

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-31-82

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1982

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# ENROLLED

HOUSE BILL No. 1953

(By Mr. Allbright + Mr. Kopp)

— ● —

Passed March 13, 1982

In Effect Ninety Days From Passage

ENROLLED

# H. B. 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.**

1 (a) Notwithstanding any other provisions of this code, it shall  
2 be lawful for a person, otherwise qualified to be a candidate  
3 for any public office or position to be determined by public  
4 election, to receive contributions or make expenditures, or  
5 both, personally or by another individual acting as a treasurer  
6 or financial agent, to determine the advisability of becoming  
7 such a candidate or preparing to be such a candidate:  
8 *Provided*, That such contributions may be received and such  
9 expenditures made only during the four years immediately  
10 preceding the term for which such person may be a candidate  
11 or during the term of office immediately preceding the term  
12 for which such person may be a candidate, whichever is less:

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13 *Provided, however,* That no person shall be disqualified from  
14 receiving contributions or making expenditures as permitted  
15 under the provisions of this section solely because such person  
16 then holds a public office or position.

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

27 (c) A person who receives a contribution who is acting for  
28 and by himself or as treasurer or agent for another pursuant  
29 to the provisions of this section shall keep detailed accounts of  
30 every sum of money or other thing of value received by him,  
31 and of all expenditures and disbursements made, and liabilities  
32 incurred, in the same manner as such accounts are required by  
33 section five of this article, for the period prior to the date of  
34 filing for candidacy for the office he is considering seeking.  
35 Any such person who has received contributions or made ex-  
36 penditures subject to the provisions of this section shall file an-  
37 nually on the last Saturday in March, and also on the last  
38 Saturday in March or within fifteen days thereafter next pre-  
39 ceeding the election at which the names of candidates would  
40 appear on the ballot for the public office or position which the  
41 person originally considered seeking, a detailed itemized  
42 statement, subscribed and sworn to before an officer autho-  
43 rized to administer oaths, setting forth all contributions re-  
44 ceived and expenditures made pursuant to the provisions of  
45 this section concerning the candidacy of that person. If the  
46 person on whose behalf such contributions are received or  
47 expenditures are made becomes a candidate for any office or  
48 position to be decided at such election then the itemized state-  
49 ment shall be included within the first statement required to be  
50 filed by the provisions of section five of this article. If such  
51 person does not become a candidate for any office or position

52 to be decided at such election, then the detailed itemized state-  
53 ment required by this subsection shall be the only statement  
54 required to be filed by such person. Regardless of whether  
55 such person becomes a candidate as originally intended, or  
56 becomes a candidate for some office other than the office or  
57 position originally intended, or does not become a candidate,  
58 all limits on campaign contributions and campaign expendi-  
59 tures applicable to the candidacy of or advocacy of the can-  
60 didacy of such person for the office he actually seeks, shall  
61 be applicable to and inclusive of the receipts had and ex-  
62 penditures made during such pre-candidacy period as well as  
63 after the person becomes a candidate.

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

*R. P. Bayler*  
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Chairman Senate Committee

*Tommy E. Whitlow*  
-----  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Todd C. Willis*  
-----  
Clerk of the Senate

*C.A. Blankenship*  
-----  
Clerk of the House of Delegates  
*Warren R. McGraw*  
-----  
President of the Senate

*Alfred M. Lee, Jr.*  
-----  
Speaker House of Delegates

The within is approved this the 31  
day of March, 1982.

*John R. Rhyker*  
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Governor

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SECY. OF STATE