WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1995

ENROLLED

SENATE BILL NO. 523

(By Senator Ann Miller et al.)

PASSED March 10, 1995
In Effect 90 Days From Passage
ENROLLED

Senate Bill No. 573

(By Senators Dittmar, Wooton, White, Grubb, Oliverio, Wagner, Bowman and Anderson)

[Passed March 10, 1995; in effect ninety days from passage.]

AN ACT to amend and reenact sections five and six, article one-a, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to further amend said chapter by adding thereto a new article, designated article one-b; to amend and reenact sections five and ten, article two of said chapter; to amend and reenact section eleven-a, article four-a of said chapter; to amend and reenact sections five, five-a, five-b, five-d, six, seven, nine, eleven and twelve, article eight of said chapter; and to further amend said article by adding thereto three new sections, designated sections two-a, four-a and ten, all relating to elections and campaign practices; authorizing the state election commission to promulgate legislative rules for the regulation and control of elections; redefining the authority of the secretary of state to promulgate legislative rules for the administration of elections; requiring the submission and resubmission of rules to the legislative rule-making review committee; providing for the expiration of the force and effect of rules not submitted; codifying the code of fair campaign practices; legislative findings; defining
certain terms; state election commission to issue advisory opinions, distribute information and investigate noncompliance with the code; hearings before the commission; prescribing the contents of the code; filing officers to retain signed forms; when candidate may be released from spending limitations; authority of commission to increase spending limitations by legislative rule; information required on voter registration form; the payment of postage when mailing voter registration form; the color of election ballots; reporting requirements for inaugural committees; providing for the termination of political committees; when reporting requirements applicable to organizations which publish, distribute or disseminate certain information within sixty days of an election; submission of information to commission to determine when reporting required; expanding the methods by which payment for campaign contributions of more than fifty dollars may be made; the filing of financial statements of candidates for legislative offices with the secretary of state; permitting the filing of financial statements by facsimile or other means of electronic transmission; establishing filing date for financial statements based upon postmark or the date of hand delivery or delivery by electronic transmission; prescription and promulgation of form for financial statements by commission; duty to furnish form on computer disc or other magnetic media; providing for the assessment of civil penalties for the late filing or the filing of a grossly incomplete or grossly inaccurate financial statement; duties of secretary of state and county clerks; clarifying purposes for which election expenditures may be made; permitting certain expenditures of excess contributions and requiring the state election commission to promulgate legislative rules with respect thereto; removing the prohibition against solicitation of candidates; authorizing contributions of up to one thousand dollars per calendar year to state executive committees of political parties; adopting technical revisions; and providing criminal penalties.
Be it enacted by the Legislature of West Virginia:

That sections five and six, article one-a, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that said chapter be further amended by adding thereto a new article, designated article one-b; that sections five and ten, article two of said chapter be amended and reenacted; that section eleven-a, article four-a of said chapter be amended and reenacted; that sections five, five-a, five-b, five-d, six, seven, nine, eleven and twelve, article eight of said chapter be amended and reenacted; and that said article be further amended by adding thereto three new sections, designated sections two-a, four-a and ten, all to read as follows:

ARTICLE IA. STATE ELECTION COMMISSION AND SECRETARY OF STATE.
§3-1A-5. Powers and duties of commission; legislative rules.
(a) The commission shall have the power and duty to approve or disapprove applications for approval of any voting machine as provided in section seven, article four of this chapter.
(b) The commission also shall serve as a body advisory to the secretary of state, and, as such, shall have the following powers and duties:
(1) To recommend policies and practices pertaining to the registration of voters and the conduct of elections generally;
(2) To review the work of the office of secretary of state pertaining to the duties of that office with respect to elections, and for this purpose to have access at reasonable times to pertinent records, books, papers and documents;
(3) To consider and study the election practices of other jurisdictions, with a view to determining the techniques used in eliminating fraud in elections and in simplifying election procedures;
(4) To advise or make recommendations to the governor
relative to election practices and policy in the state; and

(5) To keep minutes of the transactions of each meeting of the commission, which shall be public records and filed with the secretary of state.

(c) It shall be the commission's further duty to prepare and distribute in its name, within available appropriations and upon the recommendation of the secretary of state, nonpartisan educational material to inform voters of the importance of voting, to encourage voters to vote, to inform voters of election laws and procedures and to inform voters of the effect of any public question, constitutional amendment or bond issue that is to be voted upon by all the voters of the state and that has been authorized to be placed upon the ballot by the Legislature, and manuals to assist county commissions, ballot commissioners, circuit and county clerks and other election officials in the proper performance of their duties in the conduct of elections.

(d) The commission shall promulgate such legislative rules, in accordance with the provisions of chapter twenty-nine-a of this code, as may be necessary to standardize and make effective the administration of the provisions of article eight of this chapter and may promulgate such other rules, in accordance with the provisions of chapter twenty-nine-a of this code, relating to the conduct and administration of elections as the commission may determine to be advisable. All rules required or permitted to be promulgated by the commission by the provisions of this section shall be submitted on or before the first day of August, one thousand nine hundred ninety-five, to the Legislature for review by the legislative rule-making review committee and approval by the Legislature.

§3-1A-6. Powers and duties of secretary of state; exercise of powers by appointees.

The secretary of state shall be the chief election official
of the state. Except for those rules required by the
provisions of section five of this article to be promul-
gated by the commission, the secretary of state shall
have the authority, after consultation with the state
election commission, of which he is a member, to make,
amend and rescind such orders and to promulgate such
legislative rules, in accordance with the provisions of
chapter twenty-nine-a of this code, as may be necessary
to standardize and make effective the provisions of this
chapter. Any rule proposed for promulgation by the
secretary of state pursuant to the provisions of this
section, and all rules heretofore adopted or in any way
represented to govern the administration or enforcement
of the provisions of this chapter by the secretary of state,
shall be submitted on or before the first day of August,
one thousand nine hundred ninety-five, to the Legisla-
ture for review by the legislative rule-making review
committee and approval by the Legislature. All rules
which have not been submitted and approved as afore-
said shall be of no further force and effect as of the first
day of April, one thousand nine hundred ninety-six. It
shall be the duty of all election officials, county commis-
sions, clerks of county commissions, clerks of circuit
courts, boards of ballot commissioners, election commis-
sioners and poll clerks to abide by such orders as may be
issued and such legislative rules as may be promulgated
by the secretary of state and the commission.

The secretary of state also shall have authority to
require collection and report of statistical information
and to require other reports by county commissions,
clerks of county commissions and clerks of circuit courts.

It shall be his further duty to advise with election
officials; to furnish to the election officials a sufficient
number of indexed copies of the current election laws of
West Virginia and the administrative orders and rules
issued or promulgated thereunder; to investigate the
administration of election laws, frauds and irregularities
in any registration or election; to report violations of
enr. s. b. no. 573]

40 election laws to the appropriate prosecuting officials;
41 and to prepare an annual report.

42 The secretary of state shall also have the power to
43 administer oaths and affirmations, issue subpoenas for
44 the attendance of witnesses, issue subpoena duces tecum
45 to compel the production of books, papers, records,
46 registration records and other evidence, and fix the time
47 and place for hearing any matters relating to the admin-
48 istration and enforcement of this chapter, or the rules
49 promulgated by the state election commission or by the
50 secretary of state as the chief election official of the
51 state. In case of disobedience to a subpoena or subpoena
52 duces tecum, he may invoke the aid of any circuit court
53 in requiring the attendance, evidence and testimony of
54 witnesses and the production of papers, books, records,
55 registration records and other evidence.

56 All powers and duties vested in the secretary of state
57 pursuant to the provisions this article may be exercised
58 by appointees of the secretary of state at his discretion,
59 but the secretary of state shall be responsible for their
60 acts.

article 1b. fair campaign practices.

§3-1b-1. legislative findings, purpose, declaration and intent.

1 The Legislature hereby finds and declares that every
2 candidate for public office in this state should follow the
3 basic principles of decency, honesty and fairness in the
4 course of their campaign practices.

5 The Legislature hereby further declares that the code
6 of fair campaign practices, as contained in this article, is
7 a standard to which all candidates for public office
8 should aspire and is a guideline for voters to determine
9 fair play in the conduct of campaigns for public office.

10 It is the further goal of the Legislature that every
11 candidate for public office in this state will voluntarily
12 subscribe and adhere to the code of campaign practices.
§3-1B-2. Definitions.

1 For purposes of this article:

2 (a) "Campaign advertising or communication" means
3 a communication authorized by a candidate or a candi-
4 date's committee for the purpose of advocating the
5 nomination, election or defeat of a candidate;

6 (b) "Candidate for public office" means an individual
7 who has filed a pre-candidacy statement pursuant to the
8 provisions of section five-e, article eight of this chapter,
9 has qualified to have his or her name listed on the ballot
10 of any election, or who has declared his or her intention
11 to seek nomination or election through a petition or
12 write-in procedure for any state, regional, county,
13 municipal or district office which is to be filled at an
14 election;

15 (c) "Code" means the code of fair campaign practices
16 as set forth in this article;

17 (d) "Commission" means the state election commission
18 created pursuant to the provisions of article one-a of this
19 chapter; and

20 (e) "Political committee" means all of those persons
21 and entities required to keep accounts and file financial
22 statements pursuant to the provisions of section five,
23 article eight of this chapter.

§3-1B-3. Powers and duties of the commission.

1 In addition to the powers and duties of the commission
2 as prescribed in section five, article one-a of this chap-
3 ter, the commission has:

4 (a) The power to issue advisory opinions on whether an
5 action or proposed action of a subscribing candidate
6 violates the code of fair campaign practices;

7 (b) The duty to prepare and distribute copies of the
8 code of fair campaign practices to voters, circuit clerks,
9 county clerks and other election officials;
(c) The duty to receive, investigate and act on complaints or other information concerning noncompliance with the code by candidates for public office who subscribe to the code; and

(d) The duty to make public the name and identity of candidates subscribing to the code and the findings of compliance or noncompliance with the code upon the conclusion of a hearing conducted pursuant to section four of this article.

§3-1B-4. Hearing; disposition; sanctions.

If a majority of the commission determines that there is a reasonable likelihood that a candidate for public office who subscribes to the code of fair campaign practices has violated a provision of the code, then the commission shall inform the candidate in writing and notify the candidate in writing that the candidate has ten days from receipt of the notice to request a hearing. If the candidate requests a hearing, then one shall be scheduled within ten days after such request. Said hearing may be continued only for good cause shown. If a majority of the commission determines, based upon clear and convincing evidence, after a hearing or after a candidate has declined to request a hearing, that such candidate has violated a provision of the code, the commission may issue a public opinion stating the candidate has committed a violation of the code. If the commission does not find by clear and convincing evidence that a subscribing candidate has violated a provision of the code, then the commission shall issue a public statement that the candidate has not violated the code. Said statement shall be issued on the same day of the hearing.

§3-1B-5. Code of fair campaign practices.

At the time an individual files his or her pre-candidacy statement, certificate of announcement, nominating petition and other paper evidencing an intention to be a
candidate for public office, or when an individual files
the statement of organization of a political committee,
the circuit clerk, county clerk or secretary of state
receiving such filing shall furnish the individual with a
form containing the text of the code of fair campaign
practices which shall read as follows:

CODE OF FAIR CAMPAIGN PRACTICES

I SHALL CONDUCT this campaign openly and
publicly, discussing the issues as I see them, presenting
positions and policies with sincerity and frankness, and
criticizing without fear or favor the record and policies
of candidates or political parties which merit such
criticism.

I SHALL NOT USE OR PERMIT the use of character
defamation, whispering campaigns, libel, slander or
scurrilous attacks on any candidate or his or her per-
sonal family life.

I SHALL CONDEMN the use of campaign advertising
or communication of any sort which misrepresents,
distorts, or otherwise falsifies the facts regarding any
candidate or issue raised in my campaign.

I SHALL NOT USE OR PERMIT any appeal to nega-
tive prejudice based on race, sex, religion, national
origin, physical disability or age.

I SHALL NOT USE OR PERMIT any dishonest or
unethical practice which tends to corrupt or undermine
our system of free elections, or which hampers or pre-
vents the full and free expression of the will of the voters
including acts intended to hinder, prevent or discourage
any eligible person from registering to vote, or from
voting, or which is intended to affect voting through the
buying of influence or votes.

I SHALL NOT COERCE election help or campaign
contributions for myself or my committee or for any
other candidate or any ballot issue from my employees or
39 from any person under my authority, influence or control.

41 I SHALL IMMEDIATELY AND PUBLICLY REPUDIATE support on behalf of or in opposition to any candidacy deriving from any individual or group which resorts to the methods and tactics which I condemn. I shall accept responsibility to take firm action against any subordinate or associate who violates any provisions of this code or the laws governing elections.

48 I PERSONALLY SUPPORT a limit on campaign expenditures that when reasonable, sufficient and fairly applied, does not limit or restrict the expression of ideas of the candidate or others on behalf of the candidate, but instead challenges individuals to engage in open dialogue on the issues rather than merely to purchase the excessive repetition of images and slogans.

55 ACCORDINGLY, IF I AM A CANDIDATE for one of the offices listed below, I will, in conjunction with the committee or committees organized on my behalf, adhere to the following limitations on campaign spending specified for the office I seek:

<table>
<thead>
<tr>
<th></th>
<th>PRIMARY</th>
<th>GENERAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Governor</td>
<td>1,000,000</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Constitutional Officers</td>
<td>150,000</td>
<td>150,000</td>
</tr>
<tr>
<td>Supreme Court of Appeals</td>
<td>150,000</td>
<td>150,000</td>
</tr>
<tr>
<td>State Senate</td>
<td>50,000</td>
<td>50,000</td>
</tr>
<tr>
<td>House of Delegates</td>
<td>25,000</td>
<td>25,000</td>
</tr>
<tr>
<td>Circuit Judge</td>
<td>50,000</td>
<td>50,000</td>
</tr>
</tbody>
</table>

67 Expenditures which do not exceed the limits designated for the primary election may not be added to the limits for the general election.

70 I SHALL DEFEND AND UPHOLD the right of every qualified voter to full and equal participation in the
I, the undersigned, a candidate for election to public office in the State of West Virginia, or the chairperson of a political committee supporting one or more candidates for election, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct this campaign in accordance with the above principles and practices. I understand that subscription and adherence to the code is voluntary.

Date

Signature

Candidate for/Committee Name

Address and City

§3-1B-6. Forms.

The secretary of state in consultation with the election commission, shall prescribe the forms containing the text of the code and shall furnish the forms to the circuit clerks, county clerks and municipal clerks or recorders in quantities and at times requested by the clerks.

§3-1B-7. Retention of forms; public inspection.

The officer receiving the filing shall accept, at all times prior to the election, all completed forms evidencing subscription to the code.

Forms filed with the circuit clerk shall be immediately forwarded to the county clerk. The county clerk, secretary of state and municipal recorder or clerk shall retain such forms filed with them for public inspection until one hundred eighty days after the general election.

§3-1B-8. Voluntary subscription to the code.

Subscription to and adherence to the provisions of the code set forth in this article is voluntary and in no event may any person be required to subscribe to, adhere to or endorse the code.
§3-1B-9. Release from subscription to the code.

In the event that an opponent to a subscribing candidate exceeds the voluntary campaign spending limitations set forth in section five of this article, the subscribing candidate who has not exceeded the spending limitations shall be automatically released from that portion of the code establishing the campaign spending limitations and the commission shall make public the fact of such release.

§3-1B-10. Adjustment of spending limitations.

The commission may from time to time increase the voluntary campaign spending limitations established in this article pursuant to legislative rule promulgated pursuant to the provisions of chapter twenty-nine-a of this code.

ARTICLE 2. REGISTRATION OF VOTERS.

§3-2-5. Forms for application for registration; information required and requested; types of application forms; notices.

(a) (1) All state forms for application for voter registration shall be prescribed by the secretary of state and shall conform with the requirements of the "National Voter Registration Act of 1993" (42 U.S.C. 1973gg) and the requirements of the provisions of this article. Separate application forms may be prescribed for voter registration conducted by the clerk of the county commission, registration by mail, registration in conjunction with an application for motor vehicle driver's license and registration at designated agencies. These forms may consist of one or more parts, may be combined with other forms for use in registration by designated agencies or in conjunction with driver licensing and may be revised and reissued as required by the secretary of state to provide for the efficient administration of voter registration. After the first day of January, one thousand nine hundred ninety-five, all state forms issued for the
purpose of voter registration shall be those prescribed pursuant to the provisions of this article and no form used or issued for voter registration pursuant to laws in effect before that date shall be provided to any person for the purpose of registration.

(2) Notwithstanding any provisions of subdivision (1) of this subsection to the contrary, the federal postcard application for voter registration issued pursuant to the "Uniformed and Overseas Citizens Absentee Voting Act of 1986" (42 U.S.C. 1973 et seq.), and the mail voter registration application form prescribed by the Federal Election Commission pursuant to the "National Voter Registration Act of 1993" (42 U.S.C. 1973gg) shall be accepted as a valid form of application for registration pursuant to the provisions of this article.

(b) Each application form for registration shall include:

(1) A statement specifying the eligibility requirements for registration and an attestation that the applicant meets each eligibility requirement;

(2) Any specific notice or notices required for a specific type or use of application by the "National Voter Registration Act of 1993" (42 U.S.C. 1973gg);

(3) A notice that a voter may be permitted to vote the partisan primary election ballot of a political party only if the voter has designated that political party on the application for registration, unless the political party has determined otherwise; and

(4) Any other instructions or information essential to complete the application process.

(c) Each application form shall require that the following be provided by the applicant, under oath, and any application which does not contain each of the following shall be considered incomplete:

(1) The applicant's legal name, including the first name, middle or maiden name, if any, and last name;
(2) The month, day and year of the applicant’s birth;
(3) The applicant’s residence address, including the number and street or route and city and county of residence except:
   (A) In the case of a person eligible to register under the provisions of the “Uniformed and Overseas Citizens Absentee Voting Act”, (42 U.S.C. 1973ff), the address at which he or she last resided before leaving the United States or entering the uniformed services, or if a dependent child of such a person, the address at which his or her parent last resided; and
   (B) In the case of a homeless person having no fixed residence address who nevertheless resides and remains regularly within the county, the address of a shelter, assistance center or family member with whom he or she has regular contact or other specific location approved by the clerk of the county commission for the purposes of establishing a voting residence; and
(4) The applicant’s signature, under penalty of perjury, as provided in section thirty-six of this article, to the attestation of eligibility to register to vote and to the truth of the information given.

(d) The applicant shall be requested to provide the following information, but no application shall be rejected for lack of this information:
   (1) An indication whether the application is for a new registration, change of address, change of name or change of party affiliation;
   (2) The applicant’s choice of political party affiliation, if any, or an indication of no affiliation: Provided, That any applicant who does not enter any choice of political party affiliation shall be listed as having no party affiliation on the voting record;
   (3) The applicant’s home mailing address, if different than the residence address;
(4) The last four digits of the applicant's social security number;

(5) The applicant's telephone number;

(6) The address at which the applicant was last registered to vote, if any, for the purpose of canceling or transferring the previous registration;

(7) The applicant's gender; and

(8) The date the application is signed.

(e) The secretary of state shall prescribe the printing specifications of each type of voter registration application and the voter registration application portion of any form which is part of a combined agency form.

(f) Application forms prescribed in this section may refer to various public officials by title or official position, but in no case may the actual name of any officeholder be printed on the voter registration application or on any portion of a combined application form.

(g) No later than the first day of July of each odd-numbered year, the secretary of state shall submit the specifications of the voter registration application by mail for statewide bidding for a contract period beginning the first day of September of each odd-numbered year and continuing for two calendar years. The successful bidder shall produce and supply the required mail voter registration forms at the contract price to all purchasers of the form for the period of the contract.

§3-2-10. Application for registration by mail.

(a) Any qualified person may apply to register, change, transfer or correct his or her voter registration by mail. Application shall be made on a prescribed form as provided by section five of this article.

(b) To the extent possible with funds allocated annually for such purpose, the secretary of state shall make state mail registration forms available for distribution
through governmental and private entities and organized voter registration programs. The secretary of state shall make a record of all requests by entities or organizations for ten or more forms with a description of the dates and locations in which the proposed registration drive is to be conducted. The secretary of state may limit the distribution to a reasonable amount per group.

(c) The clerk of the county commission shall provide up to four mail registration forms to any resident of the county upon request. To the extent possible with funds allocated annually for the purpose, the clerk of the county commission shall make state mail registration forms available for distribution through organized voter registration programs within the county. The clerk of the county commission shall make a record of all requests by entities or organizations for ten or more forms with a description of the dates and locations in which the proposed registration drive is to be conducted. The clerk may limit the distribution to a reasonable amount per group.

(d) The applicant shall provide all required information and only after completing the information, sign the prescribed applicant's oath under penalty of perjury, as provided in section thirty-six of this article. No person may alter or add any entry or make any mark which would alter any material information on the voter registration application after the applicant has signed the oath: Provided, That the clerk of the county commission may correct any entry upon the request of the applicant provided the request is properly documented and the correction is dated and initialed by the clerk.

(e) Completed applications shall be mailed or delivered to the clerk of the county commission of the county in which the voter resides. If a clerk receives a completed mail application form from a voter whose residence address is located in another county, the clerk shall forward that application within three days to the clerk
(f) Upon receipt of the application for registration by the appropriate clerk of the county commission, the clerk shall:

(1) Attempt to establish whether the residence address given is within the boundaries of an incorporated municipality and, if so, make the proper entry required for municipal residents to be properly identified for municipal voter registration purposes; and

(2) Immediately begin the verification process required by the provisions of section sixteen of this article.

(g) Any person who registers by mail pursuant to this section shall be required to make his or her first vote in person at the polls or in person at the office of the clerk of the circuit court to vote an absentee ballot in order to make the registration valid: Provided, That any person who has applied for an absentee ballot pursuant to the provisions of subdivision (1), subsection (d), section one, article three of this chapter or paragraph (B), subdivision (2) of said subsection or subdivision (3) of said subsection or of subsection (e) of said section shall not have his or her ballot in that election challenged for failure to appear in person or for failure to present identification.

(h) Any person required by this section to make his or her first vote in person shall present valid identification and proof of age to the clerks at the poll or at the office of the clerk of the circuit court or the clerk of the county commission of the county in which he or she is registered before casting the first ballot.

(i) Any person who submits a state mail voter registration application to the clerk of the county commission in the county in which he or she is currently registered for the purpose of entering a change of address within the county, making a change of party affiliation or recording a change of legal name shall not be required to make his
or her first vote in person or to present identification or proof of age.

ARTICLE 4A. ELECTRONIC VOTING SYSTEMS.

§3-4A-11a. Ballots tabulated electronically; arrangement, quantity to be printed, ballot stub numbers.

(a) The board of ballot commissioners in counties using ballots upon which votes may be recorded by means of marking with electronically sensible ink or pencil and which marks are tabulated electronically shall cause the ballots to be printed for use in elections.

(b) (1) The heading of the ballot, the arrangement of offices in columns, the spaces for marking votes, the printing of offices, instructions and candidates names shall conform as nearly as possible to that prescribed in this chapter for paper ballots, except that the secretary of state may prescribe necessary modifications to accommodate the tabulating system. Nonpartisan elections for board of education and any question to be voted upon shall be separated from the partisan ballot and separately headed in display type with a title clearly identifying the purpose of the election and such separate section shall constitute a separate ballot wherever a separate ballot is required under the provisions of this chapter.

(2) Both the face and the reverse side of the ballot may contain the names of candidates, only if means to ensure the secrecy of the ballot are provided and lines for the signatures of the poll clerks on the ballot are printed on a portion of the ballot which is deposited in the ballot box and upon which marks do not interfere with the proper tabulation of the votes.

(3) The arrangement of candidates within each office shall be determined in the same manner as for other electronic voting systems, as prescribed in this chapter. On the general election ballot for all offices, and on the primary election ballot only for those offices to be filled
by election, except delegate to national convention, lines
for entering write-in votes shall be provided below the
names of candidates for each office and the number of
lines provided for any office shall equal the number of
persons to be elected or three, whichever is fewer. The
words "WRITE-IN, IF ANY" shall be printed directly
under each line for write-ins. Such lines shall be oppo-
site a position to mark the vote.

(c) The primary election ballots shall be printed in the
color of ink specified by the secretary of state for the
various political parties and the general election ballot
shall be printed in black ink. All ballots shall be printed
on white paper suitable for automatic tabulation and
shall contain a perforated stub at the top or bottom of
the ballot which shall be numbered sequentially in the
same manner as provided in this article for ballots upon
which votes are recorded by means of perforating. The
number of ballots printed and the packaging of ballots
for the precincts shall conform to the requirements for
paper ballots as provided in this chapter.

(d) In addition to the official ballots, the ballot com-
missioners shall provide all other materials and equip-
ment necessary to the proper conduct of the election.

ARTICLE 8. REGULATION AND CONTROL OF ELECTIONS.

§3-8-2a. Detailed accounts and verified financial statements
for certain inaugural events.

(a) Any inaugural committee soliciting or receiving
contributions for the funding of all or any part of an
inaugural event for any person elected to any state
public office that receives an individual contribution in
excess of two hundred fifty dollars for any such event
shall file and retain detailed records of any such contri-

(b) For purposes of this section:

(1) "Inaugural committee" includes any person, organi-

butions for the purpose of funding an inaugural event for an elected state official; and

(2) "Inaugural event" means any event or events held between the date of the general election for a state public office and a date ninety days after the date of the general election, whether the event is sponsored by the inaugural committee or the state political party committee representing the party of the elected official and for which the elected official is a prominent participant or for which solicitations of contributions include the name of the elected official in prominent display.

(c) Any inaugural committee, financial agent or any person or officer acting on behalf of such committee which is subject to the provisions of this section, shall file a verified financial statement with the secretary of state on a form prescribed by the state election commission within forty-five days following the event. The financial statement shall contain information as may be required by the provisions of subsection (a) of this section relating to any contribution in excess of two hundred fifty dollars. The secretary of state shall file and retain such statements as public records.

§3-8-4a. Termination of political committees.

(a) A political committee may terminate by filing a written request, in accordance with the provisions of section four of this article, and by stating in the request that it will no longer receive any contributions or make any disbursements and that it has no outstanding debts or obligations. At such time, any excess funds of the committee may be transferred to a political committee established by the same candidate pursuant to the provisions of section four or five-e of this article.

(b) The provisions of this section may not be construed to eliminate or limit the authority of the secretary of state, in consultation with the state election commission, to establish procedures for: (1) The determination of
insolvency with respect to any political committee; (2) the orderly liquidation of an insolvent political committee and the orderly application of its assets for the reduction of outstanding debts; and (3) the termination of an insolvent political committee after such liquidation and application of assets.

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

(a) 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), subsection (b), section eight of this article or engaging in other activities permitted by said section 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, including all loans of money or things of value, 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.

(b) Every person or association of persons required to keep detailed accounts under this section shall file with the officers hereinafter prescribed a detailed itemized statement, subscribed and sworn to before an officer authorized to administer oaths, according to the following provisions and times:

(1) On the last Saturday in March or within fifteen days thereafter next preceding the primary election day whenever the total of all financial transactions relating
to an election exceed five hundred dollars a statement
which shall include all financial transactions which have
taken place by the date of that statement, subsequent to
any previous statement filed within the previous five
years under this section, or if no previous statement was
filed, all financial transactions made within the preced-
ing five years; and

(2) Not less than seven nor more than ten days preced-
ing each primary or other election, a statement which
shall include all financial transactions which have taken
place by the date of such statement, subsequent to the
previous statement, if any; and

(3) Not less than twenty-five nor more than thirty days
after each primary or other election, a statement which
shall include all financial transactions which have taken
place by the date of such statement, subsequent to the
previous statement; and

(4) On the first day of July, one thousand nine hundred
eighty-five, and thereafter on the last Saturday in March
or within fifteen days thereafter annually, whenever
contributions or expenditures relating to an election
exceed five hundred dollars or whenever any loans are
outstanding, a statement which shall include all finan-
cial transactions which have taken place by the date of
such report, subsequent to any previous report.

(c) 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 an-
nouncement of such person's candidacy has been made.

(d) For purposes of this section, the term "financial
transactions" includes all contributions or loans received
and all repayments of loans or expenditures made to
promote the candidacy of any person by any candidate or
any organization advocating or opposing the nomination,
election or defeat of any candidate or to promote the
passage or defeat of any issue, thing or item to be voted on.

(e)(1) Except as provided in subdivision (2) of this subsection, any person, association, organization, corporation or other legal entity who publishes, distributes or disseminates any scorecard, voter guide or other written analysis of a candidate's position or votes on specific issues within sixty days of an election is presumed to be engaging in such activity for the purpose of advocating or opposing the nomination, election or defeat of any candidate.

(2) The provisions of subdivision (1) of this subsection shall not apply to:

(A) The publication, distribution or dissemination of such materials in the form of a news release to broadcast or print media;

(B) Persons who engage in news or feature reporting activities and editorial comment as working members of the press, radio, or television, and persons who publish, distribute or disseminate such news, features or editorial comment through a newspaper, book, regularly published periodical, radio station or television station;

(C) The members of a nonprofit corporation or other organization who have such membership in accordance with the provisions of the articles of incorporation, bylaws or other instruments creating its form of organization and who have bona fide rights and privileges in the organization such as the right to vote, to elect officers, directors and issues, to hold office or otherwise as ordinarily conferred on members of such organizations who publish, distribute or disseminate materials described in subdivision (1) of this subsection to other such members; or

(D) The employees of a church or synagogue which currently holds or is eligible to hold an exemption as a church issued by the internal revenue service under the
provisions of §26 U.S.C. 501(c)(3) who publish, distribute
or disseminate materials described in subdivision (1) of
this subsection within the membership of the church or
synagogue or upon the premises of any facility owned or
controlled by the church or synagogue: Provided, That
the exemption from the presumption provided by this
paragraph shall not apply to such employees of a church
when the church or synagogue otherwise advocates or
opposes the nomination, election or defeat of any candi-
date or the passage of any issue, thing or item to be voted
upon.

(f) No scorecard, voter guide or other written analysis
of a candidate's position or votes on specific issues shall
be published, distributed or disseminated within sixty
days of an election unless it shall state thereon the name
of the person, association, organization, corporation or
other legal entity authorizing its publication, distribu-
tion or dissemination.

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

(a) Each financial statement required by the provisions
of this article shall contain the following information:

(1) 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 filing a financial
statement.

(2) 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.

(3) 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, and, if the aggregate of the sum or sums
contributed by any one such individual, firm, association
or committee 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 of currency of the United States or
currency of any foreign country by any one contributor
is prohibited and a violation of this provision is subject
to section five-d of this article.

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

(5) The first name, middle initial, if any, and the last
name, residence and mailing address of any individual or
the full name and mailing address of each firm, associ-}

ation 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.

(6) The first name, middle initial, if any, and the last
name, residence and mailing address of any individual or
the full name and mailing address of each firm, associ-

ation or committee having previously made or cosigned a
loan for which payment is made or a balance is outstand-
ing 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.

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

(8) The first name, middle initial, if any, and the last
name, residence and mailing address of any 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.

(9) 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.

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

(b) 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.

(c) 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 required by subdivision (3), subsection (a) 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.

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

(e) 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 be accounted for in
accordance with the provisions of this section.

(f) No person, firm, association or committee may make any contribution except from their 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 and 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.

(g) 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.

(h) 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.

(i) No person, firm, 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.

(j) 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 ex-
Enr. S. B. No. 573] 28

penses. 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.

(k) Any membership organization which raises funds for political purposes by payroll deduction assessing them as part of its membership dues or as a separate assessment may report the amount raised as follows:

(1) If the portion of dues or assessments designated for political purposes equals twenty-five dollars or less per member over the course of a calendar year, the total amount raised for political purposes through membership dues or assessments during the period is reported by showing the amount required to be paid by each member and the number of members.

(2) If the total payroll deduction for political purposes of each participating member equals twenty-five dollars or less over the course of a calendar or fiscal year, as specified by the organization, the organization shall report the total amount received for political purposes through such payroll deductions during the reporting period and, to the maximum extent possible, the amount of each yearly payroll deduction contribution level and the number of members contributing at each such specified level. The membership organization shall maintain records of the name and yearly payroll deduction amounts of each participating member.

(3) If any member contributes to the membership organization through individual voluntary contributions by means other than payroll deduction, membership dues, or assessments as provided in this subsection, the reporting requirements of subdivision (3), subsection (a) of this section shall apply. Funds raised for political purposes must be segregated from the funds for other purposes and listed in its report.
(l) For purposes of this section:

(1) "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 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 or advocating or opposing the passage of a ballot issue.

(2) "Membership organization" means a group that grants bona fide rights and privileges, such as the right to vote, to elect officers or directors and the ability to hold office, to its members and which uses a majority of its membership dues for purposes other than political purposes. This term shall not include organizations that grant membership upon receiving a contribution.

(3) "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 the purchase of a ticket, payment of an attendance fee or by the purchase of goods or services.

(m) Notwithstanding the provisions of section five of this article or of the provisions of this section to the contrary, an alternative reporting procedure may be followed by a political party executive committee or a political action committee representing a political party in filing financial reports for fund-raising events if the total profit does not exceed five thousand dollars per year. A political party executive committee or a political action committee representing a political party may report gross receipts for the sale of food, beverages, services, novelty items, raffle tickets or memorabilia, except that any receipt of more than fifty dollars from an individual or organization shall be reported as a contribution. A political party executive committee or a political action committee representing a political party
using this alternative method of reporting shall report:
(i) The name of the committee; (ii) the type of fund-
raising activity undertaken; (iii) the location where the
activity occurred; (iv) the date of the fund raiser; (v) the
name of any individual who contributed more than fifty
dollars worth of items to be sold; (vi) the name and
amount received from any person or organization
purchasing more than fifty dollars worth of food, bever-
ages, services, novelty items, raffle tickets or memora-
blia; (vii) the gross receipts of the fund raiser; and (viii)
the date, amount, purpose and name and address of each
person or organization from whom items with a fair
market value of more than fifty dollars were purchased
for resale.

§3-8-5b. Where financial statements shall be filed; filing date
prescribed.

(a) The sworn financial statements provided for in this
article shall be filed, by or on behalf of candidates, with
the secretary of state for legislative offices and for state
and other offices to be nominated or elected by the
voters of a political division greater than a county and
with the clerk of the county commission by all other
candidates for offices to be nominated or elected.

(b) The statements may be filed by mail, in person or
by facsimile or other electronic means of transmission.

(c) For purposes of this article, the filing date of a
financial statement shall, in the case of mailing, be the
date of the postmark of the United States postal service
and in the case of hand delivery or delivery by facsimile
or other electronic means of transmission, the date
delivered to the office of the secretary of state or to the
office of the clerk of the county commission, in accor-
dance with the provisions of subsection (a) of this
section, during regular business hours of such office.

§3-8-5d. Offenses and penalties.

(a) Any person who makes or receives a contribution of
currency of the United States or currency of any foreign country of more than fifty dollars in value is guilty of a misdemeanor, and, upon conviction, shall be fined a sum equal to three times the amount of the contribution.

(b) Notwithstanding any provision of section twenty-four, article nine of this chapter to the contrary, a criminal prosecution or civil action for a violation of this article may be commenced within five years after the violation occurred.

(c) No person required to report under this article shall be found in violation of this article if any person, firm, association or committee making a contribution has provided false information to such person: Provided, That any person, firm, association or committee who provides false information to a person required to report under this article is guilty of a misdemeanor and subject to the penalties provided in section twenty-three, article nine of this chapter.

§3-8-6. Financial statement forms; filing; disposition.

Blank forms for all financial statements required under this article shall be provided by the state election commission. The content of the forms shall be as prescribed by legislative rule promulgated in accordance with the provisions of chapter twenty-nine-a of this code. Pending legislative approval of such legislative rule, the state election commission may by emergency rule prescribe the contents of the forms. Copies thereof, together with a copy of this article, shall be furnished through the county clerk or otherwise, as the secretary of state may deem expedient, to all treasurers of political committees, to all political financial agents and to all candidates for nomination or election to any office, upon the filing of a petition or announcement for nomination, and to all other persons required by law to file such statements who shall apply therefor. The form shall also be furnished, at a nominal cost, on computer disc or magnetic media. All statements filed in accordance with
the provisions of this article shall be received, endorsed and filed by the secretary of state and county clerks and shall be preserved for five years, after which time they may be destroyed, if not required to be further preserved by the order of any court.

§3-8-7. Failure to file statement; delinquent or incomplete filing; criminal and civil penalties.

(a) Any candidate, financial agent or treasurer of a political party committee, who fails to file a sworn, itemized statement within the time limitations specified in this article, or who willfully files a grossly incomplete or grossly inaccurate statement, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five hundred dollars, or imprisoned in the county jail for not more than one year, or both, in the discretion of the court. Forty days after any such primary or other election, the secretary of state, or county clerk, as the case may be, shall give notice of any failure to file such sworn statement or the filing of any grossly incomplete or grossly inaccurate statement by any candidate, financial agent or treasurer of political party committee and forward copies of any grossly incomplete or grossly inaccurate statement, to the prosecuting attorney of the county where such candidate, agent or treasurer resides.

(b) (1) Any candidate, financial agent or treasurer of a political party committee who fails to file a sworn, itemized statement as provided in this article, or who files a grossly incomplete or grossly inaccurate statement, may be assessed a civil penalty by the secretary of state of twenty-five dollars a day for each day after the due date the statement is delinquent, grossly incomplete or grossly inaccurate. Forty days after any such primary or other election the county clerk shall give notice to the secretary of state of any failure to file such sworn statement or the filing of any grossly incomplete or grossly inaccurate statement by any candidate, financial
agent or treasurer of a political party committee and forward copies of such delinquent, incomplete or inaccurate statements to the secretary of state.

(2) A civil penalty assessed pursuant to the provisions of this section shall be payable to the state of West Virginia and is collectable in any manner authorized by law for the collection of debts.

(3) The secretary of state may negotiate and enter into settlement agreements for the payment of civil penalties assessed as a result of the filing of a delinquent, grossly incomplete or inaccurate statement.

(4) The secretary of state and county clerk may review and audit any sworn statement required to be filed pursuant to the provisions of this article. The state election commission shall propose legislative rule for promulgation, in accordance with the provisions of chapter twenty-nine-a of this code, to establish procedures for the assessment of civil penalties as provided in this section.

(c) No candidate nominated at a primary election, who has failed to file a sworn statement, as required by the provisions of this article, shall have his name placed on the official ballot for the ensuing election, unless there has been filed by or on behalf of such candidate, or by his financial agent, if any, the financial statement relating to nominations required by this article. It is unlawful to issue a commission or certificate of election, or to administer the oath of office, to any person elected to any public office who has failed to file a sworn statement as required by the provisions of this article, and no such person may enter upon the duties of his office until he has filed such statement, nor may he receive any salary or emolument for any period prior to the filing of such statement.

§3-8-9. Lawful and unlawful election expenses; public opinion polls and limiting their purposes; limita-
tion 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 (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 (2) In the case of a candidate who does not maintain a headquarters, for reasonable office expenses, including, but not limited to, filing cabinets and other office equipment and furnishing, computers, computer hardware and software, scanners, typewriters, calculators, audio visual equipment, or the rental of the use of the same, and for the payment of necessary clerks, stenographers and typists, actually employed;

3 (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 (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 (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 (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 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;

(11) For legitimate advertising agency services, including commissions, in connection with any campaign activity for which payment is authorized by subdivisions (3), (4), (5), (6), (7), (9) and (10) of this subsection;

(12) For the purchase of memorials, flowers or citations by political party executive committees or political action committees representing a political party; and
(13) For the purchase of nominal noncash expressions of appreciation following the close of the polls of an election or within thirty days thereafter.

(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.

§3-8-10. Use of certain contributions.

Amounts received by a candidate as contributions that are in excess of any amount necessary to defray his or her expenditures may be used by the candidate to defray any ordinary and necessary expenses incurred in connection with his or her duties as a holder of public office, may be contributed to any charitable organization, or may be transferred, without limitation, to any national, state or local committee of any political party.

The state election commission shall promulgate legislative rules, in accordance with the provisions of chapter twenty-nine-a of this code, to establish guidelines for the administration of this section.

§3-8-11. Specific acts forbidden; penalties.

(a) Any person who shall, directly or indirectly, by himself, or by any other person on his behalf, make use
of, or threaten to make use of, any force, violence or
restraint, or inflict, or threaten to inflict, any damage,
harm or loss, upon or against any person, or by any other
means attempt to intimidate or exert any undue influ-
ence, in order to induce such person to vote or refrain
from voting, or on account of such person having voted
or refrained from voting, at any election, or who shall, by
abduction, duress or any fraudulent device or contriv-
ance, impede or prevent the free exercise of the suffrage
by any elector, or shall thereby compel, induce or prevail
upon any elector either to vote or refrain from voting for
or against any particular candidate or measure; or

(b) Any person who, being an employer, or acting for or
on behalf of any employer, shall give any notice or
information to his employees, containing any threat,
either express or implied, intended or calculated to
influence the political view or actions of the workmen or
employees; or

(c) Any person who shall, knowingly, make or publish,
or cause to be made or published, any false statement in
regard to any candidate, which statement is intended or
tends to affect any voting at any election whatever; or

(d) Any person who shall pay any owner, publisher,
editor or employee or any newspaper or other periodical,
to advocate or oppose editorially, any candidate for
nomination or election, or any political party, or any
measure to be submitted to the vote of the people; or any
owner, publisher, editor or employee, who shall solicit or
accept such payment:

Is guilty of a misdemeanor, and, on conviction thereof,
shall be fined not more than ten thousand dollars, or
confined in jail for not more than one year, or, in the
discretion of the court, shall be subject to both such fine
and imprisonment.

§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 shall 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.

(b) No owner, publisher, editor or employee of a newspaper or other periodical shall 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, 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 shall, 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, 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 officer or employee of the state, or a 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 depart-
ment 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 shall, 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 shall, 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 consider-
atation, favor or reward for any political activity for the
support of or opposition to any candidate, or any politi-
cal party in any election.

(f) No person shall, 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 candi-
date for any such office.

(g) (1) Notwithstanding the provisions of subsection (f)
of this section to the contrary, the aggregate contribu-
tions made to a state party executive committee shall be
permitted only pursuant to the limitations imposed by
the provisions of this subsection.

(2) No person shall, directly or indirectly, make
contributions to a state party executive committee
which, in the aggregate, exceed the value of one thou-
sand dollars in any calendar year.

(h) No person shall 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 shall coerce or intimidate any nonsalaried
employee of the state government or any of its subdivi-
sions 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.

(i) No person shall 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.

(j) Any person violating any provision of this section is
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
confinement.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Ernest C. Moore
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

President of the Senate

Speaker House of Delegates

The within is approved this the 24th day of March 1995.

Governor