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ONE HUNDRED FOURTEENTH
CONGRESS

JAMIE FLEET, MINORITY STAFF DIRECTOR

September 30, 2015

Federal Election Commission
999 E St NW #910,
Washington, DC 20463

Dear Commissioners,

I write today to urge you to clarify the rules and regulations banning foreign political contributions.

When Congress passed the Federal Election Campaign Act (FECA), the legislative intent was clear: to reform the campaign funding system in such a way that the American people can be confident in the integrity of the political process. Since FECA, however, we have seen a systemic stripping away of critical safeguards. *Citizens United v. FEC* and *SpeechNOW v. FEC* gave us the rise of the SuperPAC and inundated our elections with incomprehensible sums of dark money. *McCutcheon v. FEC* eliminated important aggregate contribution limits, thereby allowing well-heeled donors to wield a massive amount of influence over our elections. By not clarifying that the FECA ban of foreign money applies to the democratic process, the Commission runs the risk that the voice of the wealthy regardless of even their country of citizenship will only be magnified. Indeed the Commission would be going even further by opening the door to money from foreign governments, corporations, and shadowy figures and organizations to wield influence over our elections.

The language of FECA is clear: "It shall be unlawful for a foreign national, directly or indirectly, to make a contribution or donation of money...in connection with a Federal, State, or local election." Further, the District Court of the District Columbia held in *Bluman v. FEC* "It is fundamental to the definition of our national political community that foreign citizens do not have a constitutional right to participate in, and thus may be excluded from, activities of democratic self-government." This interpretation was affirmed by the Supreme Court of the United States. To suggest that ballot initiatives are not, to borrow a term from the DC District Court, included in the idea of "democratic self-government" is an untenable logical leap.

Ballot initiatives are uniquely local and often their effect is felt more directly by citizens than the result of a candidate election. It should be borne in mind that ballot measure elections are most frequently conducted in conjunction with candidate elections. To believe that money spent on a ballot measure does not impact other elections is to engage in fantasy. Therefore it is important that they are regulated in the same manner. It is fundamentally unfair and an affront to well-established law to allow for foreign contributions at any stage of the American political process. Again, I urge the FEC to protect the interests of the American people and reaffirm the ban on foreign political contributions.

Sincerely,



Robert A. Brady
Ranking Member

CC: Chair Ann M. Ravel
CC: Vice Chairman Matthew S. Petersen
CC: Commissioner Caroline C. Hunter
CC: Commissioner Ellen L. Weintraub
CC: Commissioner Steven T. Walther
CC: Commissioner Lee E. Goodman
CC: General Counsel Daniel A. Petalas
CC: Staff Director Alec Palmer