



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:

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

~~(2) — A person who makes or receives a contribution or expenditure in violation of 13-35-227, 13-35-228, or this chapter or who violates 13-35-226 is liable in a civil action brought by the commissioner or a county attorney pursuant to the provisions outlined in 13-37-124 and 13-37-125 for an amount up to \$500 or three times the amount of the unlawful contribution or expenditure, whichever is greater.~~

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

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

~~"13-37-201. — **Campaign treasurer.** (1) Except as provided in 13-37-206, each candidate, each political committee, and each joint fundraising committee shall appoint one campaign treasurer and certify the full name and complete address of the campaign treasurer pursuant to this section.~~

~~(2) — (a) A candidate shall file the certification within 5 days after becoming a candidate.~~

~~(b) — Except as provided in subsection (2)(c), a political committee and a joint fundraising committee shall file the certification, which must include an organizational statement and the name and address of all officers, if any, within 5 days after it makes an expenditure or authorizes another person to make an expenditure on its behalf, whichever occurs first. A joint fundraising committee shall also provide a list of participants with the certification.~~

~~(c) — A political committee that is seeking to place a ballot issue before the electors shall file the certification, including the information required in subsection (2)(b), within 5 days after the proposed issue is submitted to the secretary of state under 13-27-214.~~

~~(3) — The certification of a candidate, political committee, or joint fundraising committee must be filed with the commissioner."~~

Section 1. Prohibition on foreign national interference in statewide ballot issues. (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 statewide ballot issue.

(2) It is unlawful for a person to:

(a) solicit, accept, or receive any funds from a foreign national for any purpose described in subsection (1); 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.

(3) (a) Upon receipt of a contribution by a political committee created to support or to oppose a ballot issue, the committee treasurer shall obtain from the donor an affirmation that the donor is not a foreign national.

(b) Records of the donor affirmation received must be included in the treasurer's recordkeeping obligations under 13-37-207 and 13-37-208.

Section 2. Section 13-37-501, MCA, is amended to read:

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

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

(2) "Foreign national" means:

(a) a government of a foreign country;

(b) a political party of a foreign country;

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

(i) is organized under or created under federal law, state law, or the law of another place subject to the jurisdiction of the United States; and

(ii) has its principal place of business within the United States;

(d) an entity that:

(i) is organized under the laws of a foreign country; or

(ii) has its principal place of business in a foreign country; and

(e) an individual who is not lawfully admitted for the privilege of residing permanently in the United States as an immigrant in accordance with immigration laws and who is not:

(i) a citizen of the United States; or

(ii) a person who, though not a citizen of the United States, owes permanent allegiance to the

United States; and

(f) any U.S. entity that is wholly or majority owned by any foreign national, unless:

(i) the entity employs individuals who pay income tax to the state of Montana and the entity pays property taxes to a taxing authority in the state of Montana; or

(ii) (A) any contribution or expenditure it makes derives entirely from funds generated by the U.S. entity's U.S. operations; and

(B) all decisions concerning the contribution or expenditure are made by individuals who are U.S. 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.

(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."

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].

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

- END -

I hereby certify that the within bill,
HB 818, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2025.

President of the Senate

Signed this _____ day
of _____, 2025.

HOUSE BILL NO. 818

INTRODUCED BY B. MITCHELL, V. RICCI, L. SCHUBERT, M. VINTON, S. KELLY, S. KLAKKEN, E. ALBUS,
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