

NEWS RELEASE

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CONTACT: Brenda Wright, Stuart Comstock-Gay or John Bonifaz,
National Voting Rights Institute (617) 624-3900
Robert White, City Attorney, City of Albuquerque, (505) 768-4500
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**ADVOCATES VOW CONTINUED DEFENSE OF
CAMPAIGN SPENDING LIMITS FOLLOWING SUPREME
COURT'S DENIAL OF REVIEW IN ALBUQUERQUE
SPENDING LIMITS CASE**

**MOST EXPENSIVE FEDERAL ELECTION IN HISTORY
HIGHLIGHTS NEED FOR REFORM**

The U.S. Supreme Court today declined to decide whether campaign spending limits may be upheld consistent with the First Amendment, letting stand a ruling of the U.S. Court of Appeals for the Tenth Circuit that struck down the City of Albuquerque's limits on campaign spending in municipal elections.

As a result of today's order denying the petition for certiorari in *City of Albuquerque v. Homans*, circuit courts remain split on the issue of whether campaign spending limits may be upheld. The Sixth and Tenth Circuits have barred such limits, but the Second Circuit, in a case addressing mandatory spending limits in Vermont, has ruled that such limits may be sustained on a showing that they are narrowly tailored to support compelling governmental interests.

"The Court's action today leaves unanswered the critical question of whether, on the right factual record, spending limits ultimately may be sustained in light of the compelling governmental interests they serve," said Stuart Comstock-Gay, Executive Director of the National Voting Rights Institute, which served as lead counsel for the City of Albuquerque. "The need for fundamental change to limit the role of money in politics is greater than ever, and the Vermont case will now take center stage in testing the constitutionality of campaign spending limits."

The Vermont case, *Landell v. Sorrell*, currently is pending before the U.S. Court of Appeals for the Second Circuit. In that case, in a major victory for reformers, a three-judge panel of the Second Circuit ruled in August that Vermont had established compelling governmental interests that could justify its spending limits, ordering further fact-finding on whether the limits are sufficiently narrowly tailored. The plaintiffs challenging the Vermont law have since filed a petition for rehearing *en banc* before the

full 12-member appeals court. The Second Circuit has yet to rule on that petition. The National Voting Rights Institute serves as lead counsel for the defendant-intervenors in defense of Vermont's campaign spending limits law.

Underscoring the importance of the constitutional issues surrounding campaign spending limits, numerous *amicus* briefs had urged the Supreme Court to grant review in the Albuquerque case. As noted in a brief filed by former Senators Bill Bradley and Alan Simpson, because of the spiraling cost of political campaigns, "the primary focus of elected officials has shifted from serving their constituents to preserving their jobs by raising money." Other *amicus* briefs urging the Court to take the case were filed by a bipartisan group of current Senators led by Senators Fritz Hollings (D-SC) and Ted Stevens (R-AK); attorneys general, secretaries of state, and state high court justices from 22 different states, and advocacy groups including Common Cause, the NAACP, and the National Association of State PIRGs

"The spending levels reached in the recent election only confirm that mandatory spending limits are a necessary step to protect our democracy," said Common Cause President Chellie Pingree. The 2004 federal elections were the most expensive in history. The presidential election alone saw over half a billion dollars in spending by the candidates. The presidential and congressional elections together cost a record \$3.9 billion – a 30% increase over four years ago. In 96% of House races and 91% of Senate races, the candidate who spent more money won the election in 2004.

"It is time to bring an end to the arms race in candidate spending and make elections a contest of ideas, not dollars. The fight to defend campaign spending limits must continue," said Dana Mason, Democracy Advocate of the U.S. Public Interest Research Group (U.S. PIRG).