

5 LOOPHOLES THAT ALLOW FOREIGN INTERFERENCE IN OUR ELECTIONS



A PROJECT OF ISSUE ONE

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Foreign interference in our political system is a national emergency. While non-state actors and foreign governments are supposedly banned from interfering in U.S. elections, they are exploiting glaring weaknesses in our current laws. So far, Congress has failed to address these gaps and loopholes, and without further action, American elections will remain at risk. To prevent foreign interference in our elections, the House and Senate should pass the [bipartisan election security bills](#) supported by Issue One's ["Don't Mess With US" project](#).

FOREIGNERS CAN:

1. HACK OUR ELECTION SYSTEMS



2. PURCHASE DIGITAL ADS TO INFLUENCE ELECTIONS



3. PUMP MONEY INTO POLITICAL COMMITTEES THROUGH OPAQUE GROUPS



4. DIRECT U.S. SUBSIDIARIES OF THEIR COMPANIES TO CONTRIBUTE TO CANDIDATES AND POLITICAL COMMITTEES



5. HIRE UNREGISTERED LOBBYISTS TO WORK ON THEIR BEHALF



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1. Foreigners can hack our election systems

Our election infrastructure is vulnerable and has been penetrated by foreign actors. During the 2016 election cycle, Russian-affiliated hackers attempted to access election systems in [all 50 states](#). These attacks revealed a weakness in the federal support of elections, which are run on the state and local levels: The Department of Homeland Security and the FBI [warned](#) states of cyber security threats to their election systems, but the warnings “did not provide enough information or go to the right people” and “provided no clear reason for states to take this threat more seriously than any other alert received,” according to a bipartisan report from the [Senate Intelligence Committee](#). Congress can, and should, provide more resources and training to state and local governments to administer elections.

Solution: [The Secure Elections Act and the DETER Act](#)

2. Foreigners can purchase digital ads to influence elections

Russia, Iran, and others are using hidden disinformation campaigns on the largest social media platforms to divide Americans and spread propaganda. In recent years, accounts peddling disinformation from foreign sources on Facebook, Google, and Twitter have been seen by millions of Americans – including at least [126 million Facebook users](#) since June 2015. Facebook ads paid for by Russian agents alone reached an estimated 11.4 million Americans between 2015 and 2017. Recently, social media companies have begun to police activity on their platforms in order to stop the spread of disinformation. Facebook, for example, removes at least [1 million](#) accounts per day. And Twitter has removed at least [14,000](#) accounts tied to foreign influence operations by Iran, Russia, Venezuela, and others since October 2018. The social media giants also voluntarily developed databases of political ads on their platforms to boost online transparency. But these databases are plagued with problems, do not capture every ad, and do not detail the same information. The bottom line is that the companies’ efforts to stop foreign disinformation campaigns are nowhere near enough. As the director of the Department of Homeland Security’s Cybersecurity and Infrastructure Security Agency recently [said](#), “I know what [our foreign adversaries] did in ‘16. I know what they tried to do in ‘18. What will they do in 2020? That’s what keeps me up at night.” Without new laws designed to prevent foreign influence on social media platforms, there is no guarantee that it won’t happen again.

Solution: [The Honest Ads Act and the DETER Act](#)

“Every single NATO country has had election interference from the Russians. Every single one. If we ignore that, it’s to our peril.”

-Sen. James Lankford (R-OK)



3. Foreigners can pump money into political committees through opaque groups

Current disclosure laws are too weak to know if foreigners are violating federal law by giving to politically active groups. Our broken campaign finance system allows donors who wish to remain anonymous – including foreign ones – to use limited liability companies (LLCs) as vehicles to contribute to political groups, including super PACs, which can accept unlimited amounts of money. Foreigners may also be contributing to dark money groups, which are not required to disclose their donors and can use up to half of their funds for political purposes. We know violations of federal law have happened before and will likely continue to happen until new transparency rules are implemented. For instance, the Justice Department recently charged Malaysian financier Low Taek Jho for allegedly [funneling](#) about \$2 million in 2012 to [LLCs](#) affiliated with rapper Pras Michel of the Fugees, who, in turn, allegedly funneled those funds, sometimes with the help of straw donors, to both a super PAC and a joint fundraising committee that supported the re-election of President Barack Obama.

Solution: [The Shell Company Abuse Act and the DETER Act](#)

4. Foreigners can direct U.S. subsidiaries of foreign-owned companies to contribute to candidates and political committees

To comply with the [decades-old ban](#) on foreign spending in U.S. elections, U.S.-based subsidiaries of foreign-owned companies are supposed to ensure that no foreign nationals participate in the decision-making process when deciding if they want to play politics. But that rule is not always followed. For example, the Federal Election Commission [recently found](#) that Neil Bush, a member of the board of the California-based, Chinese-owned investment holding company American Pacific International Capital (APIC), asked the Chinese nationals who controlled APIC, as well as the American who controlled its U.S. operations, if the company could contribute to Right to Rise USA, the super PAC that supported his brother Jeb Bush's 2016 presidential campaign. An FEC complaint – which led to nearly \$1 million in fines – was brought against APIC and Right to Rise USA by the [Campaign Legal Center](#) after an [investigation by The Intercept](#) in August 2016 detailed how APIC's Chinese board chairman authorized the company's \$1.3 million in super PAC contributions to Right to Rise USA.

Solution: [Stronger enforcement by the Federal Election Commission](#)

“I urge Congress to come together and decisively protect our elections and the American people for years to come against foreign adversaries that are determined to tear us down and divide us in order to build themselves up.”

-Sen. Marco Rubio (R-FL)



“Foreign interference in U.S. elections – whether Russia in the 2016 presidential election or another rogue actor in the future – poses a direct threat to our democracy.”

-Sen. Lindsey Graham (R-SC)



5. Foreigners can hire unregistered lobbyists to work on their behalf

Lobbyists representing foreign clients are required to file reports under the Foreign Agents Registration Act (FARA), which Congress passed in the 1930s to combat Nazi propaganda. However, there are huge loopholes in FARA, and for decades, the law was [rarely enforced](#). In recent years, there have been some high-profile cases brought against people who violated FARA by failing to register and file the necessary disclosures. [Greg Craig](#), the former White House counsel for President Barack Obama, and [Paul Manafort](#), the former chairman of President Donald Trump's 2016 campaign, were recently charged with violations related to FARA. These charges arose out of special counsel Robert Mueller's investigation into the 2016 election. Manafort was accused of – and pleaded guilty to – failing to register under FARA while working as a political consultant for Ukrainian President Viktor Yanukovich. Craig was accused of – but found not guilty of – lying to federal investigators who were probing whether he and his law firm violated FARA for work done for Yanukovich's Justice Ministry. It has been a long-standing practice in Washington, D.C., to collect millions of dollars from foreign governments and entities while evading lobbying registration requirements due to weak laws and inadequate enforcement. In the aftermath of Craig's acquittal, there have been increased calls to strengthen and clarify FARA rules.

Solution: [The Foreign Agents Disclosure and Registration Enhancement Act](#)

“Effective federal, state, and local election infrastructure must be in place to detect, deter, prevent, investigate, and punish foreign adversaries for seeking to peddle influence in U.S. elections.”

-Sen. Chuck Grassley (R-IA)



Issue One is the leading cross-partisan political reform group in Washington. We unite Republicans, Democrats, and independents in the movement to fix our broken political system.

Don't Mess With US, a project of Issue One, is working to stop foreign interference in our elections.

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