
AMERICANS FOR
PUBLIC
TRUST

PROPONENT WRITTEN TESTIMONY OF
AMERICANS FOR PUBLIC TRUST

BY

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BEFORE THE

KANSAS HOUSE COMMITTEE ON ELECTIONS
FOR A HEARING ON HOUSE BILL 2106

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Chairman Proctor, Vice Chair Waggoner, Ranking Minority Member Woodard, and Members of the Committee:

My name is Caitlin Sutherland, and I am the founding Executive Director of Americans for Public Trust, a nonprofit, nonpartisan organization that works to uncover and publicize outside money and influence in politics and policy, including tracing foreign dark money.

I thank you for the opportunity to testify in support of House Bill 2106, which prohibits foreign nationals from contributing to state ballot issue campaigns. HB 2106 is a vital and crucial step to ensure Kansas politics are free from foreign meddling.

Kansans should have every confidence that their elections are free from foreign interference and influence. But despite a federal ban on foreign nationals influencing elections, they can still exploit loopholes on the state and federal level that allow foreign money to flow into important policy fights and electoral tools. Currently, there is no federal or Kansas prohibition on foreign nationals contributing to organizations that spend on ballot measures.¹

Without these safeguards in place, how does this foreign money flow? A significant source of foreign cash is funneled into politics from a Swiss billionaire named Hansjörg Wyss, who is not a U.S. citizen, but whose goal is to “(re)interpret the American Constitution in the light of progressive politics.”² According to the *New York Times*, Mr. Wyss’ “political activism is channeled through a daisy chain of opaque organizations that mask the ultimate recipients of his money.”³

Mr. Wyss uses his two nonprofits – the Wyss Foundation, a 501(c)(3), and the Berger Action Fund (formerly called the Wyss Action Fund), a 501(c)(4) – to fund liberal groups across the nation. He has used these two nonprofit vehicles to pump over half a billion dollars into the U.S. political system.⁴ In his biography, Mr. Wyss’ sister also explicitly detailed his ability to “exert an influence on American domestic politics through his foundations.”⁵

Through a detailed accounting of publicly available records, APT has been able to trace that at least a quarter of a billion dollars of this foreign money has been funneled through a Washington, D.C.-based group called the Sixteen Thirty Fund.

Sixteen Thirty Fund, the “indisputable heavyweight of Democratic dark money” according to *The Atlantic*, receives this foreign money and then turns around and bankrolls political battles all across the country.⁶ Sixteen Thirty Fund, “a [clearinghouse] for the left” according to *Bloomberg*, backed efforts to elevate the Biden-Harris agenda, funded Supreme Court nomination fights, invested in massive voter turnout operations, and engaged in issue advocacy campaigns against vulnerable Republican senators and representatives.⁷

¹ 52 U.S.C. § 30121.

² Hedi Wyss, *Hansjörg Wyss – My Brother*, eFeF–Verlag Wettingen, Page #50, (2014).

³ Kenneth P. Vogel, “Swiss Billionaire Quietly Becomes Influential Force Among Democrats,” *The New York Times* (May 3, 2021), <https://www.nytimes.com/2021/05/03/us/politics/hansjorg-wyss-money-democrats.html>.

⁴ Hans Nichols and Stef W. Kight, “Scoop: GOP Plan Targets Foreign Dark Money for 2024,” *Axios* (July 10, 2023), <https://www.axios.com/2023/07/10/gop-targets-foreign-dark-money-2024-election>.

⁵ Hedi Wyss, *Hansjörg Wyss – My Brother*, eFeF–Verlag Wettingen, Page #49, (2014).

⁶ Emma Green, “The Massive Progressive Dark-Money Group You’ve Never Heard Of,” *The Atlantic* (Nov. 2, 2021), <https://www.theatlantic.com/politics/archive/2021/11/arabella-advisors-money-democrats/620553>.

⁷ Emily Birnbaum, “Meet the Swiss Billionaire Cast by US Conservatives as the ‘New Soros,’” *Bloomberg* (Jan. 25, 2024), <https://www.bloomberg.com/news/articles/2024-01-25/meet-the-swiss-billionaire-cast-by-us-conservatives-as-the-new-george-soros>; Scott Bland

In the absence of laws restricting foreign nationals from contributing to ballot issue campaigns, Sixteen Thirty Fund has received around a quarter of a billion dollars from a foreign national and turned around and poured \$130 million into ballot issue campaigns in 25 states.⁸

This foreign-backed money has come into Kansas and will continue to come if HB 2106 is not passed.

In 2022, Sixteen Thirty Fund was the number one donor to Kansans for Constitutional Freedom, an organization that formed to oppose a legislatively referred amendment to protect life in Kansas. That amendment was defeated, in part by almost \$1.6 million in foreign-backed funds contributed by Sixteen Thirty Fund.⁹

Kansas is not the only state to have their constitution targeted with foreign-backed cash. During the 2024 election cycle, Sixteen Thirty Fund spent over \$37 million in foreign-backed cash targeting ballot issues in Alaska, Arizona, Florida, Missouri, Montana, Nebraska, Nevada, and Ohio.¹⁰ In Florida, over \$14 million in foreign-backed cash was also spent on an effort to amend Florida's constitution to enshrine abortion rights. The measure failed because it did not pass the state's 60% threshold to amend the state Constitution. In Missouri, Sixteen Thirty Fund spent \$4.5 million on a ballot measure to "guarantee abortion until viability," and \$3.5 million on a separate amendment to raise the state's minimum wage.¹¹ Both measures passed.

Kansas has an opportunity to close this foreign influence loophole. Foreign nationals are already prohibited from donating to candidates, so why should organizations that support or oppose constitutional amendments be any different? I urge you to support House Bill 2106 to help stop foreign nationals from influencing Kansas.

Thank you.

and Maggie Severns, "Documents Reveal Massive 'Dark-Money' Group Boosted Democrats in 2018," *Politico* (Nov. 19, 2019), <https://www.politico.com/news/2019/11/19/dark-money-democrats-midterm-071725>; Scott Bland, "Liberal 'Dark-Money' Behemoth Funneled More than \$400M in 2020," *Politico* (Nov. 17, 2021), <https://www.politico.com/news/2021/11/17/dark-money-sixteen-thirty-fund-522781>.

⁸ Americans for Public Trust, *Foreign Influence in State Ballot Issues: How Sixteen Thirty Fund's Pipeline of Foreign Cash Impacts State Politics*, Americans for Public Trust (Oct. 18, 2024), <https://americansforpublictrust.org/uncategorized/late-october-2024-update-foreign-backed-spending-in-state-ballot-issue-campaigns>.

⁹ Kansas Governmental Ethics Commission, "Receipts and Expenditures Report of a Person Promoting or Opposing a Kansas Constitutional Ballot Question," Kansans for Constitutional Freedom, Inc. (Filed Feb. 15, 2023), http://ethics.ks.gov/CEAScanned/ConstitutionalBallot/2022/202202/constfreedom_2302.pdf

¹⁰ *Supra* note 8.

¹¹ Geoff Mulvihill and Kimberlee Kruesi, "Which States Could Have Abortion on the Ballot in 2024?," *Associated Press* (June 16, 2024), <https://apnews.com/article/abortion-ban-ballot-measure-states-2024-c5ad7058f37fbb5e19b526de7e8fc84a>.