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PRESS RELEASE

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Renewed Injunction Sought Against Unfair Business Campaign Contributions Limits

Last Friday, a bipartisan coalition of candidates, business people, and others asked a federal court to reverse its 2009 decision upholding New York City's campaign finance laws which unfairly reduced the contribution limits for the business community to just one-tenth of what everyone else is allowed to contribute, make their contributions unmatchable under the City's public funding scheme, and ban contributions from LLCs, LLPs and partnerships. These laws favor labor unions, since contributions from labor unions and their officers and members are not reduced and are matchable, even though they also do business with the city.

The coalition seeks relief from the 2009 decision because these laws, which continue to violate their free speech rights under the First Amendment, are unconstitutional under the recent U.S. Supreme Court decision of *McCutcheon v. FEC*. *McCutcheon* reviewed federal contribution limits to conclude that the limits were unconstitutional because they were not properly directed towards preventing quid pro quo corruption. It established the proper analysis to be used to review these laws.

James Bopp, Jr., attorney for the plaintiffs, states "The federal court's prior decision to uphold New York City's contribution restrictions is based on the City's desire to equalize influence over and access to government officials. These reasons were expressly rejected in *McCutcheon* and are invalid justifications for regulating protected political speech." He continued, "One of the plaintiffs wants to run for office in 2016 but knows she cannot raise enough money to counter her union-supported opponents because of these restrictions. Her district is made up of small business folk who are heavily and unfairly burdened by these unconstitutional laws. These laws take away the people's constitutional rights to speak, associate freely, and be treated equally."

The case is *Ognibene v. Parkes*, 2:08-cv-01335. A copy of the motion requesting relief from the district court's prior decision can be found at <http://www.jamesmadisoncenter.org/cases/files/ognibene-parks/60b-motion.pdf>

James Bopp, Jr. has a national constitutional law practice with The Bopp Law Firm, PC.