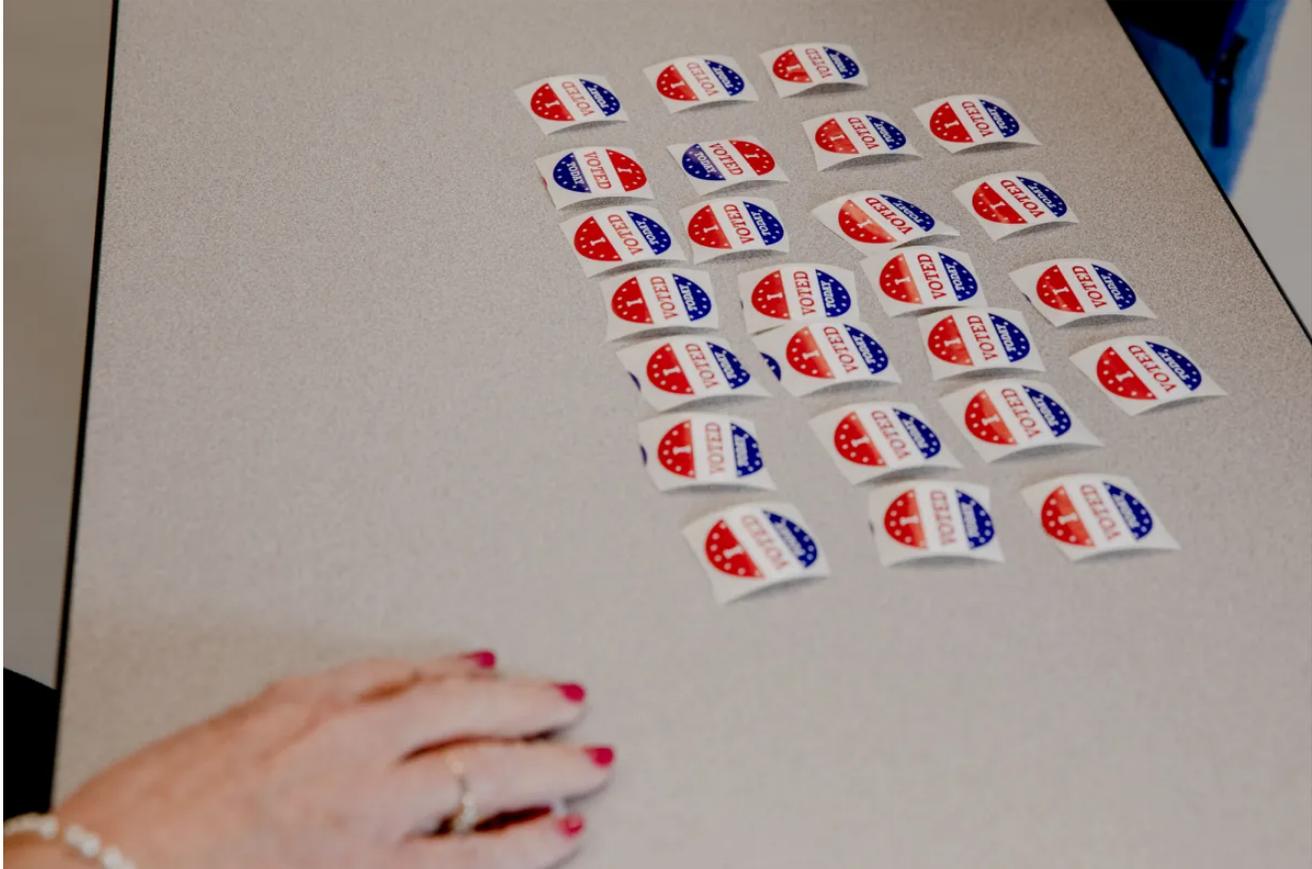


Ban foreign money from CT referenda

ctmirror.org/2022/05/02/ban-foreign-money-from-ct-referenda/

By Alex Knopp

May 2, 2022



Could Connecticut become the next front in Vladimir Putin's war against western democracies?

Just imagine this headline:

PUTIN'S OLIGARCHS SPEND MILLIONS TO DEFEAT 2022 CONNECTICUT BALLOT REFERENDUM IN RETALIATION FOR BIDEN'S SANCTIONS.

It may be hard to imagine that Putin will interfere in Connecticut's electoral process, but it would not be illegal because neither federal nor state election law bars foreign entities from contributing unlimited amounts of funds to influence the outcome of a state ballot referendum.

All Connecticut residents, whether Democrats, Republicans, or unaffiliated voters, should be concerned. Fortunately, the General Assembly still has an opportunity to close this glaring loophole before the session ends May 4 by passing Senate Bill 431, An Act Concerning Referenda.

Federal law bars foreign nationals from donating to federal and state candidates in *elections*. But a recent [legal decision by the Federal Election Commission](#) confirmed that Congress has not acted to specifically prohibit foreign spending to influence the outcome of state and local *referenda*.

In a 4-2 decision in 2021, the FEC held in the *Sandstrom* decision that state ballot initiatives are not “elections” under existing federal law and therefore the federal foreign donation prohibition didn’t prevent an Australian mining firm from donating through its Canadian subsidiary to oppose a Montana referendum that would have imposed new restrictions on hard rock mining in that state.

In the wake of federal inaction, individual states must act to protect their local democracies from foreign interference. Fortunately, many are doing so. According to the [Campaign Legal Center](#), a nonprofit watchdog group, seven states have enacted prohibitions while another dozen states are considering legislation.

Connecticut’s campaign finance laws need repair because of a similar loophole: Sec. 9-620c of state law, which regulates permissible donations to referenda campaigns, is silent on funds from foreign sources.

Why is it important for Connecticut to act now to stop any infiltration of foreign money?

Unlike frequent issues-based ballot questions in many other states, the use of the statewide ballot referendum in Connecticut is limited to ratification of amendments to the state constitution. These votes don’t come often, but no vote is more important than amending the constitution. Here’s the schedule pressure: Connecticut residents will go to the polls in November to decide whether to amend the state constitution to allow “early voting.”

Even if they are infrequent at the state level, referenda are much more common in local elections, among them annual budget votes, charter revision proposals and advisory ballot measures. Foreign expenditures could put our system of grass-roots democracy at risk by threatening to drown out the voices of local voters.

The horrific Russian invasion of Ukraine and Putin’s practices of attempting to interfere in U.S. elections by spreading disinformation, hacking emails and fomenting doubts about vote tallies, should inspire a new urgency to the referenda reform project. As a prestigious group of former national security officials recently warned, “[O]ur foreign adversaries and other bad actors are licking their chops as they watch efforts to destabilize our elections.”

We must ensure that our statewide referendum on Nov. 8 over whether to ratify a state constitutional amendment does not become a target of anti-democratic foreign actors.

Enacting SB 431 to ban contributions and expenditures by all foreign nationals and foreign owners represents a giant step that can be achieved now on a rare bipartisan basis to strengthen the integrity and enhance voter confidence in the outcome of referenda in

Connecticut.

Alex Knopp, who served eight terms in the General Assembly and two terms as Mayor of Norwalk, is an Advisory Board member of Common Cause of Connecticut.