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NEWS RELEASE

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DATE: April 1, 2005

FEDERAL COURT UPHOLDS SPENDING LIMIT FOR STUDENT GOVERNMENT ELECTIONS AT UNIVERSITY OF MONTANA, REJECTING FIRST AMENDMENT CHALLENGE

SPENDING LIMIT “LEVELS THE PLAYING FIELD” FOR STUDENTS OF LESSER MEANS, SAYS COURT

Missoula, Montana – A federal district judge in Missoula has ruled that the University of Montana did not violate the First Amendment rights of UM senior Aaron Flint by censuring him for violating the caps on campaign spending adopted by the Associated Students of the University of Montana (ASUM). The ruling, issued on March 28 by Chief United States District Judge Donald Molloy, stated that the spending cap of \$100 for ASUM elections is important to “assure that all students, regardless of personal or financial circumstances, have equal access to the educational opportunities ASUM participation provides.”

“If we reach the stage where participation in student government is perceived as only given to those interests with large money contributions, the fundamental predicate of student governance breaks down. When the cynicism of wealth invades the academy, students learn not the lessons of orderly governance but instead are imbued with the anti-egalitarian notion that wealth is power,” said Chief Judge Molloy in the ruling.

Campaign reform advocates who assisted in defending the University’s spending limits welcomed the ruling. “Student government seats should not be on sale to the highest bidder,” said Lisa Danetz, an attorney with the National Voting Rights Institute in Boston, Massachusetts, a non-profit legal organization that served as co-counsel to the University in the case. “This ruling is an important victory for fair elections.”

Catherine Swift, Chief Legal Counsel for the Montana University System, stated, “We are pleased that the Court recognized the important educational function of ASUM and the legitimate function of spending limits in protecting equal access by all students to ASUM participation opportunities as an important part of their University of Montana educational experience.”

Aaron Flint exceeded the \$100 spending cap in his effort to win a seat on the ASUM Senate last spring, and was disqualified from taking his seat as a result of the violation. He sued the President of the University, George Dennison; ASUM (the Associated Students of the University of Montana); and individual ASUM senators and election committee members in May 2004, alleging that the spending caps violated the First Amendment. Flint's lawsuit relied on a 1976 Supreme Court ruling, *Buckley v. Valeo*, that struck down limits on congressional campaign spending.

Judge Molloy's ruling, however, noted that the educational function of student government distinguished Flint's claim from the *Buckley* ruling. "ASUM's spending restrictions are a reasonable attempt to maintain equal access to the pedagogical benefits of ASUM participation throughout the student body," he wrote.

Judge Molloy's decision comes at a time when the larger issue of spending limits in political campaigns may itself be headed back to the U.S. Supreme Court. A federal appeals court in Manhattan has held that the 1976 *Buckley* ruling does not prevent the state of Vermont from establishing that spending limits for state elections under the First Amendment. *Landell v. Sorrell*, No. 00-9159 (Second Circuit). Plaintiffs in that case have announced that they will file an appeal with the U.S. Supreme Court by May of this year. "We hope the Supreme Court will soon have the opportunity to consider whether campaign spending limits now are justified as a means to assure the integrity of elections generally," said Danetz.

The National Voting Rights Institute joined David Aronofsky, University of Montana Legal Counsel, and LeRoy Schramm, former Montana University System Chief Legal Counsel, in defending the University's campaign spending limits. The plaintiff was represented by the James Madison Center for Free Speech, Terre Haute, Indiana.