



## 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 has facilitated increased participation in elections and public debates.*

Since 2010, there has been a rise in the amount of independent expenditures and, as such, a **rise in the amount of political speech** (although spending by candidates and political committees still dominates elections). Accordingly, citizen groups have been better able to spread their messages to other Americans and participate in the political process with fewer restrictions on their First Amendment rights.

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

After the Court held in *Citizens United* that the First Amendment prohibits the government from limiting independent 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 other groups 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.<sup>1</sup> Please note: IFS 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](http://www.fec.gov/law/litigation/speeachnow_ac_opinion.pdf).



*The Institute for Free Speech is a nonpartisan, nonprofit 501(c)(3) organization that promotes and defends the First Amendment rights to freely speak, assemble, publish, and petition the government. Originally known as the Center for Competitive Politics, it was founded in 2005 by Bradley A. Smith, a former Chairman of the Federal Election Commission.*