

11605

RECEIVED  
SB 100-3 MAR 10

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1999



## ENROLLED

SENATE BILL NO. 591

(By Senator HUNTER, ET AL )



PASSED MARCH 13, 1999

In Effect NINETY DAYS FROM Passage

RECEIVED

99 APR -8 PM 12:00

STATE OF WEST VIRGINIA

## ENROLLED

### Senate Bill No. 591

(BY SENATORS HUNTER, WOOTON, BALL, DITTMAR,  
KESSLER, MCCABE, MINARD, MITCHELL, OLIVERIO,  
REDD, SCHOONOVER, SNYDER AND MCKENZIE)

---

[Passed March 13, 1999; in effect ninety days from passage.]

---

AN ACT to amend and reenact sections thirty-four, thirty-seven and forty-four, article one, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact sections two-a and five-b, article three of said chapter; to amend and reenact sections ten and twenty-three, article five of said chapter; to amend and reenact section three, article six of said chapter; and to amend and reenact sections two, two-a, five, five-a, five-b, five-f, nine, ten and twelve, article eight of said chapter, all relating to election law reform generally; authorizing certain voting from an automobile; authorizing children fourteen years of age or younger to accompany a parent, grandparent or legal guardian to the polls; increasing the compensation for ballot commissioners and poll clerks; changing mileage

reimbursement limitations for election supply clerks; modifying prohibition on electioneering within certain distances of circuit clerk's office during absentee voting period; allowing the use of federal write-in ballots in general, special and primary elections for local, state and federal offices; authorizing ballot commissioners to publish facsimile ballot or list of candidates for second publication before any election; increasing the percentage of signatures required on a nomination certificate; eliminating criminal penalty for persons who sign nomination certificate and vote in primary election; imposing reporting requirements on certain independent expenditures; defining term "independent expenditure"; setting forth requirements of communication; establishing limitations on contributions to inaugural events; establishing additional reporting requirements; limiting the expenditure of excess inaugural funds; providing for the filing of an additional financial statement during general elections; limiting the information required in a financial statement; clarifying that contributions and loans need not be distinguished between individuals and firms, associations or committees; requiring the secretary of state to post filings on the internet; establishing restrictions and limitations on loans; clarifying allowable campaign expenses; allowing payment of dues, subscriptions or contributions to political parties from campaign funds; disallowing contributions to charitable organizations, political parties or candidates out of excess campaign funds until after the general election; allowing intraparty transfers with certain limitations; and prohibiting the placement of election paraphernalia in roadside receptacles under certain circumstances and providing a penalty for such placement.

*Be it enacted by the Legislature of West Virginia:*

That sections thirty-four, thirty-seven and forty-four, article one, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that sections two-a and five-b, article three of said chapter be amended and reenacted; that sections ten and twenty-three, article five of said chapter be amended and reenacted; that section three, article six of said chapter be amended and reenacted; and that sections two, two-a, five, five-a, five-b, five-

f, nine, ten and twelve, article eight of said chapter be amended and reenacted, all to read as follows:

**ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.**

**§3-1-34. Voting procedures generally; assistance to voters; voting records; penalties.**

1 (a) Any person desiring to vote in an election shall, upon  
2 entering the election room, clearly state his or her name  
3 and residence to one of the poll clerks who shall thereupon  
4 announce the same in a clear and distinct tone of voice. If  
5 such person is found to be duly registered as a voter at that  
6 precinct, he or she shall be required to sign his or her name  
7 in the space marked "signature of voter" on the pollbook  
8 prescribed and provided for the precinct. If such person be  
9 physically or otherwise unable to sign his name, his or her  
10 mark shall be affixed by one of the poll clerks in the  
11 presence of the other and the name of the poll clerk  
12 affixing the voter's mark shall be indicated immediately  
13 under such affixation. No ballot shall be given to such  
14 person until he or she so signs his or her name on the  
15 pollbook or his or her signature is so affixed thereon.

16 (b) The clerk of the county commission is authorized,  
17 upon verification that the precinct at which a handicapped  
18 person is registered to vote is not handicap accessible, to  
19 transfer such person's registration to the nearest polling  
20 place in the county which is handicap accessible. Requests  
21 by such persons for a transfer of registration shall be  
22 received by the county clerk no later than thirty days prior  
23 to the date of the election. Any handicapped person who  
24 has not made a request for a transfer of registration at  
25 least thirty days prior to the date of the election may vote  
26 a challenged ballot, at a handicap accessible polling place  
27 in the county of his or her registration, and, if during the  
28 canvass the county commission determines that the person  
29 had been registered in a precinct not handicap accessible,  
30 the voted ballot, if otherwise valid, shall be counted. The  
31 handicapped person may vote in the precinct to which the  
32 registration was transferred only as long as the disability  
33 exists or the precinct from which the handicapped person  
34 was transferred remains inaccessible to the handicapped.  
35 To ensure confidentiality of such transferred ballot, the

36 county clerk processing the ballot shall provide the voter  
37 with an unmarked envelope and an outer envelope desig-  
38 nated "challenged ballot/handicapped voter". After  
39 validation of the ballot at the canvass, the outer envelope  
40 shall be destroyed and the handicapped voter's ballot shall  
41 be placed with other approved challenged ballots prior to  
42 removal of the ballot from the unmarked envelope.

43 (c) When the voter's signature is properly on the  
44 pollbook, the two poll clerks shall sign their names in the  
45 places indicated on the back of the official ballot and shall  
46 deliver the ballot to the voter to be voted by him or her  
47 then without leaving the election room. If he or she  
48 returns the ballot spoiled to the clerks, they shall immedi-  
49 ately mark such ballot "spoiled" and the same shall be  
50 preserved and placed in a spoiled ballot envelope together  
51 with other spoiled ballots to be delivered to the board of  
52 canvassers and deliver to the voter another official ballot,  
53 signed by the clerks on the reverse side as before done.  
54 The voter shall thereupon retire alone to the booth or  
55 compartment prepared within the election room for voting  
56 purposes and there prepare his or her ballot, using a  
57 ballpoint pen of not less than five inches in length or other  
58 indelible marking device of not less than five inches in  
59 length. In voting for candidates in general and special  
60 elections, the voter shall comply with the rules and  
61 procedures prescribed in section five, article six of this  
62 chapter.

63 (d) It shall be the duty of a poll clerk, in the presence of  
64 the other poll clerk, to indicate by a check mark inserted  
65 in the appropriate place on the registration record of each  
66 voter the fact that such voter voted in the election. In  
67 primary elections the clerk shall also insert thereon a  
68 distinguishing initial or initials of the political party for  
69 whose candidates the voter voted. If a person is chal-  
70 lenged at the polls, such fact shall be indicated by the poll  
71 clerks on the registration record together with the name of  
72 the challenger. The subsequent removal of the challenge  
73 shall be recorded on the registration record by the clerk of  
74 the county commission.

75 (e)(1) No voter shall receive any assistance in voting  
76 unless, by reason of blindness, disability, advanced age or  
77 inability to read and write, that voter is unable to vote  
78 without assistance. Any voter qualified to receive assis-  
79 tance in voting under the provisions of this section may:

80 (A) Declare his or her choice of candidates to an election  
81 commissioner of each political party who, in the presence  
82 of the voter and in the presence of each other, shall  
83 prepare the ballot for voting in the manner hereinbefore  
84 provided, and, on request, shall read over to such voter the  
85 names of candidates on the ballot as so prepared;

86 (B) Require the election commissioners to indicate to him  
87 or her the relative position of the names of the candidates  
88 on the ballot, whereupon the voter shall retire to one of the  
89 booths or compartments to prepare his or her ballot in the  
90 manner hereinbefore provided;

91 (C) Be assisted by any person of the voter's choice:  
92 *Provided*, That such assistance may not be given by the  
93 voter's present or former employer or agent of that em-  
94 ployer or by the officer or agent of a labor union of which  
95 the voter is a past or present member; or

96 (D) If he or she is handicapped, vote from an automobile,  
97 outside the polling place or precinct, in the presence of an  
98 election commissioner of each political party.

99 (2) Any voter who requests assistance in voting but who  
100 is believed not to be qualified for such assistance under the  
101 provisions of this section shall nevertheless be permitted  
102 to vote a challenged ballot with the assistance of any  
103 person herein authorized to render assistance.

104 (3) Any one or more of the election commissioners or poll  
105 clerks in the precinct may challenge such ballot on the  
106 ground that the voter thereof received assistance in voting  
107 it when in his or their opinion that the person who re-  
108 ceived assistance in voting is not so illiterate, blind,  
109 disabled or of such advanced age as to have been unable to  
110 vote without assistance. The election commissioner or poll  
111 clerk or commissioners or poll clerks making such chal-  
112 lenge shall enter the challenge and reason therefor on the

113 form and in the manner prescribed or authorized by article  
114 three of this chapter.

115 (4) An election commissioner or other person who assists  
116 a voter in voting:

117 (A) Shall not in any manner request, or seek to persuade,  
118 or induce the voter to vote any particular ticket or for any  
119 particular candidate or for or against any public question,  
120 and shall not keep or make any memorandum or entry of  
121 anything occurring within the voting booth or compart-  
122 ment, and shall not, directly or indirectly, reveal to any  
123 person the name of any candidate voted for by the voter,  
124 or which ticket he or she had voted, or how he or she had  
125 voted on any public question, or anything occurring within  
126 the voting booth or compartment or voting machine booth,  
127 except when required pursuant to law to give testimony as  
128 to such matter in a judicial proceeding; and

129 (B) Shall sign a written oath or affirmation before  
130 assisting such voter on a form prescribed by the secretary  
131 of state stating that he or she will not override the actual  
132 preference of the voter being assisted, attempt to influence  
133 the voter's choice or mislead the voter into voting for  
134 someone other than the candidate of voter's choice. Such  
135 person assisting the voter shall also swear or affirm that he  
136 or she believes that the voter is voting free of intimidation  
137 or manipulation: *Provided*, That no person providing  
138 assistance to such voter shall be required to sign such oath  
139 or affirmation where the reason for requesting such  
140 assistance is the voter's inability to vote without assistance  
141 because of blindness as defined in section three, article  
142 fifteen, chapter five of this code, and such inability to vote  
143 without assistance because of blindness is certified in  
144 writing by a physician of the voter's choice and is on file  
145 in the office of the clerk of the county commission.

146 (5) In accordance with instructions issued by the secre-  
147 tary of state, the clerk of the county commission shall  
148 provide a form entitled "list of assisted voters", the form  
149 of which list shall likewise be prescribed by the secretary  
150 of state. The commissioners shall enter the name of each  
151 voter receiving assistance in voting the ballot, together  
152 with the poll slip number of that voter and the signature

153 of the person or the commissioner from each party who  
154 assisted the voter. If no voter shall have been assisted in  
155 voting the ballot as herein provided, the commissioners  
156 shall likewise make and subscribe to an oath of that fact  
157 on such list.

158 (f) After preparing the ballot the voter shall fold the  
159 same so that the face shall not be exposed and so that the  
160 names of the poll clerks thereon shall be seen. The voter  
161 shall then announce his or her name and present his or her  
162 ballot to one of the commissioners who shall hand the  
163 same to another commissioner, of a different political  
164 party, who shall deposit it in the ballot box, if such ballot  
165 is the official one and properly signed. The commissioner  
166 of election may inspect every ballot before it is deposited  
167 in the ballot box, to ascertain whether it is single, but  
168 without unfolding or unrolling it, so as to disclose its  
169 content. When the voter has voted, he or she shall retire  
170 immediately from the election room, and beyond the sixty-  
171 foot limit thereof, and shall not return, except by permis-  
172 sion of the commissioners.

173 (g) Following the election, the oaths or affirmations  
174 required by this section from those assisting voters to-  
175 gether with the "list of assisted voters", shall be returned  
176 by the election commissioners to the clerk of the county  
177 commission along with the election supplies, records and  
178 returns, who shall make such oaths, affirmations and list  
179 available for public inspection and who shall preserve the  
180 same for a period of twenty-two months or until disposi-  
181 tion is authorized or directed by the secretary of state, or  
182 court of record.

183 (h) Any person making an oath or affirmation required  
184 under the provisions of this section who shall therein  
185 knowingly swear falsely, or any person who shall counsel,  
186 or advise, aid or abet another in the commission of false  
187 swearing under this section, shall be guilty of a misde-  
188 meanor and, upon conviction thereof, shall be fined not  
189 more than one thousand dollars, or imprisoned in the  
190 county jail for a period of not more than one year, or both.

191 (i) Any election commissioner or poll clerk who autho-  
192 rizes or provides unchallenged assistance to a voter when



193 such voter is known to such election commissioner or poll  
194 clerk not to require assistance in voting, shall be guilty of  
195 a felony and, upon conviction thereof, shall be fined not  
196 more than five thousand dollars, or imprisoned in the  
197 penitentiary for a period of not less than one year nor more  
198 than five years, or both fined and imprisoned.

**§3-1-37. Restrictions on presence and conduct at polls.**

1 (a) Except as otherwise provided in this section, no  
2 person, other than the election officers and voters going to  
3 the election room to vote and returning therefrom, may be  
4 or remain within three hundred feet of the outside en-  
5 trance to the building housing the polling place while the  
6 polls are open . This subsection does not apply to persons  
7 who reside or conduct business within such distance of the  
8 entrance to the building housing the polling place, while  
9 in the discharge of their legitimate business, or to persons  
10 whose business requires them to pass and repass within  
11 three hundred feet of such entrance.

12 (b) A person who is delivering a voter to a polling place  
13 by motor vehicle may drive such vehicle to a convenient  
14 and accessible location to discharge the voter, notwith-  
15 standing that the location is within three hundred feet of  
16 the outside entrance to the building housing the polling  
17 place. Upon discharging such voter from the vehicle, the  
18 person shall remove the vehicle from within three hundred  
19 feet of the entrance until such time as the voter is to be  
20 transported from the polling place or another voter  
21 delivered: *Provided*, That vehicles delivering voters who  
22 require assistance by reason of blindness, disability or  
23 advanced age may remain within three hundred feet of the  
24 entrance until such time as the voter is to be transported  
25 from the polling place.

26 (c) The election commissions shall limit the number of  
27 voters in the election room so as to preserve order. No  
28 person may approach nearer than five feet to any booth or  
29 compartment while the election is being held, except the  
30 voters to prepare their ballots, or the poll clerks when  
31 called on by a voter to assist in the preparation of his  
32 ballot, and no person, other than election officers and  
33 voters engaged in receiving, preparing and depositing their

34 ballots, may be permitted to be within five feet of any  
35 ballot box, except by authority of the board of election  
36 commissioners, and then only for the purpose of keeping  
37 order and enforcing the law.

38 (d) Not more than one person may be permitted to  
39 occupy any booth or compartment at one time. No person  
40 may remain in or occupy a booth or compartment longer  
41 than may be necessary to prepare his ballot, and in no  
42 event longer than five minutes, except that any person who  
43 claims a disability pursuant to section thirty-four of this  
44 article shall have additional time up to ten additional  
45 minutes to prepare his ballot. No voter, or person offering  
46 to vote, may hold any conversation or communication with  
47 any person other than the poll clerks or commissioners of  
48 election, while in the election room.

49 (e) The provisions of this section do not apply to persons  
50 rendering assistance to blind voters as provided in section  
51 thirty-four of this article or to any child fourteen years of  
52 age or younger who accompanies a parent, grandparent or  
53 legal guardian who is voting. Any dispute concerning the  
54 age of a child accompanying a parent, grandparent or legal  
55 guardian who is voting shall be determined by the election  
56 commissioners.

**§3-1-44. Compensation of election officials; expenses.**

1 Each ballot commissioner shall be allowed and paid a  
2 sum, to be fixed by the county commission, not exceeding  
3 one hundred dollars for each day he or she shall serve as  
4 such, but, in no case shall a ballot commissioner receive  
5 allowance for more than ten days' services for any one  
6 primary, general or special election. Each commissioner  
7 of election and poll clerk shall be allowed and paid a sum,  
8 to be fixed by the county commission, not exceeding one  
9 hundred dollars for one day's services for attending the  
10 school of instruction for election officials if the commis-  
11 sioner or poll clerk provides at least one day's service  
12 during an election and a sum not exceeding one hundred  
13 fifty dollars for his or her services at any one election:  
14 *Provided*, That each commissioner of election and poll  
15 clerk shall be paid and allowed a sum not exceeding one  
16 hundred fifty dollars for his or her services at any of the

17 three special elections hereinafter specified and described.  
18 The commissioners of election obtaining and delivering the  
19 election supplies, as provided in section twenty-four of  
20 this article, and returning them as provided in articles five  
21 and six of this chapter, shall be allowed and paid an  
22 additional sum, likewise fixed by the county commission,  
23 not exceeding one hundred dollars for all such services at  
24 any one election and, in addition, shall be allowed and  
25 paid mileage up to the rate of reimbursement authorized  
26 per mile as set by the travel management office of the  
27 department of administration per mile necessarily traveled  
28 in the performance of such services. The rate paid for  
29 mileage pursuant to this section may change from time to  
30 time in accordance with changes in the reimbursement  
31 rates established by the travel management office, or its  
32 successor agency. The compensation of election officers,  
33 cost of printing ballots and all other expenses incurred in  
34 holding and making the return of elections, other than the  
35 three special elections hereinafter specified and described,  
36 shall be audited by the county commission and paid out of  
37 the county treasury.

38 The compensation of election officers, cost of printing  
39 ballots and all other reasonable and necessary expenses in  
40 holding and making the return of a special election for the  
41 purpose of taking the sense of the voters on the question of  
42 calling a constitutional convention, of a special election to  
43 elect members of a constitutional convention, and of a  
44 special election to ratify or reject the proposals, acts and  
45 ordinances of a constitutional convention shall be obliga-  
46 tions of the state incurred by the ballot commissioners,  
47 clerks of the circuit courts, clerks of the county commis-  
48 sions and county commissions of the various counties as  
49 agents of the state, and all such expenses shall be audited  
50 by the secretary of state. The secretary of state shall  
51 prepare and transmit to the county commissions forms on  
52 which the county commissions shall certify all such  
53 expenses of such special elections to the secretary of state.  
54 If satisfied that such expenses as certified by the county  
55 commissions are reasonable and were necessarily incurred,  
56 the secretary of state shall requisition the necessary  
57 warrants from the auditor of the state to be drawn on the

58 state treasurer, and shall mail such warrants directly to  
59 the vendors of such special election services, supplies and  
60 facilities.

**ARTICLE 3. VOTING BY ABSENTEES.**

**§3-3-2a. Voting booths within public view to be provided by clerk; prohibition against display of campaign material.**

1 Throughout the period of absentee voting in person in  
2 the clerk's office as provided in this article, the circuit  
3 clerk shall make the following provisions for voting:

4 (a) The clerk shall provide a sufficient number of voting  
5 booths or devices appropriate to the voting system at  
6 which voters may prepare their ballots. The booths or  
7 devices shall be in an area separate from but within clear  
8 view of the public entrance area of the clerk's office, and  
9 shall be arranged to ensure the voter complete privacy in  
10 casting the ballot.

11 (b) The clerk shall make the voting area secure from  
12 interference with the voter and shall ensure that voted and  
13 unvoted ballots are at all times secure from tampering. No  
14 person, other than a person lawfully assisting the voter  
15 according to the provisions of this chapter, may be permit-  
16 ted to come within five feet of the voting booth while the  
17 voter is voting. No person, other than the clerk or deputy  
18 clerks or members of the board of ballot commissioners  
19 assigned to conduct absentee voting, shall enter the area or  
20 room set aside for voting.

21 (c) When the voting area of the office of the clerk is not  
22 fully accessible to voters with physical disabilities, the  
23 clerk shall request the county commission to designate an  
24 accessible room within the same building as a portion of  
25 the clerk's office for the purpose of absentee voting only by  
26 persons unable to use the regular area. The area shall be  
27 subject to the same requirements as the regular voting  
28 area.

29 (d) No person may do any electioneering, nor may any  
30 person display or distribute in any manner, or authorize  
31 the display or distribution of, any literature, posters or

32 material of any kind which tends to influence the voting  
33 for or against any candidate or any public question on the  
34 property of the county courthouse or judicial annex  
35 facilities thereof during the entire period of regular in  
36 person absentee voting. The clerk is hereby authorized to  
37 remove such material and to direct the sheriff of the  
38 county to enforce the prohibition.

**§3-3-5b. Procedures for voting a special write-in absentee ballot by qualified persons.**

1 (a) Notwithstanding any other provisions of this chapter,  
2 a person qualified to vote an absentee ballot in accordance  
3 with subdivision (3), subsection (d), section one of this  
4 article may apply not earlier than the first day of January  
5 of an election year for a special write-in absentee ballot  
6 for a primary or general election, in conjunction with the  
7 application for a regular absentee ballot or ballots. If the  
8 application is received after the forty-ninth day preceding  
9 the election, the clerk of the circuit court shall honor only  
10 the application for local, state and federal offices in  
11 general, special and primary elections.

12 (b) The application for a special write-in absentee ballot  
13 may be made on the federal postcard application form.

14 (c) In order to qualify for a special write-in absentee  
15 ballot, the voter must state that he or she is unable to vote  
16 by regular absentee ballot or in person due to require-  
17 ments of military service or due to living in isolated areas  
18 or extremely remote areas of the world. This statement  
19 may be made on the federal postcard application or on a  
20 form prepared by the secretary of state and supplied and  
21 returned with the special write-in absentee ballot.

22 (d) Upon receipt of said application within the time  
23 required, the clerk shall issue the special write-in absentee  
24 ballot which shall be the same ballot issued under the  
25 provisions of the Uniformed and Overseas Citizens Absen-  
26 tee Voting Act of 1986 (Public Law 99-410, 42 U.S.C. 1973,  
27 et seq.). Such ballot shall permit the elector to vote in a  
28 primary election by indicating his or her political party  
29 affiliation and the names of the specific candidates for  
30 each office, and in a general election by writing in a party

31 preference for each office, the names of specific candidates  
32 for each office, or the name of the person whom the voter  
33 prefers for each office.

34 (e) When a special federal write-in ballot is received by  
35 the clerk from a voter: (1) Who mailed the write-in ballot  
36 from any location within the United States; (2) who did  
37 not apply for a regular absentee ballot; (3) who did not  
38 apply for a regular absentee ballot by mail; or (4) whose  
39 application for a regular absentee ballot by mail was  
40 received less than thirty days before the election, the  
41 write-in ballot shall not be counted.

42 (f) Any write-in absentee ballot must be received by the  
43 clerk prior to the close of the polls on election day or it  
44 may not be counted.

#### ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCEDURES.

##### §3-5-10. Publication of sample ballots and lists of candidates.

1 (a) The ballot commissioners of each county shall  
2 prepare a sample official primary ballot for each party,  
3 and, as the case may be, for the nonpartisan candidates to  
4 be voted for at the primary election, according to the  
5 provisions of articles four, four-a and five, chapter three,  
6 as appropriate to the voting system. If any ballot issue is  
7 to be voted on in the primary election, the ballot commis-  
8 sioners shall likewise prepare a sample official ballot for  
9 that issue according to the provisions of law authorizing  
10 such election.

11 (b) The facsimile sample ballot for each political party  
12 and for nonpartisan candidates or ballot issues shall be  
13 published as follows:

14 (1) For counties in which two or more qualified newspa-  
15 pers publish a daily newspaper, not more than fourteen  
16 nor less than eight days preceding the primary election,  
17 the ballot commissioners shall publish each sample official  
18 primary election ballot as a Class I-0 legal advertisement  
19 in the two qualified daily newspapers of different political  
20 parties within the county having the largest circulation in  
21 compliance with the provisions of article three, chapter  
22 fifty-nine of this code;

23 (2) For counties having no more than one daily newspa-  
24 per, or having only one or more qualified newspapers  
25 which publish weekly, not more than fourteen nor less  
26 than eight days preceding the primary election, the ballot  
27 commissioners shall publish the sample official primary  
28 election ballot as a Class I legal advertisement in the  
29 qualified newspaper within the county having the largest  
30 circulation in compliance with the provisions of article  
31 three, chapter fifty-nine of this code;

32 (3) Each facsimile sample ballot shall be a photographic  
33 reproduction of the official sample ballot or ballot pages,  
34 and shall be printed in a size no less than eighty percent of  
35 the actual size of the ballot, at the discretion of the ballot  
36 commissioners: *Provided*, That when the ballots for the  
37 precincts within the county contain different senatorial,  
38 delegate, magisterial or executive committee districts or  
39 when the ballots for precincts within a city contain  
40 different municipal wards, the facsimile shall be altered to  
41 include each of the various districts in the appropriate  
42 order. If, in order to accommodate the size of each ballot,  
43 the ballot or ballot pages must be divided onto more than  
44 one page, the arrangement and order shall be made to  
45 conform as nearly as possible to the arrangement of the  
46 ballot. The publisher of the newspaper shall submit a  
47 proof of the ballot and the arrangement to the ballot  
48 commissioners for approval prior to publication.

49 (c) The ballot commissioners of each county shall  
50 prepare, in the form and manner prescribed by the secre-  
51 tary of state, an official list of offices and candidates for  
52 each office which will appear on the primary election  
53 ballot for each party, and, as the case may be, for the  
54 nonpartisan candidates to be voted for at such primary  
55 election. All information which appears on the ballot,  
56 including instructions as to the number of candidates for  
57 whom votes may be cast for the office, any additional  
58 language which will appear on the ballot below the name  
59 of the office, any identifying information relating to the  
60 candidates, such as residence, magisterial district or  
61 presidential preference and the ballot numbers of the  
62 candidates for punch card systems, shall be included in the  
63 list, in the same order in which it appears on the ballot.

64 Following the names of all candidates, the list shall  
65 include the full title, text and voting positions of any issue  
66 to appear on the ballot.

67 (d) The official list of candidates and issues as provided  
68 in subsection (c) of this section shall be published as  
69 follows:

70 (1) For counties in which two or more qualified newspa-  
71 pers publish a daily newspaper, on the last day on which  
72 a newspaper is published immediately preceding the  
73 primary election, the ballot commissioners shall publish  
74 the official list of candidates and issues as a Class I-0 legal  
75 advertisement in the two qualified daily newspapers of  
76 different political parties within the county having the  
77 largest circulation in compliance with the provisions of  
78 article three, chapter fifty-nine of this code;

79 (2) For counties having no more than one daily newspa-  
80 per, or having only one or more qualified newspapers  
81 which publish weekly, on the last day on which a newspa-  
82 per is published immediately preceding the primary  
83 election, the ballot commissioners shall publish the sample  
84 official list of nominees and issues as a Class I legal  
85 advertisement in the qualified newspaper within the  
86 county having the largest circulation in compliance with  
87 the provisions of article three, chapter fifty-nine of this  
88 code;

89 (3) The publication of the official list of candidates for  
90 each party and for nonpartisan candidates shall be in  
91 single or double columns, as required to accommodate the  
92 type size requirements as follows: (A) The words "official  
93 list of candidates", the name of the county, the words  
94 "primary election", the date of the election, the name of  
95 the political party or the designation of nonpartisan  
96 candidates shall be printed in all capital letters and in  
97 bold type no smaller than fourteen point. The designation  
98 of the national, state, district or other tickets shall be  
99 printed in all capital letters in type no smaller than  
100 fourteen point; (B) the title of the office shall be printed in  
101 bold type no smaller than twelve point and any voting  
102 instructions or other language printed below the title shall  
103 be printed in bold type no smaller than ten point; and (C)



104 the names of the candidates shall be printed in all capital  
105 letters in bold type no smaller than ten point, and the  
106 residence information shall be printed in type no smaller  
107 than ten point; and

108 (4) When any ballot issue is to appear on the ballot, the  
109 title of that ballot shall be printed in all capital letters in  
110 bold type no smaller than fourteen point. The text of the  
111 ballot issue shall appear in no smaller than ten point type.  
112 The ballot commissioners may require the publication of  
113 the ballot issue under this subsection in the facsimile  
114 sample ballot format in lieu of the alternate format.

115 (e) Notwithstanding the provisions of subsections (c) and  
116 (d) of this section, beginning with the primary election to  
117 be held in the year two thousand, the ballot commissioners  
118 of any county may choose to publish a facsimile sample  
119 ballot for each political party and for nonpartisan candi-  
120 dates or ballot issues instead of the official list of offices  
121 and candidates for each office for purposes of the last  
122 publication required before any primary election.

**§3-5-23. Certificate nominations; requirements and control;  
penalties.**

1 (a) Groups of citizens having no party organization may  
2 nominate candidates for public office otherwise than by  
3 conventions or primary elections. In such case, the  
4 candidate or candidates, jointly or severally, shall file a  
5 declaration with the secretary of state if the office is to be  
6 filled by the voters of more than one county, or with the  
7 clerk of the circuit court of the county if the office is to be  
8 filled by the voters of one county or political subdivision  
9 thereof; such declaration to be filed at least thirty days  
10 prior to the time of filing the certificate provided by  
11 section twenty-four of this article: *Provided*, That the  
12 deadline for filing the certificate for persons seeking ballot  
13 access as a candidate for the office of president or vice  
14 president shall be filed not later than the first day of  
15 August preceding the general election. At the time of  
16 filing of such declaration each candidate shall pay the  
17 filing fee required by law, and if such declaration is not so  
18 filed or the filing fee so paid, the certificate shall not be

19 received by the secretary of state, or clerk of the circuit  
20 court, as the case may be.

21 (b) The person or persons soliciting or canvassing  
22 signatures of duly qualified voters on such certificate or  
23 certificates, may solicit or canvass duly registered voters  
24 residing within the county, district or other political  
25 division represented by the office sought, but must first  
26 obtain from the clerk of the county commission credentials  
27 which must be exhibited to each voter canvassed or  
28 solicited, which credentials may be in the following form  
29 or effect:

30 State of West Virginia, County of ....., ss:

31 This certifies that ....., a duly registered  
32 voter of this State; whose post-office address is  
33 ....., is hereby authorized to solicit and canvass  
34 duly registered voters residing in ..... (here  
35 place the county, district or other political division  
36 represented by the office sought) to sign a certificate  
37 purporting to nominate ..... (here place name  
38 of candidate heading list on certificate) for the office of  
39 ..... and others, at the general election to be  
40 held on ....., 19.....

41 Given under my hand and the seal of my office this  
42 ..... day of ....., 19.....

43 .....

44 Clerk, County Commission of ..... County.

45 The clerk of each county commission, upon proper  
46 application made as herein provided, shall issue such  
47 credentials and shall keep a record thereof.

48 (c) The certificate shall be personally signed by duly  
49 registered voters, in their own proper handwriting or by  
50 their marks duly witnessed, who must be residents within  
51 the county, district or other political division represented  
52 by the office sought wherein such canvass or solicitation  
53 is made by the person or persons duly authorized. Such  
54 signatures need not all be on one certificate. The number  
55 of such signatures shall be equal to not less than two

56 percent of the entire vote cast at the last preceding general  
57 election for the office in the state, district, county or other  
58 political division for which the nomination is to be made,  
59 but in no event shall the number be less than twenty-five.  
60 The number of such signatures shall be equal to not less  
61 than two percent of the entire vote cast at the last preced-  
62 ing general election for any statewide, congressional or  
63 presidential candidate, but in no event shall the number be  
64 less than twenty-five. Where two or more nominations  
65 may be made for the same office, the total of the votes cast  
66 at the last preceding general election for the candidates  
67 receiving the highest number of votes on each ticket for  
68 such office shall constitute the entire vote. No signature  
69 on such certificate shall be counted unless it be that of a  
70 duly registered voter of the county, district or other  
71 political division represented by the office sought wherein  
72 such certificate was presented. It shall be the duty of  
73 those soliciting signatures to read to each voter whose  
74 signature is solicited the statement written on the certifi-  
75 cate which gives notice that no person signing such  
76 certificate shall vote at any primary election to be held to  
77 nominate candidates for office to be voted for at the  
78 election to be held next after the date of signing such  
79 certificate.

80 (d) Such certificates shall state the name and residence  
81 of each of such candidates; that he is legally qualified to  
82 hold such office; that the subscribers are legally qualified  
83 and duly registered as voters and desire to vote for such  
84 candidates; and may designate, by not more than five  
85 words, a brief name of the party which such candidates  
86 represent and may adopt a device or emblem to be printed  
87 on the official ballot. All candidates nominated by the  
88 signing of such certificates shall have their names placed  
89 on the official ballot as candidates, as if otherwise nomi-  
90 nated under the provisions of this chapter.

91 The secretary of state shall prescribe the form and  
92 content of the nomination certificates to be used for  
93 soliciting signatures. The content shall include the  
94 language to be used in giving written and oral notice to  
95 each voter that signing of the nominating certificate

96 forfeits that voter's right to vote in the corresponding  
97 primary election.

98 Offices to be filled by the voters of more than one county  
99 shall use separate petition forms for the signatures of  
100 qualified voters for each county.

101 (e) The secretary of state, or the clerk of the circuit court,  
102 as the case may be, may investigate the validity of such  
103 certificates and the signatures thereon, and if upon such  
104 investigation there may be doubt as to the legitimacy and  
105 the validity of such certificate, he may request the attor-  
106 ney general of the state, or the prosecuting attorney of the  
107 county, to institute a quo warranto proceeding against the  
108 nominee or nominees by certificate to determine his or  
109 their right to such nomination to public office, and upon  
110 request being made, the attorney general or prosecuting  
111 attorney shall institute such quo warranto proceeding.

112 (f) Any person violating the provisions of this section, in  
113 addition to penalties prescribed elsewhere for violation of  
114 this chapter, is guilty of a misdemeanor, and upon convic-  
115 tion, shall be fined not more than one thousand dollars, or  
116 confined in the county or regional jail for not more than  
117 one year, or both, in the discretion of the court: *Provided,*  
118 That no criminal penalty may be imposed upon anyone  
119 who signs a nomination certificate and votes in the  
120 primary election held after the date the certificate was  
121 signed.

#### **ARTICLE 6. CONDUCT AND ADMINISTRATION OF ELECTIONS.**

##### **§3-6-3. Publication of sample ballots and lists of candidates.**

1 (a) The ballot commissioners of each county shall  
2 prepare a sample official general election ballot for all  
3 political party or independent nominees, nonpartisan  
4 candidates for election, if any, and all ballot issues to be  
5 voted for at the general election, according to the provi-  
6 sions of articles four, four-a and six of this chapter, as  
7 appropriate to the voting system, and for any ballot issue,  
8 according to the provisions of law authorizing such  
9 election.

10 (b) The facsimile sample general election ballot shall be  
11 published as follows:

12 (1) For counties in which two or more qualified newspa-  
13 pers publish a daily newspaper, not more than fourteen  
14 nor less than eight days preceding the general election, the  
15 ballot commissioners shall publish the sample official  
16 general election ballot as a Class I-0 legal advertisement  
17 in the two qualified daily newspapers of different political  
18 parties within the county having the largest circulation in  
19 compliance with the provisions of article three, chapter  
20 fifty-nine of this code;

21 (2) For counties having no more than one daily newspa-  
22 per, or having only one or more qualified newspapers  
23 which publish weekly, not more than fourteen nor less  
24 than eight days preceding the primary election, the ballot  
25 commissioners shall publish the sample official general  
26 election ballot as a Class I legal advertisement in the  
27 qualified newspaper within the county having the largest  
28 circulation in compliance with the provisions of article  
29 three, chapter fifty-nine of this code; and

30 (3) Each facsimile sample ballot shall be a photographic  
31 reproduction of the official sample ballot or ballot pages,  
32 and shall be printed in a size no less than eighty percent of  
33 the actual size of the ballot, at the discretion of the ballot  
34 commissioners: *Provided*, That when the ballots for the  
35 precincts within the county contain different senatorial,  
36 delegate, magisterial or executive committee districts or  
37 when the ballots for precincts within a city contain  
38 different municipal wards, the facsimile shall be altered to  
39 include each of the various districts in the appropriate  
40 order. If, in order to accommodate the size of each ballot,  
41 the ballot or ballot pages must be divided onto more than  
42 one page, the arrangement and order shall be made to  
43 conform as nearly as possible to the arrangement of the  
44 ballot. The publisher of the newspaper shall submit a  
45 proof of the ballot and the arrangement to the ballot  
46 commissioners for approval prior to publication.

47 (c) The ballot commissioners of each county shall  
48 prepare, in the form and manner prescribed by the secre-  
49 tary of state, an official list of offices and nominees for

50 each office which will appear on the general election ballot  
51 for each political party, or as independent nominees, and,  
52 as the case may be, for the nonpartisan candidates to be  
53 voted for at the general election.

54 (1) All information which appears on the ballot, includ-  
55 ing the names of parties for which a straight ticket may be  
56 cast, instructions relating to straight ticket voting, instruc-  
57 tions as to the number of candidates for whom votes may  
58 be cast for the office, any additional language which will  
59 appear on the ballot below the name of the office, any  
60 identifying information relating to the candidates, such as  
61 residence, magisterial district, or presidential preference,  
62 and the ballot numbers of the candidates for punch card  
63 systems, shall be included in the list, in the order specified  
64 in subdivision (2) of this subsection. Following the names  
65 of all candidates, the list shall include the full title, text  
66 and voting positions of any issue to appear on the ballot.

67 (2) The order of the straight ticket positions, offices and  
68 candidates for each office, and the manner of designating  
69 the parties, shall be as follows: (A) The straight ticket  
70 positions shall be designated "straight (party name)  
71 ticket", with the parties listed in the order in which they  
72 appear on the ballot, from left to right or from top to  
73 bottom, as the case may be; (B) the offices shall be listed in  
74 the same order in which they appear on the ballot; (C) the  
75 candidates within each office for which one is to be elected  
76 shall be listed in the order they appear on the ballot, from  
77 left to right or from top to bottom, as the case may be, and  
78 the candidate's political party affiliation or independent  
79 status shall be indicated by the one or two letter initial  
80 specifying the affiliation, placed in parenthesis to the right  
81 of the candidate's name; and (D) the candidates within  
82 each office for which more than one is to be elected shall  
83 be arranged by political party groups in the order they  
84 appear on the ballot and the candidate's affiliation shall  
85 be indicated as provided in part (C) of this subdivision.

86 (d) The official list of candidates and issues as provided  
87 in subsection (c) of this section shall be published as  
88 follows:

89 (1) For counties in which two or more qualified newspa-  
90 pers publish a daily newspaper, on the last day on which  
91 a newspaper is published immediately preceding the  
92 general election, the ballot commissioners shall publish the  
93 official list of nominees and issues as a Class I-0 legal  
94 advertisement in the two qualified daily newspapers of  
95 different political parties within the county having the  
96 largest circulation in compliance with the provisions of  
97 article three, chapter fifty-nine of this code;

98 (2) For counties having no more than one daily paper, or  
99 having only one or more qualified newspapers which  
100 publish weekly, on the last day on which a newspaper is  
101 published immediately preceding the general election, the  
102 ballot commissioners shall publish the sample official list  
103 of nominees and issues as a Class I legal advertisement in  
104 the qualified newspaper within the county having the  
105 largest circulation in compliance with the provisions of  
106 article three, chapter fifty-nine of this code;

107 (3) The publication of the official list of nominees for  
108 each party and for nonpartisan candidates shall be in  
109 single or double columns, as required to accommodate the  
110 type size requirements as follows: (A) The words "official  
111 list of nominees and issues", the name of the county, the  
112 words "general election" and the date of the election shall  
113 be printed in all capital letters and in bold type no smaller  
114 than fourteen point; (B) the designation of the straight  
115 ticket party positions shall be printed in all capital letters  
116 in bold type no smaller than twelve point, and the title of  
117 the office shall be printed in bold type no smaller than  
118 twelve point, and any voting instructions or other lan-  
119 guage printed below the title shall be printed in bold type  
120 no smaller than ten point; and (C) the names of the candi-  
121 dates and the initial within parenthesis designating the  
122 candidate's affiliation shall be printed in all capital letters  
123 in bold type no smaller than ten point, and the residence  
124 information shall be printed in type no smaller than ten  
125 point; and

126 (4) When any ballot issue is to appear on the ballot, the  
127 title of that ballot shall be printed in all capital letters in  
128 bold type no smaller than twelve point. The text of the

129 ballot issue shall appear in no smaller than ten point type.  
130 The ballot commissioners may require the publication of  
131 the ballot issue under this subsection in the facsimile  
132 sample ballot format in lieu of the alternate format.

133 (e) Notwithstanding the provisions of subsections (c) and  
134 (d) of this section, beginning with the general election to  
135 be held in the year two thousand, the ballot commissioners  
136 of any county may choose to publish a facsimile sample  
137 general election ballot, instead of the official list of  
138 candidates and issues, for purposes of the last publication  
139 required before any general election.

#### **ARTICLE 8. REGULATION AND CONTROL OF ELECTIONS.**

##### **§3-8-2. Accounts for receipts and expenditures in elections; requirements for reporting independent expendi- tures.**

1 (a) Except candidates for party committeemen and  
2 committeewomen, in primary and other elections, all  
3 candidates for nomination or election and all persons or  
4 organizations of any kind advocating or opposing a  
5 nomination, election or defeat of any candidate, or the  
6 passage or defeat of any issue, shall keep records of  
7 receipts and expenditures which are made for political  
8 purposes. All such receipts and expenditures shall be  
9 subject to regulation by the provisions of this article.  
10 Verified financial statements of such records and expendi-  
11 tures shall be made and filed as public records by all  
12 candidates and by their financial agents, representatives,  
13 or any person acting for and on behalf of any candidate, or  
14 the passage or defeat of any issue, and by the treasurers of  
15 all political party committees.

16 (b) In addition to any other reporting required by the  
17 provisions of this chapter, any independent expenditure in  
18 the amount of one thousand dollars or more for any  
19 statewide, legislative or multi-county judicial candidate or  
20 in the amount of five hundred dollars or more for any  
21 county office, single-county judicial candidate, committee  
22 supporting or opposing an issue or candidate on the ballot  
23 in more than one county, any municipal candidate or issue  
24 on a municipal election ballot, which is made after the



25 eleventh day but more than twelve hours before the day of  
26 any election shall be reported, on a form prescribed by the  
27 secretary of state, within twenty-four hours after the  
28 expenditure is made or debt is incurred for a communica-  
29 tion, to the secretary of state by hand-delivery, facsimile  
30 or other means to assure receipt by the secretary of state  
31 within such twenty-four hour period.

32 (c) For purposes of this section, "independent expendi-  
33 ture" means an expenditure made by a person other than  
34 a candidate or committee for a communication which  
35 expressly advocates the election or defeat of a clearly  
36 identified candidate but which is made independently of  
37 a candidate's campaign and which has not been made with  
38 the cooperation or consent of, or in consultation with, or  
39 at the request or suggestion of, any candidate or any of his  
40 or her agents or authorized committees. An expenditure  
41 which does not meet the criteria for independence estab-  
42 lished in this subsection is considered a contribution.

43 (d) Any independent expenditure must include a clear  
44 and conspicuous public notice which identifies the name  
45 of the person who paid for the expenditure and states that  
46 the communication is not authorized by the candidate or  
47 his or her committee.

**§3-8-2a. Detailed accounts and verified financial statements for  
certain inaugural events; limitations; reporting  
requirements.**

1 (a) For purposes of this section:

2 (1) "Inaugural committee" includes any person, organi-  
3 zation or group of persons soliciting or receiving contribu-  
4 tions for the purpose of funding an inaugural event for a  
5 person elected to a statewide public office; and

6 (2) "Inaugural event" means any event or events held  
7 between the general election of a person elected to a  
8 statewide public office and ninety days after the general  
9 election, whether the event is sponsored by the inaugural  
10 committee or the state political party committee repre-  
11 senting the party of the person elected and for which the  
12 person elected is a prominent participant or for which

13 solicitations of contributions include the name of the  
14 person elected in prominent display.

15 (b) Any inaugural committee soliciting or receiving  
16 contributions for the funding of all or any part of an  
17 inaugural event for any person elected to a statewide  
18 office that receives an individual contribution in excess of  
19 two hundred fifty dollars for any such event shall file and  
20 retain detailed records of any such contribution.

21 (c) No person may contribute more than five thousand  
22 dollars for any inaugural event. For purposes of this  
23 section, "contribution" does not include volunteer per-  
24 sonal services but does include in-kind contributions of  
25 materials or supplies.

26 (d) Any inaugural committee, financial agent or any  
27 person or officer acting on behalf of such committee which  
28 is subject to the provisions of this section, shall file a  
29 verified financial statement with the secretary of state on  
30 a form prescribed by the state election commission within  
31 ninety days of the event. The financial statement shall  
32 contain information as may be required by the provisions  
33 of this section relating to any contribution in excess of two  
34 hundred fifty dollars. The secretary of state shall file and  
35 retain such statements as public records for a period of not  
36 less than six years.

37 (e) In addition to any other information required by the  
38 state election commission, the report of contributions  
39 required by the provisions of this section shall include the  
40 methodology of the fund raising, the nature of the expen-  
41 ditures made and the names, addresses and amounts paid  
42 to any person.

43 (f) Amounts received by an inaugural committee for any  
44 person elected to a statewide public office, in excess of the  
45 amount expended for an inaugural event may be contrib-  
46 uted to any educational, cultural or charitable organiza-  
47 tion. The inaugural committee shall, within sixty days  
48 after filing the report required by subsection (d) of this  
49 section, expend any excess moneys and report, on a form  
50 prescribed by the secretary of state, the names of the  
51 organizations to which such excess moneys were donated.

52 The secretary of state shall file and retain such records as  
53 public records for a period of not less than six years.

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

1 (a) Every candidate, financial agent, person and associa-  
2 tion of persons, organization of any kind, including every  
3 corporation, directly or indirectly, supporting a political  
4 committee established pursuant to paragraph (C), subdivi-  
5 sion (1), subsection (b), section eight of this article or  
6 engaging in other activities permitted by said section and  
7 also including the treasurer or equivalent officer of such  
8 association or organization, advocating or opposing the  
9 nomination, election or defeat of any candidate or the  
10 passage or defeat of any issue, thing or item to be voted  
11 upon, and the treasurer of every political party committee  
12 shall keep detailed accounts of every sum of money or  
13 other thing of value received by him, including all loans of  
14 money or things of value, and of all expenditures and  
15 disbursements made, liabilities incurred, by such candi-  
16 date, financial agent, person, association or organization  
17 or committee, for political purposes, or by any of the  
18 officers or members of such committee, or any person  
19 acting under its authority or on its behalf.

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

26 (1) On the last Saturday in March or within fifteen days  
27 thereafter next preceding the primary election day when-  
28 ever the total of all financial transactions relating to an  
29 election exceed five hundred dollars a statement which  
30 shall include all financial transactions which have taken  
31 place by the date of that statement, subsequent to any  
32 previous statement filed within the previous five years  
33 under this section, or if no previous statement was filed,  
34 all financial transactions made within the preceding five  
35 years; and

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

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

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

54 (5) On the last Saturday in September or within fifteen  
55 days thereafter next preceding the general election day  
56 whenever the total of all financial transactions relating to  
57 an election exceed five hundred dollars or whenever any  
58 loans are outstanding, a statement which shall include all  
59 financial transaction which have taken place by the date  
60 of such statement, subsequent to the previous statement.

61 (c) Every person who shall announce as a write-in  
62 candidate for any elective office and his financial agent or  
63 election organization of any kind shall comply with all of  
64 therequirements of this section after public announcement  
65 of such person's candidacy has been made.

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

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

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

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

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

93 (C) The members of a nonprofit corporation or other  
94 organization who have such membership in accordance  
95 with the provisions of the articles of incorporation, bylaws  
96 or other instruments creating its form of organization and  
97 who have bona fide rights and privileges in the organiza-  
98 tion such as the right to vote, to elect officers, directors  
99 and issues, to hold office or otherwise as ordinarily  
100 conferred on members of such organizations who publish,  
101 distribute or disseminate materials described in subdivi-  
102 sion (1) of this subsection to other such members; or

103 (D) The employees of a church or synagogue which  
104 currently holds or is eligible to hold an exemption as a  
105 church issued by the internal revenue service under the  
106 provisions of §26 U.S.C. 501(c)(3) who publish, distribute  
107 or disseminate materials described in subdivision (1) of  
108 this subsection within the membership of the church or  
109 synagogue or upon the premises of any facility owned or  
110 controlled by the church or synagogue: *Provided*, That the  
111 exemption from the presumption provided by this sub-

112 paragraph shall not apply to such employees of a church  
113 when the church or synagogue otherwise advocates or  
114 opposes the nomination, election or defeat of any candi-  
115 date, or the passage of any issue, thing or item to be voted  
116 upon.

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

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

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

3 (1) The first name, middle initial, if any, and last name,  
4 residence and mailing address and telephone number of  
5 each candidate, financial agent, treasurer or person, and  
6 the full name, address and telephone number of each  
7 association, organization or committee filing a financial  
8 statement.

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

12 (3) The first name, middle initial, if any, and the last  
13 name in the case of an individual, and the full name of  
14 each firm, association or committee, and the amount of  
15 such contribution of such individual, firm, association or  
16 committee, and, if the aggregate of the sum or sums  
17 contributed by any one such individual, firm, association  
18 or committee exceeds two hundred fifty dollars, there shall  
19 also be reported the residence and mailing address and, in  
20 the case of an individual, the major business affiliation  
21 and occupation. A contribution totaling more than fifty  
22 dollars of currency of the United States or currency of any  
23 foreign country by any one contributor is prohibited and  
24 a violation of this provision is subject to section five-d of  
25 this article. The report on which contributions required by

26 this subdivision shall not distinguish between contribu-  
27 tions made by individuals and contributions made by  
28 firms, associations or committees.

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

31 (5) The first name, middle initial, if any, and the last  
32 name, residence and mailing address of any individual or  
33 the full name and mailing address of each lending institu-  
34 tion making a loan or of the spouse cosigning a loan, as  
35 appropriate, the amount of any loan received the date and  
36 terms of the loan including the interest and repayment  
37 schedule, and a copy of the loan agreement.

38 (6) The first name, middle initial, if any, and the last  
39 name, residence and mailing address of any individual or  
40 the full name and mailing address of each firm, association  
41 or committee having previously made or cosigned a loan  
42 for which payment is made or a balance is outstanding at  
43 the end of the period, together with the amount of repay-  
44 ment on the loan made during the period and the balance  
45 at the end of the period.

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

48 (8) The first name, middle initial, if any, and the last  
49 name, residence and mailing address of any individual, or  
50 the full name and mailing address of each firm, association  
51 or committee to whom each expenditure was made or  
52 liability incurred, together with the amount and purpose  
53 of each expenditure or liability incurred and the date of  
54 each transaction.

55 (9) The total expenditure for the nomination, election or  
56 defeat of a candidate or any person or organization  
57 advocating or opposing the nomination, election or defeat  
58 of any candidate, or the passage or defeat of any issue,  
59 thing or item to be voted upon, in whose behalf an expen-  
60 diture was made or a contribution was given for the  
61 primary or other election.

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

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

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

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

74 (2) All of the information required by subdivision (3),  
75 subsection (a) of this section.

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

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

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

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

86 (e) Any contribution or expenditure made by or on  
87 behalf of a candidate for public office, to any other  
88 candidate, or committee for a candidate for any public  
89 office in the same election shall be accounted for in  
90 accordance with the provisions of this section.

91 (f) No person, firm, association or committee may make  
92 any contribution except from their own funds, unless such  
93 person, firm, association or committee discloses in writing  
94 to the person required to report under this section the first  
95 name, middle initial, if any, and the last name in the case  
96 of an individual, or the full name in case of a firm, associa-  
97 tion or committee, residence and mailing address and the  
98 major business affiliation and occupation of the person,  
99 firm, association or committee which furnished the funds



100 to such contributor. All such disclosures shall be included  
101 in the statement required by this section.

102 (g) Any firm, association, committee or fund permitted  
103 by section eight of this article to be a political committee  
104 shall disclose on the financial statement its corporate or  
105 other affiliation.

106 (h) No contribution may be made, directly or indirectly,  
107 in a fictitious name, anonymously or by one person  
108 through an agent, relative or other person so as to conceal  
109 the identity of the source of the contribution or in any  
110 other manner so as to effect concealment of the contribu-  
111 tor's identity.

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

118 (j) When any candidate, organization, committee or  
119 person receives any anonymous contribution which cannot  
120 be returned because the donor cannot be identified, that  
121 contribution shall be donated to the general revenue fund  
122 of the state. Any anonymous contribution shall be re-  
123 corded as such on the candidate's financial statement, but  
124 may not be expended for election expenses. At the time of  
125 filing, the financial statement shall include a statement of  
126 distribution of anonymous contributions, which total  
127 amount shall equal the total of all anonymous contribu-  
128 tions received during the period.

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

133 (1) If the portion of dues or assessments designated for  
134 political purposes equals twenty-five dollars or less per  
135 member over the course of a calendar year, the total  
136 amount raised for political purposes through membership  
137 dues or assessments during the period is reported by

138 showing the amount required to be paid by each member  
139 and the number of members.

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

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

160 (l) For purposes of this section:

161 (1) "Political purposes" means advocating or opposing  
162 the nomination, election or defeat of one or more candi-  
163 dates, supporting the retirement of the debt of a candidate  
164 or activities of an established political party or an organi-  
165 zation which has declared itself a political party, support-  
166 ing the administration or activities of a political commit-  
167 tee or advocating or opposing the passage of a ballot issue.

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

175 (3) "Fund-raising event" means an event such as a  
176 dinner, reception, testimonial, cocktail party, auction or  
177 similar affair through which contributions are solicited or  
178 received by such means as the purchase of a ticket, pay-  
179 ment of an attendance fee or by the purchase of goods or  
180 services.

181 (m) Notwithstanding the provisions of section five of this  
182 article or of the provisions of this section to the contrary,  
183 an alternative reporting procedure may be followed by a  
184 political party executive committee or a political action  
185 committee representing a political party in filing financial  
186 reports for fund-raising events if the total profit does not  
187 exceed five thousand dollars per year. A political party  
188 executive committee or a political action committee  
189 representing a political party may report gross receipts for  
190 the sale of food, beverages, services, novelty items, raffle  
191 tickets or memorabilia, except that any receipt of more  
192 than fifty dollars from an individual or organization shall  
193 be reported as a contribution. A political party executive  
194 committee or a political action committee representing a  
195 political party using this alternative method of reporting  
196 shall report: (i) The name of the committee; (ii) the type of  
197 fund-raising activity undertaken; (iii) the location where  
198 the activity occurred; (iv) the date of the fund raiser; (v)  
199 the name of any individual who contributed more than  
200 fifty dollars worth of items to be sold; (vi) the name and  
201 amount received from any person or organization purchas-  
202 ing more than fifty dollars worth of food, beverages,  
203 services, novelty items, raffle tickets or memorabilia; (vii)  
204 the gross receipts of the fund raiser; and (viii) the date,  
205 amount, purpose and name and address of each person or  
206 organization from whom items with a fair market value of  
207 more than fifty dollars were purchased for resale.

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

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

6 clerk of the county commission by all other candidates for  
7 offices to be nominated or elected.

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

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

19 (d) The sworn financial statements required to be filed  
20 by this section with the secretary of state shall be posted  
21 on the internet by the secretary of state within forty-five  
22 days from the date the financial statement was filed.

**§3-8-5f. Loans to candidates, organizations or persons for  
election purposes.**

1 (a) No candidate, financial agent, person or association  
2 of persons or organization advocating or opposing the  
3 nomination or election of any candidate or the passage or  
4 defeat of any issue or item to be voted upon may receive  
5 any money or any other thing of value as a loan toward  
6 election expenses except from the candidate, his or her  
7 spouse or a lending institution. All loans shall be evi-  
8 denced by a written agreement executed by the lender,  
9 whether the candidate, his or her spouse, or the lending  
10 institution. Such agreement shall state the date and  
11 amount of the loan, the terms, including interest and  
12 repayment schedule, and a description of the collateral, if  
13 any, and the full names and addresses of all parties to the  
14 agreement. A copy of the agreement shall be filed with the  
15 financial statement next required after the loan is exe-  
16 cuted.

17 (b) Loans may only be made in the regular course of  
18 business by a lending institution which is a state bank, a  
19 federally chartered depository institution (including a

20 national bank) or a depository institution whose deposits  
21 are insured by the federal deposit insurance corporation or  
22 the national credit union administration. Such loans shall  
23 be subject to the following requirements:

24 (1) Endorsements or guarantees of such loans may be  
25 made by the candidate or his or her spouse;

26 (2) Endorsements or guarantees of such loans by parties  
27 other than the candidate or his or her spouse may be made  
28 only to the extent of the contribution limits established in  
29 this article; and

30 (3) No other form of security shall be furnished in  
31 connection with such loans by any party other than the  
32 candidate or his or her spouse.

33 (c) The provisions of this section shall not be construed  
34 to prohibit a candidate or his or her spouse from lending  
35 money to the candidate or to the candidate's political  
36 committee: *Provided*, That the spouse of a candidate may  
37 not borrow money from a third party other than a lending  
38 institution authorized to make loans under this section for  
39 the purposes of lending money to the candidate or the  
40 candidate's political committee.

**§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.**

1 (a) No candidate, financial agent or treasurer of a  
2 political party committee shall pay, give or lend, either  
3 directly or indirectly, any money or other thing of value  
4 for any election expenses, except for the following pur-  
5 poses:

6 (1) For rent, maintenance, office equipment and other  
7 furnishing of offices to be used as political headquarters  
8 and for the payment of necessary clerks, stenographers,  
9 typists, janitors and messengers actually employed therein;

10 (2) In the case of a candidate who does not maintain a  
11 headquarters, for reasonable office expenses, including,  
12 but not limited to, filing cabinets and other office equip-

13 ment and furnishings, computers, computer hardware and  
14 software, scanners, typewriters, calculators, audio visual  
15 equipment, the rental of the use of the same, or for the  
16 payment for the shared use of same with the candidate's  
17 business and for the payment of necessary clerks, stenog-  
18 raphers and typists, actually employed;

19 (3) For printing and distributing books, pamphlets,  
20 circulars and other printed matter and radio and television  
21 broadcasting and painting, printing and posting signs,  
22 banners and other advertisements, including contributions  
23 to charitable, educational or cultural events, for the  
24 promotion of the candidate, the candidate's name or an  
25 issue on the ballot;

26 (4) For renting and decorating halls for public meetings  
27 and political conventions, for advertising public meetings,  
28 and for the payment of traveling expenses of speakers and  
29 musicians at such meetings;

30 (5) For the necessary traveling and hotel expenses of  
31 candidates, political agents and committees, and for  
32 stationery, postage, telegrams, telephone, express, freight  
33 and public messenger service;

34 (6) For preparing, circulating and filing petitions for  
35 nomination of candidates;

36 (7) For examining the lists of registered voters, securing  
37 copies thereof, investigating the right to vote of the  
38 persons listed therein and conducting proceedings to  
39 prevent unlawful registration or voting;

40 (8) For conveying voters to and from the polls;

41 (9) For securing publication in newspapers and by radio  
42 and television broadcasting of documents, articles,  
43 speeches, arguments and any information relating to any  
44 political issue, candidate or question or proposition  
45 submitted to a vote;

46 (10) For conducting public opinion poll or polls. For the  
47 purpose of this section, the phrase "conducting of public  
48 opinion poll or polls" shall mean and be limited to the  
49 gathering, collection, collation and evaluation of informa-

50 tion reflecting public opinion, needs and preferences as to  
51 any candidate, group of candidates, party, issue or issues.  
52 No such poll shall be deceptively designed or intentionally  
53 conducted in a manner calculated to advocate the election  
54 or defeat of any candidate or group of candidates or  
55 calculated to influence any person or persons so polled to  
56 vote for or against any candidate, group of candidates,  
57 proposition or other matter to be voted on by the public at  
58 any election: *Provided*, That nothing herein shall prevent  
59 the use of the results of any such poll or polls to further,  
60 promote or enhance the election of any candidate or group  
61 of candidates or the approval or defeat of any proposition  
62 or other matter to be voted on by the public at any elec-  
63 tion;

64 (11) For legitimate advertising agency services, including  
65 commissions, in connection with any campaign activity for  
66 which payment is authorized by subdivisions (3), (4), (5),  
67 (6), (7), (9) and (10) of this subsection;

68 (12) For the purchase of memorials, flowers or citations  
69 by political party executive committees or political action  
70 committees representing a political party; and

71 (13) For the purchase of nominal noncash expressions of  
72 appreciation following the close of the polls of an election  
73 or within thirty days thereafter.

74 (14) For the payment of dues or subscriptions to any  
75 national, state or local committee of any political party.

76 (15) For contributions to a county party executive  
77 committee, state party executive committee or a state  
78 party legislative caucus political committee.

79 (b) Every liability incurred and payment made shall be  
80 at a rate and for a total amount which is proper and  
81 reasonable and fairly commensurate with the services  
82 rendered.

83 (c) Every advertising agency subject to the provisions of  
84 this article shall file, in the manner and form required by  
85 section five-a of this article, the financial statements  
86 required by section five of this article at the times required  
87 therein and include therein, in itemized detail, all receipts

88 from and expenditures made on behalf of a candidate,  
89 financial agent or treasurer of a political party committee.

90 (d) Any candidate may designate a financial agent by a  
91 writing duly subscribed by him which shall be in such  
92 form and filed in accordance with the provisions of section  
93 four of this article.

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

1 After the first day of July, two thousand, amounts  
2 received by a candidate as contributions that are in excess  
3 of any amount necessary to defray his or her expenditures  
4 may be used by the candidate to defray any ordinary and  
5 necessary expenses incurred in connection with his or her  
6 duties as a holder of public office, may be contributed  
7 after the general election to any charitable organization,  
8 or may be transferred, without limitation, to any national,  
9 state or local committee of any political party or to any  
10 candidate for public office.

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

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

1 (a) No person shall publish, issue or circulate, or cause to  
2 be published, issued or circulated, any anonymous letter,  
3 circular, placard, or other publication tending to influence  
4 voting at any election.

5 (b) No owner, publisher, editor or employee of a newspa-  
6 per or other periodical shall insert, either in its advertising  
7 or reading columns, any matter, paid for or to be paid for,  
8 which tends to influence the voting at any election, unless  
9 directly designating it as a paid advertisement and stating  
10 the name of the person authorizing its publication and the  
11 candidate in whose behalf it is published.



12 (c) No person shall, in any room or building occupied for  
13 the discharge of official duties by any officer or employee  
14 of the state or a political subdivision thereof, solicit orally  
15 or by written communication delivered therein, or in any  
16 other manner, any contribution of money or other thing of  
17 value for any party or political purpose, from any post-  
18 master or any other officer or employee of the federal  
19 government, or officer or employee of the state, or a  
20 political subdivision thereof. No officer, agent, clerk or  
21 employee of the federal government, or of this state, or any  
22 political subdivision thereof, who may have charge or  
23 control of any building, office or room, occupied for any  
24 official purpose, shall knowingly permit any person to  
25 enter the same for the purpose of therein soliciting or  
26 receiving any political assessments from, or delivering or  
27 giving written solicitations for, or any notice of, any  
28 political assessments to, any officer or employee of the  
29 state, or a political subdivision thereof.

30 (d) Except as provided in section eight of this article, no  
31 person entering into any contract with the state or its  
32 subdivisions, or any department or agency thereof, either  
33 for rendition of personal services or furnishing any  
34 material, supplies or equipment or selling any land or  
35 building to the state, or its subdivisions, or any depart-  
36 ment or agency thereof, if payment for the performance of  
37 such contract or payment for such material, supplies,  
38 equipment, land or building is to be made in whole or in  
39 part from public funds shall, during the period of negotia-  
40 tion for or performance under such contract or furnishing  
41 of materials, supplies, equipment, land or buildings,  
42 directly or indirectly make any contribution to any  
43 political party, committee or candidate for public office or  
44 to any person for political purposes or use; nor shall any  
45 person or firm solicit any contributions for any such  
46 purpose during any such period.

47 (e) No person shall, directly or indirectly, promise any  
48 employment, position, work, compensation or other benefit  
49 provided for, or made possible, in whole or in part by act  
50 of the Legislature, to any person as consideration, favor or  
51 reward for any political activity for the support of or

52 opposition to any candidate, or any political party in any  
53 election.

54 (f) No person shall, directly or indirectly, make any  
55 contribution in excess of the value of one thousand dollars  
56 in connection with any campaign for nomination or  
57 election to or on behalf of any statewide or national  
58 elective office, or in excess of the value of one thousand  
59 dollars, in connection with any other campaign for nomi-  
60 nation or election to or on behalf of any other elective  
61 office in the state or any of its subdivisions, or in connec-  
62 tion with or on behalf of any committee or other organiza-  
63 tion or person engaged in furthering, advancing or advo-  
64 cating the nomination or election of any candidate for any  
65 such office.

66 (g)(1) Notwithstanding the provisions of subsection (f) of  
67 this section to the contrary, the aggregate contributions  
68 made to a state party executive committee shall be permit-  
69 ted only pursuant to the limitations imposed by the  
70 provisions of this subsection.

71 (2) No person shall, directly or indirectly, make contribu-  
72 tions to a state party executive committee which, in the  
73 aggregate, exceed the value of one thousand dollars in any  
74 calendar year.

75 (h) The limitations on contributions contained in this  
76 section do not apply to transfers between and among a  
77 state party executive committee or a state party's legisla-  
78 tive caucus political committee from national committees  
79 of the same political party: *Provided*, That transfers  
80 permitted herein shall not exceed fifty thousand in the  
81 aggregate in any calendar year to any such state party  
82 executive committee or state party legislative caucus  
83 political committee: *Provided, however*, That such monies  
84 transferred shall only be used for voter registration and  
85 get-out-the vote activities of the state committees.

86 (i) No person shall solicit any contribution from any  
87 nonelective salaried employee of the state government or  
88 of any of its subdivisions or coerce or intimidate any such  
89 employee into making such contribution. No person shall  
90 coerce or intimidate any nonsalaried employee of the state

91 government or any of its subdivisions into engaging in any  
92 form of political activity. The provisions hereof shall not  
93 be construed to prevent any such employee from making  
94 such a contribution or from engaging in political activity  
95 voluntarily, without coercion, intimidation or solicitation.

96 (j) No person shall solicit a contribution from any other  
97 person without informing such other person at the time of  
98 such solicitation of the amount of any commission, remuneration or other compensation that the solicitor or any  
99 other person will receive or expect to receive as a direct  
100 result of such contribution being successfully collected.  
101 Nothing in this subsection shall be construed to apply to  
102 solicitations of contributions made by any person serving  
103 as an unpaid volunteer.  
104

105 (k) No person shall place any letter, circular, flyer,  
106 advertisement, election paraphernalia, solicitation material or other printed or published item tending to influence  
107 voting at any election in a roadside receptacle unless it is  
108 (1) approved for placement into a roadside receptacle by  
109 the business or entity owning the receptacle and (2)  
110 contains a written acknowledgment of such approval. This  
111 subdivision does not apply to any printed material contained in a newspaper or periodical published or distributed  
112 by the owner of the receptacle. The term "roadside  
113 receptacle" means any container placed by a newspaper or  
114 periodical business or entity to facilitate home or personal  
115 delivery of a designated newspaper or periodical to its  
116 customers.  
117  
118

119 (l) Any person violating any provision of this section is  
120 guilty of a misdemeanor, and, upon conviction thereof,  
121 shall be fined not more than one thousand dollars, or  
122 confined in jail for not more than one year, or, in the  
123 discretion of the court, be subject to both such fine and  
124 confinement.

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

*Randy Schriver*  
.....  
Chairman Senate Committee

*Jeff Smith*  
.....  
Chairman House Committee

Originating in the Senate.

In effect ninety days from passage.

*Kassel Holmes*  
.....  
Clerk of the Senate

*Bryony D. Smith*  
.....  
Clerk of the House of Delegates

*Earl Ray Tomblin*  
.....  
President of the Senate

*John H. Harman*  
.....  
Speaker House of Delegates

The within..... *approved* ..... this the *7th*  
Day of ..... *April* ....., 1999



*Lee Anderson*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 4/1/99

Time 10:35 am