

NEW SECTION

**WAC 390-~~17-415~~16-330 Prohibited ~~activity financing and involvement~~ by foreign nationals—~~Contribution, expenditure, political advertising, or electioneering communication.~~ (1) **Prohibited financing by foreign nationals.****

(a) For purposes of section 9, chapter 152, Laws of 2020 (SSB 6152), a contribution, expenditure, political advertising, or electioneering communication is "financed in any part by a foreign national" if the person making the contribution or expenditure, or sponsoring the advertisement or communication, uses a funding source that includes, in whole or in part, anything of value received from a foreign national for less than full consideration. Such value may include, but is not limited to, a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds, or goods and services.

~~(i) Any direct payment by a foreign national for the purpose of financing the contribution, expenditure, advertisement, or communication; or~~

~~(ii) Any subsidy made by a foreign national, such as a gift, loan, donation, or any use or exchange of goods or services for less than full consideration.~~

(b) Any thing of value ~~subsidy~~ received ~~by an entity~~ from a foreign national for less than full consideration must be segregated, using reasonable accounting methods, from the funding source used by the entity to finance a contribution, expenditure, advertisement, or communication. ~~The subsidy~~ Funding from a foreign national ~~cannot~~ may not be used to supplant, replace, or replenish the funding source or any of the resources or activities funded by that source.

(2) **Prohibited decision-making involvement by foreign nationals.**

(a) For purposes of section 9, chapter 152, Laws of 2020 (SSB 6152), a foreign national is "involved in making decisions regarding a ~~the~~ contribution, expenditure, political advertising, or electioneering communication in any way" if the foreign national directs, dictates, controls, or directly or indirectly participates in the decision-making process ~~of any person~~ regarding ~~the sourcing or distribution of any~~ such contribution, ~~or~~ expenditure, ~~or production of any~~ advertisement, or communication.

(b) If any entity is a subsidiary, branch, unit, or division of a foreign national, or otherwise established, financed, maintained or

controlled by a foreign national, under the criteria provided in WAC 390-16-309(3), the decision-making authority of such entity regarding the contribution, expenditure, advertisement, or communication, must be clearly established to be ~~exclusively~~ comprised exclusively of United States citizens or legal permanent residents, in order to exclude ~~participation or influence~~involvement by any foreign national.

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NEW SECTION

**WAC 390-~~17-420~~16-335 Certification for contributions from entities—Prohibited activity by foreign nationals.** (1) The certification required for a candidate or political committee to accept each contribution from a partnership, association, corporation, organization, or other combination of persons must be received in writing, either:

(a) By the date the report including the contribution is due, or within ten business days, whichever is later; or

(b) Within thirty days from the date the contribution is received, so long as the candidate or committee keeps any uncertified

contributions in a separate bank account, to prevent comingling with other contributions, until the certification is received.

(2) Any uncertified contribution must be refunded or returned by the applicable deadline in subsection (1) of this section. The failure to timely refund or return an uncertified contribution constitutes a violation of Chapter 42.17A RCW.

~~include an attestation by the individual agent authorized to make the contribution for the entity and to represent or bind the entity, that:~~

~~(a) The entity itself is not a foreign national, as defined in RCW 42.17A.005(24);~~

~~(b) The contribution is not financed in any part by a foreign national; and~~

~~(c) Foreign nationals were not involved in making decisions regarding the contribution in any way.~~

~~(2) The certification must be received in writing by the candidate or committee before each contribution from an entity is deposited, pursuant to requirements under RCW 42.17A.220. The deposit of an uncertified contribution is a violation of chapter 42.17A RCW.~~

(3) Entities may use an attestationa certification that conforms to the suggested format below or provide a different format, ~~including~~

~~an electronic format, if so long as~~ it provides the following information:

(a) The name of the entity making the contribution and the individual who is the authorized agent;

(b) ~~The name of the entity making the contribution;~~

~~(c) A statement that the entity making the contribution is not organized under the laws of, or has its principal place of business in, a foreign country~~a foreign national, as defined in RCW 42.17A.005(24);

~~(d) A statement that the entity making the contribution is not financed in any part by a foreign national; and~~

~~(e) A statement that foreign nationals were not involved in making decisions regarding the contribution in any way;~~

(e) The amount of the contribution and the date it was made; and

(f) The date the certification was submitted.

Certification that Contribution Is Not From a Foreign National

I certify that the entity

(name of entity) making this contribution is not organized under the laws of, and does not have its principal place of business in, a foreign country. This 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.

Amount of Contribution:

Date of Contribution:

~~Printed~~ Name of Authorized Agent:

~~Signature of Authorized Agent:~~

Date Submitted:

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