

# Political Law Compliance and Investigations Update

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If you have any questions regarding the matters discussed in this memorandum, please contact the following attorneys or call your regular Skadden contact.

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## Federal District Court Blocks Part of Ohio's Foreign National Ban

As noted in our prior updates (see [here](#) and [here](#)), on June 2, 2024, Ohio Gov. Mike DeWine signed into law H.B. 1, which prohibits foreign nationals from making or being solicited for political contributions in connection with Ohio state and local elections. Notably, Ohio's law defines the term "foreign national" more broadly than does the foreign national ban under federal law by covering lawful permanent residents.

The enactment of Ohio's law raised several questions, including how the state would interpret the law to apply to federal political action committees (PACs) contributing in the state.

On August 31, 2024, Judge Michael Watson of the U.S. District Court for the Southern District of Ohio issued a preliminary injunction against the portion of Ohio's law that prohibits foreign national individuals from making or being solicited for Ohio contributions. The judge held that this part of the ban likely violated the First Amendment rights of lawful permanent residents.

While the judge held that the ban's application to other foreign national individuals likely was constitutional, he blocked enforcement of the portion of the law covering foreign national individuals in its entirety to avoid rewriting the law to carve out only lawful permanent residents. The law's prohibitions on foreign entities making or being solicited for Ohio contributions still stand and took effect on September 1, 2024. These prohibitions are broader than those under federal law, as they cover ballot measure spending in Ohio.

This order, at least for now, tables the question of whether and how the new law applies to federal PACs that solicit and accept contributions from lawful permanent residents and contribute in Ohio or to Ohio state PACs engaging in the same activity. However, Ohio Attorney General Dave Yost, whose office is defending the law, has appealed the order to the U.S. Court of Appeals for the Sixth Circuit. We will continue to monitor this litigation.

Please contact us with any questions.

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