WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1982

ENROLLED

HOUSE BILL No. 1953

(By Mr. Albright and Mr. Kopp)

Passed March 13, 1982
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, as amended, by adding thereto a new section, designated section five-e, relating to pre-candidacy financing and expenditures.

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, as amended, be amended by adding thereto a new section, designated section five-e, to read as follows:

ARTICLE 8. REGULATION AND CONTROL OF ELECTIONS.

§3-8-5e. Pre-candidacy financing and expenditures.

(a) Notwithstanding any other provisions of this code, it shall be lawful for a person, otherwise qualified to be a candidate for any public office or position to be determined by public election, to receive contributions or make expenditures, or both, personally or by another individual acting as a treasurer or financial agent, to determine the advisability of becoming such a candidate or preparing to be such a candidate: Provided, That such contributions may be received and such expenditures made only during the four years immediately preceding the term for which such person may be a candidate or during the term of office immediately preceding the term for which such person may be a candidate, whichever is less:
Provided, however, That no person shall be disqualified from receiving contributions or making expenditures as permitted under the provisions of this section solely because such person then holds a public office or position.

(b) Any person undertaking to determine the advisability of becoming or preparing to be a candidate, who desires to receive contributions before filing a certificate of candidacy, shall name himself or another individual to act as a treasurer or financial agent and shall file a designation of financial agent in the manner provided in section four before receiving any contributions permitted by this section. Any expenditures made before the filing of a designation of financial agent shall be reported in accordance with the provisions of this section, regardless of the source of funds used for such expenditures.

(c) A person who receives a contribution who is acting for and by himself or as treasurer or agent for another pursuant to the provisions of this section shall keep detailed accounts of every sum of money or other thing of value received by him, and of all expenditures and disbursements made, and liabilities incurred, in the same manner as such accounts are required by section five of this article, for the period prior to the date of filing for candidacy for the office he is considering seeking. Any such person who has received contributions or made expenditures subject to the provisions of this section shall file annually on the last Saturday in March, and also on the last Saturday in March or within fifteen days thereafter next preceding the election at which the names of candidates would appear on the ballot for the public office or position which the person originally considered seeking, a detailed itemized statement, subscribed and sworn to before an officer authorized to administer oaths, setting forth all contributions received and expenditures made pursuant to the provisions of this section concerning the candidacy of that person. If the person on whose behalf such contributions are received or expenditures are made becomes a candidate for any office or position to be decided at such election then the itemized statement shall be included within the first statement required to be filed by the provisions of section five of this article. If such person does not become a candidate for any office or position
to be decided at such election, then the detailed itemized state-
ment required by this subsection shall be the only statement
required to be filed by such person. Regardless of whether
such person becomes a candidate as originally intended, or
becomes a candidate for some office other than the office or
position originally intended, or does not become a candidate,
all limits on campaign contributions and campaign expendi-
tures applicable to the candidacy of or advocacy of the can-
didacy of such person for the office he actually seeks, shall
be applicable to and inclusive of the receipts had and ex-
penditures made during such pre-candidacy period as well as
after the person becomes a candidate.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

R. P. Bayle
Chairman Senate Committee

Tonya Whitlow
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

C. A. Blankenship
Clerk of the Senate

Warren R. McGraw
President of the Senate

N. L. Dye
Speaker House of Delegates

The within is approved this the 31

day of March, 1982.

J. Surry
Governor