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*Money Talks: In Defense of a Common-Sense Approach to
Judicial Review of Campaign Contribution Limits*

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Abstract by Rosy Lor

The authors begin with the observation that the general public understands that some people are susceptible to having their views and actions altered by payments of money, illustrated in the phrase “money talks.” The authors note that public confidence in elected representatives would erode if political candidates could receive unlimited amounts of campaign donations. The Supreme Court certainly acknowledged this common sense principle when it upheld a federal law limiting campaign contributions from individuals to candidates to \$1,000 per election in *Buckley v. Valeo*. The Supreme Court also recognized that setting the amount of those limits was a legislative decision with which courts should not interfere. The only circumstance in which a court could interfere is if the legislative limit becomes “unduly restrictive,” *i.e.*, where it is set so low that a candidate cannot muster enough resources to run an effective campaign. Since *Buckley*, state legislatures have been free to enact contribution limits to curtail actual or perceived corruption. States were not required to provide empirical evidence that citizens perceived corruption when a political candidate received large campaign contributions or that limits were set at a point beyond which a perception of corruption occurs.

The article points out, however, that the U.S. Court of Appeals for the Eighth Circuit has challenged all these notions by striking down a Missouri law that capped campaign contributions to candidates for state offices at \$1,075 per election. In *Shrink Missouri Government PAC v. Adams*, which the Supreme Court ultimately reversed by reaffirming the principles in *Buckley*, the Eighth Circuit overturned the law, finding that the state had not provided “demonstrable evidence” that there were genuine problems resulting from campaign contributions greater than the limit in place. The authors argue that the Eighth Circuit established an “unnecessarily stringent” evidentiary burden for the government to carry. They also argue that the public’s perception of corruption due to unlimited campaign contributions and the negative effects that perception has on democracy are adequately supported by common experience and common sense. Finally, the authors note that contribution limits only place a minor burden on First Amendment rights, which does not warrant the strict empirical proof required by the Eighth Circuit.