

RUSA

2/16/2018

Chris Kay, Parliamentarian

**Complainant:** Viktor Krapivin, Internal Affairs Chair

**Question:** The Election Code places a limit on the amount of money which candidates, for RUSA elections, can spend. Is this a constitutionally acceptable restriction the chair of the Elections Committee can enforce?

**Finding:** The Election Code contains the following language, “Candidates may not spend more than \$200. A ticket may collectively not spend more than \$3,000, however, a ticket with less than fifteen (15) people may not spend more than \$200 per person.”<sup>1</sup> This creates an expenditure cap limiting the amount of money or in kind expenditures that an individual or a ticket can spend in their pursuit of electoral success. While the intentions of this cap might well be wise and fair, the cap nevertheless violates candidates’ 1st amendment right to freedom of speech and expression. To be clear this is not a determination I have come to solely through my own deliberation. The U.S. Supreme Court has ruled on the issue in Buckley v. Valeo. The Court held that “A restriction on the amount of money a person or group can spend on political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached”<sup>2</sup> As the RUSA Constitution requires that we comply with all federal laws<sup>3</sup> it follows that we cannot maintain an expenditures cap. The limit on contributions and the requirement that candidates create an accurate record of their expenditures are both still valid.

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<sup>1</sup> RUSA Elections Code Article V, Section D, Subsection 3

<sup>2</sup> Buckley v. Valeo, 424 U.S. 1 (1976)

<sup>3</sup> RUSA Constitution Article 10.01