



June 8, 2022

The Honorable Michael Kebede  
Chair, Portland Charter Commission

The Honorable Shay Stewart-Bouley  
Vice Chair, Portland Charter Commission

Dear Chair Kebede, Vice Chair Stewart-Bouley, and Commissioners,

The Campaign Legal Center (“CLC”) respectfully urges the Charter Commission to support Commissioner Buxton’s Clean Elections Amendment, which would protect Portland elections from foreign influence. We have conferred with John Brautigam and Maine Citizens for Clean Elections, who brought this to our attention. CLC is a nonpartisan, nonprofit organization dedicated to protecting and strengthening democracy across all levels of government. Since the organization’s founding in 2002, CLC has participated in every major campaign finance case before the U.S. Supreme Court, as well as in numerous other federal and state court cases. Our work promotes every American’s right to participate in the democratic process.

The Clean Elections Amendment is consistent with well-established precedent that governments may adopt laws securing the right of Americans to democratic self-government.<sup>1</sup> Despite a federal ban on foreign interference that applies to federal, state, and local elections, federal law has significant loopholes that can be exploited by foreign interests, which the Clean Elections Amendment would address. Following *Citizens United v. FEC*, 558 U.S. 310 (2010), federal law has failed to stop corporations with substantial foreign influence from spending in our elections. Federal law has also been interpreted to allow foreign money in local ballot measure campaigns. Plugging these loopholes will ensure that Portland’s system of government continues to be of, by, and for the people.

CLC recommends two modest changes to strengthen the Clean Elections Amendment by ensuring any new ordinance applies both to candidate elections and

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<sup>1</sup> *Bluman v. FEC*, 800 F. Supp. 2d 281 (D.D.C. 2011) (three-judge court) (Kavanaugh, J.), *aff’d mem.*, 565 U.S. 1104 (2012).

to individual foreign nationals. First, banning spending by foreign nationals in candidate elections would ensure that entities with substantial foreign ownership that are not covered by the federal prohibition against foreign interference,<sup>2</sup> would be prohibited from spending money to influence any Portland election.<sup>3</sup>

Second, in addition to entities, natural persons who are foreign nationals should be prohibited from spending money to influence elections. This amendment would ensure that the ban on foreign money in Portland elections is comprehensive, barring spending by individual foreign nationals as well as foreign governments and entities with substantial foreign ownership.

To ensure the City Council has a comprehensive mandate to protect Portland elections from foreign influence, we recommend amending the first sentence of the proposal to read as follows:

*“The Council shall by ordinance enact a prohibition on giving or spending money to influence ballot questions and candidate nominations and elections by any foreign national and any entity that is substantially under foreign influence, including any entity owned by a foreign government and any entity with substantial foreign ownership.”*

The reference to giving or spending money makes clear that individuals remain free to engage in volunteer activity for any campaign. We have conferred with Mr. Brautigam who also supports these changes to the proposal.

We respectfully urge the Commission to support the proposal. We appreciate the opportunity to submit this statement in support of this important measure, and would be happy to speak with you or the full Commission at any time.

Respectfully submitted,

/s/  
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<sup>2</sup> 52 U.S.C. § 30121.

<sup>3</sup> The proposed federal Foreign Political Influence Elimination Act of 2021, for example, would ban corporations with substantial foreign ownership from spending in both candidate and ballot question elections. H.R. 4847, 117th Cong., §§101-103 (2021). Similarly, Seattle, Washington, also prohibits “foreign-influenced corporations” from spending in candidate elections. Seattle, Washington Municipal Code §§ 2.04.370 and 2.04.400.