WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1980

ENROLLED

HOUSE BILL No. 960

(By Mr. Shepherd)

Passed February 14, 1980

In Effect from Passage
AN ACT to repeal section ten, article eight, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact sections nine, ten and forty-four, article one; section ten, article four; sections five, nine and twenty-one, article five; section two, article six; and sections five and nine, article eight, all of said chapter three, all relating to elections generally; moving the time for election of party executive committee members to the primary election in the year one thousand nine hundred eighty-two; creation of executive committee districts; changing the numerical limits on such districts; allowing such districts to cross magisterial district lines; extending executive committees as presently composed until the primary election in the year one thousand nine hundred eighty-two; increasing compensation and expense allowance for election commissioners and poll clerks; lowering to thirty days prior to the election the time in which ballot labels for use in voting machine counties are to be delivered to the clerk of the county commission; setting specifications for such ballot labels; requiring the printing of instruction cards, sample ballots and facsimile diagrams of the voting machine ballot; requiring election commissioners to provide all other necessary equipment for the conduct of the election; changing the time for filing for county boards of education by extending such filing time to not later than the last Saturday in March preceding the election in the year one thousand nine hundred eighty
and each two years thereafter; extending to forty days prior to
the election day the time in which the secretary of state shall
transmit to the clerk of the circuit courts certificates of informa­
tion; requiring party conventions for nomination of presidential
electors be held anytime during the month of August preceding
any general election; providing for specifications of general
election ballots; providing for rotation of names of candidates
for certain offices on said ballots and the manner of such
rotation; requiring filing of detailed financial statements of
election expenses; specifying the general contents of such
financial statements; changing the time of filing such financial
statements to the last Saturday in March or within fifteen days
thereafter next preceding the primary election day; stipulating
that any earlier filing will not be considered compliance; re­
quiring filing of an additional financial statement within thirty
days after the primary or other election; specifying lawful elec­
tion expenses; authorizing secretarial and other reasonable of­
office expenses for candidates who do not maintain a political
headquarters; allowing expenses for rent, maintenance, and
furnishing of offices to be used as political headquarters;
authorizing expenses for conducting public opinion poll or
polls; defining public opinion polls and limiting their use; the
use of advertising agency services for election purposes and
limiting such services to those specifically delineated; pro­
hibiting such agencies from conveying or engaging others to
convey voters to and from polls; requiring liabilities incurred
to be reasonable, proper and fairly commensurate with services
rendered; requiring filing of election expenses by candidates,
financial agents, committees and advertising agencies; and allow­
ing a candidate to designate a financial agent.

Be it enacted by the Legislature of West Virginia:

That section ten, article eight, chapter three of the code of West
Virginia, one thousand nine hundred thirty-one, as amended, be
repealed; that sections nine, ten and forty-four, article one; section
ten, article four; sections five, nine and twenty-one, article five;
section two, article six; and sections five and nine, article eight, all
of said chapter three, be amended and reenacted, all to read as
follows:
ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-9. Political party committees; how composed; organization.

At the June primary election in the year one thousand nine hundred eighty-two, and in every fourth year thereafter, the voters of each political party in each senatorial district shall elect two male and two female members of the state executive committee of the party. In senatorial districts containing two or more counties, not more than two such elected committee members shall be residents of the same county. The committee, when convened and organized as herein provided, shall appoint three additional members of the committee from the state at large.

At such primary election, the voters of each political party in each county shall elect one male and one female member of the party's executive committee of the congressional district, of the senatorial district in which such county is situated and of the delegate district in which such county is situated if such county be situated in a delegate district. At the same time such voters in each magisterial district or executive committee district, as the case may be, of the county shall elect one male and one female member of the party's county executive committee.

For the purpose of complying with the provisions of this section the county commission shall create such executive committee districts as they shall determine, which such districts shall not be fewer than the number of magisterial districts in such counties nor shall they exceed in number the following: Forty for counties having a population of one hundred thousand persons or more; thirty for counties having a population of fifty thousand to one hundred thousand; twenty for counties having a population of twenty thousand to fifty thousand; and such districts in counties having a population of less than twenty thousand persons shall be coextensive with the magisterial districts.

The executive committee districts shall be as nearly equal in population as practicable, and shall each be composed of compact, contiguous territory. The county commissions shall constitute the executive committee district to be effective for
the term of office of executive committee members elected
at the one thousand nine hundred eighty-two primary election
and thereafter. Executive committees as presently composed
shall continue until after their successors are elected and qualifi-
ced following the primary election of one thousand nine
hundred eighty-two. The county commissions shall change
the territorial boundaries of such districts as necessary, only
if there is an increase or decrease in the population of such
districts as determined by a decennial census and such changes
must be made within two years following such census.

All members of executive committees, selected for each
political division as herein provided, shall reside within the
county or district from which chosen. The term of office of
all members of executive committees elected at the June
primary in the year one thousand nine hundred eighty-two,
shall begin on the first day of July, following said June
primary, and shall continue for four years thereafter and until
their successors are elected and qualified. Vacancies in the
state executive committee shall be filled by the members of
the committee for the unexpired term. Vacancies in the party's
executive committee of a congressional district, senatorial dis-
trict, delegate district or county shall be filled by the party's
executive committee of the county in which such vacancy
exists, and shall be for the unexpired term.

As soon as possible after the first day of July, following
the election of the new executive committees, as herein pro-
vided, they shall convene within their respective political
divisions, on the call of the chairman of corresponding out-
going executive committees, or by any member of the new
executive committee in the event there is no corresponding
executive committee, and proceed to select a chair-
man, a treasurer, and a secretary, and such other officers as
they may desire, each of which officers shall for their respec-
tive committees perform the duties that usually appertain to
such offices.

§3-1-10. Party committees in office.

The members of all state, congressional, senatorial, and
county executive committees for political parties in office at
the time this section becomes effective, and the various officers of such committees, shall hold their several offices and discharge the duties thereof until their successors are chosen and installed in accordance with the provisions of section nine of this article effective simultaneously herewith and other applicable provisions of this article, the prior provisions of section nine having become effective after the election of such members and officers for terms ending in the year one thousand nine hundred eighty-two. The Legislature finds and declares that the prior provisions of section nine of this article should not operate to limit the terms of such members and officers before the expiration thereof as contemplated by law effective at the time of the primary election held May, one thousand seven hundred seventy-eight.

§3-1-44. Compensation of election officials; expenses.

Each ballot commissioner shall be allowed and paid a sum, to be fixed by the county commission, not exceeding twenty-five dollars for each day he shall serve as such, but in no case shall a ballot commissioner receive allowance for more than ten days' services for any one primary, general or special election. Each commissioner of election and poll clerk shall be allowed and paid a sum, to be fixed by the county commission, not exceeding twenty-five dollars for one day's services for attending the school of instruction for election officials and a sum not exceeding fifty dollars for his services at any one election: Provided, That each commissioner of election and poll clerk shall be paid and allowed a sum not exceeding twenty-five dollars for his services at any of the three special elections hereinafter specified and described. The commissioners of election obtaining and delivering the election supplies, as provided in section twenty-four of this article, and returning them as provided in articles five and six of this chapter, shall be allowed and paid an additional sum, likewise fixed by the county commission, not exceeding twenty-five dollars for all such services at any one election and, in addition, shall be allowed and paid mileage at the rate of seventeen cents per mile necessarily traveled in the performance of such services. The compensation of election officers, cost of printing ballots, and all other expenses incurred in holding and making the re-
Enr. H. B. 960]

25 turn of elections, other than the three special elections herein-
26 after specified and described, shall be audited by the county
27 commission and paid out of the county treasury.

28 The compensation of election officers, cost of printing bal-
29 lots, and all other reasonable and necessary expenses in holding
30 and making the return of a special election for the purpose of
31 taking the sense of the voters on the question of calling a
32 constitutional convention, of a special election to elect members
33 of a constitutional convention, and of a special election to
34 ratify or reject the proposals, acts and ordinances of a con-
35 stitutional convention shall be obligations of the state incurred
36 by the ballot commissioners, clerks of the circuit courts, clerks
37 of the county commissions, and county commissions of the
38 various counties as agents of the state, and all such expenses
39 shall be audited by the secretary of state. The secretary of
40 state shall prepare and transmit to the county commissions
41 forms on which the county commissions shall certify all such
42 expenses of such special elections to the secretary of state. If
43 satisfied that such expenses as certified by the county com-
44 missions are reasonable and were necessarily incurred, the
45 secretary of state shall requisition the necessary warrants from
46 the auditor of the state to be drawn on the state treasurer,
47 and shall mail such warrants directly to the vendors of such
48 special election services, supplies and facilities.

ARTICLE 4. VOTING MACHINES.

§3-4-10. Ballot labels, instructions and other supplies; vacancy
changes; procedure and requirements.

1 The ballot commissioners of any county in which voting
2 machines are to be used in any election shall cause to be
3 printed for use in such election the ballot labels for the voting
4 machines. The ballot labels so printed shall total in number
5 one and one-half times the total number of voting machines to
6 be used in the several precincts of the county in such election.
7 All such labels shall be delivered to the clerk of the county
8 commission at least thirty days prior to the day of the election
9 in which such labels are to be used. The labels shall contain
10 the name of each candidate and each question to be voted
11 upon and shall be clearly printed or typed in black ink on
clear white material of such size as will fit the ballot frames.
One set of ballot labels shall be inserted in the machine prior
to the delivery of the machine to the polling place. The re-
mainder of such ballot labels for each machine shall be re-
tained by the clerk of the county commission for use in the
event the set so inserted in a machine becomes lost, mutilated
or damaged.

If a nomination to fill a vacancy be made by a political
committee or the chairman thereof and be certified to the
ballot commissioners after the ballot labels to be used at the
ensuing election shall have been printed, it shall be lawful
for the chairman of the party executive committee for the
political division to provide, or cause to be provided, and
deliver, or cause to be delivered, to the clerk, a sufficient
number of ballot labels containing the name of such candi-
date. Such ballot labels shall conform to the specification as
set forth herein. If such ballot labels are furnished to the clerk
of the county commission before the machines are delivered
to the election precincts, the clerk, with the advice and con-
sent of the ballot commissioners, shall cause such ballot labels
to be inserted in the proper ballot frames.

In addition to all other equipment and supplies required by
the provisions of this article, the ballot commissioners shall
cause to be printed a supply of instruction cards, sample
ballots, facsimile diagrams of the voting machine ballot and
official printed ballots adequate for the orderly conduct of
election in each precinct in their county. In addition they
shall provide all other materials and equipment necessary to
the conduct of the election, including appropriate facilities
for the reception and safekeeping of the ballots of absent
voters and of challenged voters and of such “independent”
voters who shall, in primary elections, cast their votes on
nonpartisan candidates and public questions submitted to the
voters.

ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCED-
URES.

§3-5-5. Candidates for county board of education.

Any person who is eligible to hold office as a member of
a county board of education may file a certificate with the
clerk of the circuit court of the county, declaring himself a
candidate for election to such office. Such certificate shall be
substantially in the following form:

I, _____________________, hereby certify that I am a candidate
for nonpartisan election to membership on the ____________
County Board of Education, and desire my name printed on
the ballot to be voted at the primary election to be held on
the ___________ day of _________________, 19________; that
I am a legally qualified voter of the County of ________________,
State of West Virginia; that the address of my residence in
___________________ County is ___________________________; that
I am eligible to hold the office; and that I am a candidate
therefor in good faith.

____________________________
Candidate

Signed and acknowledged before me this __________ day of
______________________, 19________.

_____________________________________________________
Signature and official title
of certifying officer.

Such announcement shall be signed and acknowledged by
the candidate before some officer qualified to administer oaths,
who shall certify the same.

In the year one thousand nine hundred eighty, notwithstanding
the expiration of the time of filing certificates of
candidacy for the office of member of the county board of
education, such certificates of candidacy may be filed not
later than the last Saturday in March next preceding the pri-
mary election day and must be received by the clerk before
midnight, eastern standard time, of that day, or, if mailed, shall
be postmarked before that hour.

In the year one thousand nine hundred eighty-two and each
two years thereafter, such certificate shall be filed with the clerk of the circuit court not earlier than the last Monday in
February next preceding the primary election day and not
later than the last Saturday of March next preceding the
primary election day and must be received by the clerk be-
fore midnight, eastern standard time, of that day, or, if mailed,
shall be postmarked before that hour.

§3-5-9. Certification and posting of candidacies.

During the week next following the last Saturday of March
next preceding the day fixed for the primary election, the
secretary of state shall arrange the names of all candidates,
who have filed announcements with him, as provided in this
article, and who are entitled to have their names printed on
any political party ballot, in accordance with the provisions
of this chapter, and shall forthwith certify the same under his
name and the lesser seal of the state, and file the same in his
office.

Such certificate of candidates shall show (1) the name and
residence of each candidate, (2) the office for which he is a
candidate, (3) the name of the political party of which he is
a candidate, (4) upon what ballot his name is to be printed,
and (5) in the case of a candidate for delegate to the national
convention of any political party, the name of the person the
candidate prefers as the presidential nominee of his party, or
if he has no preference, the word "uncommitted."

The secretary of state shall post a duplicate of such cer-
tificate in a conspicuous place in his office and keep same
posted until after the primary election.

Immediately upon completion of such certification, the
secretary of state shall ascertain therefrom the candidates
whose names are to appear on the primary election ballots
in the several counties of the state and shall certify to the
clerk of the circuit court in each county the certificate informa-
tion relating to each of the candidates whose names are to
appear on the ballot in such county. He shall transmit such
certificate to the several clerks by registered or certificed
mail, but, in emergency cases, he may resort to other reliable
and speedy means of transmission which may be available so
that such certificates shall reach the several clerks by the
fortieth day next preceding such primary election day.
The provisions of this section shall apply to the primary election held in the year one thousand nine hundred eighty and every primary election held thereafter.

§3-5-21. Party conventions to nominate presidential electors; candidates; organization; duties.

Candidates for presidential electors shall be nominated by the delegated representatives of the political party assembled in a state convention to be held during the month of August next preceding any general election at which presidential electors are to be elected. The state executive committee of the political party, by resolution, shall designate the place and fix the date of such convention, shall prescribe the number of delegates thereto, and shall apportion the delegates among the several counties of the state in proportion to the vote cast in the state for the party's candidate for governor at the last preceding general election at which a governor was elected. The state executive committee shall also ascertain and designate all offices for which candidates are to be nominated at such convention.

At least sixty days prior to the date fixed for holding any state convention, the chairman of the party's state executive committee shall cause to be delivered to the party's county executive committee in each county of the state a copy of the resolutions fixing the time and place of holding the state convention and prescribing the number of delegates from each county to the convention. Within ten days after receipt of the copy of such resolutions, the party executive committee of each county shall meet and, by resolution, shall apportion the delegates to the state convention among the several magisterial districts of the county, on a basis of the vote received in the county by the candidate of the party for governor at the last preceding general election at which a governor was elected, but in such apportionment of county delegates each magisterial district shall be entitled to at least one delegate to such state convention. The party's county executive committee shall call a meeting of the members of the political party in mass convention in the several magisterial districts of the county, which district meeting shall be held at least thirty days prior to the
date fixed for the state convention and at which meeting the
members of the political party in each magisterial district
shall elect the number of delegates to which such district is
entitled in the state convention.

The meeting place in the magisterial district shall be as
central and convenient as can reasonably be selected, and all
recognized members of the political party shall be entitled to
participate in any such mass convention and in the selection of
delegates. Notice of the time and place of holding the several
magisterial district mass conventions and of the person who
shall act as temporary chairman thereof shall be given by
publication at a Class II-O legal advertisement in compliance
with the provisions of article three, chapter fifty-nine of this
code and the publication area for such publication shall be
the county. The first publication shall be made not more than
fifteen days and the second publication shall be made not
less than five days prior to the date fixed for holding the con-
vention. The notice published shall specify the number of
delegates which each magisterial district in the county is
entitled to elect to the state convention.

Upon assembling, the mass convention of each magisterial
district shall choose a chairman and a secretary, who, within
five days after the holding of such convention, shall certify to
the chairman of the state executive committee of the political
party and the chairman of the county committee of the political
party, the names and addresses of the parties selected as dele-
gates to the state convention.

All contests over the selection of delegates to conventions
shall be heard and determined by the party executive com-
mittee of the county from which the delegates are chosen, and
such county executive committee shall, upon written petition
of any contest, meet for such hearings and determinations
within ten days after the holding of such magisterial district
mass convention. The circuit court of the county and the
supreme court of appeals of the state shall have concurrent
original jurisdiction to review, by mandamus or other proper
proceeding, the decision of a county executive committee in
any contest.
The delegates chosen and certified by and from the several magisterial districts in the state, and, in the event of any contest, those prevailing in the contest, shall make up the state convention. The number present of those entitled to participate in any convention shall cast the entire vote to which the county is entitled in such convention, and it shall require a majority vote to nominate any candidate for office.

All nominations made at state conventions shall be certified within fifteen days thereafter, by the chairman and the secretary of the convention, to the secretary of state, who shall certify them to the clerk of the circuit court of each county concerned, and the names of the persons so nominated shall be printed upon the regular ballot to be voted at the ensuing general election, except that the names of the presidential elector candidates shall not be printed thereon.

The delegates to any state convention may formulate and promulgate such party platform or declaration of party principles as to them shall seem advisable.

ARTICLE 6. CONDUCT AND ADMINISTRATION OF ELECTIONS.

§3-6-2. Preparation and form of general election ballots.

All ballots prepared under the provisions of this article shall be printed in black ink on number two white book paper sufficiently thick so that the printing cannot be distinguished from the back, and shall contain the names of every candidate whose nomination for any office to be voted for at the election has been certified and filed according to law, and no others, except that if it shall appear to the satisfaction of the ballot commissioners that a person has been legally nominated as a candidate for an office and is lawfully entitled to have his name upon the ballot and no certificate of the nomination has been received by the clerk of the circuit court, they shall print the name of such candidate upon the ballot in its proper place.

The tickets, except the heading, which shall be in display type, shall be printed in eight point type; the names or designation of the office and the residence of the candidate in lower case letters, and the name of the candidate in
capital letters. The name and residence of the candidate may be printed in the same line. The name of each candidate shall be printed in a space defined by ruled lines, and with a black square on its left enclosed by heavy dark lines. If, upon any ticket, there be no candidate or candidates for a designated office, a blank space equal to the space that would be occupied by such name or names, if they were printed thereon, with the blank space herein provided for, shall be left. The heading of each party ticket including the name of the party and the device or emblem above and the large circle between the device or emblem and such name, shall be separated from the rest of the ticket by heavy lines and the circle above the name of the party in which the voter is to place the cross mark, if he desires to vote the straight ticket, shall be defined by heavier lines than the lines defining the blank spaces before the names of candidates, and such circle shall be surrounded by the following words printed in heavy face six point type: “For a straight ticket mark within this circle.” Each party ticket shall be separated from other party tickets and bordered on either side by a heavy border, or a broad solid line, at least one sixteenth of an inch wide, and the edges of the ballot on either side trimmed off to within one-half inch of the border or solid line described.

Then names of the candidates shall be arranged on the ballot in tickets or lists, in separate columns under the respective party or political or other designation certified, each column or ticket containing the names of candidates nominated by the same political party and no others. In elections for presidential electors, the names of candidates for electors of any political party or group of petitioners, shall not be placed on the ballot, but shall, after nomination, be filed with the secretary of state. In place of their names, there shall be printed first on the ballots the names of the candidates for president and vice-president, respectively, of each such party or group of petitioners, and they shall be arranged under the title of the office. Before the names of such candidates for president and vice-president of each party, or group, a single square shall be printed, in front of a brace, in which the voter shall place the cross mark for the candidate of his choice for such offices. A vote for any of such can-
candidates shall be a vote for the electors of the party by which such candidates were named, and whose names have been filed with the secretary of state.

The names of the candidates on each ticket shall be arranged in groups, with a heading over each group printed in heavy faced eight point type to indicate the political divisions in which such group is to be voted for. The arrangement of the ballot shall conform as nearly as practicable to the plan here given:

<table>
<thead>
<tr>
<th>Device</th>
<th>Device</th>
<th>Device</th>
</tr>
</thead>
</table>

Republican Ticket
For Governor
Name

Democratic Ticket
For Governor
Name

Prohibition Ticket
For Governor
Name
The tickets of the several political parties shall be printed on the ballot in parallel columns, each ticket in a separate column headed by the chosen device, and the tickets in such order on the ballot and the names of the office in such order on the ticket as the secretary of state shall direct, preference, however, being given to the political party which cast the highest number of votes for the head of the ticket at the last preceding presidential election, and so on. No ticket or list of candidates shall be printed under the name of any party containing more candidates for any office than are to be elected.

The ballot shall be so printed as to give each voter a clear opportunity to designate by a cross mark in a large, blank, circular space, three quarters of an inch in diameter, below the device and above the name of the party at the head of the ticket or list of candidates, his choice of a party ticket and desire to vote for each and every candidate thereon; and by a cross mark, in a blank, enclosed space on the left side and before the name of each candidate, his choice of particular candidates.

For any office or offices for which there is to be more than one candidate elected, that section of the ballot relating to said office shall be printed in such a manner so as to provide for the rotation of names in order to assure that each candidate from each party for said office is opposite the name of each candidate for said office from the other party or parties on the ballot an equal number of times. If any party fails to nominate or to fill a ballot vacancy for as many candidates as there are persons to be elected to said office, then the ballot shall be printed in such a manner so as to provide that the space created by the vacancy shall be opposite the names of each of the candidates for said office from the other party or parties an equal number of times.

ARTICLE 8. REGULATION AND CONTROL OF ELECTIONS.

§3-8-5. Detailed accounts and verified financial statements required.

Every candidate, financial agent, person and association of persons, organization of any kind, including every corporation, directly or indirectly, supporting a political committee established pursuant to paragraph (C), subdivision (1), sub-
section (b), section eight of this article or engaging in other activities permitted by said section eight of this article and also including the treasurer or equivalent officer of such association or organization, advocating or opposing the nomination, election or defeat of any candidate, or the passage or defeat of any issue, thing or item to be voted upon, and the treasurer of every political party committee shall keep detailed accounts of every sum of money or other thing of value received by him, and of all expenditures and disbursements made, liabilities incurred, by such candidate, financial agent, person, association or organization or committee, for political purposes, or by any of the officers or members of such committee, or any person acting under its authority or on its behalf.

Each person who files a certificate of candidacy for nomination or election in this state as provided for in article five of this chapter and every financial agent, person, the treasurer or equivalent officer of any association or organization of any kind supporting or opposing the candidacy of any such candidate, or any person or organization advocating or opposing the nomination, election or defeat of any candidate, or the passage or defeat of any issue, thing or item to be voted upon, shall file, on the last Saturday in March or within fifteen days thereafter next preceding the primary election day, a detailed itemized statement, subscribed and sworn to before an officer authorized to administer oaths, setting forth all contributions and expenditures concerning the candidacy of that person or any person or organization advocating or opposing the nomination, election or defeat of any candidate, or the passage or defeat of any issue, thing or item to be voted upon:

Provided, That any candidate for the office of member of the county board of education in the year one thousand nine hundred eighty, who shall have filed such detailed itemized statement prior to the last Saturday in March of that year shall be deemed to have complied with the filing requirements of this paragraph in that year. Such statement shall include all contributions received or expenditures made which have taken place by the date of such report, subsequent to any previous report filed within the previous five years under this
section or under the former provisions of this section, or if no report was filed, all contributions received or expenditures made within the preceding five years. The specific information required to be included in such statement is provided for in section five-a of this article.

Not less than five nor more than ten days before each primary or other election, and again within thirty days after each primary or other election, every candidate for nomination or election, and every financial agent, person, the treasurer or equivalent officer of any association or organization of any kind advocating or opposing the passage or defeat of any issue, thing or item to be voted upon or pertaining to the holding or conducting of any election, and the treasurer of every political party committee shall file with the officers hereinafter prescribed a detailed itemized financial statement subscribed and sworn to before an officer authorized to administer oaths, setting forth all financial transactions which have taken place by the date of such report in connection with such primary or other election as provided for in section five-a of this article.

Every person who shall announce as a write-in candidate for any elective office and his financial agent or election organization of any kind, shall comply with all of the requirements of this section after public announcement of such person's candidacy has been made.

§3-8-9. Lawful and unlawful election expenses; public opinion polls and limiting their purposes; limitation upon expenses; use of advertising agencies and reporting requirements; delegation of expenditures.

(a) No candidate, financial agent, or treasurer of a political party committee, shall pay, give or lend, either directly or indirectly, any money or other thing of value for any election expenses, except for the following purposes:

(1) For rent, maintenance and furnishing of offices to be used as political headquarters and for the payment of necessary clerks, stenographers, typists, janitors and messengers actually employed therein;

(2) In the case of a candidate who does not maintain a
headquarters, for reasonable office expenses and for the payment of necessary clerks, stenographers and typists, actually employed;

(3) For printing and distributing books, pamphlets, circulars and other printed matter and radio and television broadcasting and painting, printing and posting signs, banners and other advertisements, all relating to political issues and candidates;

(4) For renting and decorating halls for public meetings and political conventions, for advertising public meetings, and for the payment of traveling expenses of speakers and musicians at such meetings;

(5) For the necessary traveling and hotel expenses of candidates, political agents and committees, and for stationery, postage, telegrams, telephone, express, freight and public messenger service;

(6) For preparing, circulating and filing petitions for nomination of candidates;

(7) For examining the lists of registered voters, securing copies thereof, investigating the right to vote of the persons listed therein, and conducting proceedings to prevent unlawful registration or voting;

(8) For conveying voters to and from the polls;

(9) For securing publication in newspapers and by radio and television broadcasting of documents, articles, speeches, arguments and any information relating to any political issue, candidate, or question or proposition, submitted to a vote;

(10) For conducting public opinion poll or polls. For the purpose of this section, the phrase "conducting of public opinion poll or polls" shall mean and be limited to the gathering, collection, collation, and evaluation of information reflecting public opinion, needs and preferences as to any candidate, group of candidates, party, issue or issues. No such poll shall be deceptively designed or intentionally conducted in a manner calculated to advocate the election or defeat of any candidate or group of candidates or calculated to influ-
ence any person or persons so polled to vote for or against
any candidate, group of candidates, proposition or other matter
to be voted on by the public at any election: Provided, That
nothing herein shall prevent the use of the results of any such
poll or polls to further, promote or enhance the election of
any candidate or group of candidates or the approval or defeat
of any proposition or other matter to be voted on by the
public at any election:

(11) For legitimate advertising agency services, including
commissions, in connection with any campaign activity for
which payment is authorized by subdivisions three, four, five,
six, seven, nine and ten of this subsection.

(b) Every liability incurred and payment made shall be at
a rate and for a total amount which is proper and reasonable
and fairly commensurate with the services rendered.

(c) Every advertising agency subject to the provisions of this
article shall file, in the manner and form required by section
five-a of this article, the financial statements required by sec­
tion five of this article at the times required therein and in­
clude therein, in itemized detail, all receipts from and expendi­
tures made on behalf of a candidate, financial agent or treas­
urer of a political party committee.

(d) Any candidate may designate a financial agent by a
writing duly subscribed by him which shall be in such form
and filed in accordance with the provisions of section four of
this article.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect from passage.

J. W. Miller
Clerk of the Senate

Clerk of the House of Delegates

J. G. Barrington
President of the Senate

Speaker House of Delegates

The within _______ approved _______ this the _______ day of _______, 1980.

Governor