

Proposed Emergency Rules re SSB 6152 - DRAFT

NEW SECTION - Prohibited Activity by Foreign Nationals - Contribution, Expenditure, Political Advertising, or Electioneering Communication.

(1) Prohibited financing by foreign nationals.

(a) For purposes of session law 2020 ch 152 s 9 [SSB 6152], a contribution, expenditure, political advertising, or electioneering communication is financed 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:

(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 subsidy received by an entity from a foreign national 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 cannot 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 session law 2020 ch 152 s 9 [SSB 6152], a foreign national is involved in making decisions regarding a contribution, expenditure, political advertising, or electioneering communication 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 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 of United States citizens or legal permanent residents, in order to exclude participation or influence by any foreign national.

NEW SECTION - 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 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 attestation that conforms to the suggested format below or provide a different format, including an electronic format, if it provides the following information:

(a) The name of 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;

(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.

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: