



What You Need to Know About...

SpeechNow.org v. Federal Election Commission

Following the Supreme Court's decision in *Citizens United*, on March 26, 2010, the D.C. Circuit Court of Appeals decided unanimously in *SpeechNow.org v. Federal Election Commission* that the First Amendment prohibits the government from limiting the rights of individuals to pool their financial resources together to fund political ads. Here's three key points you need to know about the *SpeechNow* decision:

Point #1: *The SpeechNow decision created independent expenditure-only committees, known informally as Super PACs.*

Although commonly attributed to the *Citizens United* decision, Super PACs are actually a legacy of the *SpeechNow* decision. They are prohibited from making direct contributions to candidates or parties, but may spend unlimited amounts on **independent expenditures**, which are not coordinated with candidate campaigns.

Point #2: *The SpeechNow decision is largely responsible for the increase of independent expenditures in political campaigns.*

The 2012 election saw a rise in the amount of independent expenditures and, as such, a rise in the amount of political speech. Accordingly, Americans witnessed an explosion in the number of competitive races and propelled campaigns to place a greater focus on topical political issues.

Point #3: *The SpeechNow decision extended the political speech rights of corporations and unions affirmed in Citizens United to individuals.*

After *Citizens United* held that the First Amendment prohibits the government from limiting political speech by corporations and unions, the D.C. Circuit recognized that the logic of *Citizens United* also extended to individuals. In short, if corporations and unions could speak without limit, then a group of individuals like those behind SpeechNow.org could as well.

THE VERDICT: Thanks to *SpeechNow*, you have the freedom to speak about any candidate or cause, and the government cannot stifle your speech by denying you the ability to raise enough money to publicize your message.

To access the D.C. Circuit Court's opinion in SpeechNow.org v. Federal Election Commission, please refer to the information listed on the back of this brief.¹ Please note: CCP President David Keating was formerly President of SpeechNow.org.

Further Reading

1 *SpeechNow.org v. Federal Election Commission*, 599 F.3d 686 (D.C. Cir. 2010).
Available at: http://www.fec.gov/law/litigation/speeachnow_ac_opinion.pdf.



CCP is a nonpartisan, nonprofit 501(c)(3) organization focused on promoting and protecting the First Amendment political rights of speech, assembly, and petition. It was founded in 2005 by Bradley A. Smith, former member and Chairman of the Federal Election Commission.