

The Washington Times

Smallest donors appeal Florida's restrictions; Want Supreme Court to hear case

Kellan Howell
October 22, 2013

A Florida group has appealed to the U.S. Supreme Court in a challenge to the state's campaign finance restrictions that force groups looking to spend even tiny amounts of money on political radio advertising to form a political action committee.

The plaintiffs, who are suing the Florida secretary of state over the provision, said the rules impose a "chilling effect" on their right to free speech. Their suit was rejected by the 11th Circuit Court in June.

If the regulations are struck down by the court, state residents could raise and contribute money for campaign advertising without facing the reporting restrictions - including registering with the state, selecting a treasurer and submitting to random audits - demanded of PACs. The Supreme Court is expected to announce whether it will accept the case early next month.

"The people shouldn't have to hire attorneys and accountants and experts to speak out on issues of the day," said Allen Dickerson, legal director for the Center for Competitive Politics, which last week joined with the libertarian Cato Institute in a "friend of the court" brief urging the Supreme Court justices to accept the case.

"If true grass-roots actors want to be able to discuss issues in their community, they are going to be treated like a large entity even though they don't have those resources," Mr. Dickerson argued.

The issue started when plaintiff Andrew Worley and two other community members decided to pool together \$600 to fund local radio advertising opposing an amendment on property taxes to the Florida Constitution during the 2010 election cycle. Under Florida law, citizens must form a PAC to disclose all campaign funding in order to contribute.

Supporters of the PAC requirement are worried that if the court strikes down Florida's restrictions, it could lead to a growing trend of undisclosed campaign contributions.

The case "could significantly challenge the whole concept of campaign disclosure that has been in effect since *Buckley v. Valeo*," the landmark 1976 Supreme Court ruling on campaign finance

regulation, said Peter Butzin, volunteer chairman of Common Cause Florida. "If the court overturned this, then that could overturn it in other states and that has important ramifications."

Dropping the requirement to form a PAC, the law's supporters say, would allow groups to band together in secret to collect campaign cash. What started out as \$600 for radio advertisements could turn into a grass-roots movement collecting thousands of dollars, with no disclosure of who the contributors are and how much they are giving.

Some campaign finance activists worry the challenge will present another opportunity for the court of Chief Justice John G. Roberts Jr. to undercut campaign spending laws and regulations.

"I've got to say, with this court that seems intent on gutting campaign finance laws, I wouldn't be surprised if they heard this case," Mr. Butzin said.

Mr. Worley was granted a preliminary relief to spend money in the last five days of the 2010 election, provided the contributions were fully disclosed before they were spent. The amendment did not pass in the 2010 Florida election and failed again in 2012.