The Prohibiting Foreign Funding from Ballot Measures Act

BACKGROUND

While federal law prohibits a foreign national from contributing to a candidate, political party, or a super PAC, there is nothing prohibiting a foreign national from contributing to ballot measure campaigns. This loophole is being exploited to finance initiatives, referenda, and constitutional amendment campaigns at the state and local level. The Sixteen Thirty Fund, which has taken in $280 million from Swiss billionaire Hansjörg Wyss, poured $130 million into state and local ballot measure campaigns in 26 states. This is just one example. Nothing is stopping foreign nationals tied to China, Russia, or other hostile foreign powers from exploiting the same loophole. Most states have no protections against this type of foreign influence in our elections.

That is why several states have stepped up to ban foreign influence in ballot measure campaigns. In 2024, Ohio passed a foreign funding ban. In 2025, eight additional states banned foreign funding in these campaigns. When liberal groups challenged these laws in Ohio and Kansas, courts decisively upheld them, endorsing lawmakers' authority to adopt these safeguards.

This model closes the foreign-funding loophole by prohibiting not only direct and indirect contributions by foreign nationals, but also their funneling of funds to intermediary groups that can later use them to influence ballot measures. The model extends these protections to independent expenditures, preventing the mere shifting of foreign money from one domain to another. Finally, it pairs robust enforcement mechanisms with strong donor-privacy protections.

KEY PROVISIONS

- Prohibits a foreign national from directly or indirectly contributing to or influencing a ballot initiative or referendum and prohibits a committee from receiving, accepting, or soliciting such.
- Requires initial and ongoing affirmations by ballot initiative or referendum committees in campaign finance reports that its preliminary and ongoing activities are free of foreign influence.
- Requires a donor to affirm he is not foreign national and has not accepted foreign contributions exceeding $100,000 within the four-year period preceding the date of contribution to a ballot initiative or referendum committee.
- Requires a person or committee that makes independent expenditures to support or oppose ballot initiatives or referenda to affirm in campaign finance reports that it has not accepted funds exceeding $100,000 from a foreign national within the four-year period preceding the date of the expenditure.
- Prohibits a foreign national from directing, controlling, or participating in decisions about contributions or expenditures to influence ballot initiatives or referenda and prohibits a foreign national from soliciting any contributions or expenditures for such purposes.
- Establishes procedures for civil enforcement and penalties for knowing violations of the act including disgorgement of funds, joint and several liability for directors and officers, injunctive relief, statutory damages, and a possible prohibition on lobbying activities.
- Protects the identity of lawful donors to a tax-exempt organization during any investigation into a violation of the act and provides penalties for unlawful disclosure of donor information.