MEMORANDUM

To:
Connecticut State Elections Enforcement Commission
20 Trinity Street
Hartford, CT 06106

From:
Jeffrey Zyjeski
Gaffney, Bennett & Associates
One Liberty Square, Suite 201
New Britain, CT 06051

Date:
October 29, 2025

Re:
Request for Advisory Opinion — Applicability of Public Act 24-28 to Personal Campaign Contributions by In-House Lobbyists of U.S. Subsidiaries of Foreign Corporations

I. INTRODUCTION

Pursuant to Conn. Gen. Stat. § 4-176 and the Commission's authority to issue declaratory rulings and advisory opinions, we respectfully request guidance concerning the scope of Public Act 24-28 ("P.A. 24-28"). Specifically, we seek clarification as to whether Connecticut residents, who are United States citizens and are employed as in-house lobbyists by U.S. corporations wholly owned by foreign parent companies, may make personal contributions to Connecticut political campaigns.

Because P.A. 24-28 is new and no published Commission opinion yet addresses this circumstance, clarification would provide much-needed compliance certainty for Connecticut lobbyists and their employers.

II. FACTUAL BACKGROUND

This request is presented on behalf of a Connecticut-resident, U.S.-citizen in-house lobbyist whose employer is incorporated under U.S. law and maintains its principal place of business in the United States, but is wholly owned by a foreign parent corporation.

Key facts common to many global corporate structures:
- The U.S. subsidiary maintains its own local management, sets its U.S. lobbying agenda, and compensates and supervises its employees domestically.
- The subsidiary files lobbying disclosures under the Lobbying Disclosure Act of 1995

(LDA).
- Day-to-day lobbying direction does not flow from the foreign parent; the U.S. subsidiary manages its domestic affairs independently.

III. LEGAL BACKGROUND

1. Public Act 24-28.
P.A. 24-28 prohibits "foreign nationals" from making contributions or expenditures under Connecticut's campaign finance laws.

2. Definition of Foreign National.
The Act defines a foreign national to include "a foreign principal and any agent ... of a foreign principal."

3. Federal Incorporation.
P.A. 24-28 refers to the Foreign Agents Registration Act (FARA), 22 U.S.C. § 611(b), for the meaning of "foreign principal." Under FARA, an "agent of a foreign principal" is anyone acting "at the order, request, or under the direction or control" of a foreign principal in certain political or lobbying activities. DOJ guidance emphasizes direction and control, not mere ownership.

4. LDA Exemption Context.
Federal law allows many commercial lobbyists for foreign-owned U.S. companies to register under the LDA instead of FARA. A recent DOJ advisory opinion (Dec. 27 2023) confirmed that a U.S. consulting firm lobbying for a foreign private company could qualify for this LDA exemption, illustrating DOJ's view that domestic lobbying on behalf of commercial subsidiaries is distinct from foreign government influence.

IV. QUESTION PRESENTED

Does a U.S. citizen and Connecticut resident, employed as a registered in-house lobbyist by a U.S. corporation wholly owned by a foreign parent, qualify as an "agent of a foreign principal" under P.A. 24-28 solely because of the parent's foreign ownership — thereby being prohibited from making personal campaign contributions in Connecticut?

V. REQUEST

We respectfully ask the Commission to issue an advisory opinion or declaratory ruling clarifying whether such individuals are considered "foreign nationals" under P.A. 24-28.

Clear guidance will help Connecticut registrants and global companies comply with the new law and avoid inadvertent violations.

VI. SUPPORTING CONSIDERATIONS

- Federal Direction-and-Control Test. FARA and DOJ practice require more than mere ownership to establish an agency relationship with a foreign principal.
- Domestic Management & LDA Registration. Many U.S. subsidiaries of foreign companies conduct lobbying under the LDA, evidencing Congress's intent to treat such activity as domestic.
- Compliance Gap. Without Commission guidance, Connecticut lobbyists who are U.S. citizens but employed by foreign-owned subsidiaries face uncertainty about their personal contribution rights.

VII. CONTACT

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Footnotes:

1. Public Act 24-28, § 1(a) (2024).
2. Id. § 1(b).
3. Id. (referencing 22 U.S.C. § 611(b)).
4. 22 U.S.C. § 611(c).
5. 22 U.S.C. § 613(h) (LDA exemption).
6. DOJ FARA Unit, Advisory Opinion (Dec. 27 2023), available at https://www.justice.gov/nsd-fara/media/1355156/dl?inline.