

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1941



ENROLLED

COMMITTEE SUBSTITUTE FOR
HOUSE BILL No. 261

Originating in the Committee on
the Judiciary
(By ~~Mr.~~.....)



PASSED march 6 1941

In Effect ninty days from Passage

ENROLLED
COMMITTEE SUBSTITUTE FOR
House Bill No. 161

[Passed March 6, 1941; in effect ninety days from passage.]

AN ACT to amend article eight, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, by adding section eleven-a, and section fourteen to twenty inclusive, relating to corrupt and pernicious practices during elections.

Be it enacted by the Legislature of West Virginia:

That article eight, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, be amended by adding sections eleven-a and sections fourteen to twenty inclusive, to read as follows:

Article 8. Things Required; Practices Forbidden; Penalties.

Section 11-a. Penalties for Violation of Limitations

2 *Upon Campaign Expenditures.*—Any person who shall
3 violate the provisions of section eleven, article eight, chap-

4 ter three of the code of West Virginia shall upon convic-
5 tion, be disqualified from holding any public office or em-
6 ployment during a period of five years subsequent to the
7 date of conviction. If elected to occupy any public office
8 or employment, such person shall immediately upon con-
9 viction, be deemed to have vacated such office or to have
10 ceased such employment.

Sec. 14. *Intimidation and Coercion of State and Other*
2 *Employees; Penalties.*—It shall be unlawful for any per-
3 son to solicit any contribution from any non-elective sal-
4 aried employee of the state government or of any of its
5 subdivisions, or to coerce, or intimidate, such employee
6 into making such contribution. It shall be unlawful for
7 any person to coerce, or intimidate any non-elective sal-
8 aried employee of the state government or of any of its
9 subdivisions into engaging in any form of political activ-
10 ity. Any person violating the provisions of this section
11 shall be guilty of a misdemeanor and upon conviction be
12 fined not more than one thousand dollars, or imprisoned
13 for not more than one year, or both.
14 Nothing in this section, however, shall be construed to

15 prevent any such employee, within the limits of this
 16 article, from making such a contribution or from engag-
 17 ing in political activity voluntarily, that is, without coer-
 18 cion, intimidation, or solicitation.

Sec. 15. *Promise of Employment or Other Benefits; Pen-*
 2 *alties.*—It shall be unlawful for any person, directly or in-
 3 directly, to promise any employment, position, work,
 4 compensation, or other benefit provided for, or made pos-
 5 sible, in whole or in part by act of the Legislature, to any
 6 person as consideration, favor, or reward for any political
 7 activity for the support of or opposition to any candidate,
 8 or any political party in any election. Any person violat-
 9 ing this section shall be guilty of a misdemeanor and upon
 10 conviction be fined not more than one thousand dollars or
 11 imprisoned for not more than one year, or both.

Sec. 16. *Limitations of Contribution; Penalties.*—It shall
 2 be unlawful for any person to make contributions, directly
 3 or indirectly, in excess of the value of five thousand dollars
 4 in connection with any campaign for nomination or elec-
 5 tion to or on behalf of any elective office in the state or
 6 any of its subdivisions, or in connection with or on behalf

7 of any committee or other organization or person engaged
8 in furthering, advancing or advocating the nomination
9 or election of any candidate for any such office. Any
10 person violating this section shall, upon conviction, be
11 guilty of a misdemeanor and fined not more than one
12 thousand dollars or imprisoned for not more than one
13 year, or both.

Sec. 17. *Persons or Firms Negotiating for or Perform-*
2 *ing Governmental Contracts; Penalties.*—No person en-
3 tering into any contract with the state or its subdivis-
4 ions, or any department or agency thereof, either for
5 rendition of personal services or furnishing any material,
6 supplies or equipment or selling any land or building to
7 the state, or its subdivisions, or any department or agency
8 thereof, if payment for the performance of such contract
9 or payment for such material, supplies, equipment, land
10 or building is to be made in whole or in part from public
11 funds shall, during the period of negotiation for or per-
12 formance under such contract or furnishing of materials,
13 supplies, equipment, land or buildings, directly or indi-
14 rectly make any contribution to any political party, com-

15 mittee or candidate for public office or to any person for
16 political purposes or use; nor shall any person or firm
17 solicit any contributions for any such purpose during
18 any such period. Any person who violates the provisions
19 of this section shall be guilty of a misdemeanor and upon
20 conviction, fined not more than one thousand dollars or
21 imprisoned for not more than one year, or both.

Sec. 18. *Definitions.*—In construing sections fourteen
2 through seventeen of this article:

3 (1) The term “person” shall include an individual,
4 partnership, committee, association, corporation and any
5 other organization or group of persons;

6 (2) The term “contribution” shall include a gift, sub-
7 scription, loan, advance, or deposit of money, or anything
8 of value given or offered in connection with political activ-
9 ity. It shall also include a contract, promise, or agree-
10 ment, whether or not legally enforceable, to make a con-
11 tribution.

12 (3) The term “subdivisions” shall include any county,
13 city, town, village or any other governmental unit.

14 (4) The term "election" shall include primaries, gen-
15 eral and special elections.

 Sec. 19. *Applicability of Penalties.*—In all cases of vio-
2 lations of this act by a partnership, committee, associa-
3 tion, corporation, or other organization or group of per-
4 sons, the officers, directors, or managing heads thereof,
5 who knowingly and willingly participate in such violation,
6 shall be subject to the punishment herein provided.

 Sec. 20.—*Existing Laws.*—Nothing in this act shall be
2 construed to legalize that which is made illegal by any pro-
3 vision of law now in force.

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

E. H. McKown

Chairman Senate Committee

Leon Rice

Chairman House Committee

Originated in the House of Delegates

Takes effect ninety days from passage.

A. Hal. Watkins

Clerk of the Senate

J. R. Abiff

Clerk of the House of Delegates

Byron B. Cantelero

President of the Senate

Walter R. Arnold

Speaker House of Delegates

The within approved this the 14th
day of March, 1941.

Matthew M. Neely

Governor.

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Filed in the office of the Secretary of State
of West Virginia. MAR 17 1941
Wm. S. O'BRIEN,
Secretary of State