ENROLLED

COMMITTEE SUBSTITUTE FOR

HOUSE BILL No. 141

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

PASSED ____________________________ 1941

In Effect ____________________________
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 Upon Campaign Expenditures.—Any person who shall violate the provisions of section eleven, article eight, chap-
Sec. 14. *Intimidation and Coercion of State and Other Employees; Penalties.*—It shall be unlawful for any person to solicit any contribution from any non-elective salaried employee of the state government or of any of its subdivisions, or to coerce, or intimidate, such employee into making such contribution. It shall be unlawful for any person to coerce, or intimidate any non-elective salaried employee of the state government or of any of its subdivisions into engaging in any form of political activity. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction be fined not more than one thousand dollars, or imprisoned for not more than one year, or both.

Nothing in this section, however, shall be construed to
prevent any such employee, within the limits of this
article, from making such a contribution or from engag-
ing in political activity voluntarily, that is, without coer-
cion, intimidation, or solicitation.

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

Sec. 16. Limitations of Contribution; Penalties.—It shall
be unlawful for any person to make contributions, directly
or indirectly, in excess of the value of five thousand dollars
in connection with any campaign for nomination or elec-
tion to or on behalf of any elective office in the state or
any of its subdivisions, or in connection with or on behalf
of any committee or other organization or person engaged
in furthering, advancing or advocating the nomination
or election of any candidate for any such office. Any
person violating this section shall, upon conviction, be
guilty of a misdemeanor and fined not more than one
thousand dollars or imprisoned for not more than one
year, or both.

Sec. 17. Persons or Firms Negotiating for or Performing
Governmental Contracts; Penalties.—No person enter-
ing into any contract with the state or its subdivi-
sions, or any department or agency thereof, either for
rendition of personal services or furnishing any material,
supplies or equipment or selling any land or building to
the state, or its subdivisions, or any department or agency
thereof, if payment for the performance of such contract
or payment for such material, supplies, equipment, land
or building is to be made in whole or in part from public
funds shall, during the period of negotiation for or per-
formance under such contract or furnishing of materials,
supplies, equipment, land or buildings, directly or indi-
rectly make any contribution to any political party, com-
mittee or candidate for public office or to any person for political purposes or use; nor shall any person or firm solicit any contributions for any such purpose during any such period. Any person who violates the provisions of this section shall be guilty of a misdemeanor and upon conviction, fined not more than one thousand dollars or imprisoned for not more than one year, or both.

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

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

(2) The term "contribution" shall include a gift, subscription, loan, advance, or deposit of money, or anything of value given or offered in connection with political activity. It shall also include a contract, promise, or agreement, whether or not legally enforceable, to make a contribution.

(3) The term "subdivisions" shall include any county, city, town, village or any other governmental unit.
(4) The term "election" shall include primaries, general and special elections.

Sec. 19. Applicability of Penalties.—In all cases of violations of this act by a partnership, committee, association, corporation, or other organization or group of persons, the officers, directors, or managing heads thereof, who knowingly and willingly participate in such violation, shall be subject to the punishment herein provided.

Sec. 20.—Existing Laws.—Nothing in this act shall be construed to legalize that which is made illegal by any provision of law now in force.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

C. H. M. "Kow"  
Chairman Senate Committee

Leon Rice  
Chairman House Committee

Originated in the House of Delegates

Takes effect thirty days from passage.

A. H. Watters  
Clerk of the Senate

J. D. C. McElroy  
Clerk of the House of Delegates

Rufus B. Horsley  
President of the Senate

Wm. L. A. Aldridge  
Speaker House of Delegates

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

Matthew McNeely  
Governor.

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