WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989

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ENROLLED

Com. Sub. for House Bill No. 2262

(By Del. Phillips Humphrey)

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Passed April 8, 1989

In Effect Ninety Days From Passage
AN ACT to amend and reenact sections twenty-eight, twenty-nine and thirty-three, article one, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact section twenty-seven, article four-a of said chapter; to amend and reenact sections five-a, five-c, eight, nine and twelve, article eight of said chapter, all relating to elections; election commissioners and clerks; appointment; notification; vacancies; oaths; qualifications; nonpartisan or public question elections; elections conducted by double boards; electronic voting systems; central counting center, proceedings; regulation and control of elections; financial statement information; definitions; corporation contributions forbidden, exceptions, penalties, rules; state election commission powers; lawful and unlawful election expenses, limitation upon expenses; advertising agencies; reporting requirements; delegation of expenditures; acts forbidden; circulation of written matter, newspaper advertising; solicitation of contributions; intimidation and coercion of employees, promise of employment or other benefits; limitations on contributions, public contractors and penalty.

Be it enacted by the Legislature of West Virginia:
That sections twenty-eight, twenty-nine and thirty-three, article one, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that section twenty-seven, article four-a of said chapter be amended and reenacted; and that sections five-a, five-c, eight, nine and twelve, article eight of said chapter be amended and reenacted, all to read as follows:

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-28. Election commissioners and clerks—Appointment and notification; vacancies; authority to administer oaths, etc.

The county commission of each county shall hold a regular or special session at the courthouse of the county no later than the forty-ninth day next preceding the date on which any election is to be held and appoint three commissioners and two clerks to hold the election in each precinct in the county. In primary and general elections and in any special election in which political party candidates are to be nominated or elected, the election commissioners and clerks shall be selected from the two political parties which at the last preceding general election cast the highest and the second highest number of votes in this state. For primary and general elections, the county commission may designate two boards of election officers: Provided, That in all precincts in which there are more than four hundred registered voters, there shall be two boards of election officers, and where two boards are used, each board shall consist of three election commissioners and two poll clerks, one of which boards shall be designated the “receiving board” and the other the “counting board.” Not more than two commissioners and one poll clerk of each board shall be appointed from the same political party. For any special election for the purpose of taking the sense of the voters on the question of calling a constitutional convention, or to elect members of a constitutional convention, or to ratify or reject the proposals, acts and ordinances of a constitutional convention, or where there are only public questions to be voted upon, there shall be but one board of election officials in each precinct, consisting of three commis-
essioners and two poll clerks. No later than the fifty-sixth
day next preceding the date of the election, the county
executive committee of either or both of the political
parties, from which commissioners and clerks of election
are to be selected, shall file with or present to the county
commission a writing signed by them, or by the
chairman or secretary of such committee on their
behalf, requesting the appointment of one election
commissioner and of one poll clerk of each receiving and
counting board and designating persons who are
qualified under this article for such appointment for
each election precinct in the county. The county
commission shall appoint the persons so designated.

The county commission shall, by mail, notify all
commissioners and poll clerks of their appointment, and
include with such notice an appropriate form for each
person so appointed to return indicating whether or not
he will serve as such commissioner or poll clerk. It shall
be the duty of all persons so appointed to immediately
return said form to the county commission. In the event
any of the persons so appointed refuse to serve as such
commissioners or poll clerks, the county commission
shall immediately notify the chairman of the county
executive committee of the political party from which
such commissioners and poll clerks are to be selected.
The chairman of the political committee so notified shall
recommend the person or persons to be appointed to
replace those declining to serve and it shall be the duty
of the county commission to appoint the person or
persons so recommended.

If any person appointed receiving commissioner or
clerk of election shall fail to appear at the voting place
at the hour for opening the polls, the remaining
commissioner or commissioners of election of the
political party to which the absentee belongs shall select
another commissioner or clerk, as the case may be, of
such political party. But if the qualified voters of his
party present at the polls shall nominate a voter of his
party qualified to act under the provisions of this
section, such nominee shall be appointed. If none of the
receiving commissioners of the election or poll clerks
shall appear at the voting place at the hour appointed for opening the polls, the qualified voters present, being at least ten in number, of the political party which cast the highest number of votes in the county at the last preceding election, shall select two commissioners and one clerk and those of the political party which cast the next highest number of votes in the county at such election shall select one commissioner and one clerk of the receiving board of such precinct, and the persons so selected shall constitute the receiving board for the precinct. A vacancy or vacancies on the counting board shall be filled in the manner herein provided for filling a vacancy or vacancies on the receiving board, except that such vacancy or vacancies shall be determined and filled as of the hour appointed in this chapter for the counting board to attend at the polls. Any commissioner of election acting at any election precinct is hereby empowered and authorized to administer oaths and to take and certify affidavits in relation to any matter or thing required or permitted to be done by any of the provisions of this article in conducting and holding the election.

§3-1-29. Election commissioners and clerks—Appointment and notification; qualifications; nonpartisan or public question elections.

No person shall be eligible to be appointed as a commissioner of election or as a poll clerk in any election precinct who: (a) Is not a qualified voter in the magisterial district in which such precinct is situated; (b) has anything of value bet or wagered on the result; (c) is a candidate to be voted for at the ensuing election or who is a parent, child, sibling or spouse of a candidate whose name appears on the ballot in that precinct; (d) is addicted to drunkenness; (e) is not of good character and standing; (f) has served or acted in the capacity of deputy sheriff within six months prior to the date of holding any such primary or general election; or (g) has been appointed as a commissioner of election or as poll clerk in the past three years and failed to appear at the polls by six o'clock a.m. without notifying the county clerk by noon of the day preceding the election, except
in case of an emergency.

Whenever a nonpartisan or public question election is to be conducted separate and apart from a primary or general election, the provisions of this article relating to the selection, appointment and qualifications of commissioners of election and poll clerks shall govern and control, except that persons duly registered as "independent" or as adherents to a political party or group other than the two majority political parties then recognized, when otherwise qualified to be election officials, may be appointed commissioners of election and poll clerks for the conduct of such nonpartisan and public question elections.

§3-1-33. How elections conducted by double boards.

In all precincts wherein two election boards shall have been appointed, the receiving board shall attend at the opening of the polls, shall open the polls, and shall proceed with the election. The counting board shall attend at the voting place not later than three hours after the opening of the polls, and shall take charge of the ballot box containing the ballots theretofore cast in that precinct: Provided, That in precincts in which there are more than four hundred registered voters, the counting board shall appear no later than seven thirty o'clock a.m. and may begin counting after twenty-five ballots have been cast. They shall retire to a partitioned room or space in the voting place and there proceed to count and tabulate the ballots cast, as they shall find them deposited in the ballot box. The receiving board shall continue to receive the vote of electors in the other box, until such time as the counting board shall have finished counting and tabulating the ballots cast in the first ballot box. The counting board shall, before exchanging the ballot boxes as herein provided, seal the ballots counted by it in envelopes to be provided for the purpose, which shall not be opened until the two boards shall together proceed with counting, tabulating and summarizing the votes as by this chapter provided. The two boards shall then exchange the first box for the second box, and so continue until the hour of closing the polls arrives.
ARTICLE 4A. ELECTRONIC VOTING SYSTEMS.

§3-4A-27. Proceedings at the central counting center.

1 (1) All proceedings at the central counting center shall be under the supervision of the clerk of the county commission, and shall be conducted under circumstances which allow observation by all persons entitled to be present. The proceedings shall take place in a room of sufficient size and satisfactory arrangement to permit such observation. Those persons entitled to be present shall include all candidates whose names appear on the ballots being counted, or if such candidate be absent, a representative of such candidate, and two representatives of each political party on such ballot, who shall be chosen by the local chairman of such political party's executive committee. A reasonable number of the general public shall also be freely admitted to the room.

In the event all members of the general public desiring admission to the room cannot be admitted at one time, the county commission shall provide for a periodic and convenient rotation of admission to the room for observation, to the end that each member of the general public desiring admission shall, during the proceedings at the central counting center, be granted such admission for reasonable periods of time for observation:

Provided, That no person except those authorized for the purpose shall touch any ballot or ballot card or other official records and papers utilized in the election during such observation. All persons who are engaged in processing and counting of the ballots shall be representative of each political party on the ballot, and shall be deputized in writing and take an oath that they will faithfully perform their assigned duties. No person who is a parent, child, sibling or spouse of a candidate whose name appears on any ballot being counted may be deputized or otherwise engage in the official processing or counting of ballots. Such deputies shall be issued an official badge or identification card which shall be assigned an identity control number, and such deputies shall prominently wear on his or her outer garments the issued badge or identification card. Upon completion of the deputies' duties, the badges or
identification cards shall be returned to the county clerk. If any ballot card is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot card in the presence of representatives of each political party on the ballot and substituted for the damaged ballot card. All duplicate ballot cards shall be clearly labeled "duplicate" and shall bear a serial number which shall be recorded on the damaged or defective ballot card and on the replacement ballot card.

(2) The returns printed by the automatic tabulating equipment at the central counting center, to which have been added write-in and other valid votes, shall, when certified by the board of canvassers, constitute the official return of each precinct or election district. Further, all such returns shall be printed on a precinct basis. Upon completion of the count, the returns shall be open to the public by posting such returns precinct by precinct at the central counting center. Upon completion of the canvass, the returns shall be posted in the same manner.

(3) If for any reason it becomes impracticable to count all or a part of the ballots with tabulating equipment, the board of canvassers may direct that they be counted manually, following as far as practicable the provisions governing the counting of paper ballots.

(4) As soon as possible after the completion of the count, the clerk of the county commission shall have the vote recording devices properly boxed or securely covered and removed from the polling place to a proper and secure place of storage.

ARTICLE 8. REGULATION AND CONTROL OF ELECTIONS.

§3-8-5a. Information required in financial statement.

1 Each financial statement as required by this article shall show the following information:

(a) The first name, middle initial, if any, and last name, residence and mailing address and telephone number of each candidate, financial agent, treasurer or
person, and the full name, address and telephone
number of each association, organization or committee
calling a financial statement.

(b) The balance of cash and any other sum of money
on hand at the beginning and the end of the period
covered by the financial statement.

(c) The first name, middle initial, if any, and the last
name in the case of an individual and the full name of
each firm, association or committee, and the amount of
such contribution of such individual, firm, association or
committee: Provided, That if the aggregate of the sum
or sums contributed by any one individual for a ticket
or tickets or admission to a fundraising event to raise
money for political purposes does not exceed ten dollars,
in the case of a candidate or candidate’s committee, or
twenty-five dollars, in the case of a state party executive
committee, then the receiving organization or individual
shall be exempt from the individual reporting require-
ment provided for in this article and such exempt
aggregate sums shall not be subject to the provisions of
section twelve-f of this article. The receiving organiza-
tion or individual shall, however, have to report the total
amount contributed by the sale of such tickets for these
events. If the aggregate of the sum or sums contributed
by any one such individual, firm, association or commit-
tee exceeds two hundred fifty dollars there shall also be
reported the residence and mailing address and, in the
case of an individual, the major business affiliation and
occupation. A contribution totaling more than fifty
dollars by any one contributor is prohibited unless it is
by money order or by check, and a violation of this
provision is subject to section five-d of this article. As
used herein, the term “check” shall have the meaning
ascribed to that term in section one hundred four, article
three, chapter forty-six of this code.

(d) The total amount of contributions received during
the period covered by the financial statement.

(e) The first name, middle initial, if any, and the last
name, residence and mailing address in the case of an
individual or the full name and mailing address of each
firm, association or committee making or cosigning a loan and the amount of any loan received, the date and terms of the loan, including interest and repayment schedule, along with a copy of the loan agreement.

(f) The first name, middle initial, if any, and the last name, residence and mailing address in the case of an individual or the full name and mailing address of each firm, association or committee having previously made or cosigned a loan for which payment is made or a balance is outstanding at the end of the period, together with the amount of repayment on the loan made during the period and the balance at the end of the period.

(g) The total outstanding balance of all loans at the end of the period.

(h) The first name, middle initial, if any, and the last name, residence and mailing address in the case of an individual, or the full name and mailing address of each firm, association or committee to whom each expenditure was made or liability incurred, together with the amount and purpose of each expenditure or liability incurred and the date of each transaction.

When any lump sum payment is made to any advertising agency or other disbursing person who is not required to file a report of detailed accounts and verified financial statements as required herein, such lump sum expenditures shall be accounted for in the same manner as provided herein.

(i) The total expenditure for the nomination, election or defeat of a 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, in whose behalf an expenditure was made or a contribution was given for the primary or other election.

(j) The total amount of expenditures made during the period covered by the financial statement.

(k) Any unexpended balance at the time of making the financial statements herein provided for shall be properly accounted for in that financial statement and
shall appear as a balance in the next following financial statement.

(l) Each financial statement required by this section shall contain a separate section setting forth the following information for each fund-raising event held during the period covered by the financial statement:

(1) The type of event, date held, and address and name, if any, of the place where the event was held.

(2) All of the information as required by subdivision (c) of this section.

(3) The total of all moneys received at the fund-raising event.

(4) The expenditures incident to the fund-raising event.

(5) The net receipts of the fund-raising event.

For the purpose of this section the term “fund-raising event” means an event such as a dinner, reception, testimonial, cocktail party, auction or similar affair through which contributions are solicited or received by such means as purchase of a ticket, payment of an attendance fee or through purchase of goods or services.

(m) Any contribution or expenditure made by or on behalf of a candidate for public office, to any other candidate, or committee for a candidate for any public office in the same election shall comply with the provisions of this article.

(n) No person, firm, association or committee shall make any contribution except from his own funds, unless such person, firm, association or committee discloses in writing to the person required to report under this section the first name, middle initial, if any, and the last name in the case of an individual, or the full name in case of a firm, association or committee, residence and mailing address; the major business affiliation and occupation of the person, firm, association or committee which furnished the funds to such contributor. All such disclosures shall be included in the statement required by this section.
(o) Any firm, association, committee or fund permitted by section eight of this article to be a political committee shall disclose on the financial statement its corporate or other affiliation.

(p) No contribution may be made, directly or indirectly, in a fictitious name, anonymously or by one person through an agent, relative or other person so as to conceal the identity of the source of the contribution or in any other manner so as to effect concealment of the contributor's identity.

(q) No person, association or committee may accept any contribution for the purpose of influencing the nomination, election or defeat of a candidate or for the passage or defeat of any issue or thing to be voted upon unless the identity of the donor and the amount of the contribution is known and reported.

(r) When any candidate, organization, committee or person receives any anonymous contribution which cannot be returned because the donor cannot be identified, that contribution shall be donated to the general revenue fund of the state. Any anonymous contribution shall be recorded as such on the candidate's financial statement, but may not be expended for election expenses. At the time of filing, the financial statement shall include a statement of distribution of anonymous contributions, which total amount shall equal the total of all anonymous contributions received during the period.

(s) Any organization that raises funds, for political purposes by assessing its members as part of its membership dues may report the amount raised with the following formula, if the assessment comes to less than or equal to twenty-five dollars per person over the course of the reporting periods defined in section five of this article: The total amount raised for political purposes through membership dues assessments is reported by showing the amount assessed on each member, or classification of members, times the number of members assessed. If the amount raised in the primary election or the general election period comes to
more than twenty-five dollars per person, then the name
of each member and the amount assessed shall be
reported. If the organization raises dues for purposes
other than for political purposes, then the funds raised
for political purposes must be segregated from the funds
for other purposes and listed in its report.

Political purposes means advocating or opposing the
nomination, election or defeat of one or more candidates,
supporting the retirement of the debt of a candidate or
political committee, supporting the administration or
activities of an established political party or an organ-
ization which has declared itself a political part,
supporting the administration or activities of a political
committee, and advocating or opposing the passage of
a ballot issue.

§3-8-5e. Definitions.

(a) "Contribution" means a gift subscription, assess-
ment, payment for services, dues, advance, donation,
pledge, contract, agreement, forbearance or promise of
money or other tangible thing of value, whether or not
conditional or legally enforceable, or a transfer of money
or other tangible thing of value to a person, made for
the purpose of influencing the nomination, election or
defeat of a candidate, or for the passage or defeat of any
issue, thing or item to be voted upon or to pay for past
election expenses. An offer or tender of a contribution
is not a contribution if expressly and unconditionally
rejected or returned. A contribution does not include
volunteer personal services provided without
compensation.

(b) "Political purposes" means advocating or opposing
the nomination, election or defeat of one or more
candidates, supporting the retirement of the debt of a
candidate or political committee, supporting the admin-
istration or activities of an established political party or
an organization which has declared itself a political
party, supporting the administration or activities of a
political committee, and advocating or opposing the
passage of a ballot issue.

(c) "Solicit" or "Solicitation" means the act of asking,
suggested, requiring or inviting, either orally or in
writing, a person or persons, organization of any kind,
political committee or other entity to give a contribution
or other thing of value for political purposes, as defined
in this section.

§3-8-8. Corporation contributions forbidden; exceptions;
penalties; promulgation of rules and regulations; additional powers of state election
commission.

(a) No officer of any corporation, or agent or person
on behalf of such corporation, whether incorporated
under the laws of this or any other state, or foreign
country, may pay, give or lend, or authorize to be paid,
given or lent, any money or other thing of value
belonging to such corporation, to any candidate,
financial agent or political committee or other person,
for the payment of any primary or other election
expenses whatever. Except as herein provided, no
person may solicit or receive such payment, contribution
or other thing from any corporation, officer or agent
thereof, or other person acting on behalf of such
corporation.

(b) (1) The provisions of this section shall not be
deemed to prohibit:

(A) Direct communications, other than by newspapers
of general circulation, radio, television or billboard
advertising likely to reach the general public, by a
corporation to its stockholders and executive or admi-

nistrative personnel and their families, or when appli-
cable, by an incorporated association or organization or
group of persons to its noncorporate members and their
families, and to the stockholders and executive or
administrative personnel of its member corporations
and the families of such stockholders and executive or
administrative personnel;

(B) Nonpartisan registration and get-out-the-vote
campaigns by a corporation aimed at its stockholders
and executives or administrative personnel and their
families; and
(C) The solicitation of contributions to a separate segregated fund to be utilized for political purposes by any corporate officer, agent or any person on behalf of a corporation. Any such fund shall be deemed to be a political committee for the purpose of this article and subject to all reporting requirements thereof.

(2) It shall be unlawful:

(A) For such a fund to make a contribution or expenditure by utilizing money or anything of value secured by physical force, job discrimination, financial reprisal or the threat of force, job discrimination or financial reprisal, or as a condition of employment, or by moneys obtained in any commercial transaction;

(B) For any person soliciting a stockholder, executive or administrative personnel and members of their family for a contribution to such fund to fail to inform such person of the political purposes of such fund at the time of such solicitation;

(C) For any person soliciting any other person for a contribution to such a fund to fail to inform such other person at the time of such solicitation of his right to refuse to so contribute without any reprisal;

(D) For a corporation, or a separate segregated fund established by a corporation to solicit contributions to such a fund from any person other than its stockholders and their families and its executive or administrative personnel and their families or when applicable, the noncorporate members of an incorporated association or organization or group of persons and their families, and the stockholders and executive or administrative personnel of the member corporations of such incorporated association or organization or groups of persons and the families of such stockholders and executive or administrative personnel, or to contribute any corporate funds;

(E) For a corporation, or a separate segregated fund established by a corporation to receive contributions to such a fund from any person other than its stockholders and their immediate families and its executive or
administrative personnel and their immediate families, or when applicable, the noncorporate members of an incorporated association or organization or group of persons and their families, and the stockholders and executive or administrative personnel of the member corporations of such incorporated association or organization or groups of persons and the families of such stockholders and executive or administrative personnel;

(F) For a corporation to engage in job discrimination or to discriminate in job promotion or transfer because of an employee’s failure to make a contribution to such fund;

(G) For such a fund directly or indirectly to make any contribution, including any contribution which is in any way earmarked or otherwise directed through an intermediary or conduit, in excess of the value of one thousand dollars in connection with any campaign for nomination or election to or on behalf of any elective office in the state or any of its subdivisions, or, subject to the provisions of subsection (a) of this section 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; and

(H) For a corporation to pay, give or lend, or authorize to be paid, given or lent, any moneys or other things of value belonging to such corporation to such fund for any purpose. This provision shall not be deemed to prohibit such a fund from using the property, real or personal, facilities and equipment of a corporation solely to establish, administer and solicit contributions to the fund, subject to the rules and regulations of the state election commission as provided in subsection (d) of this section: Provided, That such corporation shall also permit any group of employees thereof represented by a bona fide political action committee to use the real property of such corporation solely to establish, administer and solicit contributions to the fund of such political action committee, subject to the rules and regulations of the state elections commission as provided in subsection (d) of this section. No such property, real
or personal, facilities, equipment, materials or services of a corporation shall be utilized for the purpose of influencing any voter or voters to vote for a particular candidate, or in any particular manner, or upon any particular side of any question to be decided at any election, or to influence the result of any such election: Provided, however, That the prohibitions in this subsection shall not apply to telephone companies or telecommunications providers.

(I) Public utility companies and railroad companies may not form funds or political action committees in support of political candidates or parties, and may not use corporate property, real or personal, facilities, equipment, materials or services of said utility to establish, administer or solicit contributions to such fund or political action committee: Provided, That the prohibitions in this subsection shall not apply to telephone companies or telecommunications providers.

(3) For the purposes of this section, the term "executive or administrative personnel" means individuals employed by a corporation who are paid on a salary rather than hourly basis and who have policy making, managerial, professional or supervisory responsibilities.

(e) Any person or corporation violating any provision of this section shall be guilty of a misdemeanor, and, on conviction, shall be fined not more than five thousand dollars. No corporation shall reimburse any person the amount of any such fine imposed pursuant to this section.

(d) The state election commission shall promulgate rules to implement the provisions of this section, which rules and regulations, insofar as practicable, shall be the same as the rules and regulations promulgated by the federal election commission to carry out those provisions of 2 USC §441b which are similar or identical to those provisions contained in this section in order that the provisions of this section and the regulations promulgated thereunder and the similar provisions of 2 USC §441b and the regulations promulgated thereunder may be uniformly administered and applied to corporations.
subject to the cited section of the Federal Election
Campaign Act Amendments of 1976 and to this section.
The state election commission shall promulgate such
rules and regulations not later than sixty days after the
effective date of this subsection and in doing so shall be
governed by the provisions of article three, chapter
twenty-nine-a of this code.

(e) In addition to its powers and duties as set forth in
article one-a of this chapter, the state election commis-

1. To investigate, upon complaint or on its own
initiative, any alleged violations or irregularities of this
article.

2. To administer oaths and affirmations, issue subpo-
enas for the attendance of witnesses, issue subpoenas
duces tecum to compel the production of books, papers,
records and all other evidence necessary to any
investigation.

3. To involve the aid of any circuit court in the
execution of its subpoena power.

4. To report any alleged violations of this article to the
appropriate prosecuting attorney having jurisdiction,
which prosecuting attorney shall present to the grand
jury such alleged violations, together with all evidence
relating thereto, no later than the next term of court
after receiving the report.

It shall be the duty of the attorney general to provide
such legal and investigative assistance to the state
election commission as it may request and require.

Any investigation either upon complaint or initiative,
shall be conducted in an executive session of the state
election commission and shall remain undisclosed except
upon an indictment by a grand jury.

Any person who shall disclose the fact of any com-
plaint, investigation or report or any part thereof, or any
proceedings thereon, shall be guilty of a misdemeanor,
and, upon conviction thereof, shall be fined not less than
one thousand dollars, nor more than five thousand
§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, may 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 political advisors, clerks, secretaries, 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 political advisors, clerks, secretaries and typists, actually employed;

(3) For printing and distributing brochures, circulars, newspaper advertisements, and other printed matter; for radio, television and other broadcast advertisements; for painting, printing and posting signs, banners and other posted advertisements; all of which shall relate to political issues and candidates;

(4) For renting and decorating halls for fundraising events, public meetings and political conventions, for advertising and for providing food and beverages for fundraising events and public meetings, and for the payment of travel, food and lodging expenses of speakers and musicians at such meetings;

(5) For child care or dependent care expenses incurred on behalf of the children or dependents of a candidate in order to enable the candidate to engage in campaign activities, which expenses shall be limited to moneys expended for day care or babysitting services provided for a child under fifteen years of age or for a
handicapped dependent person incapable of caring for
himself or herself and dependent on the candidate for
daily care.

(6) For the necessary travel, food, lodging, launder-
ing, dry-cleaning and motor vehicle rental, maintenance
and repair expenses of candidates;

(7) For the necessary travel, food and lodging and
other reasonable expenses of candidates' political agents
and committees whether paid or volunteer: Provided,
That for purposes of this subsection only, a volunteer
shall be a person who intends to work more than twenty
hours per week for at least eight weeks for a candidate
or committee: Provided, however, That any such expense
previously incurred shall be reimbursed to the candi-
date, financial agent or treasurer of the political party
committee by the party in whose benefit the expenses
were incurred by a volunteer within ninety days of such
expenses failing to qualify as lawful election expenses
under the provisions of this subdivision;

(8) For stationery, copying, newspaper subscriptions,
postage, telegrams, telephone, express, freight and
public messenger or courier service;

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

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

(11) For employing temporary election workers to
distribute printed matter, contact voters, convey voters
to and from the polls and perform any other function
authorized by the provisions of this section: Provided,
That prior to election day, there shall be no limit on the
number of temporary election workers or the number
of days they may work: Provided, however, That the
amount of payment shall be established by legislative
rule promulgated by the state election commission.

(12) 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, question or proposition, submitted to a vote;

(13) 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 influence 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;

(14) For legitimate advertising agency services, including commissions, in connection with any campaign activity for which payment is authorized by subdivisions three, four, eight, nine, ten, eleven, twelve and thirteen of this subsection;

(15) For the employment of regular campaign staff, including persons to perform campaign planning and management, fund raising, clerical and other activities for political purposes;

(16) For legal services and court costs required by a candidate, agent or committee which legal services and court costs shall be limited to services for proceedings directly related to ballot access, eligibility of a candidate, a recount or an election contest or any election complaint filed by other than by warrant or indictment;

(17) For accounting services required by a candidate, agent or committee relating to the preparation of detailed accounts of financial transactions and the
preparation and filing of financial statements and any other documents required by law; and

(18) For the rent, lease, maintenance and repair of fixed wing and/or rotary aircraft.

(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 section five of this article at the times required therein and include therein, in itemized detail, all receipts from and expenditures made on behalf of a candidate, financial agent or treasurer 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.

(e) For purposes of this section, “political purposes” means advocating or opposing the nomination, election or defeat of one or more candidates, supporting the administration activities of an established political party or an organization which has declared itself a political party, supporting the administration or activities of a political committee, advocating or opposing the passage or defeat of a ballot issue, determining the advisability of becoming a candidate under the precandidacy financing provisions, and supporting the retirement of the debt of a candidate or political committee incurred for any of the above purposes.

§3-8-12. Additional acts forbidden; circulation of written matter; newspaper advertising; solicitation of contributions; intimidation and coercion of employees; promise of employment or other benefits; limitations on contributions; public contractors; penalty.

(a) No person may publish, issue or circulate, or cause
to be published, issued or circulated, any anonymous
letter, circular, placard, or other publication tending to
influence voting at any election: Provided, That no letter
or circular may be considered anonymous if the
signature or heading clearly identifies the author;
(b) No owner, publisher, editor or employee of a
newspaper or other periodical may insert, either in its
advertising or reading columns, any matter, paid for or
to be paid for, which tends to influence the voting at any
election whatever, unless directly designating it as a
paid advertisement and stating the name of the person
authorizing its publication and the candidate in whose
behalf it is published;
(c) No person may, in any room or building occupied
for the discharge of official duties by any officer or
employee of the state or a political subdivision thereof,
solicit orally or by written communication delivered
therein, or in any other manner, any contribution of
money or other thing of value for any party or political
purpose whatever, from any postmaster or any other
officer or employee of the federal government, or officer
or employee of the state, or a political subdivision
thereof. No officer, agent, clerk or employee of the
federal government, or of this state, or any political
subdivision thereof, who may have charge or control of
any building, office or room, occupied for any official
purpose, shall knowingly permit any person to enter the
same for the purpose of therein soliciting or receiving
any political assessments from, or delivering or giving
written solicitations for, or any notice of, any political
assessments to, any officer or employee of the state, or
a political subdivision thereof;
(d) Except as provided in section eight of this article
no person entering into any contract with the state or
its subdivisions, 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 may, during
the period of negotiation for or performance under such
contract or furnishing of materials, supplies, equipment,
land or buildings, directly or indirectly make any
contribution to any political party, committee 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;

(e) No person may, directly or indirectly, promise any
employment, position, work, compensation or other
benefit provided for, or made possible, 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;

(f) No person may, directly or indirectly, make any
contribution in excess of the value of one thousand
dollars in connection with any campaign for nomination
or election to or on behalf of any statewide or national
elective office, or in excess of the value of one thousand
dollars, in connection with any other campaign for
nomination or election to or on behalf of any other
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: Provided, That letters
of endorsement shall not be considered contributions for
purposes of this article: Provided, however, That a
person may make an annual contribution not in excess
of five thousand dollars to one state executive committee
of a political party, as such term is defined in section
eight, article one of this chapter;

(g) No person may solicit any contribution from any
nonelective salaried employee of the state government or
of any of its subdivisions or coerce or intimidate any
such employee into making such contribution. No person
may coerce or intimidate any nonsalaried employee of
the state government or any of its subdivisions into
engaging in any form of political activity. The provisions
hereof shall not be construed to prevent any such employee from making such a contribution or from engaging in political activity voluntarily, without coercion, intimidation or solicitation; and

(h) No person may solicit a contribution from any other person without informing such other person at the time of such solicitation of the amount of any commission, remuneration or other compensation that the solicitor or any other person will receive or expect to receive as a direct result of such contribution being successfully collected. Nothing in this subsection shall be construed to apply to solicitations of contributions made by any person serving as an unpaid volunteer.

(i) Notwithstanding any other provisions contained in this article, no person under eighteen years of age may, directly or indirectly, make contributions for political purposes, including contributions which are in any way earmarked or otherwise directed through an intermediary or a conduit, to any candidate for nomination or election to any statewide, national or any other elective office in this 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 such candidate which, in the aggregate, exceed one hundred dollars.

Any person violating any provision of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than one thousand dollars, or confined in jail for not more than one year, or, in the discretion of the court, be subject to both such fine and imprisonment.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within bill is disapproved this the 21st day of April, 1989.

Governor