

On Thu, 14 May at 11:06 PM , Toby Nixon <toby@tobynixon.com> wrote:
Thanks for the opportunity to comment. Here are my thoughts.

I think the currently proposed template is difficult to implement for online contributions. You simply can't get a signature online. I believe that should be a simple statement that can be included on donation envelopes or donation web pages, something like the following:

By making this contribution, I hereby certify that (1) if the contribution is made by a natural person or persons, that all persons making the contribution are citizens of the United States and are making the contribution from their personal funds; or (2) if the contribution is made by an entity other than a natural person or persons, that the entity making this contribution is not organized under the laws of, and does not have its principal place of business in, a foreign country; that the contribution is not financed in any part by a foreign national; and foreign nationals were not involved in making decisions regarding the contribution in any way.

The amount of contribution, date of contribution, printed name of person(s) making the contribution are entered elsewhere on the form and do not need to be entered again as part of the statement. No actual signature should be required, or that would make online contributions impossible.

Cash and anonymous donations under \$25, and low-cost fundraisers, should be exempt from needing to collect the statement. If someone is coming up and paying \$5 for a hamburger, they shouldn't need to sign such a statement any more than they need to provide their employer and job title.

For recurring donations (like monthly pledges), the statement should need to be collected only one time and apply to all the recurring donations.

Further guidance should be provided on what political committees should do if a check is received without the certification. The draft rule says that the check should not be deposited until the certification is received, but this conflicts with other PDC rules that say the check MUST be deposited within 5 business days. Is it OK to hold a check undeposited for more than 5 business days while waiting for the certification? If this happens, is the "date received" for the contribution the date the check was originally received, or the date the certification is received? Is there a time limit for how long a check can be held undeposited waiting for the certification, after which the check must be returned to the donor?

If a donation is received from a natural person without the statement, but the person is listed in the statewide Voter Registration Database from the Secretary of State and the address in the VRDB matches the address on the check, can the political committee consider that voter registration to be a declaration of citizenship and accept the donation?

The rules and statement are unclear about how to handle domestic corporations (organized in Washington or another US state) but who have foreign nationals as directors, officers, employees, stockholders, investors, or creditors. Does that not matter, so long as those foreign nationals were not *directly* involved in decisions regarding the *specific* contribution? What if, for example, foreign nationals who are officers or directors are involved in deciding

how much of the budget of a corporation is allocated for overall political contributions, but no foreign nationals are involved in deciding which *specific* candidates or PACs to contribute to or in what amounts? Or are we saying that a corporation that has even one share held by a foreign national, or even \$1 in loans from a foreign bank, or has any directors, officers, etc., who are foreign nationals, is prohibited from making any contributions, even if those persons are not directly involve and have no knowledge of which specific candidates or PACs received donations (except, perhaps, after the fact)?

Seriously, it would be nice if the legislature actually did a stakeholder process BEFORE enacting such laws!

Best regards,

-- Toby
