



How Did We End Up in this Mess? The Court Cases That Changed American Elections

***Buckley v. Valeo* (1976) - The Seeds Are Sowed**

In 1971, Congress passed the Federal Election Campaign Act seeking to protect American elections from the undue influence of corporate and millionaire money. However, in the landmark 1976 case, *Buckley v. Valeo*, the Supreme Court deemed large parts of the Act unconstitutional by deciding that the right to give money to campaigns is protected by the First Amendment Freedom of Speech Clause. The case severely limited what laws Congress and state legislatures can pass to make American elections free and fair, and changed the landscape of American politics.

***Citizens United v. FEC* (2010) - The Floodgates Open**

While *Buckley v. Valeo* severely limited regulators, ability to limit campaign spending, limitations on corporate and union expenditures still existed. However, the precedent set by *Buckley* eventually led to the 2010 decision, *Citizens United v. FEC*. A decades long ban on corporate and union spending was struck down by the court, provided that these expenditures were independent of the candidate's campaign. The world of politics was now wide open for corporations to spend unlimited money to influence an election's outcome.

***SpeechNow v. FEC* (2010) - The Birth of the Super PAC**

Citizens United had set the stage for corporations to vastly expand their influence on American politics. Only months later in 2010, a lower appeals court used the *Citizens United* precedent to rule on *SpeechNow v. FEC*. The court ruled that corporations could make unlimited donations towards non-profit groups seeking to influence an election, provided they do not coordinate with the candidates. These non-profits have received the moniker "Super PACs" (Political Action Committee), and now receive and spend millions of dollars on elections.

***McCutcheon v. FEC* - A Free-for-All begins**

While *Citizens United* and *SpeechNow* had done away with the limits on what a corporation or union could spend on an election, individual citizens still could not spend more than \$74,600 to PACs and candidates during a 2 year election cycle. The 2014 case *McCutcheon v. FEC* did away with this limit, and the world of Super PAC contributions became a free-for-all of spending, that even the Federal Elections Committee says they cannot control. The laws that still continue to exist are nearly unenforceable, and big money now seems to decide who wins, and who loses.