
Party Giving	1	1	1	1		
		Unlimited	Unlimited	Unlimited		
Union Giving	10	9	11	11		
		\$4,000/cycle	\$1,500/cycle	\$1,000/cycle		
Corporate Giving	8	7	9	9		
		\$4,000/cycle	\$1,500/cycle	\$1,000/cycle		

Inflation Adjustment: Yes

Vermont's middling ranking in the Index belies its relatively low limits that wouldn't pass muster in a larger state. However, thanks to Vermont's especially small population and the relative ease for Vermonters to speak without requiring significant financial means, it nonetheless performs better than most in the Index.

In the past, Vermont has shown a degree of intransigence with regard to political speech. In 2006, Vermont fought for its previous, absurdly low limits all the way to the Supreme Court. In that case, *Randall*

v. Sorrell, the state's contribution limits were ruled an unconstitutional violation of the First Amendment for being too low – a first for any state in the country. Eight years later, in 2014, the General Assembly passed legislation raising many of the state's limits, albeit modestly, and indexing them to inflation to prevent a future *Sorrell*-like court challenge. Hopefully, the General Assembly's decision is a sign that the Green Mountain State has turned over a new leaf when it comes to free political speech. No matter the case, Vermonters would benefit if the state's limits climbed even higher in the future.

Virginia



1 Overall Rank A+ Overall Grade

Virginia	Overall Rank	To Governor	To State Senate	To State Delegate	To Parties	To PACs
Individual Giving	1	1	1	1	1	1
		Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
PAC Giving	1	1	1	1	1	
		Unlimited	Unlimited	Unlimited	Unlimited	
Party Giving	1	1	1	1		
		Unlimited	Unlimited	Unlimited		
Union Giving	1	1	1	1		
		Unlimited	Unlimited	Unlimited		
Corporate Giving	1	1	1	1		
		Unlimited	Unlimited	Unlimited		

Inflation Adjustment: N/A

Perhaps it should be no surprise that the state that has produced more U.S. Presidents than any other cherishes free and open political debate within its borders. Virginia is one of five states that imposes no limits on political giving, earning it the highest grade possible in the Free Speech Index and living up to the immortal words of our country’s third president, Virginia-native Thomas Jefferson, that America should be an “empire for liberty.”

has not been exploited by unscrupulous politicians to diminish the First Amendment rights of Americans. Virginians understand that stifling the ability of groups to associate and speak will only increase the potential for corruption and shield government officials from scrutiny. The Old Dominion is a model for the rest of the country when it comes to political speech freedom, and its residents should be proud of their state’s high ranking.

It is a testament to the Virginia General Assembly that, unlike in some other states, political scandal

Washington



20 Overall Rank

C Overall Grade

Washington	Overall Rank	To Governor	To State Senate	To State House	To Parties	To PACs
Individual Giving	24	46	42	41	1	1
		\$2,000/election	\$1,000/election	\$1,000/election	Unlimited	Unlimited
PAC Giving	41	46	42	42	36	
		\$2,000/election	\$1,000/election	\$1,000/election	\$5,500/year	
Party Giving	23	23	23	26		
		\$3,973,623/cycle	\$81,094/cycle	\$40,547/cycle		
Union Giving	26	27	25	25		
		\$2,000/election	\$1,000/election	\$1,000/election		
Corporate Giving	22	22	22	22		
		\$2,000/election	\$1,000/election	\$1,000/election		

Inflation Adjustment: Yes

Washington may have an average ranking in the Index, but there's nothing average about the state's patchwork of unusual statutes and complicated exemptions. The Evergreen State is one of the hardest states in the country for political speakers to navigate.

In addition to its regular limits, Washington imposes an additional \$5,000 aggregate limit on contributions from individuals to candidates, parties, and PACs during the 21 days prior to the general election. This limit creates confusion and functions as a significant impediment to campaign speech, as candidates and groups are limited in the contributions they can accept at a time when political speech is most salient. Washington also prohibits contributions to candidates from PACs that have not received ten donations of at least \$10 in the past 180 days from Washingtonians.

This requirement forces PACs to continuously fundraise and divert their attention from engaging in political speech.

However, Washington performs better in the freedom it affords political parties. Washington's limit on party to candidate contributions is based on the number of registered voters in a candidate's district. While unusual, this results in some of the largest party to candidate limits, among states that have such restrictions. Washington also imposes no limit on contributions from individuals to political parties and possesses generous exemptions on the ability of parties to support their candidates. Washingtonians would be well served if the same freedoms granted to parties also extended to individuals and PACs.

West Virginia



49

Overall Rank

F

Overall Grade

West Virginia	Overall Rank	To Governor	To State Senate	To State Delegate	To Parties	To PACs
Individual Giving	47	39 \$1,000/election	28 \$1,000/election	27 \$1,000/election	50 \$1,000/election	44 \$1,000/election
PAC Giving	47	40 \$1,000/election	30 \$1,000/election	28 \$1,000/election	50 \$1,000/election	
Party Giving	50	49 \$1,000/election	48 \$1,000/election	49 \$1,000/election		
Union Giving	18	24 \$1,000/election	16 \$1,000/election	16 \$1,000/election		
Corporate Giving	50	50 Prohibited	50 Prohibited	50 Prohibited		

Inflation Adjustment: No

West Virginia is arguably the worst state in the country for free political speech. Only Kentucky scores worse in the Index, and Kentucky's limits are actually slightly higher than West Virginia's in some areas. The Mountain State escapes the ignominy of last place simply because its population is less than half of Kentucky's, reducing the amount of funding necessary to bring a candidate's message to voters.

In recent years, West Virginia legislators have attempted to raise the state's low limits in recognition of their harmful impact on political speech. But such efforts continue to stall in the Legislature as unrelated reporting requirements and unnecessary and costly regulations are tacked on to the bills by those opposed to increased limits. Regrettably, the real victims of this legislative battle are the citizens of West Virginia, whose political speech rights continue to be severely infringed.

Wisconsin



22

Overall Rank

C

Overall Grade

1848

Wisconsin	Overall Rank	To Governor	To State Senate	To State Assembly	To Parties	To PACs
Individual Giving	15	19	46	48	1	1
		\$20,000/cycle	\$2,000/cycle	\$1,000/cycle	Unlimited	Unlimited
PAC Giving	34	14	45	46	42	
		\$86,000/cycle	\$2,000/cycle	\$1,000/cycle	\$12,000/year	
Party Giving	1	1	1	1		
		Unlimited	Unlimited	Unlimited		
Union Giving	50	50	50	50		
		Prohibited	Prohibited	Prohibited		
Corporate Giving	50	50	50	50		
		Prohibited	Prohibited	Prohibited		

Inflation Adjustment: No

The Wisconsin Supreme Court recently ruled that the state's campaign finance and election enforcement agency, the Government Accountability Board, had infringed on the free association and political speech rights of groups and citizens in Wisconsin through the improper and heavy-handed use of investigative powers. In the wake of that scandal, the Wisconsin Legislature enacted sweeping changes to the state's largely unconstitutional and mostly incomprehensible campaign finance regime in late 2015. In an effort to make the state's regulations less restrictive on political speech, the new law contains many positive changes, including dismantling the Government Accountability Board in favor of a new bipartisan agen-

cy and a long overdue increase for the state's outdated contribution limits. Residents of the Badger State should applaud their elected officials for those efforts. As a result, Wisconsin has gone from being one of the worst states for political speech to the middle of the pack – a welcome improvement, even as more work remains.

One simple way for Wisconsin to improve even further would be to index the state's limits to inflation. Indexing is a simple, uncontroversial measure used by a majority of states that merely prevents the erosion of free speech rights with the passage of time.

Wyoming



12 Overall Rank B Overall Grade

Wyoming	Overall Rank	To Governor	To State Senate	To State House	To Parties	To PACs
Individual Giving	12	12	12	13	1	1
		\$2,500/election*	\$1,500/election*	\$1,500/election*	Unlimited	Unlimited
PAC Giving	13	1	14	14	1	
		Unlimited	\$5,000/election	\$5,000/election	Unlimited	
Party Giving	1	1	1	1		
		Unlimited	Unlimited	Unlimited		
Union Giving	50	50	50	50		
		Prohibited	Prohibited	Prohibited		
Corporate Giving	50	50	50	50		
		Prohibited	Prohibited	Prohibited		

Inflation Adjustment: No

*Contributions from family members of a candidate are not subject to these limits.

Wyoming has raised its contribution limits twice in recent years, once in 2013 and again in 2015. After the 11 states without limits on individual, party, and PAC giving, Wyoming is now the best of the rest, thanks in large part to these recent legislative changes. Interestingly, the Equality State is the only state in the nation to allow unlimited giving for PACs to gubernatorial candidates but not to legislative candidates. If free political speech is good for the Gov-

ernor's Mansion, it stands to reason it's good for the Legislature too.

At the very least, residents of Wyoming would benefit from a policy that sees its limits regularly adjusted for inflation. This is a simple, uncontroversial measure exercised by a majority of states to prevent the erosion of free speech rights with the passage of time.

Each of the five general categories contains a number of sub-variables, which are graded and added together to generate grades for each state in each area. The variables are defined and calculated as follows, broken down by category:

Area I: *Ability of Individuals to Associate with Candidates and Groups to Speak*
(Maximum Score: 2400)

Area I examines contribution limits applicable to individual giving to candidates, political parties, and PACs, while taking into account certain common exemptions that states offer when limiting this type of giving. States operate vastly different schedules both for how contribution limits are applied and for when elections are held. We therefore choose a standardized period of time and adjust state limits based on that time period in order to make meaningful comparisons. For example, some states limit contributions by election, meaning that contributors can spend to the limit during the primary and again during the general election, while other states limit contributions by election cycle, meaning that the limit represents the total amount an individual may contribute for both the primary and general elections combined. Some states set calendar year limits, forgoing electoral distinctions. Still, a handful of others apportion limits based on different temporal measurements. For the purposes of this Index, limits are standardized in Area I as follows:

- Limits on contributions from individuals to gubernatorial candidates (Maximum Score: 600)
 - Bonus for states with limits allowing unlim-

ited contributions from a candidate's family members (Bonus Score: 60)

- Limits on contributions from individuals to State Senate candidates (Maximum Score: 300)
 - Bonus for states with limits allowing unlimited contributions from a candidate's family members (Bonus Score: 30)
- Limits on contributions from individuals to State House candidates (or the equivalent) (Maximum Score: 300)
 - Bonus for states with limits allowing unlimited contributions from a candidate's family members (Bonus Score: 30)

We calculate each state's contribution limits on individual giving to gubernatorial and legislative candidates (defined as those running for Governor, State Senate, or State House (or the equivalent)) on an election year basis. In states that allocate their limits on a per election basis, we double the limit to account for the maximum an individual could give to a candidate in both a primary and general election. Although some states may have run-off elections or special elections, given the varied and infrequent nature of these occurrences, for this Index, we assume that a state has one primary and one general election for each open gubernatorial or state legislative seat. States that regulate contribution limits on a yearly basis were considered to have limits equivalent to an election cycle. This is done in order to capture a realistic limit, with regard to an individual's ability to pledge their support to candidates, whether challenger or incumbent. Many challengers do not declare their candidacies during off-election years, and, therefore, individuals cannot voice their support for them. In this manner, the Index places challengers and incumbents on equal footing. For the handful of states with contribution limits that allow family members

to make unlimited donations to a candidate's campaign, we provided an additional bonus; Illinois, Maryland, Michigan, North Carolina, South Dakota, and Wyoming receive this bonus.

For all of these limits, states receive credit according to how much freedom they allow their citizens to make contributions to the candidates and causes of their choice. States with no or high limits on individual contributions to candidates score much better than states with low limits.

Specific Rules:

- In Florida, Montana, and South Carolina, which generally apportion contribution limits by election, if a candidate is unopposed in the primary, the primary and general election count as a single election for contribution limits purposes. We ignore this distinction and assume all candidates are opposed in the primary for standardization purposes.⁴⁸
- In Montana, contribution limits are currently being challenged in court as unconstitutionally low.⁴⁹ The Index reflects the limits as they appear in the statute and were most recently enacted by the Legislature. These limits were declared unconstitutional and while the legal process continues, the state has reverted to older limits. Other resources, such as NCSL, may list the older limits instead.
- In Arizona, the Citizens Clean Elections Act reduces statutory limits to statewide offices by 20% for any candidate who does not participate in the state's Clean Elections Program. Participation in the program requires candidates to limit their campaign expenditures. The Index reflects the 20% reduction for giving to candidates who do not participate.⁵⁰
- In Georgia, the limits for run-off elections are disregarded and the regular "primary" and

"general" limits are taken.⁵¹

- In Illinois, though the limits are per "election cycle," the state defines two election cycles – the primary and the general. We treat Illinois's limits as "per election" limits.⁵²
- In New York, where limits for primary campaigns differ based on the gubernatorial candidate's political party, we take an average of the party limits listed by the state and add the resultant figure to the general election limit.⁵³
- In Minnesota, which has different limits depending on whether the contributor is giving in an "election segment"⁵⁴ or "non-election segment,"⁵⁵ we use the "election segment" limits.
- In New Hampshire and Rhode Island, states that allow candidates to raise larger amounts if they agree to limit their expenditures, the limits for candidates not agreeing to abide by state expenditure limits are taken.⁵⁶
- In Nebraska, the unicameral Nebraska Legislature is scored as both the lower and upper chamber, so as to prevent an arbitrary decrease in the state's score.
- In Wisconsin, the Legislature in late 2015 enacted a law that raised contribution limits in the state. We have used the newly enacted limits; this may create a discrepancy with the data compiled by NCSL.⁵⁷
- Limits on contributions from individuals to political parties (Maximum Score: 600)
 - Bonus for states which allow unlimited donations for non-election related purposes (Bonus Score: 120)

We calculate each state's score based on permissible donations to all **state party committees** within a 2-year cycle based on congressional elections. In states that hold elections for state-

wide offices every four years, the four-year total is taken to maintain an apples-to-apples comparison. Arizona, Louisiana, and Maryland are affected by this rule. States with yearly limits are doubled because (unlike with most candidates) political parties continue to exist and operate in non-election years. States with limits that, nonetheless, allow unlimited donations for non-election related purposes (sometimes referred to as “party building” or “housekeeping”) are given a bonus in this section. California, Maryland, New York, and Ohio receive this bonus.

States with no or high limits on individual giving earn better scores than states with low limits.

Specific Rules:

- In Kentucky, which further divides its political party structure and places limits on donations to each, we take the limit for the executive committee – the governing body of the political party in the state.⁵⁸
- In Rhode Island, individuals are allowed to contribute in an increased amount (\$10,000) to non-election related party accounts. Unlike other states with this provision, the amount is not unlimited. A partial bonus (50 percent of the full bonus) is given for this party building exemption.⁵⁹
- In Massachusetts, the limit on individual giving to political parties is an aggregate limit to all parties, instead of the more standard per party limit. Since we do not account for limits on local parties generally, we score this aggregate limit as equivalent to other states’ per party limits.⁶⁰
- Limits on contributions from individuals to PACs (Maximum Score: 600)

We calculate each state’s score based on permissible donations to all state political action committees within a 2-year cycle based on congressional elections. As with individual to party limits, if states hold elections for statewide offices every four years, an exception is made in which the four-year total was taken to maintain an apples-to-apples comparison. States with yearly limits are doubled because (unlike with candidates) PACs regularly continue to exist and operate in non-election years.

States with no or high limits on individual giving earn better scores than states with low limits.

Specific Rules:

- In Connecticut, which further divides its PAC structure and places limits on donations to PACs based on how many individuals are involved in the PAC, we take the limit for “organizational PACs” – the strictest of the different PAC limits.⁶¹
- In Washington, there is an additional stricter limit on contributions from individuals to PACs of \$5,000, if those contributions occur within 21 days of an election. Washington receives a penalty for this stricter limit proportionate to the number of days of the year in which this stricter limit is in effect.⁶²

Area II: *Ability of Political Action Committees to Speak* (Maximum Score: 800)

Area II examines and grades states by the limits they place on the ability of political action committees to make contributions to other groups and candidates of their choice. Contribution lim-

its and election cycles are standardized here in much the same way as Area I. This requires standardizing limits in the following manner:

- Limits on contributions from PACs to gubernatorial candidates (Maximum Score: 250)
- Limits on contributions from PACs to State Senate candidates (Maximum Score: 125)
- Limits on contributions from PACs to State House candidates (or the equivalent) (Maximum Score: 125)

We calculate each state's contribution limits on PAC donations to gubernatorial and legislative candidates (defined as those running for Governor, State Senate, or State House (or the equivalent)) on an election year basis. In states that allocate their limits on an election basis, we double the limit to account for the maximum an individual could give to a candidate in both a primary and general election. Although some states may have run-off elections or special elections, given the varied and infrequent nature of these occurrences, for this Index, we assume that a state has one primary and one general election for each open state gubernatorial or state legislative seat. States that regulate contribution limits to candidates on a yearly basis are considered to have limits equivalent to an election cycle. This is done in order to capture a realistic limit, with regard to a PAC's ability to pledge its support to candidates, either challenger or incumbent. That is, many challengers do not declare their candidacies during off-election years and, therefore, PACs cannot voice their support for them. For states with different limits based on the type of political action committee, we have used the most restrictive contribution limit.

States with no or high limits on contributions from PACs to candidates earn a better score than states with low limits in these variables.

Specific Rules:

- In Montana, contribution limits are currently being challenged in court as unconstitutionally low.⁶³ The Index reflects the limits as they appear in the statute and were most recently enacted by the Legislature. These limits were declared unconstitutional and while the legal process continues, the state has reverted to older limits. Other resources, such as NCSL, may list these older limits instead.
- In Arizona, the Citizens Clean Elections Act reduces statutory limits to statewide offices by 20% for any candidate who does not participate in the state's Clean Elections Program. Participation in the program requires candidates to limit their campaign expenditures. The Index reflects the 20% reduction for giving to candidates who do not participate.⁶⁴
- In Illinois, though the limits are per "election cycle," the state defines two election cycles – the primary and the general. We treat Illinois's limits as "per election" limits.⁶⁵
- In New York, where limits for primary campaigns differ based on the gubernatorial candidate's political party, we take an average of the party limits listed by the state and add the resultant figure to the general election limit.⁶⁶
- In Massachusetts, there is an aggregate limit of \$15,000 followed by a \$500/candidate limit. That is, PACs can contribute \$15,000 to any combination of candidates and \$500 to any specific candidate. Since aggregate limits are necessarily more restrictive than per-candidate limits, we take the \$500/candidate limit as the sole limit in the state.⁶⁷

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- In Minnesota, which has different limits depending on whether the contributor is giving in an “election segment”⁶⁸ or “non-election segment,”⁶⁹ we use the “election segment” limits.
- In Nebraska, the unicameral Nebraska Legislature is scored as both the lower and upper chamber, so as to prevent an arbitrary decrease in the state’s score.
- Limits on contributions from political action committees (PACs) to political parties (Maximum Score: 300)
 - Bonus for states which allow unlimited donations for non-election related purposes (Bonus Score: 60)

We calculate each state’s score based on permissible donations to all state party committees within a 2-year cycle based on congressional elections. In states that hold elections for state-wide offices every four years, an exception is made in which the four-year total was taken to maintain an apples-to-apples comparison. Arizona, Louisiana, and Maryland are affected by this rule. States with yearly limits are doubled because (unlike with candidates) political parties continue to exist and operate in non-election years. For states with different limits based on the type of political action committee, we have used the most restrictive contribution limit for our calculations. States with limits that, nonetheless, allow unlimited donations for non-election related purposes (sometimes referred to as “party building” or “housekeeping”) are given a bonus in this section. California, Maryland, New York, and Ohio receive this bonus.

States with no or high limits on PAC giving to parties earn better scores than states with low limits.

Specific Rules:

- In Kentucky, which further divides its political party structure and places limits on donations to each, we take the limit for the executive committee – the governing body of the political party in the state.⁷⁰
- In Rhode Island, PACs are allowed to contribute in an increased amount (\$10,000) to non-election related party accounts. Unlike other states with this provision, the amount is not unlimited. A partial bonus (50 percent of the full bonus) is given for this party building exemption.⁷¹
- In Massachusetts, the limit on PAC giving to political parties is an aggregate limit to all parties, instead of the more standard per-party limit. Since we do not account for limits on local parties generally, we score this aggregate limit in the same manner as other states’ per party limits.⁷²

Area III: Political Party Freedom

(Maximum Score: 1,000)

Area III examines and grades states by the limits they place on the ability of political parties to make contributions to candidates in state elections. Contribution limits and election cycles are standardized here in much the same way as Areas I and II. The standardization occurred in the following manner:

- Limits on contributions from political parties to gubernatorial candidates (Maximum Score: 500)
- Limits on contributions from political parties to State Senate candidates (Maximum Score: 250)

- Limits on contributions from political parties to State House candidates (or the equivalent) (Maximum Score: 250)

We calculate each state's contribution limits on political party donations to gubernatorial and legislative candidates (defined as those running for Governor, State Senate, or State House (or the equivalent)) on an election year basis. In states that allocate their limits on an election basis, we double the limit to account for the maximum an individual could give to a candidate in both a primary and general election. Although some states may have run-off elections or special elections, given the varied and infrequent nature of these occurrences, for this Index, we assume that a state has one primary and one general election for each open gubernatorial or state legislative seat. States that regulate contribution limits to candidates on a yearly basis were considered to have limits equivalent to an election cycle. This is done in order to capture a realistic limit, with regard to a party's ability to pledge its support to candidates, either challenger or incumbent. That is, many challengers do not declare their candidacies during off-election years and, therefore, parties cannot voice their support for them. Some states limit not the amount a party can give, but the amount a candidate can receive from all political parties. In such cases, we take the aggregate limit on candidate receipts to be the individual party limit.

States with no or high limits on contributions from political parties earn a better score than states with low limits in these variables.

Specific Rules:

- In Illinois and Kansas, parties must abide by contribution limits in primary elections, but

are allowed to donate to their candidates without limit in the general election. We score both states as having no limits.⁷³

- In New York, donations from parties are prohibited in primaries but unlimited in general elections. We score the state as having no limit.⁷⁴
- In Montana, contribution limits are currently being challenged in court as unconstitutionally low.⁷⁵ The Index reflects the limits as they appear in the statute and were most recently enacted by the Legislature. These limits were declared unconstitutional and while the legal process continues, the state has reverted to older limits. Other resources, such as NCSL, may list the older limits instead.
- In Kentucky, political parties are restricted from giving either 50% of a candidate's total contributions or \$10,000 per election, whichever is greater. We use the \$10,000 per election amount as the limit.
- In Washington, the state imposes party limits to candidates on a per registered voter basis. In the case of contribution limits to gubernatorial candidates, we calculate the limit based on the current level of Washington registered voters, as updated on January 31, 2016.⁷⁶ For State Senate and State House limits, we divided the statewide number by Washington's 49 Senate districts and 98 House districts, respectively. This gives the mean contribution limit for those offices.
- In Minnesota, which has different limits depending on whether the contributor is giving in an "election segment"⁷⁷ or "non-election segment,"⁷⁸ we use the "election segment" limits.
- In Nebraska, the unicameral Nebraska Legislature is scored as both the lower and

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upper chamber, so as to prevent an arbitrary decrease in the state's score.

In-Kind Party Contributions to Candidates (Maximum Bonus Score: 320)

Many states limit monetary contributions from parties to candidates, but provide exemptions to those limits for certain speech-related activities. In an effort to reward these states for their support of certain political speech protections, we provide a bonus that is roughly proportional to the amount of impact these exemptions have on free and open political debate. These bonus points are capped at 80 percent of the value awarded to states that have no political party contribution limits, in order to avoid rewarding states that create exemptions rather than fundamentally expanding political freedom. The exemptions are as follows, from most significant to least significant (the states to which the exemption applies are in parentheses)⁷⁹:

- Broad exemptions for in-kind contributions and issue advocacy (Massachusetts and Michigan). (Bonus Score: 320)
- Exemptions for express advocacy of a slate of three or more candidates (Florida, Georgia, and Minnesota). (Bonus Score: 150)
- Exemptions for get out the vote efforts that aid a campaign (Arizona, Arkansas, Delaware, Maine, Ohio, Rhode Island,⁸⁰ Tennessee, Washington). (Bonus Score: 50)
- Exemption for mailings that support a slate of three or more candidates (Arizona, Connecticut, Florida, Georgia, Maine, Minnesota, Ohio, Rhode Island, Tennessee, Washington). (Bonus Score: 100)
- Exemptions for voter registration activities (Arizona, Delaware, Ohio, Rhode Island,

Washington). (Bonus Score: 50)

- Exemptions for activities relating to balloting (Arizona, Connecticut, Ohio, Rhode Island, Washington). (Bonus Score: 50)
- Additional aggregate in-kind donations proportional to state population (Maryland). (Bonus Score: 50)
- Exemptions for campaign staff assigned to a candidate (Arizona, Connecticut, Florida, Montana, Rhode Island). (Bonus Score: 30)
- Exemptions for polling services (Florida, Ohio, Rhode Island). (Bonus Score: 30)

Area IV: Freedom of Corporations and Unions to Contribute (Maximum Score: 300)

Area IV examines and grades states by the limits they place on the ability of corporations and unions to make contributions to candidates in state elections. Contribution limits and election cycles are standardized here in much the same way as the other areas. The standardization occurred in the following manner:

- Limits on contributions from unions to gubernatorial candidates (Maximum Score: 75)
- Limits on contributions from unions to State Senate candidates (Maximum Score: 37.5)
- Limits on contributions from unions to State House candidates (or the equivalent) (Maximum Score: 37.5)
- Limits on contributions from corporations to gubernatorial candidates (Maximum Score: 75)
- Limits on contributions from corporations to State Senate candidates (Maximum Score: 37.5)

- Limits on contributions from corporations to State House candidates (or the equivalent) (Maximum Score: 37.5)

We calculate each state's contribution limits on union and corporate giving to gubernatorial and legislative candidates (defined as those running for Governor, State Senate, or State House (or the equivalent)) on an election year basis. In this section, we examine only the ability of corporations and unions to give directly, not through a subsidiary PAC. States that prohibit corporate or union donations but allow them to form a PAC are listed as prohibiting corporate or union giving. PAC giving is rewarded in Area II. In states that allocate their limits on an election basis, we double the limit to account for the maximum a corporation or union could give to a candidate in both a primary and general election. Although some states may have run-off elections or special elections, given the varied and infrequent nature of these occurrences, for this Index, we assume that a state has one primary and one general election for each open state gubernatorial or state legislative seat. States that regulate contribution limits to candidates on a yearly basis are considered to have limits equivalent to an election cycle. This was done in order to capture a realistic limit, with regard to a corporation's or union's ability to pledge its support to candidates, either challenger or incumbent. That is, many challengers do not declare their candidacies during off-election years and, therefore, corporations and unions cannot voice their support for these candidates.

States with no or high limits on contributions from union or corporations earn a better score than states with low limits or those that prohibit donations.

Specific Rules:

- In New York, where union limits for primary campaigns differ based on the candidate's political party, we take an average of the party limits listed by the state and added the general election limit.⁸¹
- In New York, aggregate limits are placed on the amount a candidate can receive from all corporations, and on the amount in aggregate any corporation can give to candidates.⁸² Such aggregate limits are more restrictive than per contributor limits; as such, the state receives a rating equivalent to the most restrictive per candidate limits.
- In Indiana, aggregate limits are placed on the amount any union or corporation is able to give to all candidates. Such aggregate limits are more restrictive than per contributor limits; as such, the state receives a rating equivalent to the most restrictive per-candidate limits.⁸³
- In Illinois, though the limits are per "election cycle," the state defines two election cycles – the primary and the general. We treat Illinois's limits as "per election" limits.⁸⁴
- In Tennessee, unions are allowed to contribute to candidates only if they register as PACs themselves. We treat this in the same manner as unions that are allowed to give to PACs but not to candidates and, as such, we list union contributions as prohibited. Likewise, corporations in Tennessee are permitted to give \$250/quarter to candidates directly, in aggregate. To give more the corporation must register as a PAC. We calculate the contribution as if it were \$1,000/year.⁸⁵
- In Massachusetts, there is an aggregate limit of \$15,000 on union contributions followed by a \$500/candidate limit. That is, unions can contribute \$15,000 to any combination

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of candidates and then are limited to \$500 to any specific candidate. We take the \$500/candidate limit as the sole limit in the state.⁸⁶

- In Minnesota, which has different limits depending on whether the contributor is giving in an “election segment”⁸⁷ or “non-election segment,”⁸⁸ we use the “election segment” limits.
- In Arkansas, a 2014 ballot initiative imposed a prohibition on corporate and union giving to candidates.⁸⁹ The Index reflects this change.
- In Nebraska, the unicameral Nebraska Legislature is scored as both the lower and upper chamber, so as to prevent an arbitrary decrease in the state’s score.
- In Kentucky, a March 31, 2016 district court opinion rendered the state’s limits on corporate giving to candidates unconstitutional on equal protection grounds. The Kentucky Registry of Election Finance subsequently responded by prohibiting all union contributions along with corporate contributions.⁹⁰ The Index reflects this ruling.

Area V: Inflation Indexing (Maximum Score: 500)

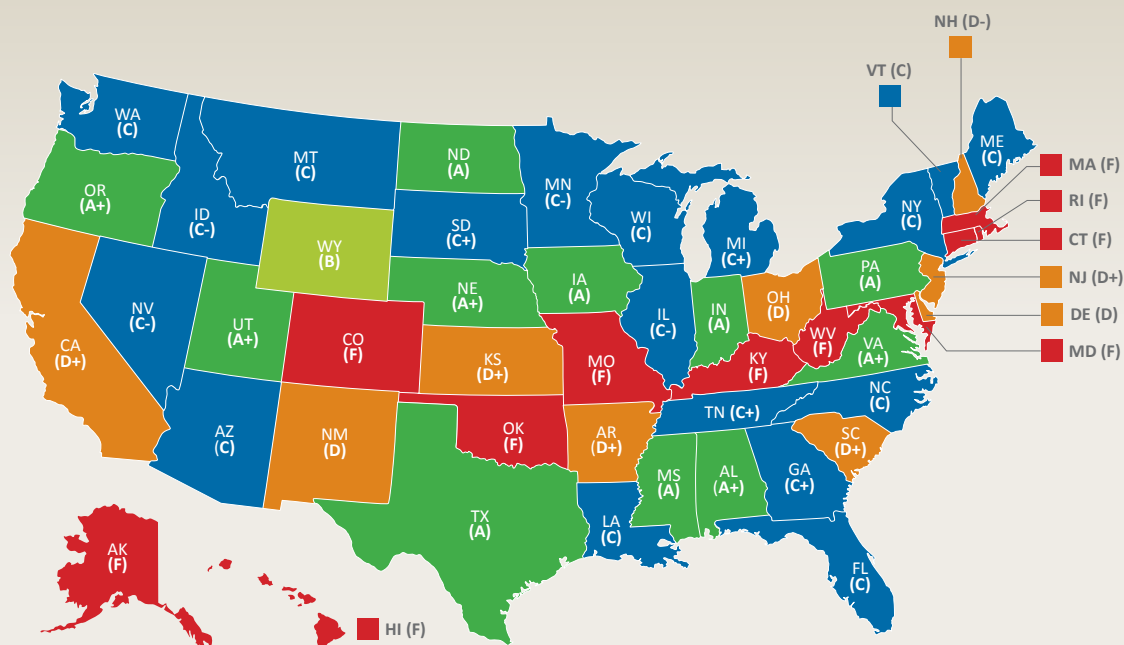
Area V examines and grades states based on whether contribution limits are automatically adjusted for inflation.

- Automatic inflation adjustments for contribution limits (Maximum Score: 500)

A commitment to First Amendment principles requires ensuring that citizens do not have their rights eroded by something as simple as time. In many states, contribution limits are passed into law and then left in place for many years. Due to inflation, these limits effectively become lower and lower each year. We credit states that have found solutions to this problem. Some states have legislated that limits shall increase each year in accordance with a metric of inflation, such as the Consumer Price Index. Others have granted authority to state election boards to raise limits to account for inflation without needing approval from the legislature. Only inflation adjustments on individual to candidate limits are considered in this section.

States receive full credit in this section if they take any measure to periodically adjust their limits on donations to candidates, or if they have no limits to adjust. States that have no mechanism to index their limits to inflation receive no points for this variable.

Appendix II: State Grade Map



Appendix III: State Rankings by Category

Summary	Total Points	Score	Grade	Rank	Individual Freedom	PAC Freedom	Party Freedom	Corporations and Unions	Inflation Indexing
Maximum Possible	5000	100%	A+		2400	800	1000	300	500
Portion of Score					48%	16%	20%	6%	10%

State	Points	Score	Grade	Rank	Individual Freedom	PAC Freedom	Party Freedom	Corporations and Unions	Inflation Indexing
Alabama	5000	100%	A+	1	2400	800	1000	300	500
Nebraska	5000	100%	A+	1	2400	800	1000	300	500
Oregon	5000	100%	A+	1	2400	800	1000	300	500
Utah	5000	100%	A+	1	2400	800	1000	300	500
Virginia	5000	100%	A+	1	2400	800	1000	300	500
Mississippi	4892	98%	A	6	2400	800	1000	192	500
Iowa	4850	97%	A	7	2400	800	1000	150	500
Indiana	4740	95%	A	8	2400	800	1000	40	500
North Dakota	4700	94%	A	9	2400	800	1000	0	500
Pennsylvania	4700	94%	A	9	2400	800	1000	0	500
Texas	4700	94%	A	9	2400	800	1000	0	500
Wyoming	3676	74%	B	12	1957	719	1000	0	0
Michigan	2916	58%	C+	13	1350	406	660	0	500
South Dakota	2901	58%	C+	14	1101	800	1000	0	0
Georgia	2839	57%	C+	15	1318	420	505	97	500
Tennessee	2802	56%	C+	16	1271	454	537	40	500
North Carolina	2789	56%	C	17	868	420	1000	0	500
Arizona	2747	55%	C	18	1266	411	570	0	500
Maine	2657	53%	C	19	1330	423	302	102	500
Washington	2631	53%	C	20	1239	73	732	86	500
Vermont	2586	52%	C	21	708	228	1000	150	500
Wisconsin	2512	50%	C	22	1354	157	1000	0	0
Louisiana	2485	50%	C	23	1107	268	1000	110	0
New York	2445	49%	C	24	660	209	1000	75	500
Florida	2392	48%	C	25	1211	402	697	82	0
Montana	2337	47%	C	26	1269	412	109	46	500
Minnesota	2232	45%	C-	27	1243	408	538	43	0
Idaho	2180	44%	C-	28	1544	461	28	146	0
Illinois	2176	44%	C-	29	279	281	1000	116	500
Nevada	2125	42%	C-	30	1497	448	20	159	0
Kansas	1997	40%	D+	31	855	46	1000	96	0
Arkansas	1908	38%	D+	32	857	432	119	0	500
California	1900	38%	D+	33	219	87	1000	94	500
New Jersey	1867	37%	D+	34	182	92	1000	94	500
South Carolina	1835	37%	D+	35	1287	415	39	95	0
Ohio	1780	36%	D	36	466	98	717	0	500
Delaware	1598	32%	D	37	994	245	262	97	0
New Mexico	1425	28%	D	38	560	143	66	155	500
New Hampshire	1028	21%	D-	39	479	447	47	54	0
Hawaii	971	19%	F	40	576	242	11	141	0
Oklahoma	925	19%	F	41	286	100	39	0	500
Rhode Island	858	17%	F	42	136	25	697	0	0
Missouri	838	17%	F	43	230	99	8	0	500
Massachusetts	704	14%	F	44	18	6	640	40	0
Connecticut	692	14%	F	45	186	67	439	0	0
Maryland	630	13%	F	46	395	22	113	100	0
Colorado	600	12%	F	47	5	3	93	0	500
Alaska	503	10%	F	48	278	38	187	0	0
West Virginia	194	4%	F	49	121	17	6	50	0
Kentucky	124	2%	F	50	53	8	62	0	0

Appendix IV: State Averages by Category

	Total	Individual Freedom	PAC Freedom	Party Freedom	Corporations and Unions	Inflation Indexing
Maximum	5000	2400	800	1000	300	500
Average	2508	1143	377	605	83	300
Median	2365	1159	407	697	65	500

David Keating

David Keating is the President of the Institute for Free Speech, the nation's largest organization dedicated solely to protecting First Amendment political rights.

In 2007, Keating founded the organization SpeechNow.org due to his frustration with the incessant attacks on the First Amendment. His goal was to give Americans who support free speech a way to join together, pool their resources, and advocate for federal candidates who agree with them – and work to defeat those who do not.

At that time, current campaign finance laws were restricting SpeechNow.org's ability to engage in independent expenditures due to burdensome contribution limits on their donors. This led to the court case, *SpeechNow.org v. FEC*, and the result was a ruling by the federal courts that such a law was indeed unconstitutional. This ruling created Independent Expenditure-Only Political Committees, which have now become known as super PACs

Prior to becoming President, Keating was the Executive Director of the Club for Growth. He played a key role in helping the Club grow its membership and influence in public policy and politics. For many years, Keating served as Executive Vice President of the National Taxpayers Union. Keating also served as the Washington Director of Americans for Fair Taxation, a tax reform group that promotes passage of the Fair-Tax to replace the income tax.

In May 1996, he was appointed to the National Commission on Restructuring the Internal Revenue Service by then-Senator Bob Dole because of his leading role in the development and passage

of the Taxpayers' Bill of Rights. The Commission's report was released in June 1997, and served as the basis for legislation approved by Congress in 1998, which included a further expansion of taxpayers' rights as advocated by Keating during his work on the Commission.

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Matt Nese

Matt Nese re-joined the Institute for Free Speech as the organization's Director of External Relations in July 2012 after spending time at Stateside Associates, a legislative tracking firm, at which he gained an extensive knowledge of state legislative processes and issue management for a number of clients.

In his capacity as Director of External Relations, Nese supervises the Institute's six-person Research and External Relations Department. Primarily, Nese is responsible for the organization's legislative and policy outreach efforts on both the state and federal level. As a result of this work, he is viewed as a nationwide expert on the post-2010 history of campaign finance legislation and its impact – whether good or bad – on First Amendment political speech rights. In addition to his state and federal outreach duties, Nese oversees the organization's communications strategy and research output as well as its coalition building activities.

Prior to his time at Stateside Associates, Nese worked at the Institute as the Government and Coalition Relations Assistant, in which capacity he oversaw the organization's state legislative efforts, and interned at IFS for several semesters as a Research Associate. Nese also spent time interning on Capitol Hill in the office of a Pennsylvania Congressman.

A Pittsburgh native, Nese earned a Bachelor's degree in Political Science from the George Washington University in 2010.



Scott Blackburn

Scott Blackburn became the Institute's Senior Research Analyst in April 2017. In this position, he is responsible for spearheading the Institute's short-term and long-term research efforts on the costs and benefits of campaign finance laws and regulations on free political debate and free association. Blackburn's primary research areas include contribution limits, disclosure mandates, tax-financed campaigns, the Federal Election Commission, and other speech-related regulations at both the federal and state level. In addition to his research duties, Blackburn also blogs and authors op-eds on his research and other topical campaign finance and political speech issues. Blackburn's writing has appeared in numerous publications, including *The Wall Street Journal*, *USA Today*, and the *New York Post*.

Blackburn originally joined the Institute in June 2014 as a Research Fellow, where he aided the Institute's Research and External Relations Department in conducting research on the impact of various campaign finance regulations on First Amendment political speech rights.

Prior to joining IFS, Blackburn worked at the Cato Institute, the American Action Forum, and wrote for the political fact-checking website, FactCheck.Org. Blackburn graduated from the University of Pennsylvania with a B.A. in Political Science in 2012.

Luke Wachob

Luke Wachob joined the Institute for Free Speech as an intern in June 2013. He took on additional duties as a Policy Analyst in August 2013 and was promoted to Senior Policy Analyst in April 2017.

As Senior Policy Analyst, Wachob is responsible for directing and authoring the Institute's policy publications on a variety of existing campaign finance regulations and speech regulatory proposals. Wachob also plays a central role in developing the Institute's messaging on emerging political speech issues. In this capacity, he authors op-eds on behalf of the Institute and regularly blogs on the organization's website. In his time at the Institute, Wachob has authored over 50 op-eds and has been published in the *New York Post*, *National Review*, *The Hill*, *The Sacramento Bee*, and *Reason*, among numerous outlets. Wachob is also responsible for responding to media inquiries and overseeing the writing and publication of the Institute's quarterly newsletter, *Speaking Freely*.

Wachob is a proud native of Buffalo, New York, and a 2013 graduate of James Madison University (JMU) with a B.S. in Public Policy and Administration. Prior to joining IFS, Luke interned in 2012 at the Foundation for Individual Rights in Education (FIRE), where he researched and blogged about free speech issues at universities. Luke has also previously advocated for First Amendment rights at JMU, where he played a key role in abolishing his school's speech code so that it became one of just 15 nationally to earn a "green light" from FIRE at that time. At JMU, he was a columnist for the student newspaper, *The Breeze*, and President of Madison Liberty, the campus' individual rights advocacy club.

(Endnotes)

- 1 This Index does not review state laws on independent expenditures. That is, spending done separately from the candidate or party, without “coordinating such spending with the candidate or party.” The Supreme Court has consistently upheld the right of citizens and the organizations to which they belong to make independent expenditures. See *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010); *Randall v. Sorrell*, 548 U.S. 230 (2006); *Federal Election Commission v. Massachusetts Citizens for Life*, 479 U.S. 238 (1986); *Federal Election Commission v. National Conservative Political Action Committee*, 470 U.S. 480 (1985); *Citizens Against Rent Control v. Berkeley*, 454 U.S. 290 (1981); *First National Bank of Boston v. Bellotti*, 435 U.S. 765 (1978); *Buckley v. Valeo*, 424 U.S. 1 (1976).
- 2 Bradley A. Smith, *Unfree Speech: The Folly of Campaign Finance Reform*, Princeton University Press (2001), p. 113.
- 3 Bradley A. Smith, “Testimony of Bradley A. Smith Before the United States Senate Committee on Rules and Administration,” Institute for Free Speech. Retrieved on June 21, 2016. Available at: http://www.ifs.org/wp-content/uploads/2014/07/2014-07-23_Smith-Testimony_CCP_DISCLOSE_Senate-Rules-And-Administration-Hearing.pdf (July 23, 2014), p. 4.
- 4 Voting rights are not covered by the First Amendment, and are therefore outside the scope of this Index.
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- 6 Melanie D. Reed, “Regulating Political Contributions by State Contractors: The First Amendment and State Pay-to-Play Legislation,” *William Mitchell Law Review*, Vol. 34:2. Retrieved on June 24, 2016. Available at: <http://www.ifs.org/wp-content/uploads/2012/11/reed2007paytopay.pdf> (February 2008).
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- 9 Stephen Ansolabehere, John M. de Figueiredo, and James M. Snyder Jr., “Why is There so Little Money in U.S. Politics?,” *Journal of Economic Perspectives*, Vol. 17:1. Retrieved on June 24, 2016. Available at: <http://tinyurl.com/nlvrun9> (Winter 2003).
- 10 Joel M. Gora, “Buckley v. Valeo: A Landmark of Political Freedom,” *Akron Law Review*, Vol. 33:1. Retrieved on June 24, 2016. Available at: http://www.ifs.org/doclib/20101217_Gora1999Buckleyv.Valeo.pdf (January 1999).
- 11 Stephen G. Bronars and John R. Lott, Jr., “Do Campaign Donations Alter How a Politician Votes? Or, Do Donors Support Candidates Who Value the Same Things that they Do?,” *The Journal of Law and Economics*, Vol. XL. Retrieved on June 24, 2016. Available at: <http://www.ifs.org/wp-content/uploads/2012/11/Bronars-1997-Money-And-Votes.pdf> (October 1997).
- 12 Matt Nese and Luke Wachob, “Issue Analysis No. 5: Do Lower Contribution Limits Decrease Public Corruption?,” Institute for Free Speech. Retrieved on June 24, 2016. Available at: http://www.ifs.org/wp-content/uploads/2013/08/2013-08-01_Issue-Analysis-5_Do-Lower-Contribution-Limits-Decrease-Public-Corruption1.pdf (August 2013).
- 13 *Ibid.*, p. 3. These four states are Oregon, Nebraska, Utah, and Iowa.
- 14 Matt Nese and Luke Wachob, “Issue Analysis No. 6: Do Lower Contribution Limits Produce ‘Good’ Government?,” Institute for Free Speech. Retrieved on June 24, 2016. Available at: http://www.ifs.org/wp-content/uploads/2013/10/2013-10-08_Issue-Analysis-6_Do-Lower-Contribution-Limits-Produced-Good-Government1.pdf (October 2013).
- 15 *Ibid.*, p. 3. These two states are Utah and Virginia.
- 16 Matt Nese, “Issue Analysis No. 7: Do Limits on Corporate and Union Giving to Candidates Lead to ‘Good’ Government?,” Institute for Free Speech. Retrieved on June 27, 2016. Available at: http://www.ifs.org/wp-content/uploads/2013/11/2013-11-20_Issue-Analysis-7_Do-Limits-On-Corporate-And-Union-Giving-To-Candidates-Lead-To-Good-Government.pdf (November 2013).
- 17 For more research and information on campaign contribution limits, please consult our policy primer, “Campaign Contribution Limits: A Cap on Free Speech,” Institute for Free Speech. Retrieved on June 27, 2016. Available at: http://www.ifs.org/wp-content/uploads/2014/07/2014-07-18_Policy-Primer_Contribution-Limits.pdf (July 18, 2014).
- 18 *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010) (allowing corporations and unions to make independent expenditures in political campaigns from general treasury funds).

- 19 *Randall v. Sorrell*, 548 U.S. 230, 27-28 (2006) (opinion of Breyer, J.).
- 20 Used with the permission of Michael P. McDonald, an Associate Professor in the Department of Political Science at the University of Florida. At the time we prepared this report, the “2016 Primary” data for “voting-eligible population” was the most currently available data. We agree with Mr. McDonald that this metric is the best denominator for measuring state voter turnout. For more information on the benefits of this metric in comparison to U.S. Census Bureau Data and to access Mr. McDonald’s data, please see: Michael P. McDonald, “What is the voting-age population (VAP) and the voting-eligible population (VEP)?,” United States Elections Project. Retrieved on November 16, 2016. Available at: <http://www.electproject.org/2016P> (2016). Professor McDonald has not reviewed and does not necessarily agree with the methodology used in this report.
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- 22 NCSL’s chart notes that changes were made to the listings for Oklahoma and Montana in May 2016.
- 23 *Massachusetts Citizens for Life v. Federal Election Commission*, 479 U.S. 238 (1986).
- 24 *Federal Election Commission v. Wisconsin Right to Life, Inc.*, 551 U.S. 449, 470 (2007). The “functional equivalent of express advocacy” is a narrow term that applies only to specific communications that, like express advocacy, are “susceptible of no reasonable interpretation other than as an appeal to vote for or against a specific candidate.” Such a determination must be made from the ad itself, not extraneous information. In short, a state cannot simply refer to the “functional equivalent.” It must define some communication “susceptible of no reasonable interpretation other than as an appeal to vote for or against a specific candidate” that it thinks qualifies as such.
- 25 *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010) (allowing corporations and unions to make independent expenditures in political campaigns from general treasury funds).
- 26 *SpeechNow.org v. Federal Election Commission*, 599 F.3d 686 (en banc, 2010) (allowing independent expenditures to be made from pooled funds not subject to PAC contribution limits).
- 27 Adriana Cordis and Jeff Milyo, “Working Paper No. 13-09: Do State Campaign Finance Reforms Reduce Public Corruption?,” Mercatus Center at George Mason University. Retrieved on July 24, 2016. Available at: mercatus.org/sites/default/files/Mi-lyo_CampaignFinanceReforms_v2.pdf (April 2013).
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- 29 Brandon Larrabee, “Weatherford: Disband CCEs, raise contribution limits,” *Financial News and Daily Record*. Retrieved on July 24, 2016. Available at: http://www.jaxdailyrecord.com/showstory.php?Story_id=538032 (November 14, 2012).
- 30 Catharine Richert, “Tougher disclosure rules dropped from campaign finance bill,” *MPR News*. Retrieved on July 24, 2016. Available at: <http://www.mprnews.org/story/2013/05/20/politics/tougher-disclosure-rules-dropped-from-campaign-finance-bill> (May 20, 2013).
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