



MONTANA
ADMINISTRATIVE
REGISTER



OFFICE OF THE COMMISSIONER OF POLITICAL PRACTICES

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-845.2

Summary

The Office of the Commissioner of Political Practices (COPP) has adopted NEW RULE 1 (44.11.507), prohibiting foreign interference in statewide ballot issues.

Previous Notice(s) and Hearing Information

On December 19, 2025, COPP published MAR Notice No. 2025-845.1 regarding the proposed adoption of a new rule in the 2025 Montana Administrative Register, Issue Number 24.

Final Rulemaking Action – Effective March 21, 2026

ADOPT WITH CHANGES

The agency has adopted the following rule with changes from the original proposal, stricken matter interlined, new matter underlined:

NEW RULE 1 (44.11.507) PROHIBITION ON FOREIGN NATIONAL INTERFERENCE IN STATEWIDE BALLOT ISSUES

- (1) For purposes of this rule, ~~“foreign national” has the meaning as defined in 13-37-501, MCA. The term “ballot issue” has the meaning as defined in 13-1-101, MCA.;~~
 - (a) “Foreign national” has the meaning as defined in 13-37-501, MCA.
 - (b) The terms “ballot issue” and “contribution” have the meaning as defined in 13-1-101, MCA.

- (c) The term “through an intermediary” includes making contributions indirectly through any individual or entity with the purpose of influencing a statewide ballot issue.
- (2) ~~A foreign national is prohibited from making contributions or expenditures in connection with any statewide ballot issue whether the foreign national acts directly or indirectly through an intermediary. An intermediary includes any individual or entity. It is unlawful for any committee or individual to knowingly solicit or enable a foreign national’s financial involvement in a statewide ballot issue campaign. Any contribution that originated from a foreign national source, whether received directly or through an intermediary, may not be used by a committee or individual in connection with any statewide ballot issue.~~
- (3) ~~It is unlawful for any committee or individual to knowingly solicit or facilitate a foreign national’s financial involvement in a statewide ballot issue campaign. Any contribution that originated from a foreign national source, whether received directly or via an intermediary, may not be used by a committee or individual in connection with any statewide ballot issue. The donor affirmation required pursuant to 13-37-505, MCA, must be in writing.~~
- (4) ~~The donor affirmation required pursuant to [HB 818] must be in writing and include an affirmation that the donor does not accept contributions from foreign nationals; or segregates contributions received from foreign nationals to prevent those funds from being used in statewide ballot issues. COPP shall provide standardized forms for donor affirmations. Committee treasurers may use COPP-provided forms or substantially similar forms which include all information required by 13-37-505, MCA.~~
- (5) ~~COPP shall provide standardized forms for donor affirmations. Committee treasurers may use COPP provided forms or substantially similar forms which include all information required by [HB 818] and (4) of this rule. Donor affirmations need not be filed with the committee’s periodic finance reports but are part of the committee treasurer’s record keeping obligations required by 13-37-207 and 13-37-208, MCA, and must be provided to the commissioner upon request.~~
- (6) ~~Donor affirmations need not be filed with the committee’s periodic finance reports but are part of the committee treasurer’s record keeping obligations required by 13-37-207 and 13-37-208, MCA.~~

Authorizing statute(s): 13-37-114, MCA

Implementing statute(s): 13-37-501, 13-37-502, 13-37-503, 13-37-505, MCA

Statement of Reasons

The agency has considered the comments and testimony received. A summary of the comments received, and the agency's responses are as follows:

Comment 1: Several commenters suggested that the proposed new rule should refer to the definition for the term "contribution" already provided for in Montana election law. The commenters also argue that the rule proposal additionally lacked necessary definitions for the terms "solicit" and "facilitate," creating significant confusion as to what activity is specifically prohibited by the new rule and how COPP would interpret and implement the new rule.

Response 1: COPP agrees with the commenters that the original rule proposal failed to appropriately define certain terms. As a result, COPP has amended (1) to reference the existing definition for the term "contribution" provided in Montana election law, and otherwise removed the provision referencing the terms "solicit" and "facilitate."

Comment 2: Commenters also argued that (3) as originally written exceeded the plain statutory language and authorities provided the agency in the authorizing statutes (13-37-501 through 13-37-505, MCA), specifically in requiring that funds received from foreign national sources be segregated from all other funds. Another commenter argued that (4) as originally written expanded the required donor affirmation requirements, specifically in adding a requirement that donors either affirm they do not accept contributions from foreign nationals or otherwise segregate those funds to prevent their use in a statewide ballot issue. Commenters stated that neither action is specifically required by law, nor do the authorizing statutes provide COPP with the authority to implement such requirements via the administrative rulemaking process.

Response 2: COPP agrees with commenters that the original language in (3) and (4) may exceed the plain language of the relevant statutes. As a result, COPP has removed the provisions from the new rule. COPP has also updated the language in (2) to clarify what activity is specifically prohibited in a more direct and concise manner.

Comment 3: Commenters finally argued that the written donor affirmation requirements place new and additional burdens on entities engaging in the statewide ballot issue process.

Response 3: COPP thanks commenters for this feedback but notes the donor affirmation statements are required by law. COPP will provide standardized forms that may be used. The agency has also updated the language in (5) to clarify that while donor affirmations do not need to be included with each committee finance report filed with COPP, the commissioner has the authority to compel their provision, pursuant to its authority relating to similar required records provided in 13-37-111, MCA.

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Rule Reviewer

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Approval

Chris J. Gallus, Commissioner of Political Practices