

Topic	Amendment Provision	Notes
<b>Covered elections</b>	State and local referendum elections.	<i>Defer to federal law for candidate contribution prohibitions.</i>
<b>Definition of “foreign national”</b>	<ul style="list-style-type: none"> <li>➤ Foreign government</li> <li>➤ Foreign political party</li> <li>➤ Individuals who are neither U.S. citizens nor permanent residents</li> <li>➤ Partnership, association, corporation, organization, or other combination of persons:                             <ul style="list-style-type: none"> <li>• Organized under the laws of a foreign country; <b>or</b></li> <li>• Has its principal place of business in a foreign country; <b>or</b></li> </ul> </li> </ul>	<p>These portions of the definition match the definition of “foreign national” under the federal law governing candidate campaign contributions. <i>See</i> <a href="#">52 U.S.C. §30121</a>.</p>
	<ul style="list-style-type: none"> <li>• For which a foreign government owns, controls or has direct or indirect beneficial ownership of ≥ 10% equity or voting shares.</li> </ul>	From LD 194.
<b>Determining extent of foreign ownership of domestic entity</b>	If an entity makes at least \$100,000 in aggregate contributions or expenditures to influence a referendum, the CEO or highest-ranking official of the entity must certify, subject to a penalty for false swearing, that after due inquiry, the entity was not a foreign national on the date or dates that the entity made the contributions or expenditures. This certificate must be filed with the Ethics Commission and a copy provided to the recipient of any of the contributions, who shall be entitled to rely on it in good faith.	Under <a href="#">17-A M.R.S. §452</a> “false swearing” is a Class D crime, which would subject the person who makes the false statement to a fine of up to \$2,000 and a term of imprisonment of less than 1 year.
<b>Prohibited actions of foreign nationals</b>	<p>A “foreign national” may not:</p> <ul style="list-style-type: none"> <li>➤ Make, directly or indirectly, a contribution to influence a referendum;</li> <li>➤ Make, directly or indirectly, an expenditure to influence a referendum; or</li> <li>➤ Direct, dictate, control or directly or indirectly participate in a person’s decision-making process for making contributions or expenditures to influence a referendum.</li> </ul>	<p>From LD 194 sub-§§2, 4, &amp; 5, except that the amendment will address the technical issues by:</p> <p>(1) Using the “contribution” definition in <a href="#">21-A M.R.S. §1052(2)</a>, but amending that definition to include contributions to BQCs; and</p> <p>(2) Using the definition of “expenditure” in <a href="#">§1052(4)</a>.</p>

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<p><b>Prohibitions against non-foreign nationals</b></p>	<p>A person may not:</p> <ul style="list-style-type: none"> <li>➤ Knowingly solicit, accept or receive a prohibited contribution;</li> <li>➤ Knowingly provide substantial assistance in the making, solicitation, acceptance or receipt of a prohibited contribution; or</li> <li>➤ Knowingly provide substantial assistance in the making of a prohibited expenditure.</li> </ul>	<p>These prohibitions are analogous to the prohibitions under federal law regarding candidate campaigns.</p>
<p><b>Additional foreign national disclosure requirements</b></p>	<p>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.</p>	<p>From LD 479, sub-§7.</p>
<p><b>Penalties</b></p>	<p>The Ethics Commission may impose a civil penalty of up to \$5,000 or the amount of the contribution or expenditure involved in the violation, whichever is greater.</p> <p>Under <a href="#">21-A M.R.S. §1004-C</a>, these civil penalties may be doubled if the violation occurs &lt; 28 days before the election or tripled if the violation occurs &lt; 14 days before the election.</p> <p><i>Note:</i> this penalty would not apply to a false statement in the ownership certification by the CEO/highest ranking official of an entity. The maker of such a false statement would instead be subject to the penalties for false swearing in 17-A M.R.S. §452 (see above).</p>	<p>This base penalty amount — up to \$5,000 or the amount of the contribution or expenditure — matches the penalty under the federal law prohibiting foreign nationals from contributing to candidate campaigns. See <a href="#">52 U.S.C. §30109(a)(5)(A)</a>.</p>