

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; PROHIBITING A~~
14 CONTRIBUTION, EXPENDITURE, OR INDEPENDENT EXPENDITURE USING FUNDS RECEIVED FROM A
15 FOREIGN NATIONAL; PROVIDING DEFINITIONS; PROVIDING PENALTIES; AND AND AMENDING
16 SECTIONS 13-37-128, 13-37-130, 13-37-201, 13-37-501, 13-37-502, AND 13-37-503, MCA; AND PROVIDING
17 AN IMMEDIATE EFFECTIVE DATE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

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

23 (a) make a contribution, expenditure, or independent expenditure in support of or in opposition to a
24 statewide ballot issue, regardless of whether the ballot issue has been certified to appear on the ballot;

25 (b) make a disbursement for the direct cost of producing or airing an ELECTION COMMUNICATION OR
26 AN electioneering communication; or

(e) make OR SOLICIT a contribution to a candidate, campaign committee, political action committee, political contributing entity, legislative campaign fund, state candidate fund, political party, separate segregated

1 travel."

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3 **NEW SECTION. SECTION 1. PROHIBITION ON FOREIGN NATIONAL INTERFERENCE IN STATEWIDE BALLOT**

4 **ISSUES.** (1) IT IS UNLAWFUL FOR A FOREIGN NATIONAL, DIRECTLY OR THROUGH AN INTERMEDIARY, TO MAKE A

5 **DISBURSEMENT FOR AN ELECTIONEERING COMMUNICATION, A CONTRIBUTION, OR AN EXPENDITURE, OR TO MAKE AN**

6 **EXPRESS OR IMPLIED PROMISE TO MAKE A CONTRIBUTION OR AN EXPENDITURE, IN CONNECTION WITH ANY STATEWIDE**

7 **BALLOT ISSUE.**

8 (2) **IT IS UNLAWFUL FOR A PERSON TO:**

9 (A) **SOLICIT, ACCEPT, OR RECEIVE ANY FUNDS FROM A FOREIGN NATIONAL FOR ANY PURPOSE DESCRIBED**

10 **IN SUBSECTION (1); OR**

11 (B) **MAKE A CONTRIBUTION, EXPENDITURE, OR INDEPENDENT EXPENDITURE USING ANY FUNDS THE PERSON**

12 **KNOWS WERE RECEIVED FROM A FOREIGN NATIONAL FOR ANY PURPOSE DESCRIBED IN THIS SECTION.**

13 (3) (A) **UPON RECEIPT OF A CONTRIBUTION BY A POLITICAL COMMITTEE CREATED TO SUPPORT OR TO**

14 **OPPOSE A BALLOT ISSUE, THE COMMITTEE TREASURER SHALL OBTAIN FROM THE DONOR AN AFFIRMATION THAT THE**

15 **DONOR IS NOT A FOREIGN NATIONAL.**

16 (B) **RECORDS OF THE DONOR AFFIRMATION RECEIVED MUST BE INCLUDED IN THE TREASURER'S**

17 **RECORDKEEPING OBLIGATIONS UNDER 13-37-207 AND 13-37-208.**

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19 **SECTION 2. SECTION 13-37-501, MCA, IS AMENDED TO READ:**

20 **"13-37-501. Definitions.** As used in this part, the following definitions apply:

21 (1) "Entity" means a partnership, association, limited liability company, joint venture, corporation,
22 or any other legal or commercial organization, or a combination of entities.

23 (2) "Foreign national" means:

24 (a) a government of a foreign country;

25 (b) a political party of a foreign country;

26 (c) an entity located outside of the United States unless that entity:

27 (i) is organized under or created under federal law, state law, or the law of another place subject

28 to the jurisdiction of the United States; and

SECTION 3. SECTION 13-37-502, MCA, IS AMENDED TO READ:

"13-37-502. Prohibition on foreign national interference in election. (1) It is unlawful for a foreign national, directly or through an intermediary, to make a disbursement for an electioneering communication, a contribution, or an expenditure, or to make an express or implied promise to make a contribution or an expenditure, in connection with any candidate election.

(2) It is unlawful for a person to:

(a) solicit, accept, or receive a contribution, expenditure, or disbursement described in subsection
a foreign national; or

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

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

7 **"13-37-503. Penalties.** A person who violates 13-37-502 or [section 1] is liable in a civil action
8 pursuant to 13-37-128."

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

12
13 **NEW SECTION. SECTION 8. SEVERABILITY.** IF A PART OF [THIS ACT] IS INVALID, ALL VALID PARTS THAT ARE
14 SEVERABLE FROM THE INVALID PART REMAIN IN EFFECT. IF A PART OF [THIS ACT] IS INVALID IN ONE OR MORE OF ITS
15 APPLICATIONS, THE PART REMAINS IN EFFECT IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE INVALID
16 APPLICATIONS.

18 **NEW SECTION SECTION 9. EFFECTIVE DATE** [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.

20 **NEW SECTION. Section 6.** **Effective date.** [This act] is effective on passage and approval.

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