

ALERT

Bill Prohibiting Foreign Funding in State and Local Referenda Elections Advances to House Floor

November 30, 2023

Today, the Committee on House Administration of the U.S. House approved a series of election-related bills which will advance to the floor of the U.S. House. Among the provisions approved is a provision prohibiting “direct or indirect” contributions and expenditures by foreign nationals in connection with state and local issue referenda, ballot initiatives, and recall elections. The Federal Election Campaign Act currently prohibits foreign national contributions and expenditures in connection with federal, state, and local elections for public office. The legislation advanced today would extend that foreign national prohibition to state and local issue referenda, ballot initiatives, and recall elections. The Federal Election Commission (FEC) has concluded that those elections are not covered by the current prohibition set forth in 52 U.S.C. 30121(a)(1)(A), and voted unanimously to recommend that Congress amend the statute to cover referenda, initiatives and recalls. The Committee on House Administration invoked the FEC's bi-partisan recommendation in support of the bill.

At least seven states already prohibit foreign national contributions and expenditures in connection with their state and local referenda elections under state law (California, Colorado, Maryland, Nevada, North Dakota, South Dakota, and Washington).

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Practice Areas

Election Law & Government Ethics