The Zuck Bucks 2.0 Certification and Disclosures Act

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) 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.

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

D) "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.

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

F) "Knowingly" means that a person must:

1) Have actual knowledge that the source of the funds solicited, accepted or received is a foreign national;

2) Be aware of facts that would lead a reasonable person to conclude that there is a substantial probability that the source of the funds solicited, accepted, or received is a foreign national; or

3) Be aware of facts that would lead a reasonable person to inquire whether the source of the funds solicited, accepted or received is a foreign national, but the person failed to conduct a reasonable inquiry.

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:

Certification to chief election official regarding foreign donations; Penalties for failure to provide certification/providing inaccurate certification; Duty to obtain, maintain and audit records.

A) At least 10 (ten) business days before any person other than a government entity enters into any agreement, membership, or program with any government entity to provide funds or in-kind goods or services for election administration, the person shall provide a certification to the [chief election official] stating whether the person is knowingly the recipient, directly or indirectly, of foreign donations. The certification provided to the [chief election official] shall:

1) State whether the person is knowingly the recipient, directly or indirectly, of foreign donations;

2) Be renewed on an annual basis;

3) Be updated within 5 (five) business days of the person obtaining information unknown at the time of the initial certification to reflect whether the person is knowingly the recipient, directly or indirectly, of foreign donations; and

4) Be dated and sworn by the person under penalty of perjury.

B) Knowingly failing to provide an accurate or updated certification within the prescribed timeframe constitutes a [insert desired level of offense 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.

C) In addition to the penalties described in Section 2(B), failure to provide the certification or providing an inaccurate certification to the [chief election official] prior to entering into any agreement, membership, or participating in a program with a state, county, or local government entity will invalidate any agreement, membership, or participation in any program and bar the state, county, or local entity from entering or continuing any agreement, membership or participation in any program with the person.

D) The [chief election official] shall maintain records of the certifications described in Section 2(A). The [chief election official] shall publish these certifications on its website.

E) The [chief election official] shall require government entities to provide the [chief election official] with a quarterly report listing any person(s) providing or that have provided funds or in-kind goods or services for election administration. The [chief election official] shall audit the lists provided to ensure compliance with the certification requirement.

F) The [chief election official] shall adopt rules as necessary to implement 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 chapter is void.

Section 3. Section [ ] is enacted to read:

Enforcement and private cause of action.

A) The attorney general may initiate proceedings relating to a knowing violation of Section A. Such proceedings may include, without limitation, an injunction, a civil penalty up to [amount] for each knowing violation and additional relief in a district court in the county where the state capitol is situated. The attorney general may issue investigative demands, issue subpoenas, administer oaths and conduct hearings in the court of investigating a violation of Section 2(A)

B) In addition to the penalties provided in Section 3(A), any person that violates Section 2(A) shall be subject to all penalties provided in Sections 2(B) and 2(C). The remedies available in this section are cumulative and in addition to any other remedies available by law.

C) Any state official or other person registered to vote in the state may bring a civil action to:

1) Enjoin a violation of this chapter;
2) Enforce any provision of this chapter; or
3) Bring both such actions.

D) If a claimant prevails in an action brought under Section 3(C), the court shall award:

1) Injunctive relief sufficient to prevent the defendant from violating this subchapter or engaging in acts that aid or abet violations of this subchapter;
2) Statutory damages in the amount of $1,000 per day from the date of noncompliance until the defendant comes into compliance with this subchapter; and
3) costs and attorney's fees.

E) The remedies, duties, and prohibitions and penalties of this chapter are in addition to all other causes of action, remedies and penalties provided by law.