Section 1. Section [ ] is enacted to read:

Definitions.

For purposes of this chapter, the following definitions apply:

A) "Donation" means a payment, gift, subscription, loan, advance, deposit, or anything of value given to a person without consideration.

B) "Election Officials" include individuals who administer, implement, or oversee election-related policies, procedures, or technologies on behalf of any municipality, municipal agency, state, or state agency. Election Officials include, but are not limited to, the [chief election official]; any registrar of voters; town, city, or county clerk; any member of a board or commission of elections; any member of the independent redistricting commission; or any of the aforementioned individual's agents, employees, representatives, or assigns.

C) For the purposes of this section, "election administration" means to participate in any way in the process of conducting and implementing an election. Election administration for the purposes of this section does not include post-election canvass, recount, contest and audit processes.

D) "Foreign donations" are donations provided by a foreign national.

E) "Foreign national" [has the same meaning as in 52 U.S. Code § 30121(b)] means:

1) An individual who is not a citizen or lawful permanent resident of the United States;

2) A government, or subdivision, of a foreign country or municipality thereof;

3) A foreign political party;

4) Any entity, such as a partnership, association, corporation, organization, or other combination of persons, that is organized under the laws of, or has its principal place of business in, a foreign country; or

5) Any U.S. entity, such as a partnership, association, corporation, or organization, which is wholly, or majority owned by any foreign national, unless (1) any contribution or expenditure it makes derives entirely from funds generated by the U.S. entity's U.S. operations; and (2) 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.

F) "Government entity" means a state, county, local, or municipal government entity, or an officer, employee, or volunteer of one of these entities.

G) "Person" includes an individual, partnership, association, corporation, organization, or any other combination or group of individuals.

H) "State Official" includes all elected officials and directors of the executive branch of state government.

Section 2. Section [ ] is enacted to read:

Donated funding and in-kind goods or services prohibited; Disclosure requirements.

A) No government entity may solicit, accept, or use any funds or in-kind goods or services for election administration if those funds or in-kind goods or services are donated directly or indirectly by any person other than a government entity. An Election Official may solicit, accept, or use funds or in-kind goods or services of de minimis value.

B) Subject to the exception in Section 2(C) below, no government entity or Election Official may join the membership of any person, participate in any program, or purchase any services from any person unless the person complies with the following certification requirements:

1) The certification must state that the person:
   a) Has not directly or indirectly financed election administration;
   b) Does not have any staff or board members who have worked for, consulted with or been employed by a person described by Section 2(B)(1) within the last 10 (ten) years unless such organization consisted of government officials; and
   c) Has been certified as being free of direct or indirect foreign donations.
2) A certification provided pursuant to Section 2(B)(1) shall be:
   a) Renewed on an annual basis;
   b) Updated within 5 (five) business days of the person obtaining information unknown at the time of the initial certification as described in Section 2(B)(1); and
   c) Dated and sworn by the person under penalty of perjury.

C) If, in his or her private capacity, an Election Official, joins or considers joining the membership of a person, or participates or considers participating in any program described by Section 2(B), the Election Official has a duty to disclose his or her participation or membership, or potential participation or membership, and to have participation or potential participation or membership considered in a public hearing, and disclosed on his or her public website as provided by this [article/section].

1) The disclosure must be:
   a) Conspicuous, publicly accessible, and publicly viewable;
   b) At least 14-point Times New Roman font, and in a contrasting color from the background of the website;
   c) Enclosed inside a box, separated from other text and graphics; and
   d) Displayed on the homepage of the Election Official's website, reasonably close to the top of the page.
2) The disclosure must state:
   a) The full name and title of the Election Official,
   b) The date that the Election Official participated in the program and/or joined the person or participated in the program or is scheduled to begin participation in the program,

c) The full name of the program and/or person,

d) An accurate description of the nature of the program and/or person,

e) A certification that the person or program has not been, directly or indirectly, the recipient of foreign donations, a statement that the person or program has been the recipient of foreign donations, or a statement that the person or program has not submitted said certification, and

f) The date of any public hearing at which membership or participation in the program is to be considered.

3) The disclosure must also include a link to a pdf containing all resources or documents received by the election official from the person or program, along with the disclosure of any known funding for the program known to the official. This list of resources must be updated within 10 (ten) business days of receipt as resources, documents, and other materials are provided or made available.

a) Example:

> On January 1, 2023, John Smith, the [chief election official] of [State], in his private capacity, participated in a training administered by [program or person].
>
> A copy of the certification that the [program or person] [has not been, directly or indirectly, the recipient of foreign donations] can be found here: [URL]; [OR] A statement that the [program or person] [has been the recipient of foreign donations or has not submitted a certification].
>
> A copy of the documents received from [program or person] can be found here: [URL].

4) If the Election Official does not have a public website, the disclosure must be included on the official homepage of the website most closely associated with the Election Official, including that of his or her superior or supervisor. If no website or homepage can be ascertained, the disclosure must be submitted to the [chief election official] or Attorney General for inclusion on the Department of State's website in a conspicuous manner.

5) The disclosure must remain posted and publicly accessible for a period beginning not less than 30 days prior to joining, and ending not less than 180 days after membership ends.

6) In creating and posting the disclosure, the Election Official is certifying under penalty of perjury that the information contained within the disclosure is true and accurate.

D) The penalty for a violation of section (A) or (B) of this Act will be [insert desired penalty here—misdemeanor or felony, fine and/or imprisonment—or cite to penalties for violation of Ethics Act]. If conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

E) Failure to comply with of the requirements of section (C) of this Act is a [level of offense]. The penalty for a violation of any part of this Act will be [insert desired penalty here—misdemeanor or felony, fine and/or imprisonment—or cite to penalties for violation of Ethics Act]. If conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

F) Any State Official or other person registered to vote in the state may bring a private action to enforce this section.

G) Any existing or future ordinance enacted or adopted by a county, a municipality, or any other local governmental entity which is in conflict with this section is void.