

ALERT

Ohio Foreign National Restriction Remains in Force After Sixth Circuit Ruling; Federal PACs' Non-Federal Activity Negatively Affected

September 17, 2025

Ohio's ban on political spending from lawful permanent residents remains in force following a September 16 ruling by a panel for the U.S. Court of Appeals for the Sixth Circuit. The decision dissolved an earlier injunction (that was already temporarily stayed) against Ohio's 2024 law prohibiting contributions in Ohio state and local elections from lawful permanent residents (known colloquially as holders of valid "green cards"). The appellate court remanded the case back to the district court for further proceedings.

Since Ohio law differs from federal campaign finance law, which permits contributions from lawful permanent residents, this development puts federal PACs in a continuing quandary with respect to non-federal activity in Ohio. Although there can be further developments on remand, given the Sixth Circuit's opinion, it is less likely that courts will provide judicial relief. As a result, statutory change must come from the Ohio legislature. There, the issue can be resolved if (1) the statute is amended to delete the lawful permanent resident restriction, or (2) the statute is amended to limit this particular restriction to ballot measure activity.

Jurisdiction for the law lies with the Ohio Attorney General; the Ohio Elections Commission lacks jurisdiction. To date, we have seen no compliance advice or instructions from the Attorney General's office with respect to this prohibition and federal PACs participating in Ohio non-federal elections.

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Practice Areas

Election Law & Government Ethics
Federal & State Campaign Finance

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Important note: This development and the underlying law do not affect the ability of federal PACs to contribute to federal candidates or federal committees located in Ohio.