



AN ACT BANNING CERTAIN CAMPAIGN CONTRIBUTIONS AND EXPENDITURES BY FOREIGN NATIONALS; PROVIDING PENALTIES; AMENDING SECTION 13-37-128, MCA; AND PROVIDING AN APPLICABILITY DATE.

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

Section 1. Definitions. As used in [sections 1 through 3], 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.

Section 2. 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 solicit, accept, or receive a contribution, expenditure, or disbursement described in subsection (1) from a foreign national.

(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 3. Penalties. A person who violates [section 2] is liable in a civil action pursuant to 13-37-128.

Section 4. Section 13-37-128, MCA, is amended to read:

"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 [section 2] 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."

Section 5. 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.

Section 6. Codification instruction. [Sections 1 through 3] are intended to be codified as an integral part of Title 13, chapter 37, and the provisions of Title 13, chapter 37, apply to [sections 1 through 3].

Section 7. Applicability. [This act] applies to disbursements, contributions, expenditures, and promises made on or after [the effective date of this act].

- END -

I hereby certify that the within bill,
SB 0326, originated in the Senate.

President of the Senate

Signed this _____ day
of _____, 2019.

Secretary of the Senate

Speaker of the House

Signed this _____ day
of _____, 2019.

SENATE BILL NO. 326

INTRODUCED BY N. MCCONNELL, S. FITZPATRICK

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