

Power Shifts from the Political Class to the Moneyed Class

Written by Rich Miller

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The pro-choice group Personal PAC has filed suit to kill off Illinois' campaign-contribution limits to certain political action committees. If the group succeeds, some candidates may start justifiably quivering.

Currently in Illinois, contributions to state political action committees are capped at \$10,000 for individuals and \$20,000 for corporations, groups, and unions.

Personal PAC's lawsuit wants those contribution caps wiped out, arguing that the controversial *Citizens United*

U.S. Supreme Court case and the

Wisconsin Right to Life

Seventh U.S. Circuit case mean that the caps are unconstitutional. The two cases declared that spending and contribution limits on federal and state PACs that are engaged in independent expenditures are unconstitutional.

Personal PAC claims it has missed out on \$100,000 in contributions since the state caps were put into place last year. Nobody will be holding a tag sale for the group any time soon, however. At the end of December, Personal PAC had more than \$1.4 million in the bank. It raised close to \$700,000 last year alone, after the contribution caps first kicked in.

Four years ago at this time (the same point in the national and state political cycles), the group had \$770,000 in the bank after raising \$997,000 the previous 12 months. The state's year-old campaign-contribution caps haven't appeared to hurt the group much, but it wants even more

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freedom to raise even more cash.

Personal PAC has long been one of the state's top-performing political action committees. The group raises and spends tons of money every election cycle and has one of the better track records in Illinois politics. But because of the new cap laws, it wants to set up a separate entity to do what are called uncoordinated, independent expenditures on behalf of candidates. That means the group won't give money directly to candidates; it'll just spend the cash to help them without coordinating with the candidates themselves.

In the past, the group usually designed its own direct-mail, radio, and TV ads and reported them as what are called "in kind" contributions to the campaigns it was supporting. The group could coordinate directly with the candidates they supported, but Personal PAC usually tightly controlled its message that it wanted to convey, regardless of what the candidates wanted them to do.

That independence created some friction over the years. The group is heavily funded by liberal Democrats, but Personal PAC has backed several pro-choice Republicans against Democrats for its entire existence. A few years ago, some Democrats attempted to gin up a contribution boycott, but the group is just too strong to stop. Back when the law limiting contributions to committees such as Personal PAC was passed, I wrote that the proposal was a direct shot at the group itself. The politicians wanted to control their own messages, and capping contributions to groups that relied heavily on high-dollar benefactors was one way to do that.

Personal PAC can't set up one of those newfangled independent-expenditure committees because Illinois law also forbids groups from establishing more than one campaign account at a time. This provision was also aimed right at Personal PAC and groups like it. Since the Wisconsin case, which was decided by a Chicago-based federal-appeals court, allowed PACs with independent-expenditure committees to raise money without limit, Personal PAC wants the court to stop Illinois from interfering.

It looks like Personal PAC has a pretty good case here.

The U.S. Supreme Court has ruled that limiting independent expenditures won't rein in corruption, and the original legal rationale for campaign-contribution caps was to stop

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corruption. So unless there's a complete change in the high court's opinion, those contributions just can't be capped.

If this contribution cap is lifted, Personal PAC and other groups will be free to raise as much money as they can from large, uncapped contributions. But candidates will still be operating under strict campaign-finance limits. Personal PAC and other groups, including labor unions and corporations, will be able to raise and spend money freely to go after candidates who can do neither.

In other words, the state's campaign-finance reforms combined with the U.S. Supreme Court's logic have the real potential to essentially transfer power from the political class to the moneyed class. If Personal PAC wins, the legislative effort to stifle and limit the group's voice will have backfired badly on the control-minded politicians.

Rich Miller also publishes Capitol Fax (a daily political newsletter) and CapitolFax.com.