Supreme Court Strikes Down Political Party Coordinated-Expenditure Limits Under First Amendment

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***National Republican Senatorial Committee v. Federal Election Commission*, 609 U.S. ___ (June 30, 2026)**

On June 30, 2026, the U.S. Supreme Court held 6-3 that the Federal Election Campaign Act's (FECA) limits on coordinated expenditures between political parties and their candidates violate the First Amendment. Writing for the majority, Justice Kavanaugh concluded that these caps fail even the more lenient "closely drawn" scrutiny applicable to contribution-type limits, thereby overruling *FEC v. Colorado Republican Federal Campaign Committee*, 533 U.S. 431 (2001) ("*Colorado II*"). The decision frees national, senatorial, and congressional party committees to coordinate spending with their candidates without statutory dollar caps.

Background

Under FECA, political parties may make two types of campaign expenditures: (1) independent expenditures, made without coordination with a candidate (which the Supreme Court has long held cannot be capped); and (2) coordinated expenditures, such as advertisements produced in consultation with a campaign. FECA imposed caps on the latter, ranging from about $130,000 for House races to $4 million for Senate races, and $32 million for a presidential candidate.

The National Republican Senatorial Committee (NRSC), National Republican Congressional Committee (NRCC), and two Republican candidates (then-Senate candidate JD Vance and then-Rep. Steve Chabot) challenged the coordinated-expenditure limits as unconstitutional. The Federal Election Commission (FEC) was named as the defendant, but because the solicitor general agreed that the limits were unconstitutional, Democratic national committees intervened to defend the statute.

Sitting en banc, the U.S. Court of Appeals for the Sixth Circuit upheld the limits, applying *Colorado II*. Several judges wrote separately to question whether that precedent remained good law. The Supreme Court accepted review and reversed.

Supreme Court's Opinion

The Supreme Court first held the case was not mooted by Vance's elevation to the vice presidency. Because Vance maintained an active FEC Statement of Candidacy for a 2028 Senate run and an active campaign committee, the FECA's private-suit provisions kept the dispute alive.

The majority applied "closely drawn" scrutiny, which requires that restrictions not be "disproportionate" and be "necessary" and "narrowly tailored" to the government's asserted interest. That interest, in turn, must be "sufficiently important." The court stated that it did not need to decide whether "strict scrutiny" applies because the limits fail even the more lenient, "closely drawn" standard.

The Supreme Court also reaffirmed that the only constitutionally sufficient justification for campaign-finance restrictions is preventing quid pro quo corruption or its appearance. The majority rejected four other proffered interests: (1) reducing "wasteful" campaign spending; (2) curbing a party's "undue influence" over its own candidates; (3) preventing "ingratiation and access"; and (4) preventing circumvention of base contribution limits through donations to parties.

The anti-circumvention rationale presented the most serious question. The Supreme Court acknowledged the theoretical risk of circumvention but stated that the risk is now adequately addressed by the combination of base contribution limits, earmarking rules, and modern disclosure requirements. Together, these mechanisms provide sufficient protection without the need for another layer that severely burdens core speech. The majority pointed to real-world evidence: numerous states already permit unlimited party coordination at the state level without demonstrated corruption. Thus, the "severe infringement" on First Amendment rights presented by the coordinated-expenditure limits were "disproportionate" and not "narrowly tailored" to further the sole valid interest at stake (anti-circumvention), and so the limits were unconstitutional.

In so holding, the Supreme Court also overruled *Colorado II*, finding its reasoning undermined on three fronts: (1) *Colorado II* applied a more deferential standard of review than current doctrine requires; (2) it relied on the "undue influence" rationale later rejected by the court in another case; and (3) its premise that parties held outsized power has been undercut by the post-*Citizens United* rise of Super PACs and outside groups.

Justice Kagan, joined by Justices Sotomayor and Jackson, argued that the majority decision reopened the circumvention risk that base contribution limits were designed to prevent. The dissent highlighted that through joint fundraising committees, a single donor can already write a check exceeding $550,000, which is then pooled at the national party and — after the current decision — can be spent entirely on a candidate's own campaign expenses, effectively erasing the $7,000 base limit.

Key Takeaways

- **Unlimited party-candidate coordination is permitted.** National, senatorial, and congressional party committees may now coordinate expenditures with their candidates without dollar caps. This represents a major operational shift for campaign committees.
- **Joint fundraising compliance is critical.** The dissent's concerns about joint fundraising committees could drive heightened regulatory scrutiny. Parties and campaigns should expect the FEC (or at least potential litigants) to closely monitor whether earmarking and disclosure rules are being honored in substance, not just in form.
- **Earmarking and disclosure rules remain in full force.** The majority expressly relied on the continued effectiveness of earmarking rules and disclosure requirements as adequate safeguards against circumvention. These provisions now bear

additional weight, and compliance with them is essential to avoid enforcement actions.

- **Outside groups are unaffected.** The Supreme Court expressly limited its holding to political party committees. Coordinated expenditures by non-party outside groups (such as Super PACs) remain subject to existing contribution limits.

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