

MODEL POLICY | Center for Election Integrity

# BANNING FOREIGN MONEY IN BALLOT INITIATIVES ACT

## PURPOSE OF THIS ACT

- The Banning Foreign Money in Ballot Initiatives Act closes loopholes in state law that still allow foreign nationals to influence American public policy by contributing to ballot measures. By passing this model legislation, states can protect themselves from corrosive foreign interference.
- Ohio, California, Maryland, North Dakota, and Washington currently have laws prohibiting foreign money in ballot initiatives to some degree.
- The Banning Foreign Money in Ballot Initiatives Act is largely modeled after comprehensive legislation in Ohio that became law in June 2024 ([HB 1](#)).

## Section 1. Title

This Act shall be named the “Banning Foreign Money in Ballot Initiatives Act.”

## Section 2. Definitions

As used in this section:

- (A) “Electioneering communication” has the same meaning as in section [x] of the [state code name].
- (B) “Foreign national” means any of the following, as applicable:
- In the case of an individual, an individual who is not a United States citizen or national;
  - A government of a foreign country or of a political subdivision of a foreign country;
  - A foreign political party;
  - A person, other than an individual, that is organized under the laws of or has its principal place of business in a foreign country.

## Section 3. Protecting States from Foreign Influence

- (A) That section [x] of the [state code name] be enacted to read as follows:  
Notwithstanding any contrary provision of the [state code name]:

- i. No foreign national shall, directly or indirectly through any person or entity, do any of the following:
  1. Make a contribution, expenditure, or independent expenditure in support of or opposition to a statewide ballot issue or question, regardless of whether the ballot issue or question has yet been certified to appear on the ballot;
  2. Make a disbursement for the direct cost of producing or airing an electioneering communication;
  3. Make a contribution to a candidate, campaign committee, political action committee, political contributing entity, legislative campaign fund, state candidate fund, political party, or separate segregated fund to any committee created to support or oppose a ballot issue or question or, to the maximum extent permitted by law and by the constitutions of the United States and of this state, to a continuing association;
  4. Promise, either expressly or implicitly, to make a contribution, expenditure, independent expenditure, or disbursement described in division (a)(1), (2), (3), or (4) of this section.
- ii. No individual, candidate, campaign committee, political action committee, political contributing entity, legislative campaign fund, state candidate fund, political party, separate segregated fund, or committee created to support or oppose a ballot issue or question and, to the maximum extent permitted by law and by the constitutions of the United States and of this state, no continuing association shall, directly or indirectly through any other person or entity, knowingly do either of the following:
  1. Solicit, accept, or receive any funds from a foreign national for any purpose described in this section;
  2. Make a contribution, expenditure, or independent expenditure using any funds the person knows were received from a foreign national for any purpose described in this section.
- iii. No person shall knowingly aid or facilitate a violation of division (i) or (ii) of this section.
- iv. Whoever knowingly violates division (i) of this section is guilty of a misdemeanor of the first degree on a first offense and is guilty of a felony of the fifth degree on a second or subsequent offense. The violator also shall be fined an amount equal to three times the amount involved in the violation or \$10,000, whichever amount is greater.
- v. Whoever knowingly violates division (ii) of this section is guilty of a misdemeanor of the first degree on a first offense and is guilty of a felony of the fifth degree on a second or subsequent offense. The violator also shall be fined an amount equal to three times the amount involved in the violation or \$10,000, whichever amount is greater, and shall be required to return the total amount accepted in violation of that division to the foreign national from whom it was accepted.
- vi. Whoever knowingly violates division (iii) of this section is guilty of a misdemeanor of the first degree and shall be fined \$1,000.



- (B) Except as otherwise provided in this section, the attorney general has exclusive authority to prosecute a violation of this section and has exclusive supervision and control of all investigations, prosecutions, and enforcement proceedings under this section.
- (C) Upon the occurrence of either of the following, the attorney general shall investigate an alleged violation of this section in consultation with the secretary of state:
- i. The submission of a written request to the attorney general by the governor, the secretary of state, the general assembly, or the **[State] [elections commission or other responsible body]**, alleging a violation of this section; or
  - ii. the filing of a complaint with the attorney general by an elector of this state, alleging a violation of this section.
- (D) If it appears to the attorney general, after conducting an investigation under this section, that there is probable cause to believe that a violation of this section has occurred, the attorney general may prosecute the violation in a court of competent jurisdiction.
- (E) When proceeding under this section, the attorney general and any assistant or special counsel designated by the attorney general for that purpose have all the rights, privileges, and powers conferred by law on prosecuting attorneys, including the power to appear before grand juries and to interrogate witnesses before such grand juries. These powers of the attorney general are in addition to any other applicable powers of the attorney general.
- (F) If the attorney general is a victim or witness or otherwise involved in an alleged violation of this section, the attorney general shall refer the matter to the appropriate prosecutor, as determined under section [x] of the **[state code name]**.

