

1 HOUSE BILL NO. 818  
2 INTRODUCED BY B. MITCHELL, V. RICCI, L. SCHUBERT, M. VINTON, S. KELLY, S. KLAKKEN, E. ALBUS,  
3 K. LOVE, A. NICASTRO, G. OVERSTREET, T. SHARP, E. BYRNE, R. GREGG, C. SCHOMER, C.  
4 COCHRAN, T. MILLETT, E. TILLEMAN, D. EMRICH, J. FULLER, S. GIST, C. HINKLE, R. MARSHALL, N.  
5 NICOL, A. REGIER, C. SPRUNGER, S. VANCE, M. REGIER, C. GLIMM, B. LER, R. MINER, G. OBLANDER,  
6 K. ZOLNIKOV, J. ETCHEART, L. DEMING, F. NAVÉ, B. USHER, J. GILLETTE, L. BREWSTER, N. DURAM, T.  
7 FALK, P. FIELDER, G. KMETZ, F. MANDEVILLE, T. MCGILLVRAY, G. NIKOLAKAKOS, M. NOLAND, K.  
8 SEEKINS-CROWE, Z. WIRTH, S. MANESS, K. BOGNER, B. BEARD, S. ESSMANN, J. HINKLE, B. PHALEN  
9  
10 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CAMPAIGN FINANCE LAWS; PROHIBITING A  
11 FOREIGN NATIONAL FROM INTERFERING IN STATEWIDE BALLOT ISSUES; PROVIDING  
12 INVESTIGATORY AUTHORITY TO THE COMMISSIONER OF POLITICAL PRACTICES OR AN  
13 APPROPRIATE COUNTY ATTORNEY; CREATING A CAUSE OF ACTION; PROVIDING PENALTIES; AND  
14 AMENDING SECTIONS 13-37-128, 13-37-130, AND 13-37-503, MCA."  
15  
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

18            **NEW SECTION. Section 1. Prohibition on foreign national interference in statewide ballot**

19        **issues.** (1) A foreign national may not, directly or indirectly through any person or entity, do the following:

20            (a)      make a contribution, expenditure, or independent expenditure in support of or in opposition to a

21 statewide ballot issue, regardless of whether the ballot issue has been certified to appear on the ballot;

22            (b)      make a disbursement for the direct cost of producing or airing an electioneering

23 communication; or

24            (c)      make a contribution to a candidate, campaign committee, political action committee, political

25 contributing entity, legislative campaign fund, state candidate fund, political party, separate segregated fund, or

26 committee created to support or to oppose a ballot issue or, to the maximum extent permitted by law and by the

27 constitutions of the United States and Montana, to a continuing association.

28            (2)      A person, individual, candidate, campaign committee, political action committee, political

1 contributing entity, legislative campaign fund, state candidate fund, political party, separate segregated fund, or  
2 committee created to support or to oppose a ballot issue and, to the maximum extent permitted by law and by  
3 the constitutions of the United States and Montana, a continuing association may not, directly or indirectly  
4 through any other person or entity, knowingly do the following:

5 (a) solicit, accept, or receive any funds from a foreign national for any purpose described in this  
6 section; or

7 (b) make a contribution, expenditure, or independent expenditure using any funds the person  
8 knows were received from a foreign national for any purpose described in this section.

9 (3) A person may not knowingly aid or facilitate a violation of subsection (1) or (2).

10 (4) The commissioner or an appropriate county attorney shall conduct an investigation in  
11 consultation with the secretary of state:

12 (a) if the governor, attorney general, or secretary of state submits a written request for an  
13 investigation of an alleged violation of this section to the commission or an appropriate county attorney; or  
14 (b) if an elector of this state files a complaint of an alleged violation of this section with the  
15 commissioner.

16 (5) Except as otherwise provided in this section, the commissioner or an appropriate county  
17 attorney may bring a civil action to enforce this section.

18 (6) For the purposes of this section, "directly or indirectly" means acting either alone or jointly with,  
19 through, or on behalf of any other ballot initiative or referendum committee, political committee, organization,  
20 person, or other entity.

21

22 **Section 2.** Section 13-37-128, MCA, is amended to read:

23 **"13-37-128. Cause of action created.** (1) A person who intentionally or negligently violates any of the  
24 reporting provisions of this chapter, a provision of 13-35-225, or a provision of Title 13, chapter 35, part 4, is  
25 liable in a civil action brought by the commissioner or a county attorney pursuant to the provisions outlined in  
26 13-37-124 and 13-37-125 for an amount up to \$500 or three times the amount of the unlawful contributions or  
27 expenditures, whichever is greater.

28 (2) A person who makes or receives a contribution or expenditure in violation of 13-35-227, 13-35-

1        228, or this chapter or who violates 13-35-226 is liable in a civil action brought by the commissioner or a county  
2        attorney pursuant to the provisions outlined in 13-37-124 and 13-37-125 for an amount up to \$500 or three  
3        times the amount of the unlawful contribution or expenditure, whichever is greater.

4            (3)        A person who violates the provisions of 13-37-502 is liable in a civil action brought by the  
5        commissioner or a county attorney pursuant to the provisions outlined in 13-37-124 and 13-37-125 for an  
6        amount up to \$500 or three times the amount of the unlawful disbursement, contribution, expenditure, or  
7        promise, whichever is greater.

8            (4)        A person who violates the provisions of [section 1(1) or (2)] is liable in a civil action brought by  
9        the commissioner or an appropriate county attorney pursuant to the provisions outlined in 13-37-124 and 13-37-  
10        125 for a fine in the amount of up to \$500 or of three times the amount involved in the violation, whichever is  
11        greater.

12            (5)        A person who violates the provisions of [section 1(3)] is liable in a civil action brought by the  
13        commissioner or an appropriate county attorney pursuant to the provisions outlined in 13-37-124 and 13-37-125  
14        and is guilty of a misdemeanor and on conviction shall be fined \$500 as provided under 13-35-103."

15

16        **Section 3.** Section 13-37-130, MCA, is amended to read:

17        **"13-37-130. Limitation of action.** An action may not be brought under 13-37-128 and 13-37-129  
18        more than 2 years after the occurrence of the facts that give rise to the action. No more than one judgment  
19        against a particular defendant may be had on a single state of facts. The civil action created in 13-37-128 and  
20        13-37-129 is the exclusive remedy for violation of the contribution, expenditure, and reporting provisions of this  
21        chapter. These Except as provided under 13-37-128(5), these provisions are not subject to the misdemeanor  
22        penalties of 13-35-103 but may be a ground for contest of election or removal from office as provided in 13-35-  
23        106(3) and Title 13, chapter 36."

24

25        **Section 4.** Section 13-37-503, MCA, is amended to read:

26        **"13-37-503. Penalties.** A person who violates 13-37-502 or [section 1] is liable in a civil action  
27        pursuant to 13-37-128."

28

1            **NEW SECTION. Section 5. Codification instruction.** [Section 1] is intended to be codified as an  
2    integral part of Title 13, chapter 37, part 5, and the provisions of Title 13, chapter 37, part 5, apply to [section 1].  
3

- END -