

Whether or not this situation is acceptable is a matter of some debate. The costs of political campaigns have increased markedly, despite the comparatively low-cost digital campaign options available to candidates. Republican Party politicians are the ones that benefit most from this lack of regulation because Republican Party candidates received a far higher percentage of their money from corporations. This is typically because Republican financial strategies prioritizing tax cuts and deregulation for large corporations and the wealthy, and so individuals in these categories are more likely to support Republican Party politicians. The Democratic Party has continued to promote campaign finance, but has failed to pass meaningful legislation due to a lack of support from Republican Party politicians.

The American people, meanwhile, remain concerned about the influence of money in politics, and a majority continue to believe that there is too much money in politics or that money has too much influence. A 2015 poll found that 80 percent of Americans, regardless of party identity, believed that campaign contributions influenced the decisions made by elected officials. The public is divided, nearly evenly, as to whether campaign donations constitute free speech, but a substantial majority believe that politicians should be transparent about their sources of campaign income.⁷ Studies routinely show that a majority of Americans want to limit the influence of money in politics.

While conservatives have rejected federal regulation of this kind, there have been few alternative proposals from the Republican Party to alter the current system so as to bring it in line with the views of the public. For this reason, it remains unclear if there are any campaign finance reforms that would gain enough bipartisan support to make it into law, and it is also unclear how these reforms might be effective now that the courts have determined that campaign donations, even by corporations, count as free speech. The validity of his argument aside, the weight of public opinion makes it clear that the increasing spending on political campaigns and the importance of corporate donations is one of the factors that discourages trust in politics and encourages the view that the political system is controlled by the wealthy. Finding an acceptable way to limit campaign spending might be necessary if politicians are to regain the trust of the American people on the broader level.

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- Increased the tax checkoff for the Presidential Election Campaign Fund from \$1 to \$3 (Pub. L. No. 103-66, 1993).

1994

FEC v. NRA Political Victory Fund October 22, 1993 and December 6, 1994

In October 1993, the U.S. Court of Appeals for the D.C. Circuit ruled that the composition of the Commission “violates the Constitution’s separation of powers” because Congress “placed its agents, the Secretary of the Senate and the Clerk of the House of Representatives, on the independent Commission as non-voting ex officio members.” In response, the Commission voted to reconstitute itself as a six-member body and as a precaution, voted to ratify its regulations in effect at the time.

In December 1994, the Supreme Court ruled that the Solicitor General must represent the Commission before that Court in FECA cases.

1995

Commission Issues Regulations on Independent Expenditures by Non-Profit Corporations *October 5, 1995*

In 1986, the Supreme Court held in *FEC v. Massachusetts Citizens for Life* that certain nonprofit corporations could legally make independent expenditures. A resulting petition for rulemaking initiated the FEC’s rulemaking in response and garnered over 17,000 comments. The Commission ultimately promulgated new rules amending the definition of “express advocacy” and describing the nonprofit organizations that were exempt from the Act’s ban on corporate independent expenditures (this ban was later found unconstitutional as to all corporations in *Citizens United*).

New Legislation: Point of Entry and Electronic Filing *December 28, 1995*

President Clinton signed Public Law 104-79, which contained important changes to the ways certain FEC reports were filed. The legislation officially changed the point of entry for House candidates’ reports and paved the way for the State filing waiver program and electronic filing.

To qualify for public funding, candidates must meet a threshold number of contributions in each state, ranging from 15 to 1,500 unique contributions; in some states they must meet a required dollar contribution amount or a contribution from a certain percentage of voters in the state.

For more information, visit: [Public Financing of Campaigns: An Overview](#).

Restrictions on the Use of Campaign Funds

Most states restrict the ways campaign funds can be used. Most require that campaign funds be used only for expenditures “reasonably related” to campaign activities. What that means in each state varies. For instance, some states are explicit about the use of campaign funds for child care. States also may define how campaign funds are dispersed once a campaign is over.

How many states have statutory restrictions on how campaign funds can be used?

- Forty-four states define how campaign funds can be used.

What uses of campaign funds may be allowed, or may be restricted?

- Campaign funds can generally be used for expenditures “reasonably related” to campaign activities, and candidates are restricted from using funds for anything that might be considered “personal.” That said, the details vary by state. Typically, food, beverage, travel expenses and wages for campaign staff are all considered to be acceptable uses of campaign funds. “Personal use” can be challenging to define: Eight states^[47] explicitly prohibit the purchase of clothing with campaign funds; five states^[48] prohibit the purchase of a vehicle; and six states^[49] prohibit the payment of a fine, penalty or restitution damage incurred during a campaign. Finally, there are some spending categories that are split. For instance, in California, Utah and Iowa, hiring an attorney is considered a personal use of funds and is prohibited, whereas in Delaware, hiring an attorney is deemed to be a use of funds reasonably related to a campaign.

Which states allow campaign funds to be used for child care?

- Twenty-four states have moved toward permitting campaign funds to be used for child care expenses incurred during an election. Fifteen states^[50] passed legislation that allows a candidate to use campaign funds for child care, and nine states^[51] have approved the use by their campaign finance boards or commissions.

House GOP Super PAC Crosses \$200M in Midterm Spending

By Ally Mutnick
Politico, October 13, 2022

House Republicans' top super PAC is adding \$15 million more in new ad reservations, bringing its total investment to over \$200 million and piling increased pressure on Democrats as they get outspent at the end of the campaign.

The Congressional Leadership Fund's latest spending deluge is spread across 16 districts and, notably, includes broadcast TV spending in the two biggest media markets in the country, going after Reps. Tom Malinowski (D-N.J.) and Katie Porter (D-Calif.), according to advertising plans shared first with *Politico*. Seven of the target districts are ones that President Joe Biden carried by double-digit margins in 2020, a sign that Republicans are pushing to expand the map as far as possible in their bid to flip districts.

The group, which has close ties to Minority Leader Kevin McCarthy, has already given relatively underfunded Democrats major heartburn. The new purchases will only widen the disparity between CLF's largesse and what Democratic super PACs have been able to pump into the battle for the House.

CLF announced Wednesday morning that it had raised \$73 million in the third quarter of the year, and it began October with \$114 million on hand. The super PAC has already outstripped its previous fundraising record, set in the 2020 cycle, by \$80 million.

Flush with gobs of cash, the GOP super PAC will air broadcast ads in New York City and Los Angeles—something few candidates and outside groups are able to do because of the exorbitant price. A \$2 million buy will target Malinowski, who represents northern New Jersey, and a \$700,000 buy will zero in on Porter, who holds an Orange County district that Biden carried by 12 points.

CLF is adding \$1.7 million to target Porter and Rep. Mike Levin (D-Calif.); \$700,000 against Rep. Jahana Hayes (D-Conn.); \$3.65 million to help Rep. David Valadao (R-Calif.) and John Duarte, who are running in Central California; \$550,000 to boost Rep. Mayra Flores (R-Texas); and \$1 million to aid Allan Fung in Rhode Island.

Biden won all of those districts by double digits in the last election.

"The palpable energy we've seen all cycle behind the fight for a new majority is only intensifying in the final stretch," CLF President Dan Conston said in a statement. "We will continue doubling down and making the investments we need to

And I think we learned an economic lesson, which is that full employment is politically stronger than inflation, as opposed to when we were in the situation under Obama, where they tried the other tack and unemployment was punished much more severely. And so I think we learned that economic message on employment. I think we learned [the value of] a very strong message on abortion. And whether that means Biden leaning into his pen a little bit more on executive orders and other tools at his disposal, I think that that's going to be very important, including the bully pulpit.

And I also think that there was very strong implications around public safety that, like, once and for all, after two years of the party insulting criminal justice organizers, accusing them of sloganeering [and] of trying to out the conservatives on this issue—I actually do believe that there was a very clear message here that the American electorate understands that the conversation about public safety extends beyond policing. And that it also includes many other issues as well.

Because it's like what we say back home. We were able to communicate to our electorate, you know, are we here to talk about police? Or are we here to talk about bringing down crime? Because those are two different conversations. And I actually think that that's starting to sink in for people more that this is not about rejecting safety. But this is about actually solving the problem and using evidence-based approaches to tackle this problem. And so I don't think we run away from these things anymore, and I don't think we run away against health care writ large. I think, depending on what happens with the House, if we have the opportunity, we also need to strike the Hyde Amendment as well. And I think that that's going to be increasingly important. And if we retain the Senate, and even if the House goes towards Republicans, given the very narrow margin of Republican victories, they too are also going to have to negotiate, they too are also going to have to compromise. And I think that they are in a much weaker position as a party, which means they have more to concede—not us. And we can stand in that in that confidence, in that power a little bit more.

RG: Picking up on that point a bit more, when you're talking about inflicting pain on McCarthy, or on the Republicans. Are you thinking discharge petition on *Roe*? Because, like, you'll probably have at least 210 members?

AOC: Yeah, I think discharge petition is an excellent vehicle. I do think that using rules is going to be quite important. I know that that's going to be subject to negotiation within the Republican caucus as well. This is something that they've already started to use as a lever. And so part of me doesn't want to—I want to make sure that we're navigating this carefully. Because, like, motions to recommit, once one party kind of messes with it, it could create a precedent. And so I would be concerned if they did something like try to blow up the process of discharge petitions, because it's such an essential part of our of our procedures. And they use them as well. They use discharge petitions as well, they're not always successful, but it is a mechanism.