



Campaign Finance Fact Sheet for Journalists

As you report on this year's elections and the myriad campaign finance-related stories that will likely emerge, we hope this fact sheet will help you by keeping key facts about campaign finance law at your fingertips.

Federal Campaign Finance Contribution and Disclosure Laws:

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

Rules Covering Nonprofit Organizations and Elections:

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

Important Facts About Recent Supreme Court Decisions:

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

Other Key Facts to Know:

- Prior to 1974, there were no limits on individual spending or contributions to candidates.
- So-called “dark money” spending on independent expenditures constituted approximately 4.3 percent of overall spending in the 2012 federal election cycle, and accounts for the same percentage so far in the 2014 federal election cycle (through September 30).
- Twenty-seven states allow unlimited contributions to political parties, and twelve states allow unlimited contributions from individuals to state candidates. Of these twelve, six states have no limits at all.
- If contribution limits on giving to federal candidates had kept pace with inflation, today the limits would be over \$9,600 per election cycle, and the disclosure threshold would be over \$650 (currently \$200).