

December 10, 2003

The Court's decision features a 19 page syllabus that serves as a very good summary of today's landmark decision upholding virtually all of the Bipartisan Campaign Reform Act of 2002.

In addition, this very brief analysis:

The Court upheld the soft money and "electioneering communications" provisions of BCRA, emphasizing the dangers of large contributions to political parties, and of corporate and labor funding of campaign ads. Specifically, the Court upheld:

- the prohibition on the national parties' raising or spending soft money
- the regulation of state parties' spending soft money on federal election activity
- the ban on federal officeholders or candidates' raising or spending soft money
- the prohibition on political parties' transferring or soliciting soft money for
 politically active, tax-exempt groups (construing this provision to apply only to
 soft money)
- the ban on state candidates' spending soft money on public communications that promote or attack federal candidates
- the act's definition of "electioneering communication" as a broadcast advertisement mentioning a federal candidate, targeted at their electorate, and aired within 30 days of a primary or 60 days of a general election
- the requirement that corporations and unions use only hard money (instead of "soft money" treasury funds) to pay for electioneering communications
- the requirement that individuals disclose their spending on electioneering communications to the FEC
- the requirement that coordinated electioneering communications be treated as contributions to candidates and parties
- the statutory definition of "coordination," saying "Congress has always treated expenditures made after a wink or nod as coordinated."
- the new FCC requirements for candidate disclosure

The Court held the following provisions "nonjusticiable" (that is, the justices declined to rule on the merits of the issue, generally because the issue was not yet ripe for judgment and/or because the plaintiffs lacked standing to sue.)

- the increase in "hard money" contribution limits for individuals (lack of standing)
- the "millionaires amendment" (lack of standing)
- the challenge to the FEC's coordination regulations (not ripe for adjudication)

The Court struck down:

- the provision prohibiting minors 17 years and younger from making political contributions
- the provision requiring parties to choose between making independent expenditures or coordinated expenditures on behalf of candidate