

**IN THE DISTRICT COURT OF NEBRASKA
MADISON COUNTY**

STATE OF NEBRASKA, *ex rel.*
MICHAEL T. HILGERS, ATTORNEY
GENERAL,

Plaintiff,

v.

HANSJÖRG WYSS,
WYSS FOUNDATION,
BERGER ACTION FUND INC,
SIXTEEN THIRTY FUND,
NEW VENTURE FUND,
HOPEWELL FUND, and
THE FAIRNESS PROJECT,

Defendants.

Case No. _____

COMPLAINT

COMES NOW Plaintiff State of Nebraska, *ex rel.* Michael T. Hilgers, Attorney General, and states and alleges as follows:

INTRODUCTION

1. Nebraskans have been under a deluge of foreign money—at least \$8 million in 2024 alone—in an attempt to dramatically change the laws and Constitution of the State of Nebraska. This money is laundered through a dizzying array of nonprofits and other entities designed to obfuscate the source of funds and avoid accountability. The Attorney General brings this suit to enforce the law and the integrity of the political process in the State of Nebraska.

2. Our Nation’s Founders, including George Washington, have warned that one of the greatest threats to the United States is foreign influence.¹ That is why, since practically the beginning of the country, there have been efforts to limit or prohibit foreign nationals from influencing the public affairs of the United States.

3. The deep concern with undue foreign influence is reflected by the laws of this State. Nebraska for some time has prohibited federal influence in its elections. And, after the Federal Election Commission issued a ruling that created a potential loophole in the law, the Legislature quickly and emphatically closed it, passing, LB843 in 2022. Among other things, LB843 made explicit the prohibition against *indirect* funding of ballot initiatives by foreign nationals—that is, it made clear that using intermediary organizations to obscure the true source of funds violated Nebraska law.

4. Despite this law, the State has been targeted by foreign money. The State has discovered millions of dollars in contributions to Nebraska ballot question committees by organizations funded by

¹ See George Washington, *Washington’s Farewell Address 1796*, Yale Law School Lillian Goldman Yale Library (last visited Oct. 20, 2025), available at https://avalon.law.yale.edu/18th_century/washing.asp (“foreign influence is one of the most baneful foes of republican government”).

Hansjörg Wyss, a billionaire foreign national. Mr. Wyss has poured hundreds of millions of dollars of his personal fortune into American politics over the past two decades, using his personal nonprofit organizations and a network of “dark money” groups to avoid laws meant to curb foreign influence in U.S. politics.

5. Mr. Wyss’s name will not appear in any campaign-finance disclosure. That is by design. The elaborate network of nonprofit organizations used to funnel his wealth into campaign coffers lets Mr. Wyss exert vast influence over American elections without having to be publicly associated with any of it.

6. Since 2018, groups funded by Mr. Wyss have poured millions of dollars into Nebraska ballot question committees. In the 2018 and 2020 election cycles, groups funded by Mr. Wyss contributed over \$3.8 million to Nebraska ballot measure contests.

7. Despite the passage of LB843, Mr. Wyss’s efforts in Nebraska have only increased. As explained in detail below, the State’s investigation has uncovered that Wyss-backed organizations have contributed *at least* the following to statewide Nebraska ballot question committees for the following election cycles:

- 2022 – \$3,331,447.92 (\$2,374,351.57 of which was *after* LB843 went into effect)
- 2024 – \$9,475,298.25

8. Mr. Wyss and his allies have shown that they have the capacity and will to spend potentially tens of millions of dollars to radically change the laws of this State.

9. Mr. Wyss and his affiliated dark money organizations also have shown that they will not comply with Nebraska law unless they are forced to do so.

10. This poses a clear and present threat to the integrity of the political process in Nebraska, as Nebraskans are severely disadvantaged in fighting against this unlawful onslaught of foreign funds.

11. Therefore, the State of Nebraska, through its Attorney General, brings this action seeking a court order stopping the flow of foreign money into Nebraska elections and protecting the integrity of the political process in our State.

PARTIES

I. Plaintiff

12. Plaintiff is the State of Nebraska, *ex rel.* Michael T. Hilgers, Attorney General.

13. “The Attorney General is authorized to appear for the state and prosecute and defend, in any court . . . , any cause or matter, civil or criminal, in which the state may be a party or interested.” Neb. Rev. Stat. § 84-203.

14. As the “chief law officer of the state,” the Attorney General also has the common-law authority to “exercise all such power and authority as public interests may from time to time require.” *State ex rel. Meyer v. Peters*, 188 Neb. 817, 820 (1972). That includes the power to seek a declaratory judgment under the Uniform Declaratory Judgments Act. *Id.* at 821; *see* Neb. Rev. Stat. § 25-21,149 *et seq.* It also includes the power to “make any disposition of the state’s litigation which he deems for its best interest,” where he can seek both legal and equitable relief. *In re Equal. of Assessment of Nat. Gas Pipe Lines*, 123 Neb. 259, 261 (1932).

15. The Nebraska Political Accountability and Disclosure Act (NPADA) was passed because of the significant “public interest in the manner in which election campaigns are conducted.” Neb. Rev. Stat.

§ 49-1402(1). The Act—which bans the foreign-sourced funding of ballot question committees—was enacted to further the “compelling state interest in ensuring that the state and local elections are free of corruption and the appearance of corruption.” *Id.* § 49-1402(2).

16. Because the Attorney General has statutory and common-law authority to bring litigation to promote the public interest, and compliance with the Act’s foreign-sourcing rule promotes the public interest, the Attorney General has authority to sue to compel compliance with the Act.

17. The Attorney General does not seek to impose through this lawsuit any monetary or criminal penalties under the NPADA. This lawsuit seeks only declaratory and injunctive relief to prevent future harm to the State.

II. Defendants

18. Defendant Hansjörg Wyss is a Swiss national and billionaire. Mr. Wyss is not (1) a United States citizen, (2) national of the United States, or (3) lawfully admitted for permanent residence in the United States. He is therefore a “foreign national” under Neb. Rev. Stat. § 49-1479.03(1)(a).

19. Defendant Wyss Foundation is a 501(c)(3) charitable organization founded by Mr. Wyss in 1999, into which Mr. Wyss has funneled his sizable personal fortune. Mr. Wyss is also Chairman of the Wyss Foundation board.² Wyss Foundation is domiciled in

² IRS Form 990-PF, Wyss Foundation, 2023 Return of Private Foundation, Part VII (Nov. 16, 2024), <https://projects.propublica.org/nonprofits/organizations/251823874/202423129349102402/full>.

Washington, D.C. As of the end of the 2023 tax year, Wyss Foundation reported over \$1.7 billion in assets.³

20. Defendant Berger Action Fund Inc is a 501(c)(4) social welfare organization founded by Mr. Wyss in 2007 and into which Mr. Wyss has funneled his sizable personal fortune. It is incorporated in Delaware, with its principal place of business in Washington, D.C. The Berger Action Fund is affiliated with the Wyss Foundation and shares facilities and staff. At the end of 2022, the Berger Action Fund reported over \$263 million in assets.⁴

21. Defendant Sixteen Thirty Fund is a 501(c)(4) social welfare organization formed in 2009. It lists its address as 1828 L Street NW 300-B, Washington, DC 20036.

22. Defendant New Venture Fund is a 501(c)(3) charitable organization formed in 2007. It lists its address as 1828 L Street NW 300-A, Washington, DC 20036.

23. Defendant Hopewell Fund is a 501(c)(3) charitable organization formed in 2015. It lists its address as 1828 L Street NW 300-D, Washington, DC 20036.

24. Defendant The Fairness Project is a 501(c)(4) social welfare organization formed in 2016. It lists its address as PO Box

³ IRS Form 990-PF, Wyss Foundation, 2023 Return of Private Foundation, Part II, line 16 (Nov. 16, 2024), <https://projects.propublica.org/nonprofits/organizations/251823874/202423129349102402/full>.

⁴ IRS Form 990, Berger Action Fund Inc, 2022 Return of Organization Exempt From Income Tax, Part 1, line 22 (February 8, 2024), https://apps.irs.gov/pub/epostcard/cor/208948868_202303_990O_2024021622289878.pdf (all-caps omitted).

21337, Washington, DC 20009. It describes its organizational mission as “promoting general social welfare of the community through the use of and education around ballot measures.”⁵

JURISDICTION AND VENUE

25. Personal jurisdiction is proper under Nebraska’s long-arm statute, Neb. Rev. Stat. § 25-536.

26. Specifically, this Court has personal jurisdiction over Hansjörg Wyss because he made indirect contributions to numerous Nebraska ballot question committees.

27. This Court has personal jurisdiction over Wyss Foundation and Berger Action fund because they participated in Mr. Wyss’s efforts to indirectly contribute to Nebraska ballot question committees in violation of Nebraska law. Wyss Foundation and Berger Action Fund aided and abetted Mr. Wyss in his violations of the law.

28. This Court has personal jurisdiction over Sixteen Thirty Fund, New Venture Fund, Hopewell Fund, and The Fairness Project because each organization made contributions to Nebraska ballot question committees to influence electoral outcomes in Nebraska.

29. Because “all defendants are nonresidents of [Nebraska],” venue is proper in Madison County under Neb. Rev. Stat. § 25-403.01.

30. This action is brought exclusively under Nebraska law to protect Nebraska citizens. The State specifically disclaims federal jurisdiction or reliance on federal law.

⁵ IRS Form 990, The Fairness Project, 2022 Return of Organization Exempt From Income Tax, Part 1, line 1 (Nov. 10, 2023), https://apps.irs.gov/pub/epostcard/cor/371779557_202212_990O_2023120722076792.pdf (all-caps omitted).

FACTS

I. Hansjörg Wyss

31. Mr. Wyss is a Swiss billionaire. He is a “foreign national” under federal law and is thus prohibited by the Federal Election Campaign Act (FECA) from directly or indirectly making contributions or donations in connection with federal, state, or local elections. *See* 52 U.S.C. § 30121(a)(1). Notably, the FEC has concluded that FECA’s prohibition applies only to candidate elections, not elections for state ballot measures. *See* 52 U.S.C. § 30121(a)(1)(A).⁶

32. Despite not being an American citizen, Mr. Wyss “follows American politics closely.”⁷ In an interview with a Swiss newspaper in 2011, Mr. Wyss stated that he “never felt the need to become an American.”⁸ Mr. Wyss explained that “[a]s a non-American, [he] wasn’t allowed to donate to federal elections, but otherwise [he] could do everything.”⁹ By George W. Bush’s presidency, he “already had three foundations and supported senators.”¹⁰ Explaining his political involvement, he said that he focuses “on projects with big impact, like supporting Planned Parenthood,” “fighting Arizona’s terrible laws that

⁶ *See also* Factual and Legal Analysis, FEC MUR 7523 (Oct. 4, 2021), available at https://www.fec.gov/files/legal/murs/7523/7523_24.pdf.

⁷ Philip Wegmann, *Swiss Billionaire’s Mega-Influence On U.S. Politics*, REAL CLEAR POLITICS (May 17, 2022),

https://www.realclearpolitics.com/articles/2022/05/17/swiss_billionaires_mega-influence_on_us_politics__147610.html

⁸ Giorgio V. Müller, “We Have Found A Good Home for Synthes,” *Neue Zürcher Zeitung* (NZZ) (June 11, 2011),

https://www.nzz.ch/wir_haben_ein_gutes_heim_fuer_synthes_gefunden-ld.589550.

⁹ *Id.*

¹⁰ *Id.*

give the police excessive powers,” and “help[ing] NGOs push for more federal judicial appointments.”¹¹ Mr. Wyss bragged that his “name never appears” on these projects.¹² “I only attend meetings; funding goes through my foundation,” he stated.¹³ “Some know the Wyss foundation is behind it, but that’s standard in the U.S. If we lobby, it’s done through another organization using already taxed money.”¹⁴ He further admitted that most of the projects his organizations support are “brought to [him].”¹⁵

33. Mr. Wyss’s sister, Hedi Wyss, authored his 2014 biography. In it she recounts that “it was not unusual . . . for the Wyss foundation to allocate several million dollars ‘at a single meeting’ and in this way, ‘behind the scenes a Swiss plays an important part in American politics.”¹⁶ Ms. Wyss describes her brother as desiring to “(re)interpret the American constitution in the light of progressive politics.”¹⁷ The biography goes on to detail Mr. Wyss’s significant ability to “exert an influence on American domestic politics through his foundations.”¹⁸

34. Despite being prohibited from directly financing U.S. politics, Mr. Wyss has utilized Wyss Foundation and Berger Action Fund to direct hundreds of millions of dollars into a complex network of politically active “dark money” nonprofit organizations. Mr. Wyss

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Wegmann, *Swiss Billionaire’s Mega-Influence On U.S. Politics* (quoting HEDI WYSS, HANSJÖRG WYSS – MY BROTHER (2014)).

¹⁷ *Id.*

¹⁸ WYSS, HANSJÖRG WYSS – MY BROTHER 49.

serves as the Chairman of both organizations. Molly McUsic serves as the President of both Wyss Foundation and Berger Action Fund, as well as other organizations founded by Mr. Wyss.

35. The *Associated Press* has described Berger Action Fund as “a nondescript name for a group with a rather specific purpose: steering the wealth of Hansjörg Wyss, a Swiss billionaire, into the world of American politics and policy.”¹⁹ Indeed, as of two years ago Mr. Wyss is reported to have “pumped \$475 million into the U.S. political system” through his two nonprofits.²⁰

36. Upon information and belief, as the founder and Chairman of his two nonprofits, Mr. Wyss has authority and influence over where and how his donations are spent, and he exercises that authority and influence to ensure that funds are ultimately spent in a way that fulfills his personal political goals. This includes directing funds that ultimately result in contributions to Nebraska ballot question committees.

II. Wyss Foundation and Berger Action Fund funnel hundreds of millions of dollars into New Venture Fund and Sixteen Thirty Fund.

37. According to the New York Times, Mr. Wyss’s “political activism is channeled through a daisy chain of opaque organizations

¹⁹ Brian Slodysko, *Group Steers Swiss Billionaire’s Money to Liberal Causes*, THE ASSOCIATED PRESS (Apr. 4, 2023), <https://apnews.com/article/darkmoney-democrats-wyss-politics-elections-601d40cd01569190559d545418afe396>.

²⁰ Hans Nichols & Stef W. Kight, *Scoop: GOP plan targets foreign dark money for 2024*, AXIOS (Jul. 10, 2023, <http://axios.com/2023/07/10/gop-targets-foreign-dark-money-2024-election>).

that mask the ultimate recipients of his money.”²¹ The dark money organizations funded by Mr. Wyss’s nonprofits are not required by law to disclose the identities of their donors, making the money difficult to track. In addition to direct spending on campaigns, these groups often give grants to other dark money groups, creating greater obscurity as to the ultimate source of funds. Thus, money flows from Mr. Wyss through this “daisy chain” of dark money groups, eventually making its way into electoral spending, including state ballot initiatives.

38. New Venture Fund is one of the major Washington, D.C.–based dark money groups supported by Mr. Wyss through his foundation. Since 2017, New Venture Fund has received at least \$56.9 million from the Wyss Foundation.²²

39. Sixteen Thirty Fund has likewise received at least \$243 million from the Berger Action Fund.²³

40. New Venture Fund and Sixteen Thirty Fund are two of the “leading dark money spenders on the left.”²⁴ State ballot

²¹ Kenneth P. Vogel, *Swiss Billionaire Quietly Becomes Influential Force Among Democrats*, N.Y. TIMES (May 3, 2021), <https://www.nytimes.com/2021/05/03/us/politics/hansjorg-wyss-moneydemocrats.html>).

²² Donation amounts for the 2024 tax year are not yet publicly available.

²³ James Lynch, *Foreign Billionaire Bankrolls Dark-Money Group behind Progressive Ballot Initiatives, Watchdog Finds*, NATIONAL REVIEW (Oct. 24, 2024), <https://www.nationalreview.com/news/foreign-billionaire-is-bankrolling-dark-money-groups-progressive-ballot-initiatives-watchdog-finds/>

²⁴ Kenneth P. Vogel, *Swiss Billionaire Quietly Becomes Influential Force Among Democrats*, N.Y. TIMES (May 3, 2021), <https://www.nytimes.com/2021/05/03/us/politics/hansjorg-wyss-moneydemocrats.html>).

initiatives have become increasingly targeted by these groups, in part because federal law does not prohibit foreign nationals from donating to state ballot initiative campaigns. “Over the past ten years, Sixteen Thirty Fund has spent \$115 million on statewide ballot campaigns across 25 states to advance liberal priorities over the past decade.”²⁵

41. As explained below, New Venture Fund and Sixteen Thirty Fund have—funded by Mr. Wyss—directly contributed millions of dollars to ballot question committees in Nebraska.

42. Contributions made with foreign-tainted funds have been illegal since LB843 went into effect in 2022. Mr. Wyss cannot directly inject millions of dollars into Nebraska ballot initiatives; nor can he do so indirectly by using his nonprofit organizations to funnel money to dark money groups. Yet LB843 has so far not stopped Mr. Wyss from continuing to do just that.

III. New Venture Fund and Sixteen Thirty Fund in turn contribute millions to other D.C. dark money organizations.

43. In addition to direct contributions to ballot question committees, New Venture Fund and Sixteen Thirty Fund have also contributed sizable grants to other D.C.-based dark money organizations. These groups, in turn, contribute directly to Nebraska ballot question committees.

44. Hopewell Fund is a dark money group that is a downstream recipient of Wyss-sourced funds. Between 2017 and 2023, Hopewell Fund received \$10,478,689 in grants from New Venture Fund for the purpose of “civil rights,” “social action,” and “advocacy.” As explained below, Hopewell Fund in turn has contributed directly to

²⁵ Lynch, *Foreign Billionaire Bankrolls Dark-Money Group behind Progressive Ballot Initiatives, Watchdog Finds*.

multiple Nebraska ballot question committees. Hopewell Fund has also given grants to Nebraska-based organizations which, in turn, spend that money on contributions to ballot question committees.

45. The Fairness Project is a dark money group that focuses on state ballot measures. It has contributed to ballot initiatives in a number of states, including Nebraska. The Fairness Project received \$923,000 in contributions from Sixteen Thirty Fund between 2018 and 2020. Additionally, between 2019 and 2023, it received \$2,605,772 in contributions from Hopewell Fund. As explained below, The Fairness Project has contributed millions of dollars to Nebraska ballot question committees beginning in 2018 and continuing through this year.

IV. Wyss-sourced funds from these D.C. dark money organizations flow into local Nebraska organizations for contribution to ballot question committees.

46. In addition to directly funding ballot measures in Nebraska, these four D.C. dark money groups provide grants to Nebraska organizations which, in turn, contribute to ballot question committees.

47. From 2017 to 2023, New Venture Fund contributed \$282,600 to Civic Nebraska, a Lincoln-based 501(c)(3). The group describes its organizational mission as creating “a more modern and robust democracy for all Nebraskans through youth service learning, civic health initiatives, and nonpartisan voting rights advocacy.”²⁶ Hopewell Fund contributed an additional \$20,000 to Civic Nebraska in

²⁶ IRS Form 990, Civic Nebraska, 2022 Return of Organization Exempt From Income Tax, Part 1, line 1 (Jan. 30, 2024), https://apps.irs.gov/pub/epostcard/cor/272204391_202306_990_2024051722391647.pdf (all-caps omitted).

2020. As explained below, Civic Nebraska has, in turn, directly contributed to multiple ballot question committees since 2022.

48. Between 2019 and 2024, Civic Nebraska in turn contributed \$775,184 to Nebraska Appleseed Center for Law in the Public Interest, a Lincoln-based 501(c)(3) that describes its organizational mission as “fight[ing] for justice and opportunity for all Nebraskans.”²⁷ As explained below, between that 501(c)(3) entity and its related 501(c)(4) entity, Nebraska Appleseed Action Fund (together, “Nebraska Appleseed”), Nebraska Appleseed in turn contributed significantly to multiple Nebraska ballot question committees.

49. Hopewell Fund additionally contributed \$14,200 to Nebraska Appleseed in 2022.

50. Sixteen Thirty Fund contributed \$50,000 to Second House Collaborative, a Lincoln-based 501(c)(4) organization that describes its organizational mission as “engag[ing] in activities that promote social welfare including but not limited to direct democracy actions and grassroots campaigns.”²⁸ As described below, Second House Collaborative made significant contributions to multiple ballot question committees.

²⁷ IRS Form 990, Nebraska Appleseed Center for Law in the Public Interest, 2022 Return of Organization Exempt From Income Tax, Part 1, line 1 (Nov. 13, 2023), https://apps.irs.gov/pub/epostcard/cor/470798343_202212_990_2024010322166856.pdf (all-caps omitted).

²⁸ IRS Form 990, Second House Collaborative, 2023 Return of Organization Exempt From Income Tax, Part 1, line 1 (Apr. 23, 2024), https://apps.irs.gov/pub/epostcard/cor/922387975_202312_990O_2024061722530090.pdf (all-caps omitted).

51. In 2023, New Venture Fund contributed \$85,000 to the Nebraska Abortion and Reproductive Justice Fund Incorporated, (also known as and referenced herein as “Nebraska Abortion Resources”), an Omaha-based 501(c)(3) organization that describes its mission as “remov[ing] barriers on every level for Nebraskans seeking abortion access.”²⁹ Hopewell Fund also contributed \$5,809 to Nebraska Abortion Resources organization in 2022. As explained below, Nebraska Abortion Resources in turn contributed to a ballot question committee in the 2024 election cycle.

52. Although the State’s investigation has uncovered significant flows of Wyss-sourced money into organizations funding ballot question committees, this information is necessarily incomplete. IRS Form 990 filings for tax year 2024 are generally not yet publicly available. Thus, discovery in this lawsuit may reveal that the full scope of the grants made by New Venture Fund, Sixteen Thirty Fund, Hopewell Fund, or The Fairness Project to the organizations discussed in this Complaint is much greater.

V. Wyss-funded dark money organizations begin influencing Nebraska ballot measure contests in 2018, contributing millions in 2018–2020.

53. The State’s investigation has uncovered that Wyss-funded dark money organizations have been influencing Nebraska ballot measure elections dating back to at least the 2018 election cycle.

²⁹ IRS Form 990, The Nebraska Abortion & Reproductive Justice Fund, 2023 Return of Organization Exempt From Income Tax, Part 1, line 1 (Nov. 15, 2024), <https://projects.propublica.org/nonprofits/organizations/851982987/202413209349308506/full>

54. The Fairness Project contributed a total of \$1,737,785³⁰ to Insure The Good Life, a Nebraska ballot question committee formed to support the Medicaid expansion initiative during the 2018 election. The Fairness Project was the largest donor to the Medicaid expansion initiative, accounting for 63% of Insure The Good Life's contributions.³¹

55. Wyss-backed dark money organizations increased their spending in Nebraska for the 2020 election cycle, totaling \$2,074,328.22.

56. Sixteen Thirty Fund contributed \$1,886,961 to Nebraskans for Responsible Lending, a ballot question committee formed to support initiative measure 428, which capped payday lender interest rates during the 2020 initiative cycle. That amounts to 52% of the total contributions for that initiative.³²

57. The Fairness Project contributed \$52,915.78 to Nebraskans for Responsible Lending.

58. Hopewell Fund contributed \$134,451.44 to Nebraskans for Responsible Lending.

³⁰ All references to reported contributions to ballot question committees include both monetary and in-kind contributions. *See* Neb. Rev. Stat. § 49-1415(2). Aggregate figures are sourced from public filings with the Nebraska Accountability and Disclosure Commission. Records prior to the 2022 election cycle are available at <https://www.nebraska.gov/nadc/ccdb/search.cgi>. Records from 2022 onward are available from the Commission's FirstTuesday Campaign Finance System, <https://nadc-e.nebraska.gov>.

³¹ Insure The Good Life reported total contributions of \$2,975,574.26 at the close of the 2018 election cycle.

³² Nebraskans for Responsible Lending reported a total of \$3,617,804.20 for the 2020 cycle.

VI. Wyss-funded organizations continue to spend millions during 2022 Nebraska ballot initiative cycles, including after LB843 went into effect.

59. Wyss-funded groups expanded their efforts during the 2022 election cycle, pouring millions of dollars into Nebraska ballot question committees.

60. The passage of LB843 did not stop the flow of Wyss-sourced dark money into Nebraska ballot measure contexts. In fact, most of the contributions from Wyss-backed dark money organizations came *after* LB843 went into effect in July 2022.

61. In total, Wyss-backed groups contributed \$3,331,447.92 to ballot question committees during the 2022 election cycle. \$2,374,351.57 was contributed after LB843's effective date.

A. Spending by dark money organizations directly funded by Wyss's nonprofits (New Venture Fund/Sixteen Thirty Fund)

62. Sixteen Thirty Fund contributed \$2,488,030 to Raise the Wage Nebraska, a ballot question committee formed to support the 2022 minimum wage increase initiative. Sixteen Thirty Fund was the single largest donor to Raise the Wage Nebraska and accounted for 68% of its reported contributions for the 2022 election cycle.³³ \$1,803,540 of that was contributed after LB843's effective date.

B. Spending by dark money organizations funded by New Venture Fund and Sixteen Thirty Fund (Hopewell Fund/The Fairness Project)

³³ Raise the Wage Nebraska reported a total of \$3,673,080.28 in contributions for the 2022 cycle.

63. The Fairness Project contributed \$280,797.96 to Raise the Wage Nebraska.³⁴ The Fairness Project was the third-largest contributor of monetary donations to Raise the Wage Nebraska (with \$250,000).

C. Spending by Nebraska organizations funded by Wyss-backed dark money organizations

64. The two Nebraska Appleseed organizations contributed \$560,474.21 to Raise the Wage Nebraska.³⁵ Together, these organizations were the second-largest contributor of monetary donations to Raise the Wage Nebraska (with \$338,000).

65. Civic Nebraska contributed \$49.24 to Raise the Wage Nebraska and \$2,096.51 to Nebraskans for Free and Fair Elections.³⁶

VII. Nebraska bans foreign nationals from contributing to ballot question committees.

66. Nebraska lawmakers did not rest on their laurels in response to the growing foreign influence in Nebraska elections.

67. Federal law has long prohibited foreign nationals from “directly or indirectly” contributing or donating money “in connection with a federal, state, or local election” or to a “political party.” 52 U.S.C. § 30121(a)(1)(A), (B).

68. But the Federal Election Commission (“FEC”), the agency tasked with enforcing federal election law, in 2021 interpreted the

³⁴ \$29,578.80 of that was contributed after LB843’s effective date.

³⁵ \$53,907.02 of that was contributed after LB843’s July 21, 2022, effective date.

³⁶ These contributions were made after LB843’s July 21, 2022, effective date.

statute to allow foreign nationals to contribute to state ballot initiatives.³⁷ Dissenting from the FEC’s ruling, Commissioner Weintraub urged “Congress and the states” to “act quickly and decisively to protect all ballot initiatives from foreign influence.”³⁸

69. Nebraska quickly answered the call. In the first legislative session after the FEC’s decision, Senator John Cavanaugh introduced legislation to “prohibit[] foreign nationals from contributing to ballot question committees.”³⁹ He explained that the proposal “simply adds a prohibition in state law that no longer exists in federal law because of the FEC ruling.”⁴⁰ Brought forward as a floor amendment, the legislation won near-unanimous approval and cleared the chamber 39 to 1.⁴¹ LB843 is now codified at Neb. Rev. Stat. § 49-1479.03, as part of the Nebraska Public Accountability and Disclosure Act (“NPADA”).

70. Nebraska joined a growing number of states that have enacted laws to prohibit foreign nationals from influencing state ballot campaigns.⁴²

³⁷ See Factual and Legal Analysis, FEC MUR 7523 (Oct. 4, 2021), *available at* https://www.fec.gov/files/legal/murs/7523/7523_24.pdf.

³⁸ Statement of Reasons of Commissioner Ellen L. Weintraub, FEC MUR 7523 (Oct. 29, 2021), *available at* https://www.fec.gov/files/legal/murs/7523/7523_27.pdf.

³⁹ Transcript of Floor Debate, AM2139, Apr. 6, 2022, at 187.

⁴⁰ *Id.*

⁴¹ See Legislative Journal, Fifty-Fourth Day of the One Hundred Seventh Legislature, Second Session (Apr. 6, 2022), p. 1168.

⁴² Cal. Gov’t Code § 85320; Colo. Rev. Stat. § 1-45-107.5; Idaho Code Ann. § 67-6610d; Fla. Stat. § 106.08(12)(b); Kan. Stat. Ann. § 25-4180; 21-A Me. Rev. Stat. § 1064; Md. Code, Elec. Law § 13-236.1; Nev. Rev. Stat. § 294A.325; N.D. Cent. Code § 16.1-08.1-03.15; Ohio Rev. Code

71. Neb. Rev. Stat. § 49-1479.03(2) states:

It shall be unlawful for a foreign national, **directly or indirectly**, to make a contribution to a ballot question committee or for a ballot question committee to solicit, accept, or receive such a contribution.

72. Due to the passage of LB843, NPADA now ensures that foreign nationals like Mr. Wyss are not only prohibited from “directly” contributing to Nebraska ballot question committees, but also “indirectly”—that is, using intermediaries to make contributions that he would not be able to make directly.

73. Further underscoring the NPADA’s broad prohibition on foreign national involvement in ballot contests, the statute separately makes clear that a contribution that is “in any way earmarked or otherwise directed to [a ballot question committee] through an intermediary or agent[] shall be considered a contribution from the person to the . . . committee.” Neb. Rev. Stat. § 49-1479.03(1).

74. Earmarking is broadly defined to include any “designation, instruction, or encumbrance, including those which are direct or indirect, express or implied, or oral or written, which results in any part of a contribution or expenditure, including any in-kind expenditure made in exchange for a contribution, being made to or expended on behalf of a candidate or a committee.”

75. Taken together, these provisions of the NPADA make clear that no matter how many intermediary groups are part of the “daisy chain” of dark money organizations between Mr. Wyss and a ballot question committee, money spent by Mr. Wyss that “in any part”

Ann. § 3517.121(B)(1); S.D. Codified Laws § 12-27-21; Wash. Rev. Code § 42.17A.417.

ends up in the hands of a ballot question committee is still a prohibited contribution under state law.

VIII. Wyss-funded organizations continue to spend millions for the 2024 Nebraska ballot initiative cycle despite LB843.

76. Despite LB843's broad and clear prohibition on foreign-national spending on Nebraska ballot measures, Wyss-funded groups continued funneling millions of dollars into Nebraska ballot question committees during the 2024 election cycle. In fact, their spending *doubled* from 2022.

77. The following ballot question committees received indirect contributions from Wyss during the 2024 cycle:

- Nebraskans for Paid Sick Leave;
- NMM (hereinafter, "Nebraskans for Medical Marijuana")
- Protect Our Rights; and
- Support Our Schools

78. The State's investigation has uncovered at least \$9,475,298.25 contributed by Wyss-backed organizations to these ballot question committees.

A. Spending by dark money organizations directly funded by Wyss's nonprofits (New Venture Fund and Sixteen Thirty Fund)

79. New Venture Fund and Sixteen Thirty Fund together directly contributed \$3,621,252.10 to Nebraska ballot question committees during the 2024 election cycle.

80. Sixteen Thirty Fund contributed \$1,916,252.10 Nebraskans for Paid Sick Leave, a ballot question committee formed to support the 2024 paid sick leave initiative. Sixteen Thirty Fund was the single largest donor to Nebraskans for Paid Sick Leave and

accounted for 57% of its reported contributions for the 2024 election cycle.⁴³

81. New Venture Fund contributed \$100,000 to Nebraskans for Medical Marijuana, a ballot question committee formed to support two marijuana initiatives during the 2024 election cycle. New Venture Fund was one of Nebraskans for Medical Marijuana’s single largest monetary donors.

82. New Venture Fund also contributed \$1,506,000 to Protect Our Rights, a ballot question committee formed to support the abortion initiative measure 439 and oppose the abortion initiative, measure 434, during the 2024 election cycle.

83. New Venture Fund contributed \$99,000 to Support Our Schools, a ballot question committee formed to support two referendum measures to repeal LB753 and section 1 of LB1402 during the 2024 election cycle.

B. Spending by dark money organizations funded by New Venture Fund and Sixteen Thirty Fund (Hopewell Fund and The Fairness Project)

84. Hopewell Fund and The Fairness Project—D.C. dark money groups funded by New Venture Fund and Sixteen Thirty Fund—together directly contributed \$3,514,953.96 to Nebraska ballot question committees during the 2024 election cycle.

85. Hopewell Fund contributed \$1,352,624.94 to Protect Our Rights.

⁴³ Nebraskans for Paid Sick Leave reported a total of \$3,363,936.91 in contributions for the 2024 cycle.

86. Hopewell Fund also contributed \$90,000 to Support our Schools.

87. The Fairness Project contributed \$281,548.25 to Nebraskans for Paid Sick Leave.

88. The Fairness Project also contributed \$1,790,780.77 to Protect Our Rights.

C. Spending by Nebraska organizations funded by Wyss-backed dark money organizations

89. Finally, local Nebraska organizations serving as the final link in the Wyss-sourced daisy chain of dark money funds together directly contributed \$2,339,092.19 to Nebraska ballot question committees during the 2024 election cycle.

90. Nebraska Appleseed Center for Law in the Public Interest and Nebraska Action Fund together contributed \$555,520.15 to Nebraskans for Paid Sick Leave.

91. Nebraska Appleseed Center for Law in the Public Interest and Nebraska Action Fund together contributed \$951,103.81 to Protect Our Rights.

92. Nebraska Abortion Resources contributed \$6,884.36 to Protect Our Rights.

93. Second House Collaborative contributed \$55,890.55 to Nebraskans for Paid Sick Leave.

94. Second House Collaborative contributed \$109,300.51 to Nebraskans for Medical Marijuana.

95. Second House Collaborative contributed \$570,874.49 to Protect Our Rights.

96. Second House Collaborative contributed \$89,518.32 to Support Our Schools.

IX. Wyss-sourced funds continue to flood another ballot measure contest post-2024.

97. Wyss's influence in Nebraska elections did not stop in November 2024. In fact, Wyss-sourced funds have now begun infiltrating local-level ballot initiatives.

98. The Fairness Project donated \$175,000 to Lincoln for Fair Housing, a ballot question committee formed to support the housing discrimination ballot measure during the May 2025 City of Lincoln election cycle. The Fairness Project was the single largest donor to Lincoln for Fair Housing, accounting for 39% of all contributions and over half of all monetary contributions.⁴⁴

99. Nebraska Appleseed Center for Law in the Public Interest and Nebraska Action Fund together contributed \$124,702.79 to Lincoln for Fair Housing.

100. Second House Collaborative contributed \$72,441.04 to Lincoln for Fair Housing. Additionally, it contributed \$19,500 in earmarked funds to Nebraska Appleseed Action Fund for the purpose of supporting Lincoln for Fair Housing.

101. Together, Wyss-funded groups were responsible for 82% of donations to Lincoln for Fair Housing.

⁴⁴ Lincoln for Fair Housing reported \$454,344.45 in total contributions, \$348,380 of which was monetary donations.

CLAIMS

COUNT I

Violation of Neb. Rev. Stat. § 49-1479.03 (Against Defendant Hansjörg Wyss)

102. The State of Nebraska restates, re-alleges, reaffirms, and incorporates by reference all preceding paragraphs as if fully set forth herein.

103. Under the Nebraska Political Disclosure and Accountability Act it is “unlawful for a foreign national, **directly or indirectly**, to make a contribution to a ballot question committee or for a ballot question committee to solicit, accept, or receive such a contribution.” Neb. Rev. Stat. § 49-1479.03 (emphasis added).

104. State law further provides that contributions that are “in any way earmarked or otherwise directed to” a ballot question committee “through an intermediary or agent[] shall be considered a contribution from the person to the” ballot question committee. Neb. Rev. Stat. § 49-1479.01(1). Earmarking is broadly defined to include “a designation, instruction, or encumbrance, including those which are direct or indirect, express or implied, or oral or written, which results in any part of a contribution or expenditure, including any in-kind expenditure made in exchange for a contribution, being made to or expended on behalf of” the ballot question committee. Neb. Rev. Stat. § 49-1479.01(2).

105. Mr. Wyss has violated Neb. Rev. Stat. § 49-1479.03 by indirectly contributing millions of dollars to Nebraska ballot question committees in the 2018, 2022, and 2024 statewide election cycles, as well as the 2025 Lincoln city election cycle, through multiple intermediaries, including the Wyss Foundation, Berger Action Fund, New Venture Fund, and Sixteen Thirty Fund.

106. Upon information and belief, Mr. Wyss, through a designation, instruction, or encumbrance, caused contributions to be made from his personal wealth to Wyss Foundation and Berger Action Fund and, in turn, to New Venture Fund and Sixteen Thirty Fund.

107. Upon information and belief, Wyss-funded organizations, including New Venture Fund and Sixteen Thirty Fund, will continue making prohibited contributions on Mr. Wyss's behalf in future election cycles.

108. Absent injunctive relief, Mr. Wyss will continue to violate Neb. Rev. Stat. § 49-1479.03 in future election cycles.

109. The State is entitled to declaratory and injunctive relief to prevent future violations of Neb. Rev. Stat. § 49-1479.03 by Mr. Wyss.

110. The State is entitled to declaratory and injunctive relief against Mr. Wyss as well as his agents, servants, employees, and attorneys, and those persons in active concert or participation with him.

COUNT II

**Violation of Neb. Rev. Stat. § 49-1479.03
(Against Defendants Wyss Foundation, Berger Action Fund,
Sixteen Thirty Fund, New Venture Fund,
Hopewell Fund, and The Fairness Project)**

111. Under the Nebraska Political Disclosure and Accountability Act it is “unlawful for a foreign national, **directly or indirectly**, to make a contribution to a ballot question committee or for a ballot question committee to solicit, accept, or receive such a contribution.” Neb. Rev. Stat. § 49-1479.03 (emphasis added).

112. Mr. Wyss has violated Neb. Rev. Stat. § 49-1479.03 by indirectly contributing millions of dollars to Nebraska ballot question committees in the 2018, 2022, and 2024 statewide election cycles, as well as the 2025 Lincoln city election cycle.

113. Mr. Wyss violated the ban on indirect contributions to ballot question committees through the Wyss Foundation, Berger Action Fund, New Venture Fund, Sixteen Thirty Fund, Hopewell Fund, and The Fairness Project.

114. “A civil conspiracy is a combination of two or more persons to accomplish by concerted action an unlawful or oppressive object, or a lawful object by unlawful or oppressive means.” *Salem Grain Co., Inc. v. Consol. Grain & Barge Co.*, 297 Neb. 682, 701 (2017). “Similarly, a claim of aiding and abetting is that ‘in addition to persons who actually participate in [concerted wrongful action], persons who aid, abet, or procure the commission thereof, are subject to a civil action therefor.’” *Id.*

115. Upon information and belief, Wyss-funded organizations, including the Wyss Foundation, Berger Action Fund, New Venture Fund, Sixteen Thirty Fund, Hopewell Fund, and The Fairness Project, will continue to aid and abet and conspire with Mr. Wyss to make unlawful, indirect contributions from Mr. Wyss to Nebraska ballot question committees in future election cycles.

116. Absent injunctive relief, the Wyss Foundation, Berger Action Fund, New Venture Fund, Sixteen Thirty Fund, Hopewell Fund, and The Fairness Project will continue to aid and abet and conspire with Mr. Wyss to violate Neb. Rev. Stat. § 49-1479.03 in future election cycles.

117. The State is entitled to declaratory and injunctive relief to prevent the Wyss Foundation, Berger Action Fund, New Venture Fund, Sixteen Thirty Fund, Hopewell Fund, and The Fairness Project

from aiding and abetting or conspiring with Mr. Wyss to violate Neb. Rev. Stat. § 49-1479.03 in the future.

COUNT III

**Violation of Neb. Rev. Stat. § 49-1479.01
(Against Defendants Wyss Foundation, Berger Action Fund,
Sixteen Thirty Fund, New Venture Fund,
Hopewell Fund, and The Fairness Project)**

118. The State of Nebraska restates, re-alleges, reaffirms, and incorporates by reference all preceding paragraphs as if fully set forth herein.

119. The NPADA requires any intermediary or agent receiving an earmarked contribution to file a report of the earmarked contribution with the Nebraska Accountability and Disclosure Commission. Neb. Rev. Stat. § 49-1479.01(4). Further, the statute requires an intermediary or agent to “disclose to the recipient of the earmarked contribution the name and address of the intermediary or agent and the actual source of the contribution by providing the recipient with a copy of the report of the earmarked contribution at the time that the earmarked contribution is made.” *Id.* § 49-1479.01(5).

120. Wyss Foundation, Berger Action Fund, Sixteen Thirty Fund, New Venture Fund, Hopewell Fund, and The Fairness Project have each acted as an “intermediary or agent” of Mr. Wyss in accepting and forwarding earmarked contributions for Nebraska ballot question committees.

121. Wyss Foundation, Berger Action Fund, Sixteen Thirty Fund, New Venture Fund, Hopewell Fund, and The Fairness Project have violated Neb. Rev. Stat. § 49-1479.01 by failing to properly report these earmarked contributions from Mr. Wyss and by failing to disclose Mr. Wyss as the actual source of contributions.

122. Absent injunctive relief, Wyss Foundation, Berger Action Fund, Sixteen Thirty Fund, New Venture Fund, Hopewell Fund, and The Fairness Project will continue to violate Neb. Rev. Stat. § 49-1479.01 in future election cycles.

123. The State is entitled to declaratory and injunctive relief against Wyss Foundation, Berger Action Fund, New Venture Fund, Sixteen Thirty Fund, Hopewell Fund, and The Fairness Project as well as their agents, servants, employees, and attorneys, and those persons in active concert or participation with them.

COUNT IV

Civil Information Seeking Injunction to Vindicate Public Interest in Avoiding Foreign Interference in Nebraska Elections (Against All Defendants)

124. The State of Nebraska restates, re-alleges, reaffirms, and incorporates by reference all preceding paragraphs as if fully set forth herein.

125. The Nebraska Political Accountability and Disclosure Act was passed due to the significant “public interest in the manner in which election campaigns are conducted.” Neb. Rev. Stat. § 49-1402(1). The Act furthers the “compelling state interest in ensuring that the state and local elections are free of corruption and the appearance of corruption.” *Id.* § 49-1402(2).

126. One essential way the Act furthers that public interest is by making it “unlawful for a foreign national, **directly or indirectly**, to make a contribution to a ballot question committee or for a ballot question committee to solicit, accept, or receive such a contribution.” Neb. Rev. Stat. § 49-1479.03 (emphasis added).

127. When “the interests of the public are directly concerned,” the Attorney General is authorized to “institute suit” via “civil information’ for their protection.” *In re Equalization of Assessment of Nat. Gas Pipe Lines*, 123 Neb. 259, 261 (1932). He may thus secure and protect those interests by “invoking the judgment of the court on such questions of public moment.” *Id.* at 153. The State in its sovereign capacity can “appeal to the courts for relief by injunction, whenever . . . public interests are threatened and jeopardized by any corporation, especially one of a public nature.” *State v. Pac. Exp. Co.*, 80 Neb. 823, 832 (1908).

128. Mr. Wyss, a foreign national, has violated the public interest by indirectly contributing millions of dollars to Nebraska ballot question committees in the 2018, 2022, and 2024 statewide election cycles, as well as the 2025 Lincoln city election cycle. Wyss Foundation, Berger Action Fund, Sixteen Thirty Fund, New Venture Fund, Hopewell Fund, and The Fairness Project have violated the public interest by facilitating illegal contributions to Nebraska ballot question committees from a foreign national.

129. Absent injunctive relief, all Defendants will continue to violate the public interest of the State of Nebraska.

130. The State is entitled to injunctive relief against Mr. Wyss, Wyss Foundation, Berger Action Fund, New Venture Fund, Sixteen Thirty Fund, Hopewell Fund, and The Fairness Project as well as their agents, servants, employees, and attorneys, and those persons in active concert or participation with them.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, the State of Nebraska respectfully requests that this Court:

- A. Enter judgment in the State's favor, and against Defendants, and declare that Defendants have violated the Nebraska Political Disclosure and Accountability Act;
- B. Declare that Defendant Wyss has violated Neb. Rev. Stat. § 49-1479.03 by "directly or indirectly" contributing to a ballot question committee;
- C. Declare that all Defendants have violated the public interest of the State of Nebraska by making and facilitating contributions from a foreign national to a Nebraska ballot question committee;
- D. Permanently enjoin Mr. Wyss, along with his agents, servants, employees, and attorneys, and those persons in active concert or participation with him, from "directly or indirectly" contributing to any Nebraska ballot question committee;
- E. Permanently enjoin Wyss Foundation, Berger Action Fund, New Venture Fund, Sixteen Thirty Fund, Hopewell Fund, and The Fairness Project, along with their officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with them, from (1) directly contributing to any Nebraska ballot question committee, or (2) contributing earmarked funds to another organization resulting in funds being contributed to a Nebraska ballot question committee; and
- F. Grant any other just and equitable relief the Court deems appropriate.

Respectfully submitted this 5th day of November, 2025.

**STATE OF NEBRASKA ex rel.
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