



## AB 83 Talking Points

- 1) US Election code says there should be zero foreign money in US Elections. AB 83 will bring California into compliance with US law. <https://www.law.cornell.edu/uscode/text/52/30121>
- 2) In 2021 the California Legislature passed AB 319  
[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB319](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB319)

Every legislator in the Capitol voted “aye” to prohibit foreign governments, foreign corporations, and foreign nationals from participating in CA elections. (There were two NVs, one in each chamber)

a) You may be asked “didn’t we do this a couple of years ago?”

The answer is yes, but because the Citizens United loophole was not closed all three of those types of entities can still participate in CA elections through investments in US corporations. These “indirect contributions” are prohibited under US Election code

- 3) You may be asked: “Aren’t these thresholds of 1% single foreign shareholder and 5% aggregate foreign ownership too low?”  
The answer is again, no. The SEC and the Business Roundtable agree that these are the levels at which “influence” happens. The Assembly Elections Committee analyst were originally skeptical of these thresholds but wrote in their analysis of the bill: *“In their arguments supporting these thresholds, proponents of this bill point to testimony from corporate governance experts that makes a persuasive case that 1% ownership of a corporation confers substantial influence over corporate governance.”*  
( See Professor John Coates submitted testimony  
[https://assets.nationbuilder.com/yesonca59com/pages/2951/attachments/original/1651174317/Coates\\_California\\_AB1819\\_written\\_testimony\\_20220419.pdf?1651174317](https://assets.nationbuilder.com/yesonca59com/pages/2951/attachments/original/1651174317/Coates_California_AB1819_written_testimony_20220419.pdf?1651174317))

- 4) You may be asked: “Isn’t this unconstitutional?”  
The answer is we do not believe it is. No court has adjudicated this question, but consistent precedent, as recently as 2012 in *Bluman v FEC*, in an opinion written by Brett Kavanaugh, the court found that “the United States has a compelling interest for purposes of First Amendment analysis in limiting the participation of foreign citizens in activities of American democratic self-government, and in thereby preventing foreign influence over the U.S. political process.”  
Notably, Seattle has not been sued in the three years since the law went into effect, though suits were threatened.

(See Professor Laurence Tribe's submitted testimony

[https://assets.nationbuilder.com/yesonca59com/pages/2951/attachments/original/1651174317/Tribe\\_Letter\\_re\\_AB1819.pdf?1651174317](https://assets.nationbuilder.com/yesonca59com/pages/2951/attachments/original/1651174317/Tribe_Letter_re_AB1819.pdf?1651174317))

- 5) If you voted "aye" on AB 319, voting "aye" on AB 83 will finish the job of protecting California from foreign influence in our elections. Rep Jamie Raskin's bill *HR 6283, the Get Foreign Money Out of US Elections Act* combines last year's AB 319 with this year's AB 83.

(See Rep. Raskin's letter to the SEC about his bill

[https://assets.nationbuilder.com/yesonca59com/pages/2951/attachments/original/1652891972/HR\\_6283 - Letter to SEC %28Rep. Raskin%29.pdf?1652891972](https://assets.nationbuilder.com/yesonca59com/pages/2951/attachments/original/1652891972/HR_6283_-_Letter_to_SEC_%28Rep._Raskin%29.pdf?1652891972))