



State and Federal Campaign Finance Update

January 26, 2010

Arizona:

The matching funds component of Clean Elections remains under litigation.

CASE: *McComish v. Brewer*

COURT: U.S. District Court, Arizona; Judge Roslyn O. Silver

RULING: On Jan. 20, 2010, Justice Silver ruled that matching funds violate the First Amendment

APPEAL: On Jan. 21, 2010, Clean Elections Commission Executive Director Todd Lange announced the Commission's intention to appeal the decision to the Ninth U.S. Circuit Court of Appeals.

OUTSTANDING: Given the time of the U.S. District Court ruling and recently filed appeal, it remains unclear if 2010 elections will allow for matching funds

Federal Campaign Finance:

On Thursday, January 21, 2010, the U. S. Supreme Court (5 to 4) struck down part of the McCain-Feingold Campaign Finance Law¹, ruling that corporations and unions are no longer prohibited from supporting or opposing candidates vying for President and Congress. In particular, in support of the ruling, Justice Kennedy wrote, "By suppressing the speech of manifold corporations, both for-profit and nonprofit, the Government prevents their voices and viewpoints from reaching the public and advising voters on which persons or entities are hostile to their interests."

Prior to the Supreme Court ruling, the McCain-Feingold law prohibited companies from airing "any broadcast, cable or satellite communications" that refers to a candidate for federal office within 30 days of a primary or caucus or 60 days of a general election.

¹ Official title: The Bipartisan Campaign Reform Act of 2002