WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1989

ENROLLED

HOUSE BILL No. 2235

(By Mr. Del. Barry and Tribett)

Passed .................... March 20, 1989

In Effect Ninety Days From Passage
ENROLLED

H. B. 2235

(By Delegates Berry and Tribett)

[Passed March 20, 1989; in effect ninety days from passage.]

AN ACT to amend and reenact section four, article eight, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the filing of written statements with the secretary of state designating the treasurer of a political committee or the financial agent of a candidate; enlarging the time period for filing such statement from sixty days prior to an election to twenty-eight days prior to an election; designating the specific time of receipt or postmark requirements; and defining the terms “person” and “financial agent”.

Be it enacted by the Legislature of West Virginia:

That section four, article eight, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 8. REGULATION AND CONTROL OF ELECTIONS.

§3-8-4. Treasurers and financial agents; written designation requirements; “person” and “financial agent” defined.

1 (a) No person shall act as the treasurer of any political committee, or as financial agent for any candidate for nomination or election to any office to be filled by the voters of the entire state, or candidates for nomination or election for any office, encompassing an election district larger than a county, or any person or organ-
ization 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, encompassing
an election district larger than a county, unless a
written statement designating him as such treasurer or
financial agent shall be filed with the secretary of state,
at least twenty-eight days before the election at which
he is to act, and must be received before midnight,
eastern standard time, of that day, or if mailed, shall
be postmarked before that hour.

(b) No person shall act as treasurer of any such
committee or as financial agent for any candidate to be
nominated or elected by the voters of a county or a
district therein, or as the treasurer or financial agent
for a candidate for the nomination or election to any
other office, or for the passage or defeat of any issue,
thing or item to be voted upon not herein mentioned,
unless a written statement designating him as such
treasurer or financial agent shall be filed with the clerk
of the county commission at least twenty-eight days
before the election at which he is to act, and must be
received before midnight, eastern standard time, of that
day, or if mailed, shall be postmarked before that hour.

(c) Notwithstanding the provisions of subsections (a)
and (b) of this section, a filing designating a treasurer
or financial agent for a state or county political
executive committee may be made anytime before the
committee either accepts or spends funds on behalf of
the committee. Once a designation is made by a state
or county political executive committee, no additional
designations shall be required under this section until
a successor treasurer or financial agent is designated.
A state or county political executive committee may
terminate a designation made pursuant to this section
by making a written request to terminate the designa-
tion and by stating in the request that the committee
has no funds remaining in the committee’s account. This
written request shall be made with either the secretary
of state or the clerk of the county commission as
provided by subsections (a) and (b) of this section.

(d) As used in this article:
The term "person" shall include an individual, partnership, committee, association, corporation, and any other organization or group of persons; and

The term "financial agent" shall include any person acting for and by himself, or any two or more natural persons acting together or cooperating in a financial way to aid or take part in the nomination or election of any candidate for public office, or to aid or promote the success or defeat of any political party or principle at any election, or any proposition submitted to a vote at a public election.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Frederick D. Parker
Chairman Senate Committee

Bernard V. Kelly
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Joseph M. Steil
Clerk of the Senate

Donald T. Kaye
Clerk of the House of Delegates

Lawrence 
President of the Senate

Charles E. FOXXX
Speaker of the House of Delegates

The within is approved this the 31st day of March, 1989.

Gaston Caperton
Governor