

10-238 AZ FREE ENTERPRISE V. BENNETT

DECISION BELOW: 611 F.3d 510

LOWER COURT CASE NUMBER: 10-15165, 10-15166

QUESTION PRESENTED:

In *Davis v. FEC*, 128 S. Ct. 2759 (2008), this Court held that the First Amendment forbids the government from attempting to level the playing field in elections by raising contribution limits for candidates who are outspent by self-financed opponents. Arizona's Citizens Clean Elections Act achieves a similar result by providing extra subsidies in the form of "matching funds" to publicly financed candidates who are outspent by independent expenditure groups and privately financed candidates. The questions presented are:

1. Whether the First Amendment forbids Arizona from providing additional government subsidies to publicly financed candidates that are triggered by independent expenditure groups' speech against such candidates?

2. Whether the First Amendment forbids Arizona from providing additional government subsidies to publicly financed candidates that are triggered by the fundraising or expenditures by these candidates' privately financed opponents?

CONSOLIDATED WITH 10-239 FOR ONE HOUR ORAL ARGUMENT.

CERT. GRANTED 11/29/2010