

**FILED**  
2001 APR 26 P 12:43  
OFFICE WEST VIRGINIA  
SECRETARY OF STATE

# **WEST VIRGINIA LEGISLATURE**

**FIRST REGULAR SESSION, 2001**

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**ENROLLED**

## **House Bill No. 3175**

(By Mr. Speaker, Mr. Kiss, and Delegates Staton, Amores,  
Mahan, Coleman, Craig and C. White)

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Passed April 12, 2001

In Effect Ninety Days from Passage

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**H. B. 3175**

(BY MR. SPEAKER, MR. KISS, AND DELEGATES STATON, AMORES,  
MAHAN, COLEMAN, CRAIG AND C. WHITE)

[Passed April 12, 2001; in effect ninety days from passage.]

AN ACT to amend and reenact section twelve, article eight, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to limitations on certain political activity; clarifying prohibition on anonymous publications; including contributions to state party legislative caucus committees within limitations on contributions; making certain technical revisions; and providing criminal penalties.

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

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

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

**§3-8-12. Additional acts forbidden; circulation of written matter; newspaper advertising; solicitation of contributions; intimidation and coercion of employees;**

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Enr. H. B. 3175]

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SECRETARY OF STATE  
COMMONWEALTH OF VIRGINIA

**promise of employment or other benefits; limitations on contributions; public contractors; penalty.**

1 (a) No person may publish, issue or circulate, or cause to be  
2 published, issued or circulated, any anonymous letter, circular,  
3 placard, or other publication expressly advocating the election  
4 or defeat of a clearly identified candidate.

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

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

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

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

51 (f) No person may, directly or indirectly, make any contri-  
52 bution in excess of the value of one thousand dollars in connec-  
53 tion with any campaign for nomination or election to or on  
54 behalf of any statewide or national elective office, or in excess  
55 of the value of one thousand dollars, in connection with any  
56 other campaign for nomination or election to or on behalf of  
57 any other elective office in the state or any of its subdivisions,  
58 or in connection with or on behalf of any committee or other  
59 organization or person engaged in furthering, advancing or  
60 advocating the nomination or election of any candidate for any  
61 of the offices.

62 (g)(1) Notwithstanding the provisions of subsection (f) of  
63 this section to the contrary, the aggregate contributions made to  
64 a state party executive committee or state party legislative

65 caucus committee are to be permitted only pursuant to the  
66 limitations imposed by the provisions of this subsection.

67 (2) No person may, directly or indirectly, make contribu-  
68 tions to a state party executive committee or state party  
69 legislative caucus committee which, in the aggregate, exceed  
70 the value of one thousand dollars in any calendar year.

71 (h) The limitations on contributions contained in this  
72 section do not apply to transfers between and among a state  
73 party executive committee or a state party's legislative caucus  
74 political committee from national committees of the same  
75 political party: *Provided*, That transfers permitted by this  
76 subsection may not exceed fifty thousand dollars in the aggre-  
77 gate in any calendar year to any state party executive committee  
78 or state party legislative caucus political committee: *Provided*,  
79 *however*, That the moneys transferred may only be used for  
80 voter registration and get-out-the-vote activities of the state  
81 committees.

82 (i) No person may solicit any contribution from any  
83 nonelective salaried employee of the state government or of any  
84 of its subdivisions or coerce or intimidate any nonelective  
85 salaried employee into making a contribution. No person may  
86 coerce or intimidate any nonsalaried employee of the state  
87 government or any of its subdivisions into engaging in any form  
88 of political activity. The provisions of this subsection may not  
89 be construed to prevent any employee from making a contribu-  
90 tion or from engaging in political activity voluntarily, without  
91 coercion, intimidation or solicitation.

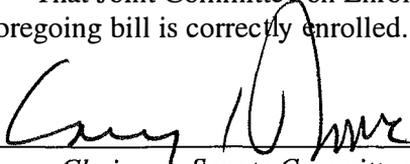
92 (j) No person may solicit a contribution from any other  
93 person without informing the other person at the time of the  
94 solicitation of the amount of any commission, remuneration or  
95 other compensation that the solicitor or any other person will  
96 receive or expect to receive as a direct result of the contribution

97 being successfully collected. Nothing in this subsection may be  
98 construed to apply to solicitations of contributions made by any  
99 person serving as an unpaid volunteer.

100 (k) No person may place any letter, circular, flyer, adver-  
101 tisement, election paraphernalia, solicitation material or other  
102 printed or published item tending to influence voting at any  
103 election in a roadside receptacle unless it is: (1) Approved for  
104 placement into a roadside receptacle by the business or entity  
105 owning the receptacle; and (2) contains a written acknowledg-  
106 ment of the approval. This subdivision does not apply to any  
107 printed material contained in a newspaper or periodical pub-  
108 lished or distributed by the owner of the receptacle. The term  
109 "roadside receptacle" means any container placed by a newspa-  
110 per or periodical business or entity to facilitate home or  
111 personal delivery of a designated newspaper or periodical to its  
112 customers.

113 (l) Any person violating any provision of this section is  
114 guilty of a misdemeanor and, upon conviction thereof, shall be  
115 fined not more than one thousand dollars, or confined in a  
116 regional or county jail for not more than one year, or, in the  
117 discretion of the court, be subject to both fine and confinement.

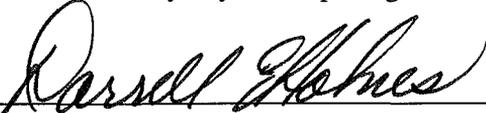
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

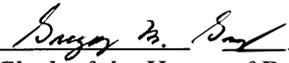
  
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Chairman Senate Committee

  
\_\_\_\_\_  
Chairman House Committee

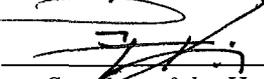
Originating in the House.

In effect ninety days from passage.

  
\_\_\_\_\_  
Clerk of the Senate

  
\_\_\_\_\_  
Clerk of the House of Delegates

  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker of the House of Delegates

The within is approved this the 25<sup>th</sup>  
day of April, 2001.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE

GOVERNOR

Date 4/23/01

Time 3:16 pm