

CONCURRENCE IN SENATE AMENDMENTS

AB 953 (Pacheco and Alanis)

As Amended July 02, 2025

2/3 vote

SUMMARY

Prohibits foreign nationals, except for Deferred Action for Childhood Arrivals recipients, from making campaign contributions or expenditures in connection with state and local elections, and prohibits the solicitation of contributions from such foreign nationals.

Senate Amendments

Make clarifying changes.

COMMENTS

Federal law prohibits foreign nationals from making campaign contributions or expenditures in connection with federal, state, and local elections. Until 2002, this restriction specifically applied to contributions and expenditures made "in connection with an election to any political office." Because that language was limited to elections for *office*, it was the position of the Federal Election Commission (FEC) that contributions and expenditures from foreign nationals relating exclusively to ballot measures were not restricted by federal law. In 2002, the restriction was amended to make it applicable to any contribution or expenditure made "in connection with a Federal, State, or local election," though it is unclear whether that change was intended to cover ballot measure elections. In a 2024 advisory opinion, the FEC concluded that ballot initiatives and referenda are not "Federal, State, or local election[s]" for the purpose of the federal prohibition on campaign contributions by foreign nationals.

In 1997, the Legislature approved and Governor Wilson signed SB 109 (Kopp), Chapter 67, Statutes of 1997, to prohibit foreign governments or foreign principals from making campaign contributions or expenditures in connection with state or local ballot measures. While SB 109 was modeled after the federal restrictions on campaign contributions and expenditures, it did not seek to regulate foreign contributions made in connection with elections for *office* because such contributions were already restricted by federal law. Instead, SB 109 was limited to foreign spending in connection with ballot measure elections, thereby restricting foreign spending that was not covered by federal law.

More recently, AB 319 (Valladares), Chapter 313, Statutes of 2021, amended state law to prohibit campaign contributions and expenditures by foreign governments and foreign principals in connection with *candidate* elections. Even though such contributions and expenditures were already prohibited under federal law, AB 319 imposed similar restrictions under state law due to concerns about the FEC's willingness and ability to bring prompt enforcement actions under federal law for violations related to campaign contributions and expenditures by foreign governments and foreign principals.

While state and federal law similarly restrict foreign spending made in connection with candidate elections, those laws differ slightly with respect to the individuals covered. Specifically, while federal law restricts contributions and expenditures by individuals who are not citizens or nationals of the United States (US) and who are not lawfully admitted for permanent residence in the US, state law does not restrict contributions or expenditures by individuals who are legally

present in the US, even if those individuals are not legal permanent residents. As a result, certain foreign nationals who are legally present in the US—including people in the US temporarily on work and student visas, and certain refugees and asylees—are not prohibited by *state law* from making campaign contributions or expenditures in connection with candidate elections, even though such contributions and expenditures are prohibited under *federal law*. Relatedly, state law does not restrict those individuals from making contributions or expenditures in connection with ballot measure elections.

California voters passed an initiative, Proposition 9, in 1974 that created the Fair Political Practices Commission (FPPC) and codified significant restrictions and prohibitions on candidates, officeholders, and lobbyists. That initiative is commonly known as the Political Reform Act (PRA). Amendments to the PRA that are not submitted to the voters, such as those contained in this bill, must further the purposes of the initiative and require a two-thirds vote of both houses of the Legislature.

Please see the policy committee analysis for a full discussion of this bill.

According to the Author

"Under current law, there are no restrictions prohibiting foreign nationals from making monetary contributions or expenditures to support or oppose ballot measures in California. Because the definition of 'foreign principal' in state law is based on the location of the individual (outside the United States), state law would permit a foreign national to enter the country and make a contribution, expenditure, or independent expenditure in connection with a ballot measure, even though that person would be prohibited from making the contribution or expenditure if they were located outside of the United States. AB 953 closes this critical gap by prohibiting foreign nationals from making contributions or expenditures related to state and local ballot measures, regardless of their physical location."

Arguments in Support

The sponsor of this bill, the FPPC, writes in support, "Now more than ever, our democracy is facing significant challenges, including threats from foreign influence in our elections, undermining the ability to govern ourselves and make independent decisions. Under current law, there is no prohibition on foreign nationals making monetary contributions or expenditures to support or oppose ballot measures in California... AB 953 would close this gap in state law to prohibit a foreign national from making a contribution, expenditure, or independent expenditure in connection with a state or local ballot measure, consistent with state and federal law that prohibits foreign nationals from making contributions or expenditures in connection with candidates. The bill would make an appropriate exemption to this prohibition for a person granted deferred action under the federal Deferred Action for Childhood Arrivals (DACA) program."

Arguments in Opposition

None received.

FISCAL COMMENTS

According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

VOTES:**ASM ELECTIONS: 7-0-0**

YES: Pellerin, Macedo, Bennett, Berman, Solache, Stefani, Lackey

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Sanchez, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache, Ta, Tangipa

ASSEMBLY FLOOR: 71-0-8

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Calderon, Caloza, Carrillo, Castillo, Connolly, Davies, DeMaio, Dixon, Elhawary, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wilson, Zbur, Rivas

ABS, ABST OR NV: Bryan, Chen, Ellis, Nguyen, Sanchez, Schultz, Sharp-Collins, Wicks

UPDATED

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