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## **NEWS RELEASE**

### **FOR IMMEDIATE RELEASE**

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## **VERMONT GROUP FILES PETITION SEEKING SUPREME COURT REVIEW OF CAMPAIGN SPENDING LIMITS CASE**

### **FILING FOLLOWS LANDMARK FEDERAL APPEALS COURT RULING THAT CAMPAIGN SPENDING LIMITS MAY BE CONSTITUTIONAL**

#### **STAGE SET FOR HIGH COURT TO REVISIT ITS 1976 DECISION IN *BUCKLEY v VALEO***

WASHINGTON, DC – A group of Vermont organizations and candidates filed a petition today before the United States Supreme Court seeking review of a landmark federal appeals court ruling stating that mandatory campaign spending limits may be constitutional. The filing of the petition sets the stage for the nation's highest court to revisit its 1976 decision in *Buckley v. Valeo*, which struck down such limits on First Amendment grounds.

Defenders of Vermont's campaign spending limits law immediately announced that they would join in urging the Supreme Court to review the case. Such a review could result in a landscape change in the way campaigns are financed across the country.

“The Supreme Court now faces an historic opportunity,” says Brenda Wright, managing attorney for the National Voting Rights Institute and lead counsel for a coalition of Vermont voters, candidates and public interest groups helping to defend the law. “For nearly three decades since the *Buckley* ruling, the nation has witnessed the threat posed to our democracy with unlimited campaign spending. The time has come to revisit that ruling based on the new facts and circumstances presented in the Vermont case.”

On August 18, 2004, the United States Court of Appeals for the Second Circuit ruled that Vermont's mandatory campaign spending limits may be permissible under the United States Constitution. Plaintiffs challenging the limits initially asked the federal appeals court, based in Manhattan, to convene a full appellate court review of the ruling, arguing that the Supreme Court's ruling in *Buckley* forecloses the possibility that spending limits can be upheld under the First Amendment. On February 11, 2005, the Second Circuit denied that request, leading to today's filing of the plaintiffs' petition before the Supreme Court. The plaintiffs include the Vermont Right to Life Committee and the Vermont Republican State Committee.

The Second Circuit's August decision vacated a district court ruling that had struck down Vermont's limits on campaign spending. The appeals court found that Vermont had established two compelling governmental interests justifying its campaign spending limits: "preventing the reality and appearance of corruption and protecting the time of candidates and elected officials." It also ruled, however, that the case should go back to the district court to address the question of "whether there are less restrictive means" for Vermont to achieve these goals.

"The endless chase for dollars is threatening to turn our political campaigns into auctions, and the 2006 elections could be the worst ever," says Paul Burns, executive director of the Vermont Public Interest Research Group, a primary proponent of the law. "We intend to urge the Supreme Court to take this case and affirm Vermont's right to enact campaign spending limits to protect our democracy."

The Vermont case is the third test case in the past decade to revisit the question of the constitutionality of mandatory campaign spending limits. In 1997, a federal appeals court in Cincinnati struck down such limits in Cincinnati's local elections, and last year, a federal appeals court in Denver struck down such limits in Albuquerque's local elections. The Second Circuit's ruling on Vermont's limits conflicts with those two prior rulings. The Supreme Court often decides to review cases in which the federal appeals courts are divided on a major constitutional question.

In its decision last August, the Second Circuit stated: "Fundamentally, Vermont has shown that, without expenditure limits, its elected officials have been forced to provide privileged access to contributors *in exchange for* campaign money. Vermont's interest in ending this state of affairs is compelling: the basic democratic requirements of accessibility, and thus accountability, are imperiled when the time of public officials is dominated by those who pay for such access with campaign contributions."

The National Voting Rights Institute joined the Vermont Attorney General's office in defending Vermont's campaign spending limits. The Institute represents the coalition of Vermont voters, candidates, and public interest organizations who support the limits, as well as the other provisions of the state's campaign finance reform law. The Institute previously served as defense counsel in the prior two test cases emerging from Cincinnati and Albuquerque.