

07-320 DAVIS V. FEDERAL ELECTION COMMISSION

DECISION BELOW: 501 FS 2d 22

LOWER COURT CASE NUMBER: 06-01185

QUESTION PRESENTED:

Section 319 of the Bipartisan Campaign Reform Act of 2002 created the so-called "Millionaires' Amendment." The three-judge district court found that Congress enacted section 319 to achieve equity between congressional candidates utilizing personal funds for their campaigns and candidates relying mainly on contributed funds. Under the statute, when candidates for the United States House of Representatives exceed \$350,000 in personal campaign expenditures their opponents may be entitled to receive: 1) contributions from donors at triple the statutory limit; 2) contributions from donors who have reached their statutory limit for aggregate campaign donations; and 3) coordinated expenditures from party committees in excess of the statutory limit. To effectuate application of section 319, the statute also imposes significant notification and disclosure obligations upon self-financed candidates. The questions presented are:

1. Whether the three-judge district court erred in finding that Congress's attempt to equalize a potential imbalance in resources between congressional candidates violates neither the First Amendment to the United States Constitution nor the Equal Protection Clause of the Fifth Amendment.
2. If equalizing a potential imbalance in resources of congressional candidates is constitutional, whether the federal statutory provision accomplishes the stated purpose.

EXPEDITED BRIEFING

CERT. GRANTED 1/11/2008