

Amendment - 1st Reading-white - Requested by: Conference Committee on HB 818

- 2025

69th Legislature 2025

Drafter: Andria Hardin,

HB0818.003.006

HOUSE BILL NO. 818

INTRODUCED BY B. MITCHELL, V. RICCI, L. SCHUBERT, M. VINTON, S. KELLY, S. KLAKKEN, E. ALBUS,
K. LOVE, A. NICASTRO, G. OVERSTREET, T. SHARP, E. BYRNE, R. GREGG, C. SCHOMER, C.
COCHRAN, T. MILLETT, E. TILLEMANN, D. EMRICH, J. FULLER, S. GIST, C. HINKLE, R. MARSHALL, N.
NICOL, A. REGIER, C. SPRUNGER, S. VANCE, M. REGIER, C. GLIMM, B. LER, R. MINER, G. OBLANDER,
K. ZOLNIKOV, J. ETCHART, L. DEMING, F. NAVE, B. USHER, J. GILLETTE, L. BREWSTER, N. DURAM, T.
FALK, P. FIELDER, G. KMETZ, F. MANDEVILLE, T. MCGILLVRAY, G. NIKOLAKAKOS, M. NOLAND, K.
SEEKINS-CROWE, Z. WIRTH, S. MANESS, K. BOGNER, B. BEARD, S. ESSMANN, J. HINKLE, B. PHALEN

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CAMPAIGN FINANCE LAWS; PROHIBITING A
FOREIGN NATIONAL FROM INTERFERING IN STATEWIDE BALLOT ISSUES; ~~PROVIDING~~
~~INVESTIGATORY AUTHORITY TO THE COMMISSIONER OF POLITICAL PRACTICES OR AN~~
~~APPROPRIATE COUNTY ATTORNEY; CREATING A CAUSE OF ACTION; PROHIBITING A~~
~~CONTRIBUTION, EXPENDITURE, OR INDEPENDENT EXPENDITURE USING FUNDS RECEIVED FROM A~~
~~FOREIGN NATIONAL; PROVIDING DEFINITIONS; PROVIDING PENALTIES; ~~AND~~ AND AMENDING~~
~~SECTIONS 13-37-128, 13-37-130, 13-37-201, 13-37-501, 13-37-502, AND 13-37-503, MCA; ~~AND PROVIDING~~~~
~~AN IMMEDIATE EFFECTIVE DATE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."~~

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

~~NEW SECTION. Section 1. Prohibition on foreign national interference in statewide ballot~~
~~issues. (1) A foreign national may not, directly or indirectly through any person or entity, do the following:~~

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

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

~~(c) 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."

2

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.

18

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

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- 1 (ii) has its principal place of business within the United States;
- 2 (d) an entity that:
- 3 (i) is organized under the laws of a foreign country; or
- 4 (ii) has its principal place of business in a foreign country; ~~and~~
- 5 (e) an individual who is not lawfully admitted for the privilege of residing permanently in the United
- 6 States as an immigrant in accordance with immigration laws and who is not:
- 7 (i) a citizen of the United States; or
- 8 (ii) a person who, though not a citizen of the United States, owes permanent allegiance to the
- 9 United States; and
- 10 ~~(f) any U.S. entity, such as a partnership, association, corporation, or organization, that is wholly~~
- 11 ~~or majority owned by any foreign national, unless:~~
- 12 (i) the entity employs individuals who pay income tax to the state of Montana and the entity pays
- 13 property taxes to a taxing authority in the state of Montana; or
- 14 (ii) (A) any contribution or expenditure it makes derives entirely from funds generated by the U.S.
- 15 entity's U.S. operations; and
- 16 ~~(ii)(B)~~ all decisions concerning the contribution or expenditure are made by individuals who are U.S.
- 17 citizens or permanent residents, except for setting overall budget amounts."

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

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(3) To the extent that a potential violation of this section also violates 52 U.S.C. 30121 or 11 CFR 110.20, investigation and enforcement of the matter must be referred to the federal election commission. The commissioner or a county attorney may not bring an enforcement action regarding the portion of the matter that also violates 52 U.S.C. 30121 or 11 CFR 110.20."

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

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

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

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

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

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

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