

–	Federal law 52 U.S.C. 30121 & 11 C.F.R. §110.20	LD 194 (Bennett)	LD 641 (Riseman)	LD 479 (K. Bailey)
Covered elections	Federal, state and local candidate elections	State and local referendum elections	<i>Same as LD 194</i>	State and local candidate & referendum elections
Affected foreign actors	“Foreign national” defined as:	“Foreign government-owned entity” defined as:	“Foreign national” defined as:	“Foreign national” defined as:
	Foreign government			Foreign government or agents
	Foreign political party			Foreign political party or its agents
	Individuals who are neither U.S. citizens nor permanent residents		Individuals who are not U.S. citizens	<i>Same as federal law</i>
	Partnership, association, corporation, organization, or other combination of persons that is: <ul style="list-style-type: none"> • Organized under the laws of a foreign country or • Has its principal place of business in a foreign country 	Entity for which a foreign government owns, controls or has beneficial ownership of ≥ 10% of equity or voting shares	Foreign entity or a (US?) government, organization or business that has majority control of a foreign entity* <i>* Confusing definition that may need clarification</i>	<i>Same entities as in federal law</i> as well as the agents or separate segregated funds of the entities described by the federal law.
			Firm, partnership, other entity corporation or association: <ul style="list-style-type: none"> (a) ≥ 5% owned by a “foreign owner” (b) ≥ 20% owned by 2 or more “foreign owners” (c) That is tax-exempt under 501(c)(4) and has ≥ 20% income from foreign nationals (d) Where a “foreign owner” or entity under (a) or (b) participates in decisions “Foreign owner” is ≥ 50% owned by a “foreign national” under federal law except via widely held, diversified funds.	

–	Federal law 52 U.S.C. 30121 & 11 C.F.R. §110.20	LD 194 (Bennett)	LD 641 (Riseman)	LD 479 (K. Bailey)
Prohibitions against foreign actors	Make (or promise to make), directly or indirectly, a contribution in connection with a candidate election			Make, directly or indirectly, a contribution to influence a candidate election
		Make, directly or indirectly a contribution to influence a referendum	<i>Same as LD 194</i>	Make, directly or indirectly, an expenditure to influence a referendum election
	Make, directly or indirectly, a contribution to a political party			<i>Same as federal law</i>
	Make, directly or indirectly, an (independent) expenditure for an electioneering communication— <i>i.e.</i> , tv, radio or satellite communication (but not a print, phone or Internet communication) referring to a clearly identified candidate within 30 days of a primary or 60 days of a general election.	Make, directly or indirectly, an expenditure to influence a referendum	<i>Same as LD 194</i>	Make, directly or indirectly, an (independent) expenditure for an “electioneering communication”— <i>i.e.</i> , a communication described in 21-A M.R.S. §1014 , Maine’s candidate authorization disclaimer statute.
				Make, directly or indirectly, an expenditure to design, produce or disseminate a communication to promote or oppose a candidate or <i>a political party</i>
				Disseminate or republish a candidate’s authorized campaign materials
	Direct, dictate, control or participate in a person’s (<i>e.g.</i> , business, organization or PAC) decision-making process for making contributions or expenditures in connection with a candidate election or decisions concerning the administration of a political committee	Direct, dictate, control or directly or indirectly participate in a person’s decision-making process for making contributions or expenditures to influence a referendum	<i>Same as LD 194</i>	

–	Federal law 52 U.S.C. 30121 & 11 C.F.R. §110.20	LD 194 (Bennett)	LD 641 (Riseman)	LD 479 (K. Bailey)
Prohibitions against non-foreign actors	Knowingly solicit, accept or receive a prohibited contribution	Solicit, accept, or receive a prohibited contribution	<i>Same as LD 194</i>	Intentionally, knowingly or recklessly solicit, accept or receive a prohibited contribution
	Knowingly provide substantial assistance in the making, solicitation, acceptance or receipt of a prohibited contribution			Intentionally, knowingly or recklessly provide substantial paid or unpaid assistance in the making, solicitation, acceptance or receipt of a prohibited contribution
				Intentionally, knowingly or recklessly accept a prohibited (independent) expenditure
	Knowingly provide substantial assistance in the making of a prohibited (independent) expenditure			Intentionally, knowingly or recklessly provide substantial paid or unpaid assistance in the making or acceptance of a prohibited (independent) expenditure
				Broadcasters (tv, radio, cable, satellite or Internet platforms) must have policies reasonably designed to ensure they don't broadcast communications funded by prohibited (independent) expenditures. Internet platforms must also immediately remove offending communications once they discover them.

–	Federal law 52 U.S.C. 30121 & 11 C.F.R. §110.20	LD 194 (Bennett)	LD 641 (Riseman)	LD 479 (K. Bailey)
Additional foreign national disclosure Requirements	22 U.S.C. §614 requires “a conspicuous statement”—on all “informational materials” transmitted by an agent o/b/o a “foreign principal” (defined similar to “foreign national”) through the mail or through interstate or foreign commerce—that the materials are distributed by the agent on behalf of the foreign principal. ¹			If a non-prohibited communication that is intended to influence state or local government policy or foreign relations is financed by a foreign national, the foreign national’s sponsorship must be conspicuously disclosed.
Penalty	Federal Election Commission may impose a civil fine of up to \$5,000 or the amount of the contribution or expenditure (whichever is greater)—these fines may be doubled if the violation was “knowing and willful.”	Ethics Commission may impose a fine of up to \$100,000 or twice the amount of the contribution or expenditure (whichever is greater). Under 21-A M.R.S. §1004-C , these penalties may be: <ul style="list-style-type: none"> • Doubled if the violation occurs < 28 days before the election; or • Tripled if the violation occurs < 14 days before the election. 	<i>Same as LD 194</i> <i>Except</i> LD 641 adds factors the Ethics Commission must consider in setting the fine: whether the violation was intentional and whether an attempt was made to conceal the identity of the foreign national.	Not stated in LD 479. Some violations would be a Class E crime under 21-A M.R.S. §1004(1) , but for other violations, no penalty is specified. <i>See Technical issues in Bill Analysis.</i>
Emergency legislation?	n/a	Yes	Yes	No

¹ OPLA has not had time to examine the contours of this statutory requirement in detail. The citation was provided in testimony from the Campaign Law Center.