

70. 2235

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# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989



# ENROLLED

HOUSE BILL No. 2235

(By ~~Mr.~~ Del. Berry & Trickett )



Passed March 20, 1989

In Effect Ninety Days From Passage

**ENROLLED**  
**H. B. 2235**

(By DELEGATES BERRY AND TRIBETT)

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[Passed March 20, 1989; in effect ninety days from passage.]

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AN ACT to amend and reenact section four, article eight, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the filing of written statements with the secretary of state designating the treasurer of a political committee or the financial agent of a candidate; enlarging the time period for filing such statement from sixty days prior to an election to twenty-eight days prior to an election; designating the specific time of receipt or postmark requirements; and defining the terms "person" and "financial agent".

*Be it enacted by the Legislature of West Virginia:*

That section four, article eight, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 8. REGULATION AND CONTROL OF ELECTIONS.**

**§3-8-4. Treasurers and financial agents; written designation requirements; "person" and "financial agent" defined.**

- 1 (a) No person shall act as the treasurer of any political
- 2 committee, or as financial agent for any candidate for
- 3 nomination or election to any office to be filled by the
- 4 voters of the entire state, or candidates for nomination
- 5 or election for any office, encompassing an election
- 6 district larger than a county, or any person or organ-

7 ization advocating or opposing the nomination, election  
8 or defeat of any candidate, or the passage or defeat of  
9 any issue, thing or item to be voted upon, encompassing  
10 an election district larger than a county, unless a  
11 written statement designating him as such treasurer or  
12 financial agent shall be filed with the secretary of state,  
13 at least twenty-eight days before the election at which  
14 he is to act, and must be received before midnight,  
15 eastern standard time, of that day, or if mailed, shall  
16 be postmarked before that hour.

17 (b) No person shall act as treasurer of any such  
18 committee or as financial agent for any candidate to be  
19 nominated or elected by the voters of a county or a  
20 district therein, or as the treasurer or financial agent  
21 for a candidate for the nomination or election to any  
22 other office, or for the passage or defeat of any issue,  
23 thing or item to be voted upon not herein mentioned,  
24 unless a written statement designating him as such  
25 treasurer or financial agent shall be filed with the clerk  
26 of the county commission at least twenty-eight days  
27 before the election at which he is to act, and must be  
28 received before midnight, eastern standard time, of that  
29 day, or if mailed, shall be postmarked before that hour.

30 (c) Notwithstanding the provisions of subsections (a)  
31 and (b) of this section, a filing designating a treasurer  
32 or financial agent for a state or county political  
33 executive committee may be made anytime before the  
34 committee either accepts or spends funds on behalf of  
35 the committee. Once a designation is made by a state  
36 or county political executive committee, no additional  
37 designations shall be required under this section until  
38 a successor treasurer or financial agent is designated.  
39 A state or county political executive committee may  
40 terminate a designation made pursuant to this section  
41 by making a written request to terminate the designa-  
42 tion and by stating in the request that the committee  
43 has no funds remaining in the committee's account. This  
44 written request shall be made with either the secretary  
45 of state or the clerk of the county commission as  
46 provided by subsections (a) and (b) of this section.

47 (d) As used in this article:

48 The term "person" shall include an individual,  
49 partnership, committee, association, corporation, and  
50 any other organization or group of persons; and

51 The term "financial agent" shall include any person  
52 acting for and by himself, or any two or more natural  
53 persons acting together or cooperating in a financial  
54 way to aid or take part in the nomination or election of  
55 any candidate for public office, or to aid or promote the  
56 success or defeat of any political party or principle at  
57 any election, or any proposition submitted to a vote at  
58 a public election.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Frederick L. Parker*  
Chairman Senate Committee

*Bernard V. Kelly*  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Joseph C. Smith*  
Clerk of the Senate

*Donald L. Hoop*  
Clerk of the House of Delegates

*Lawrence*  
President of the Senate

*[Signature]*  
Speaker of the House of Delegates

The within *is* approved this the *31st* day of *March*, 1989.

*Gaston Caperton*  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/27

Time 10:27