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The United States Constitution

Article II, Section 1 of the U.S. Constitution imposes only three eligibility requirements on persons serving as president, based on the officeholder's age, time of residency in the U.S., and citizenship status:

U.S. Constitution – Presidential Candidate Eligibility

"No person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any person be eligible to that Office who shall not have attained to the Age of thirty-five Years, and been fourteen Years a Resident within the United States."

Legislation Proposal

THE AMERICAN ELECTORAL SOVEREIGNTY ACT

Draft Legislation | Cordova 2028 Policy Initiative

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IN THE CONGRESS OF THE UNITED STATES

A BILL

To protect the sovereignty of American federal elections from foreign-aligned influence operations, to enforce and strengthen the Foreign Agents Registration Act, to prohibit foreign-aligned entities from participating in American electoral financing, to close shell PAC and dark money loopholes exploited by foreign-aligned organizations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE



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This Act shall be known and may be cited as the "**American Electoral Sovereignty Act**" or "**AESA.**"

SECTION 2. FINDINGS AND PURPOSE

2.1 Findings

Congress finds and declares the following:

- (a) The integrity and independence of American federal elections is a matter of national security, essential to the functioning of constitutional self-governance and the sovereignty of the United States.
- (b) Foreign governments and foreign-aligned organizations have engaged in systematic, large-scale efforts to influence the composition of the United States Congress through direct and indirect campaign spending, creating a structural compromise of the legislative branch of the United States government.
- (c) The Foreign Agents Registration Act of 1938 (22 U.S.C. § 611 et seq.) was enacted precisely to ensure transparency and accountability for organizations acting in the political interests of foreign principals within the United States. Enforcement of FARA has been inadequate, inconsistent, and subject to political interference.
- (d) The proliferation of shell PAC and dark money structures has enabled foreign-aligned organizations to conceal the origin of electoral spending from American voters, constituting a deliberate deception operation against the American electorate.
- (e) When any organization — regardless of which foreign nation it represents — is permitted to spend hundreds of millions of dollars to determine the composition of the United States Congress, the representative function of that body is compromised and the national security of the United States is materially threatened.
- (f) The equal application of American law requires that foreign-aligned electoral interference be treated with uniform rigor regardless of the nation whose interests are being advanced.

2.2 Purpose



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The purpose of this Act is to:

- (a) Prohibit foreign-aligned organizations from directly or indirectly financing American federal elections;
- (b) Strengthen and mandate enforcement of the Foreign Agents Registration Act with respect to organizations engaged in electoral activity;
- (c) Eliminate the shell PAC and dark money structures used to conceal foreign-aligned electoral spending;
- (d) Establish criminal and civil penalties sufficient to deter foreign-aligned electoral interference;
- (e) Restore the independence of the United States Congress from foreign financial coercion; and
- (f) Reaffirm the principle that the United States Congress represents and is accountable exclusively to the American people.

SECTION 3. DEFINITIONS

For the purposes of this Act:

- (a) **"Foreign-Aligned Organization"** means any organization, committee, association, corporation, partnership, trust, or other entity that:
 - (i) Receives more than ten percent (10%) of its funding, directly or indirectly, from foreign nationals, foreign governments, or foreign principals as defined under 22 U.S.C. § 611; or
 - (ii) Has as a material or stated purpose the advancement of the political, military, diplomatic, or economic interests of a foreign government or foreign principal within the United States; or
 - (iii) Is required to register under the Foreign Agents Registration Act (22 U.S.C. § 611 et seq.) and has failed to do so; or
 - (iv) Has been determined by the Attorney General, following investigation, to be operating primarily in furtherance of a foreign government's interests within American political processes.



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(b) "**Electoral Spending**" means any expenditure, contribution, disbursement, donation, transfer, loan, or in-kind contribution made for the purpose of influencing, directly or indirectly, any federal election, including spending by political action committees, super PACs, 501(c)(4) organizations, 527 organizations, or any other vehicle.

(c) "**Shell PAC Structure**" means any arrangement by which funds are transferred through two or more political action committees, nonprofit organizations, or other intermediary entities for the purpose of obscuring the original source of electoral spending.

(d) "**Foreign Principal**" has the meaning given in 22 U.S.C. § 611(b).

(e) "**Covered Organization**" means any organization meeting the definition of Foreign-Aligned Organization under Section 3(a) of this Act.

SECTION 4. PROHIBITION ON FOREIGN-ALIGNED ELECTORAL SPENDING

4.1 General Prohibition

No Covered Organization shall, directly or indirectly:

(a) Make any contribution, donation, expenditure, or disbursement in connection with any federal election, primary election, or convention;

(b) Establish, fund, direct, or exercise effective control over any political action committee, super PAC, 501(c)(4) organization, 527 organization, or any other entity that makes electoral spending;

(c) Transfer funds to any intermediary entity with the knowledge or intent that such funds will be used, in whole or in part, for electoral spending;

(d) Coordinate with any federal candidate, political party, or campaign committee in connection with any federal election; or

(e) Purchase or finance any advertising, communications, or media placement that is designed, intended, or reasonably likely to influence the outcome of any federal election.



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4.2 Prohibition on Disguised Contributions

No person or entity shall, on behalf of a Covered Organization or in furtherance of the purposes of a Covered Organization:

- (a) Make any electoral spending contribution that is funded, in whole or in part, with funds provided by a Covered Organization;
- (b) Establish or operate a Shell PAC Structure for the purpose of concealing the origin of electoral spending;
- (c) Make any false statement or material omission to the Federal Election Commission, the Department of Justice, or any other federal agency regarding the source, amount, or purpose of electoral spending.

4.3 Prohibition on Coercive Electoral Conduct

No Covered Organization shall:

- (a) Threaten, announce, or imply the intention to make or withhold electoral spending as a means of coercing or influencing the official conduct, voting record, or public statements of any member of Congress or federal candidate; or
- (b) Operate any program, rating system, scorecard, or public communications campaign designed to punish elected officials for exercising independent judgment on matters of American foreign policy.

SECTION 5. STRENGTHENED FARA ENFORCEMENT

5.1 Mandatory Registration Review

- (a) Within ninety (90) days of enactment of this Act, the Attorney General shall conduct a comprehensive review of all organizations engaged in electoral spending in the United States to determine which organizations meet the threshold for registration under the Foreign Agents Registration Act.



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(b) The Attorney General shall publish the findings of this review and shall initiate registration proceedings against any organization determined to meet the FARA threshold.

(c) No political or diplomatic consideration shall delay, limit, or terminate enforcement proceedings initiated under this section.

5.2 No Exemptions for Electoral Activity

Notwithstanding any other provision of law or regulation, no exemption from FARA registration shall apply to any organization that engages in electoral spending as defined in Section 3(b) of this Act. The act of electoral spending shall independently constitute sufficient basis for FARA registration regardless of an organization's other activities.

5.3 Mandatory Disclosure of Electoral Spending by Registered Agents

Any organization registered under FARA that makes any electoral spending shall:

(a) File a supplemental disclosure with the Department of Justice within forty-eight (48) hours of any electoral expenditure exceeding \$1,000;

(b) Include in every paid political advertisement, mailer, digital communication, or broadcast a clear and conspicuous statement identifying the organization as a registered foreign agent; and

(c) Maintain complete and auditable records of all electoral spending for a period of not less than ten (10) years, subject to inspection by the Department of Justice and the Federal Election Commission.

SECTION 6. SHELL PAC PROHIBITION AND DARK MONEY TRANSPARENCY

6.1 Prohibition on Shell PAC Structures

(a) No person, organization, or entity shall establish or operate a Shell PAC Structure as defined in Section 3(c) of this Act.



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(b) Any transfer of funds between two or more political committees, nonprofit organizations, or other entities that is found to constitute a Shell PAC Structure shall be presumed to be an illegal contribution under this Act and the Federal Election Campaign Act (52 U.S.C. § 30101 et seq.) until demonstrated otherwise by clear and convincing evidence.

6.2 Mandatory Source Disclosure

(a) Any political action committee, super PAC, or 501(c)(4) organization making electoral spending in excess of \$10,000 shall disclose to the Federal Election Commission the original source of all funds used for such spending, tracing contributions to their ultimate human or organizational origin.

(b) The FEC shall make all such disclosures publicly available within twenty-four (24) hours of receipt.

(c) No organization may claim an exemption from source disclosure on the basis of donor privacy where such disclosure is required under this Act.

6.3 Advertising Attribution

Any electoral advertisement — whether broadcast, digital, print, direct mail, or any other medium — funded in whole or in part by a Covered Organization or through a Shell PAC Structure shall:

(a) Bear a clear and prominent disclosure identifying the true original source of funding; and

(b) Identify any foreign-aligned organization involved in funding the communication.

SECTION 7. PENALTIES

7.1 Criminal Penalties

(a) Any person who knowingly and willfully violates Section 4 of this Act shall be fined not more than \$1,000,000 or imprisoned for not more than ten (10) years, or both.



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(b) Any person who knowingly and willfully establishes or operates a Shell PAC Structure in violation of Section 6 of this Act shall be fined not more than \$2,000,000 or imprisoned for not more than fifteen (15) years, or both.

(c) Any officer, director, or senior executive of a Covered Organization who authorizes, directs, or participates in conduct prohibited by this Act shall be personally subject to criminal penalties under this section.

7.2 Civil Penalties

(a) Any organization that violates Section 4 of this Act shall be subject to a civil penalty of not less than three times the amount of the prohibited electoral spending.

(b) Any organization that violates the disclosure requirements of Section 6 of this Act shall be subject to a civil penalty of \$50,000 per day for each day of non-compliance.

(c) Civil penalties under this section shall be assessed by the Federal Election Commission and, where FARA violations are involved, by the Department of Justice.

7.3 Deregistration and Asset Forfeiture

(a) Any organization found to have violated this Act may be subject to deregistration and prohibition from operating within the United States.

(b) All funds used in violation of this Act shall be subject to forfeiture to the United States Treasury.

SECTION 8. ENFORCEMENT

8.1 Joint Enforcement Authority

This Act shall be jointly enforced by:

(a) The Department of Justice, with primary jurisdiction over FARA violations and criminal provisions;



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(b) The Federal Election Commission, with primary jurisdiction over civil electoral spending violations; and

(c) The Director of National Intelligence, who shall assess and report to Congress on any electoral spending that constitutes a national security threat under this Act.

8.2 Private Right of Action

Any American citizen who is harmed by electoral spending in violation of this Act shall have a private right of action in federal district court and shall be entitled to injunctive relief, actual damages, and attorneys' fees.

8.3 Congressional Reporting

The Attorney General shall submit to Congress, no later than March 1 of each year, a comprehensive report detailing:

- (a) All investigations initiated under this Act during the preceding year;
- (b) All enforcement actions taken;
- (c) All organizations identified as meeting the Covered Organization threshold; and
- (d) Any recommendations for legislative action to strengthen the enforcement of this Act.

SECTION 9. CONSTITUTIONAL CONSTRUCTION

9.1 First Amendment

Nothing in this Act shall be construed to restrict the free speech rights of American citizens or lawfully operating domestic organizations. The prohibitions of this Act apply exclusively to foreign-aligned organizations and the deceptive concealment of foreign-aligned electoral spending. Foreign governments and foreign principals do not possess First Amendment rights within the American political process.

9.2 Severability



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If any provision of this Act or its application to any person or circumstance is held invalid, the remainder of this Act and the application of its provisions to other persons or circumstances shall not be affected.

9.3 Supremacy

In the event of any conflict between this Act and any prior statute, regulation, or agency guidance, this Act shall control, except where a prior statute provides greater restriction on foreign electoral influence, in which case the more restrictive provision shall apply.

SECTION 10. EFFECTIVE DATE

This Act shall take effect one hundred and eighty (180) days after enactment, except that:

- (a) The mandatory FARA review under Section 5.1 shall commence within ninety (90) days of enactment; and
- (b) The criminal penalties under Section 7.1 shall apply to any conduct occurring on or after the date of enactment.

SECTION 11. AUTHORIZATION OF APPROPRIATIONS

There is authorized to be appropriated such sums as may be necessary to carry out this Act, including funds for:

- (a) The Department of Justice FARA Unit to hire no fewer than fifty (50) additional investigators and attorneys dedicated to enforcement of this Act;
- (b) The Federal Election Commission to build and maintain the public disclosure database required under Section 6.2; and
- (c) The Office of the Director of National Intelligence to assess and report on foreign electoral influence operations.



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Draft Legislation Prepared by the Cordova 2028 Presidential Campaign This draft is intended as a policy framework and starting point for formal legislative drafting by legal counsel and congressional staff. cordova2028.com | info@cordova2028.com