

# Wisconsin Institute for Law & Liberty: Asks United States Supreme Court to take campaign finance case

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Files brief explaining why the Court needs to provide guidance on certain campaign contribution restrictions

September 4, 2018 - Milwaukee, WI - Today WILL President Rick Esenberg and Associate Counsel Anthony LoCoco filed an amicus brief urging the United States Supreme Court to review a decision upholding Montana's campaign contribution limits and asking the Court to impose a more rigorous review of laws that infringe on the First Amendment rights of speech and association. The case is [Lair v. Mangan](#).

WILL President and General Counsel Rick Esenberg explains:

"The U.S. Supreme Court has the perfect opportunity to clarify the standard to which state government can set limits on how much "speech" someone can give. The low contribution limits in Montana seem particularly problematic. The Court needs to clarify this area of the law and doing so will both safeguard the electoral system and people's First Amendment rights."

The brief argues that in reviewing whether Montana's contribution restrictions were constitutional, the Ninth Circuit failed to apply the necessary scrutiny. Although it is generally constitutional under Supreme Court precedent to restrict campaign contributions, those restrictions must meet stringent requirements because they limit basic First Amendment rights of political speech and association.

One of those requirements is that limits may only be enacted in order to combat "quid pro quo" corruption—direct transfers of money to a politician to purchase official acts. In other words, the government may not enact contribution limits in order to pursue more general interests. For example, the government may not make restrictions to prevent contributors from having some generic "influence" over candidates.

Contribution limits must also be "closely drawn" to achieve their lawful goals. That means that the limits should not hinder First Amendment rights any more than is necessary.

The amicus brief can be found [here](#).