



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

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**AGENDA ITEM**

September 22, 2015

**MEMORANDUM**

**For Meeting of 10-1-15**

TO: The Commission

FROM: Ann M. Ravel  
Chair

A handwritten signature in black ink, appearing to read "Ann M. Ravel".

SUBJECT: State and Local Ballot Measures and the Ban on Foreign National Contributions

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I have become increasingly concerned that there are not sufficient protections against foreign national involvement in American elections. This is particularly evident in state and local ballot measures. The Commission recently considered a case where the facts demonstrated that a foreign national, a businessman who operated adult websites, contributed funds to oppose a Los Angeles ballot measure—the “Safer Sex in the Adult Film Industry Act.”<sup>1</sup> Unfortunately, the Commission voted 3-3 on whether to pursue that case.<sup>2</sup> Whatever you think of the underlying issue, ballot measures should be community decisions, without interference from citizens of foreign countries who may have their own agendas.<sup>3</sup> Ballot measure elections are often associated with candidate elections. But even when they are not, they are opportunities for citizens to act as legislators, enacting important public policies. For these reasons, I am now asking the Commission to begin the process of revising our regulations to clarify that the prohibition on foreign national contributions does apply to state and local ballot measures.

At the appropriate time, I intend to make the following motion:

I move to direct the Office of General Counsel to draft a notice of proposed rulemaking to define the term “election” for the purposes of the ban on foreign national contributions and expenditures, 52 U.S.C. § 30121, to include state and local ballot measures.

State and local ballot measures are uniquely democratic. They provide citizens and communities the ability to participate directly in their own self-governance, and to devise local solutions to local problems. Where possible, we should accord the same protections to these

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<sup>1</sup> First General Counsel’s Report in MUR 6678 (Mindgeek USA, Inc., *et al.*), dated Sept. 15, 2014, at 2.

<sup>2</sup> See Certification in MUR 6678 (Mindgeek USA, Inc., *et al.*), dated Mar. 17, 2015.

<sup>3</sup> I discussed this issue at greater length in my statement on that matter. See Statement of Chair Ravel in MUR 6678 (Mindgeek USA, Inc., *et al.*), dated Apr. 22, 2015, available at <http://eqs.fec.gov/eqsdocsMUR/15044372954.pdf>.

elections that we provide for the elections of candidates. I hope my colleagues will join me in this effort.