

Michael Toner Discusses Increase in Outside Group Spending Following *Citizens United*

The Washington Post

February 5, 2014

Michael E. Toner, co-chair of Wiley Rein's Election Law & Government Ethics Practice, was quoted on February 1 in a *Washington Post* article that detailed the growth in outside group spending since a landmark campaign finance decision issued a couple of years ago by the Supreme Court of the United States.

The article reports that the Court's 2010 decision in *Citizens United v. Federal Election Commission*—which allows corporations, trade associations, and labor unions to spend unlimited general treasury funds on independent expenditures on behalf of federal candidates—has led to a significant increase in independent expenditures disseminated by nonprofit groups, Super PACs and labor unions. With control of the U.S. House of Representatives and U.S. Senate at stake in the 2014 midterm elections, Sen. Mitch McConnell (R-KY) and other GOP leaders are urging that the contribution limits that apply to the national political parties be abolished to help counteract the outside group spending; individuals are currently barred from contributing more than \$32,400 per year to the national political parties. Meanwhile, the Supreme Court is currently weighing *McCutcheon v. FEC*, a constitutional challenge to the individual biennial contribution limit to federal candidates and committees.

Mr. Toner noted that caps on individuals' political contributions have opened the door for outside groups to play a larger role in federal elections through increased independent expenditures. "Because of fundraising restrictions on the political parties, their share of the independent expenditure pie has shrunk dramatically," said Mr. Toner, a former Federal Election Commission (FEC) chairman. "Outside groups are playing more and more of a role, and that's

Related Professionals

Michael E. Toner
Partner
202.719.7545
mtoner@wiley.law

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empowering the far right.” The Supreme Court is expected to decide the *McCutcheon* case by this June.