STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Resolution and Order to Accept Public Comment

It is hereby resolved and ordered that the State Elections Enforcement Commission, at its March18th, 2026 meeting, voted to open a public comment period with regard to the draft Petition for a Declaratory Ruling filed by Attorney Jeffrey Zyjeski of Gaffney, Bennet & Associates (the "Petitioner"). Any comments from any member of the public will be accepted by the Commission up until 5:00 p.m. on March 25th, 2026, for consideration by the Commission before taking any action pursuant to Connecticut Agency Regulations § 9-7b-65 (c).

Comments should be submitted to:

State Elections Enforcement Commission
Legal Compliance Unit
8 th Floor
55 Farmington Avenue
Hartford, CT 06105

Or by email to:
seec.compliance@ct.gov

With subject heading: "Comment on Petition for Declaratory Ruling 2026-01."

Link: https://seec.ct.gov/Portal/data/pdf/DeclaratoryRuling202601.pdf

Dated: March 18, 2026

Proposed Declaratory Ruling 2026-01
Concerning the Application of Public Act 24-28
to Personal Campaign Contributions by In-House Lobbyists
of U.S. Subsidiaries of Foreign Corporations

DRAFT

On October 29, 2025, the Commission received a Petition for Declaratory Ruling filed by Attorney Jeffrey Zyjeski of Gaffney, Bennett & Associates (the "Petitioner"). At its regular meeting on October 30, 2025, the Commission voted to issue notice and set forth proceedings in response to this petition pursuant to Connecticut General Statutes § 4-176 (e).[1]

The Petition requests that the Commission address the following question:

> Does a United States (U.S.) citizen and Connecticut resident, employed as a registered in-house lobbyist by a U.S. corporation wholly owned by a foreign parent corporation, qualify as an "agent of a foreign principal" under Public Act 24-28 solely because of the parent's foreign ownership and are they thus prohibited from making personal campaign contributions in Connecticut?

SUMMARY

For the reasons set forth below, the Commission concludes that, based on the facts presented, an in-house lobbyist who is a U.S. citizen and Connecticut resident, employed by a U.S. corporation wholly owned by a foreign parent corporation, is not an "agent of a foreign principal" under Public Act 24-28 absent evidence that the individual's lobbying or political activities are conducted at the order, request, direction, or control of the foreign parent corporation.

[1] At its regular meeting on October 30, 2025, the Commission opened a comment period ending December 10, 2025 at 5:00 p.m. No comments were received. On December 17, 2025 the Commission directed staff to draft this Proposed Declaratory Ruling 2025-01 for consideration by the Commission.

BACKGROUND

Public Act 24-28 was enacted to address foreign influence in Connecticut elections and is now codified as General Statutes §§ 9-622 (17) and (18), 9-601 (33) through (38). General Statutes § 9-622 (17) and (18) prohibit contributions from "foreign nationals."

General Statutes § 9-601 (33) defines "foreign national" to include:

(A) A foreign principal and **any agent** or separate segregated fund **of a foreign principal**;

(B) An individual who is *not* (i) a citizen of the United States, (ii) a national of the United States, or (iii) lawfully admitted for permanent residence; or

(C) A firm, partnership, corporation, association, organization or other entity:

(i) With respect to which a foreign owner or a person described in subparagraph (A) or (B) of this subdivision holds, owns, controls or otherwise has a direct or indirect beneficial ownership of at least five per cent of such entity's total equity or outstanding voting shares;

(ii) With respect to which two or more, in combination, foreign owners or persons described in subparagraph (A) or (B) of this subdivision hold, own, control or otherwise have a direct or indirect beneficial ownership of at least twenty per cent of such entity's total equity or outstanding voting shares, excluding interests held in a widely held, diversified fund;

(iii) With respect to which a foreign owner or individual described in subparagraph (A) or (B) of this subdivision, as applicable, of this subdivision participates directly or indirectly in decisions to engage in any activity subject to the provisions of chapter 155 or 157;

(Emphasis added.)

The restrictions of Public Act 24-28 apply to both the parent corporation and its U.S. subsidiary because both qualify as foreign nationals under General Statutes § 9-622 (33) (C). The lobbyist, however, is a U.S. citizen and not a foreign national and is therefore subject to the additional restrictions of Public Act 24-28 only if they are covered as an "agent of a foreign principal".

The Petitioner represents the following facts:

- The U.S. subsidiary is incorporated under U.S. law.
- Its headquarters, management, and operational control are located in the United States.
- The lobbying agenda is established domestically by U.S. management.

- U.S. employees are compensated and supervised by U.S. management.
- The subsidiary files lobbying disclosures under the federal Lobbying Disclosure Act of 1995 (LDA), not under the Foreign Agents Registration Act (FARA).
- Day-to-day lobbying direction does not flow from the foreign parent.

The individual at issue is a U.S. citizen and Connecticut resident employed as a registered in-house lobbyist of the U.S. subsidiary.

ANALYSIS

U.S. campaign finance law prohibits foreign nationals from directly or indirectly making contributions or expenditures in connection with federal, state, or local elections.[2] These restrictions serve the governmental interest of "preventing foreign influence over the U.S. political process."[3] Individuals who are U.S. citizens or lawfully admitted for permanent residence to the United States are not foreign nationals and are generally not prohibited from making contributions or soliciting such funds from other U.S. citizens, regardless of residence.[4]

Public Act 24-28 incorporates a similar framework into Connecticut law. However, the Act distinguishes between different categories of foreign nationals, and those distinctions are central to the analysis. In particular, the Act separately addresses foreign principals and their agents; non-citizens and individuals without lawful permanent residence; and foreign-influenced entities. Only the first category extends to *agents*.[5] Nothing in the text of the Act or its legislative history indicates an intent to restrict the political rights of U.S. citizens solely because they are employed by a U.S.-incorporated employer that is foreign-owned, unless they are *agents of the foreign principal.* [6]

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[2] 52 U.S.C.S § 30121. See also 2 U.S.C.S. § 431.

[3] *Bluman v. FEC*, 800 F. Supp. 2d 281, 288 (D.D.C. 2011), aff'd, 565 U.S. 1104 (2012).

[4] General Statutes § 9-601 (33) (B); See 52 U.S.C.S. § 30121 (b) (providing that "foreign national" does not include "any individual who is a citizen of the United States"); Federal Election Comm'n, "Advisory Opinions: AO 1989-32" (Jul. 2, 1990) (According to 2 U.S.C. 441e(b), the term "foreign national" includes an individual who is not a U.S. citizen or lawfully admitted for permanent residence under 8 U.S.C. 1101(a)(20); the term also includes a "foreign principal" a defined in 22 U.S.C. 611(b), as long as that foreign principal is not a U.S. citizen); Federal Election Comm'n, "AO 2016-10: US citizen residing abroad may solicit contributions to state and local party committees" (Oct. 4, 2016) ("These provisions do not prohibit U.S. citizens from making contributions or donations or from soliciting such funds from other U.S. citizens, regardless of residence").

[5] General Statutes § 9-601 (33).

[6] Individuals who are U.S. citizens or lawfully admitted for permanent residence to the United States are not foreign nationals and are generally not prohibited from making contributions or soliciting such funds from other U.S. citizens, regardless of residence. General Statutes § 9-601 (33) (B); See 52 U.S.C.S. § 30121 (b) (providing that "foreign national" does not include "any individual who is a citizen of the United States"); See also Federal Election Comm'n, "Advisory Opinions: AO 1989-32" (Jul. 2, 1990) (According to 2 U.S.C. 441e(b), the term "foreign national" includes an individual who is not a U.S. citizen or lawfully admitted for permanent residence under 8 U.S.C. 1101(a)(20); the term also includes a "foreign principal" a defined in 22 U.S.C. 611 (b), as long as that foreign principal is not a U.S. citizen); 52 U.S.C. § 30121(b)

A. Agents of Foreign Principals

General Statutes § 9-601 (34) instructs that "foreign principal" is to have the same meaning as provided in in 22 U.S.C. § 611 (b) of the Foreign Agents Registration Act (FARA), 22 U.S.C. § 611 *et seq.*

Under FARA, subsection (b) of § 611 defines "foreign principal" to include:

(1) a foreign government and a foreign political party;
(2) a person outside the United States unless it is established that such person is an individual and a citizen of and domiciled within the United States, or that such person is not an individual and is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States and has its principal place of business within the United States; and
(3) a partnership, association, corporation, organization, or other combination of persons organized under foreign laws or having its principal place of business in a foreign country.

To fully determine the meaning of foreign principle within the application of FARA, the Commission must look not only to the definition of that single term but also how it interacts with other provisions and regulations of the FARA statutory scheme.

For example, under 22 U.S.C. § 611 (c), an "agent of a foreign principal" means:

> (1) any person who acts as an agent, representative, employee, or servant, or any person who acts in any other capacity at the order, request, or under the direction or control, of a foreign principal or of a person any of whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by a foreign principal and who directly or through any other person—
> (i) engages within the United States in political activities for or in the interests of such foreign principal;
> (ii) acts within the United States as a public relations counsel, publicity agent, information-service employee or political consultant for or in the interests of such foreign principal;
> (iii) within the United States solicits, collects, disburses, or dispenses contributions, loans, money, or other things of value for or in the interest of such foreign principal; or
> (iv) within the United States represents the interests of such foreign principal before any agency or official of the Government of the United States; and

(providing that "foreign national" does not include "any individual who is a citizen of the United States"); Federal Election Comm'n, "AO 2016-10: US citizen residing abroad may solicit contributions to state and local party committees" (Oct. 4, 2016) ("These provisions do not prohibit U.S. citizens from making contributions or donations or from soliciting such funds from other U.S. citizens, regardless of residence").

> (2) any person who agrees, consents, assumes or purports to act as, or who is or holds himself out to be, whether or not pursuant to contractual relationship, an agent of a foreign principal as defined in clause (1) of his subsection.[7]

(*Emphasis added.*)

The scope of agency under FARA thus involves a two-part inquiry that considers both (A) the relationship between the purported agent and the foreign principal and (B) the activities the agent performs in the interests of that principal.

As used in the first part of the agency test, the term "control" or any of its variants shall be deemed to include the possession or the exercise of the power, directly or indirectly, to determine the policies or the activities of a person, whether through the ownership of voting rights, by contract, or otherwise. 28 C.F.R. § 5.100 (b).[8]

FARA also contains a series of exemptions for fact patterns that result in there being no application of the FARA registration requirements to agents. These include an exemption for agents who engage only in private and non-political activities or who register under the Lobbying Disclosure Act of 1995.[9]

In order to determine the restrictions applied to a foreign principal and its agents under General Statutes § 9-601 (33) in concert with the meaning given in FARA to the foreign

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[7] 22 U.S.C.S. 611 (d) further defines an agent of a foreign principal with respect to the media.

[8] The Dept. of Justice also considers relevant factors including whether those requested to act were identified with specificity by the principal; the specificity of the action requested; whether the request is compensated or coerced; whether the political activities align with the person's own interests; whether the position advocated aligns with the person's subjective viewpoint; and the nature of the relationship between the person and the foreign principal. See Dept. of Justice, FARA UNIT, "The Scope of Agency Under FARA" (May 2020) *available at* https://www.justice.gov/nsd-fara/page/file/1279836/dl.

[9] 22 U.S.C.S. § 613, entitled, Exemptions, provides:

The requirements of section 612 (a) of this title shall not apply to the following agents of foreign principals:

...

(d) Private and nonpolitical activities; solicitation of funds

Any person engaging or agreeing to engage only (1) in private and nonpolitical activities in furtherance of the bona fide trade or commerce of such foreign principal; or (2) in other activities not serving predominantly a foreign interest; or (3) in the soliciting or collecting of funds and contributions within the United States to be used only for medical aid and assistance, or for food and clothing to relieve human suffering, if such solicitation or collection of funds and contributions is in accordance with and subject to the provisions of subchapter II of chapter 9 of this title, and such rules and regulations as may be prescribed thereunder;

...

(h) Agents of foreign principals Any agent of a person described in section 611 (b) (2) of this title or an entity described in section 611 (b) (3) of this title if the agent has engaged in lobbying activities and has registered under the Lobbying Disclosure Act of 1995 [2 U.S.C. 1601 et seq.] in connection with the agent's representation of such person or entity.

principal definition and resulting restrictions, the Commission will look to the FARA provisions, regulations and the interpretation of the Department of Justice.

B. Application to the Employee

If the U.S. subsidiary is acting as an agent of the foreign principal, the subsidiary's in-house lobbyist could be considered an agent (once-removed) of the foreign principal since the in-house lobbyist acts as an agent of his employer.

Based on the facts presented by the Petitioner:

- The subsidiary is incorporated under U.S. law;
- It maintains its principal place of business in the United States;
- It supervises and compensates employees domestically.
- It establishes its lobbying agenda domestically;
- Day-to-day lobbying direction does not flow from the foreign parent; and
- It files lobbying disclosures under the Lobbying Disclosure Act (LDA).

Under FARA, an agency relationship requires that a person (1) act at the order, request, or under the direction or control, of a foreign principal or of a person any of whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by a foreign principal and (2) directly or through any other person engage in the four types of listed activities for or in the interests of such foreign principal. A corporate ownership relationship alone thus does not establish such an agency relationship.[10]

Here, the Petitioner represents that the U.S. subsidiary operated independently in its domestic affairs: "The U.S. subsidiary maintains its own local management . . . and compensates and supervises its employees domestically. . . The U.S. subsidiary maintains its domestic affairs independently."

The Petitioner also represents that the lobbying activities of the U.S. subsidiary are in the interests of the subsidiary rather than the parent establishes its lobbying agenda domestically and day-to-day lobbying direction does not flow from the foreign parent.

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[10] See Dept. of Justice, FARA UNIT, "The Scope of Agency Under FARA" (May 2020) *available at* https://www.justice.gov/nsd-fara/page/file/1279836/dl; U.S. Dept. of Justice, National Security Division, "Re: Request for Advisory Opinion Pursuant to 28 C.F.R. § 5.2" (Jul. 5, 2023) *available at* https://www.justice.gov/nsd-fara/media/1316356/dl?inline; U.S. Dept. of Justice, National Security Division, "Re: Request for Advisory Opinion Pursuant to 28 C.F.R. § 5.2" (Oct. 31, 2023) *available at* https://www.justice.gov/nsd-fara/media/1355081/dl?inline; U.S. Dept. of Justice, National Security Division, "Re: Request for Advisory Opinion Pursuant to 28 C.F.R. § 5.2" (May 19, 2023) available at https://www.justice.gov/nsd-fara/media/1316336/dl?inline.

Accordingly, although the foreign parent corporation qualifies as a foreign principal under FARA there is nothing in the facts presented that indicates that the subsidiary falls within the definition of an agent of a foreign principal under FARA.[11]

If the U.S. subsidiary itself is not an agent of the foreign principal, the employee acting as an agent of the U.S. subsidiary in their capacity as an in-house lobbyist would not be an agent by virtue of his employment.

If the U.S. subsidiary is not an agent, the remaining question is whether the employee is independently acting as an agent of the foreign principal. Under FARA, agency requires that political activities be undertaken at the direction, request, or control of the foreign principal. The statute therefore requires more than participation in lobbying or public affairs activities on behalf of a domestic subsidiary; it requires that those activities be conducted on behalf of the foreign principal itself. The facts presented as discussed above do not indicate that the individual's lobbying or political activities are directed, requested, or controlled by the foreign parent corporation.

We note, however, that the DOJ's analysis of agency under FARA has multiple factors, such as whether the foreign parent has made requests for political activities, and those factors are not fully addressed in the facts as presented. Even should such facts exist establishing agency to a foreign principal, however, the FARA restrictions would not apply based upon that agency due to the registration with LDC. Under FARA, this fact means the FARA requirements would not apply. Thus, interpreting the restrictions arising out of the foreign principal provisions in Connecticut law in light of the meaning of similar terms under FARA, the Petitioner would have no additional restrictions.

CONCLUSION

Based on the statutory language of Public Act 24-28, the federal law incorporated through FARA, and the particular facts presented by the Petitioner, the Commission concludes that an in-house lobbyist who is a U.S. citizen and Connecticut resident is not an "agent of a foreign principal" solely because the employer is a domestic subsidiary of a foreign principal.

Absent indication that the petitioner's lobbying or political activities, or that of the U.S. subsidiary for whom they lobby, are directed or requested or controlled by the foreign

[11] U.S. Dep. of Justice, National Security Division, "Re: [U.S. firm] re [foreign corporation] Request for Advisory Opinion Pursuant to 28 C.F.R. § 5" (Mar. 26, 2021) *available at* https://www.justice.gov/nsd-fara/page/file/1395166/dl?inline=; U.S. Dept. of Justice, National Security Division, "Re: Request for an Advisory Opinion Pursuant to 28 C.F.R. § 5.2" (Oct. 11, 2022) *available at* https://www.justice.gov/nsd-fara/media/1266171/dl?inline=.

parent corporation, the petitioner does not fall within the statutory prohibition applicable to agents of a foreign principal.

Accordingly, such individuals may make personal political contributions in Connecticut elections, provided that:

- Their lobbying or political activities are not directed or controlled by the foreign parent;
- They are using their own personal funds and are not reimbursed by the employer; and
- All other applicable state lobbying and campaign finance restrictions are satisfied.

The Commission emphasizes that this determination is based solely on the facts represented in the Petition and is fact-specific. This analysis may change depending upon additional facts and circumstances including, but not limited to, internal governance structure, who has directed or requested lobbying strategy, whether the foreign parent participates in political decision-making, whether the lobbying activity is conducted on behalf of the foreign parent corporation and registration status with the LDC. The Department of Justice has noted that a broad range of factors may inform whether a person qualifies as an agent of a foreign principal under FARA and analysis is a fact intensive exercise.[12] In analyzing any additional factors not presented in this request, petitioners are encouraged to look to the Department of Justice, as the agency charged with interpreting the language on which the Connecticut statute relies for the meaning of an agent of a foreign principal.

This constitutes a Declaratory Ruling pursuant to General Statutes § 4-176. A Declaratory Ruling has the same status and binding effect as an order issued in a contested case and shall be a final decision for purposes of appeal in accordance with the provisions of General Statutes § 4-183, pursuant to General Statutes § 4-176 (h). Notice has been given to all persons who have requested notice of Declaratory Rulings on this subject matter.

[12] Amending and Clarifying Foreign Agents Registration Act Regulations 90 Fed. Reg. 40 (Jan. 2, 2025) (to be codified at 28 C.F.R. pt 5).

Adopted this ____ day of _____, 2026 at Hartford, Connecticut by a vote of the Commission.

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Stephen T. Penny, Chairperson
By Order of the Commission