

## 12-536 McCUTCHEON V. FEDERAL ELECTION COMMISSION

DECISION BELOW: 2012 WL 4466482

LOWER COURT CASE NUMBER: 12cv1034

### QUESTION PRESENTED:

Federal law imposes two types of limits on individual political contributions. *Base limits* restrict the amount an individual may contribute to a candidate committee (\$2,500 per election), a national-party committee (\$30,800 per calendar year), a state, local, and district party committee (\$10,000 per calendar year (combined limit)), and a political-action committee ("PAC") (\$5,000 per calendar year). 2 U.S.C. 441a(a)(1) (current limits provided). *Biennial limits* restrict the aggregate amount an individual may contribute biennially as follows: \$46,200 to candidate committees; \$70,800 to all other committees, of which no more than \$46,200 may go to non-national-party committees (e.g., state parties and PACs). 2 U.S.C. 441a(a)(3) (current limits provided) (*see* Appendix at 20a (text of statute)). Appellants present five questions:

1. Whether the biennial limit on contributions to non-candidate committees, 2 U.S.C. 441a(a)(3)(B), is unconstitutional for lacking a constitutionally cognizable interest as applied to contributions to national-party committees.
2. Whether the biennial limits on contributions to non-candidate committees, 2 U.S.C. 441a(a)(3)(B), are unconstitutional facially for lacking a constitutionally cognizable interest.
3. Whether the biennial limits on contributions to non-candidate committees are unconstitutionally too low, as applied and facially.
4. Whether the biennial limit on contributions to candidate committees, 2 U.S.C. 441a(a)(3)(A), is unconstitutional for lacking a constitutionally cognizable interest.
5. Whether the biennial limit on contributions to candidate committees, 2 U.S.C. 441a(a)(3)(A), is unconstitutionally too low.

JURISDICTION NOTED 2/19/2013