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WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2007

OFFICE OF THE CLERK
SECRETARY OF STATE

ENROLLED

COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 713

(SENATOR KESSLER, *original sponsor*)

[Passed March 9, 2007; in effect ninety days from passage.]

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AN ACT to amend and reenact §3-8-1a, §3-8-2, §3-8-2b, §3-8-3, §3-8-4, §3-8-5, §3-8-5a, §3-8-5b and §3-8-5e of the Code of West Virginia, 1931, as amended, all relating to campaign finance filings; defining terms; setting value for in-kind contributions; permitting a political committee created by a membership organization to solicit contributions only from its members; requiring expedited filings of independent expenditure filings within fifteen days of election; requiring certain independent expenditures to be filed as electioneering

communications; requiring disclosure as to whether an electioneering communication is intended to support or oppose an identified candidate; lowering the threshold of electioneering communications to be reported fifteen days prior to an election; modifying requirements for political committee treasurers of candidates from offices larger than one county; modifying the reporting periods; requiring certain information for contributions in excess of two hundred fifty dollars; clarifying that details of third-party expenditures must be filed; requiring electronic filing for statewide candidates; and clarifying where campaign finance reports are filed.

Be it enacted by the Legislature of West Virginia:

That §3-8-1a, §3-8-2, §3-8-2b, §3-8-3, §3-8-4, §3-8-5, §3-8-5a, §3-8-5b and §3-8-5e of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 8. REGULATION AND CONTROL OF ELECTIONS.

§3-8-1a. Definitions.

1 As used in this article, the following terms have the
2 following definitions:

3 (1) "Ballot issue" means a constitutional amendment,
4 special levy, bond issue, local option referendum,
5 municipal charter or revision, an increase or decrease of
6 corporate limits or any other question that is placed
7 before the voters for a binding decision.

8 (2) "Broadcast, cable or satellite communication"
9 means a communication that is publicly distributed by
10 a television station, radio station, cable television

11 system or satellite system.

12 (3) "Candidate" means an individual who:

13 (A) Has filed a certificate of announcement under
14 section seven, article five of this chapter or a municipal
15 charter;

16 (B) Has filed a declaration of candidacy under section
17 twenty-three, article five of this chapter;

18 (C) Has been named to fill a vacancy on a ballot; or

19 (D) Has declared a write-in candidacy or otherwise
20 publicly declared his or her intention to seek
21 nomination or election for any state, district, county or
22 municipal office or party office to be filled at any
23 primary, general or special election.

24 (4) "Candidate's committee" means a political
25 committee established with the approval of or in
26 cooperation with a candidate or a prospective candidate
27 to explore the possibilities of seeking a particular office
28 or to support or aid his or her nomination or election to
29 an office in an election cycle. If a candidate directs or
30 influences the activities of more than one active
31 committee in a current campaign, those committees
32 shall be considered one committee for the purpose of
33 contribution limits.

34 (5) "Clearly identified" means that the name,
35 nickname, photograph, drawing or other depiction of
36 the candidate appears or the identity of the candidate is
37 otherwise apparent through an unambiguous reference,
38 such as "the Governor", "your Senator" or "the

39 incumbent” or through an unambiguous reference to his
40 or her status as a candidate, such as “the Democratic
41 candidate for Governor” or “the Republican candidate
42 for Supreme Court of Appeals”.

43 (6) “Contribution” means a gift subscription,
44 assessment, payment for services, dues, advance,
45 donation, pledge, contract, agreement, forbearance or
46 promise of money or other tangible thing of value,
47 whether conditional or legally enforceable, or a transfer
48 of money or other tangible thing of value to a person,
49 made for the purpose of influencing the nomination,
50 election or defeat of a candidate. An offer or tender of
51 a contribution is not a contribution if expressly and
52 unconditionally rejected or returned. A contribution
53 does not include volunteer personal services provided
54 without compensation: *Provided*, That a nonmonetary
55 contribution is to be considered at fair market value for
56 reporting requirements and contribution limitations.

57 (7) “Corporate political action committee” means a
58 political action committee that is a separate segregated
59 fund of a corporation that may only accept
60 contributions from its restricted group as outlined by
61 the rules of the State Election Commission.

62 (8) “Direct costs of purchasing, producing or
63 disseminating electioneering communications” means:

64 (A) Costs charged by a vendor, including, but not
65 limited to, studio rental time, compensation of staff and
66 employees, costs of video or audio recording media and
67 talent, material and printing costs and postage; or

68 (B) The cost of airtime on broadcast, cable or satellite

69 radio and television stations, the cost of disseminating
70 printed materials, establishing a telephone bank, studio
71 time, use of facilities and the charges for a broker to
72 purchase airtime.

73 (9) "Disclosure date" means either of the following:

74 (A) The first date during any calendar year on which
75 any electioneering communication is disseminated after
76 the person paying for the communication has spent a
77 total of five thousand dollars or more for the direct costs
78 of purchasing, producing or disseminating
79 electioneering communications; or

80 (B) Any other date during that calendar year after any
81 previous disclosure date on which the person has made
82 additional expenditures totaling five thousand dollars
83 or more for the direct costs of purchasing, producing or
84 disseminating electioneering communications.

85 (10) "Election" means any primary, general or special
86 election conducted under the provisions of this code or
87 under the charter of any municipality at which the
88 voters nominate or elect candidates for public office.
89 For purposes of this article, each primary, general,
90 special or local election constitutes a separate election.
91 This definition is not intended to modify or abrogate the
92 definition of the term "nomination" as used in this
93 article.

94 (11) (A) "Electioneering communication" means any
95 paid communication made by broadcast, cable or
96 satellite signal, mass mailing, telephone bank, leaflet,
97 pamphlet, flyer or outdoor advertising or published in
98 any newspaper, magazine or other periodical that:

99 (i) Refers to a clearly identified candidate for
100 Governor, Secretary of State, Attorney General,
101 Treasurer, Auditor, Commissioner of Agriculture,
102 Supreme Court of Appeals or the Legislature;

103 (ii) Is publicly disseminated within:

104 (I) Thirty days before a primary election at which the
105 nomination for office sought by the candidate is to be
106 determined; or

107 (II) Sixty days before a general or special election at
108 which the office sought by the candidate is to be filled;
109 and

110 (iii) Is targeted to the relevant electorate.

111 (B) "Electioneering communication" does not include:

112 (i) A news story, commentary or editorial disseminated
113 through the facilities of any broadcast, cable or satellite
114 television or radio station, newspaper, magazine or
115 other periodical publication not owned or controlled by
116 a political party, political committee or candidate:
117 *Provided*, That a news story disseminated through a
118 medium owned or controlled by a political party,
119 political committee or candidate is nevertheless exempt
120 if the news is:

121 (I) A bona fide news account communicated in a
122 publication of general circulation or through a licensed
123 broadcasting facility; and

124 (II) Is part of a general pattern of campaign-related
125 news that gives reasonably equal coverage to all
126 opposing candidates in the circulation, viewing or

127 listening area;

128 (ii) Activity by a candidate committee, party executive
129 committee or caucus committee, or a political action
130 committee that is required to be reported to the State
131 Election Commission or the Secretary of State as an
132 expenditure pursuant to section five of this article or
133 the rules of the State Election Commission or the
134 Secretary of State promulgated pursuant to such
135 provision: *Provided*, That independent expenditures by
136 a party executive committee or caucus committee or a
137 political action committee required to be reported
138 pursuant to subsection (b), section two of this article are
139 not exempt from the reporting requirements of this
140 section;

141 (iii) A candidate debate or forum conducted pursuant
142 to rules adopted by the State Election Commission or
143 the Secretary of State or a communication promoting
144 that debate or forum made by or on behalf of its
145 sponsor;

146 (iv) A communication paid for by any organization
147 operating under Section 501(c)(3) of the Internal
148 Revenue Code of 1986;

149 (v) A communication made while the Legislature is in
150 session which, incidental to promoting or opposing a
151 specific piece of legislation pending before the
152 Legislature, urges the audience to communicate with a
153 member or members of the Legislature concerning that
154 piece of legislation;

155 (vi) A statement or depiction by a membership
156 organization, in existence prior to the date on which the

157 individual named or depicted became a candidate, made
158 in a newsletter or other communication distributed only
159 to bona fide members of that organization;

160 (vii) A communication made solely for the purpose of
161 attracting public attention to a product or service
162 offered for sale by a candidate or by a business owned
163 or operated by a candidate which does not mention an
164 election, the office sought by the candidate or his or her
165 status as a candidate; or

166 (viii) A communication, such as a voter's guide, which
167 refers to all of the candidates for one or more offices,
168 which contains no appearance of endorsement for or
169 opposition to the nomination or election of any
170 candidate and which is intended as nonpartisan public
171 education focused on issues and voting history.

172 (12) "Financial agent" means any individual acting for
173 and by himself or herself, or any two or more
174 individuals acting together or cooperating in a financial
175 way to aid or take part in the nomination or election of
176 any candidate for public office, or to aid or promote the
177 success or defeat of any political party at any election.

178 (13) "Fund-raising event" means an event such as a
179 dinner, reception, testimonial, cocktail party, auction or
180 similar affair through which contributions are solicited
181 or received by such means as the purchase of a ticket,
182 payment of an attendance fee or by the purchase of
183 goods or services.

184 (14) "Independent expenditure" means an expenditure
185 made by a person other than a candidate or a
186 candidate's committee in support of or opposition to the

187 nomination or election of one or more clearly identified
188 candidates and without consultation or coordination
189 with or at the request or suggestion of the candidate
190 whose nomination or election the expenditure supports
191 or opposes or the candidate's agent. Supporting or
192 opposing the election of a clearly identified candidate
193 includes supporting or opposing the candidates of a
194 political party. An expenditure which does not meet the
195 criteria for an independent expenditure is considered a
196 contribution.

197 (15) "Mass mailing" means a mailing by United States
198 mail, facsimile or electronic mail of more than five
199 hundred pieces of mail matter of an identical or
200 substantially similar nature within any thirty-day
201 period.

202 (16) "Membership organization" means a group that
203 grants bona fide rights and privileges, such as the right
204 to vote, to elect officers or directors and the ability to
205 hold office, to its members and which uses a majority of
206 its membership dues for purposes other than political
207 purposes. "Membership organization" does not include
208 organizations that grant membership upon receiving a
209 contribution.

210 (17) "Name" means the full first name, middle name
211 or initial, if any, and full legal last name of an
212 individual and the full name of any association,
213 corporation, committee or other organization of
214 individuals, making the identity of any person who
215 makes a contribution apparent by unambiguous
216 reference.

217 (18) "Person" means an individual, partnership,

218 committee, association and any other organization or
219 group of individuals.

220 (19) "Political action committee" means a committee
221 organized by one or more persons for the purpose of
222 supporting or opposing the nomination or election of
223 one or more candidates. The following are types of
224 political action committees:

225 (A) A corporate political action committee, as that
226 term is defined by subdivision (7) of this section;

227 (B) A membership organization, as that term is
228 defined by subdivision (16) of this section;

229 (C) An unaffiliated political action committee, as that
230 term is defined by subdivision (27) of this section.

231 (20) "Political committee" means any candidate
232 committee, political action committee or political party
233 committee.

234 (21) "Political party" means a political party as that
235 term is defined by section eight, article one, chapter
236 three of this code or any committee established,
237 financed, maintained or controlled by the party,
238 including any subsidiary, branch or local unit thereof
239 and including national or regional affiliates of the
240 party.

241 (22) "Political party committee" means a committee
242 established by a political party or political party caucus
243 for the purposes of engaging in the influencing of the
244 election, nomination or defeat of a candidate in any
245 election.

246 (23) "Political purposes" means supporting or
247 opposing the nomination, election or defeat of one or
248 more candidates or the passage or defeat of a ballot
249 issue, supporting the retirement of the debt of a
250 candidate or political committee or the administration
251 or activities of an established political party or an
252 organization which has declared itself a political party
253 and determining the advisability of becoming a
254 candidate under the precandidacy financing provisions
255 of this chapter.

256 (24) "Targeted to the relevant electorate" means a
257 communication which refers to a clearly identified
258 candidate for statewide office or the Legislature and
259 which can be received by ten thousand or more
260 individuals in the state in the case of a candidacy for
261 statewide office and five hundred or more individuals in
262 the district in the case of a candidacy for the
263 Legislature.

264 (25) "Telephone bank" means telephone calls that are
265 targeted to the relevant electorate, other than telephone
266 calls made by volunteer workers, regardless of whether
267 paid professionals designed the telephone bank system,
268 developed calling instructions or trained volunteers.

269 (26) "Two-year election cycle" means the 24-month
270 period that begins the day after a general election and
271 ends on the day of the subsequent general election.

272 (27) "Unaffiliated political action committee" means
273 a political action committee that is not affiliated with a
274 corporation or a membership organization.

§3-8-2. Accounts for receipts and expenditures in elections;

requirements for reporting independent expenditures.

1 (a) Except for: (1) Candidates for party committeeman
2 and committeewoman; and (2) federal committees
3 required to file under the provisions of 2 U. S. C. §434,
4 all candidates for nomination or election and all persons
5 supporting, aiding or opposing the nomination, election
6 or defeat of any candidate shall keep for a period of six
7 months records of receipts and expenditures which are
8 made for political purposes. All of the receipts and
9 expenditures are subject to regulation by the provisions
10 of this article. Verified financial statements of the
11 records and expenditures shall be made and filed as
12 public records by all candidates and by their financial
13 agents, representatives or any person acting for and on
14 behalf of any candidate and by the treasurers of all
15 political party committees.

16 (b) In addition to any other reporting required by the
17 provisions of this chapter, any person making an
18 independent expenditure in the amount of one thousand
19 dollars or more for any statewide, legislative or
20 multicounty judicial candidate or in the amount of five
21 hundred dollars or more for any county office, single-
22 county judicial candidate, committee supporting or
23 opposing a candidate on the ballot in more than one
24 county, or any municipal candidate on a municipal
25 election ballot, on or after the fifteenth day but more
26 than twelve hours before the day of any election shall
27 report the expenditure, on a form prescribed by the
28 Secretary of State, within twenty-four hours after the
29 expenditure is made or debt is incurred for a
30 communication, to the Secretary of State by hand-
31 delivery, facsimile or other means to assure receipt by

32 the Secretary of State within the 24-hour period:
33 *Provided*, That a person making expenditures in the
34 amount of one thousand dollars or more for any
35 statewide or legislative candidate on or after the
36 fifteenth day but more than twelve hours before the day
37 of any election shall report such expenditures in
38 accordance with section two-b of this article and shall
39 not file an additional report as provided herein.

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

45 (d) Any person who has spent a total of five thousand
46 dollars or more for the direct costs of purchasing,
47 producing or disseminating electioneering
48 communications during any calendar year shall
49 maintain all financial records and receipts related to
50 such expenditure for a period of six months following
51 the filing of a disclosure pursuant to subsection (a) of
52 this section and, upon request, shall make such records
53 and receipts available to the Secretary of State or
54 county clerk for the purpose of an audit as provided in
55 section seven of this article.

56 (e) Any person who willfully fails to comply with this
57 section is guilty of a misdemeanor and, upon conviction
58 thereof, shall be fined not less than five hundred dollars,
59 or confined in jail for not more than one year, or both
60 fined and confined.

§3-8-2b. Disclosure of electioneering communications.

1 (a) Every person who has spent:

2 (1) A total of five thousand dollars or more for the
3 direct costs of purchasing, producing or disseminating
4 electioneering communications during any calendar
5 year; or

6 (2) A total of one thousand dollars or more on or after
7 the fifteenth day but more than twelve hours before the
8 day of any election for the direct costs of purchasing,
9 producing or disseminating electioneering
10 communications during any calendar year shall, within
11 twenty-four hours of each disclosure date, file with the
12 Secretary of State a statement which contains all of the
13 information listed in subsection (b) of this section.

14 (b)(1) The name of the person making the expenditure,
15 the name of any person sharing or exercising direction
16 or control over the activities of the person making the
17 expenditure and the name of the custodian of the books
18 and accounts of the person making the expenditure;

19 (2) If the person making the expenditure is not an
20 individual, the principal place of business of the
21 partnership, committee, association, organization or
22 group which made the expenditure;

23 (3) The amount of each expenditure of more than one
24 thousand dollars made for electioneering
25 communications during the period covered by the
26 statement and the name of the person to whom the
27 expenditure was made;

28 (4) The elections to which the electioneering
29 communications pertain, the names, if known, of the

30 candidates referred to or to be referred to therein,
31 whether the electioneering communication is intended
32 to support or oppose the identified candidates and the
33 amount of the total expenditure reported in subdivision
34 (3) of this subsection spent to support or oppose each of
35 the identified candidates; and

36 (5) The names and addresses of any contributors who
37 contributed a total of more than one thousand dollars
38 between the first day of the preceding calendar year and
39 the disclosure date and whose contributions were used
40 to pay for electioneering communications.

41 (c) With regard to the contributors required to be
42 listed pursuant to subdivision (5), subsection (b) of this
43 section, the statement shall also include:

44 (1) The month, day and year that the contributions of
45 any single contributor exceeded two hundred fifty
46 dollars;

47 (2) If the contributor is a political action committee,
48 the name and address the political action committee
49 registered with the State Election Commission;

50 (3) If the contributor is an individual, the name and
51 address of the individual, his or her occupation, the
52 name and address of the individual's current employer,
53 if any, or, if the individual is self-employed, the name
54 and address of the individual's business, if any;

55 (4) A description of the contribution, if other than
56 money;

57 (5) The value in dollars and cents of the contribution.

58 (d) (1) Any person who makes a contribution for the
59 purpose of funding the direct costs of purchasing,
60 producing or disseminating an electioneering
61 communication under this section shall, at the time the
62 contribution is made, provide his or her name and
63 address to the recipient of the contribution;

64 (2) Any individual who makes contributions totaling
65 two hundred fifty dollars or more between the first day
66 of the preceding calendar year and the disclosure date
67 for the purpose of funding the direct costs of
68 purchasing, producing or disseminating electioneering
69 communications shall, at the time the contribution is
70 made, provide the name of his or her occupation and of
71 his or her current employer, if any, or, if the individual
72 is self-employed, the name of his or her business, if any,
73 to the recipient of the contribution.

74 (e) In each electioneering communication, a statement
75 shall appear or be presented in a clear and conspicuous
76 manner that:

77 (1) Clearly indicates that the electioneering
78 communication is not authorized by the candidate or
79 the candidate's committee; and

80 (2) Clearly identifies the person making the
81 expenditure for the electioneering communication:
82 *Provided*, That if the electioneering communication
83 appears on or is disseminated by broadcast, cable or
84 satellite transmission, the statement required by this
85 subsection must be both spoken clearly and appear in
86 clearly readable writing at the end of the
87 communication.

88 (f) Within five business days after receiving a
89 disclosure of electioneering communications statement
90 pursuant to this section, the Secretary of State shall
91 make information in the statement available to the
92 public through the internet.

93 (g) For the purposes of this section, a person is
94 considered to have made an expenditure when the
95 person has entered into a contract to make the
96 expenditure at a future time.

97 (h) The Secretary of State is hereby directed to
98 propose legislative rules and emergency rules
99 implementing this section for legislative approval in
100 accordance with the provisions of article three, chapter
101 twenty-nine-a of this code.

102 (i) If any person, including, but not limited to, a
103 political organization (as defined in Section 527(e)(1) of
104 the Internal Revenue Code of 1986) makes, or contracts
105 to make, any expenditure for electioneering
106 communications which is coordinated with and made
107 with the cooperation, consent or prior knowledge of a
108 candidate, candidate's committee or agent of a
109 candidate, the expenditure shall be treated as a
110 contribution and expenditure by the candidate. If the
111 expenditure is coordinated with and made with the
112 cooperation or consent of a state or local political party
113 or committee, agent or official of that party, the
114 expenditure shall be treated as a contribution to and
115 expenditure by the candidate's party.

116 (j) This section does not apply to candidates for
117 federal office. This section is not intended to restrict or
118 to expand any limitations on, obligations of or

119 prohibitions against any candidate, committee, agent,
120 contributor or contribution contained in any other
121 provision of this chapter.

§3-8-3. Committee treasurers; required to receive and disburse funds.

1 Every political committee shall appoint and retain a
2 treasurer to receive, keep and disburse all sums of
3 money which may be collected or received by such
4 committee, or by any of its members, for election
5 expenses, and, unless such treasurer is first appointed
6 and thereafter retained, it shall be unlawful for any
7 such committee or any of its members to collect, receive
8 or disburse money for any such purposes. All moneys
9 collected or received by any such committee, or by any
10 of its members, for election expenses shall be paid over
11 to, and pass through the hands of, the treasurer, and
12 shall be disbursed by him, and it shall be unlawful for
13 any such committee, or any of its members, to disburse
14 any money for election expenses unless such money
15 shall be paid to, and disbursed by, the treasurer. The
16 same person may be designated to act as treasurer for
17 two or more political party committees.

§3-8-4. Treasurers and financial agents; written designation requirements.

1 (a) No person may act as the treasurer of any political
2 action committee or political party committee
3 supporting, aiding or opposing the nomination, election
4 or defeat of any candidate for an office encompassing an
5 election district larger than a county unless a written
6 statement of organization, on a form to be prescribed by
7 the Secretary of State, is filed with the Secretary of

8 State at least twenty-eight days before the election at
9 which that person is to act as a treasurer and is received
10 by the Secretary of State before midnight, eastern
11 standard time, of that day or, if mailed, is postmarked
12 before that hour. The form shall include the name of
13 the political committee; the name of the treasurer; the
14 mailing address, telephone number and e-mail address,
15 if applicable, of the committee and of the treasurer if
16 different from the committee information; the chairman
17 of the committee; the affiliate organization, if any; type
18 of committee affiliation, as defined in subdivision (19),
19 section one-a of this article, if any; and whether the
20 committee will participate in statewide, county or
21 municipal elections. The form shall be certified as
22 accurate and true and signed by the chairman and the
23 treasurer of the committee: *Provided*, That a change of
24 treasurer or financial agent may be made at any time by
25 filing a written statement with the Secretary of State.

26 (b) No person may act as the treasurer for any
27 candidate for nomination or election to any statewide
28 office, or to any office encompassing an election district
29 larger than a county or to any legislative office unless a
30 written statement designating that person as the
31 treasurer or financial agent is filed with the Secretary
32 of State at least twenty-eight days before the election at
33 which that person is to act as a treasurer and is received
34 by the Secretary of State before midnight, eastern
35 standard time, of that day or if mailed, is postmarked
36 before that hour: *Provided*, That a change of treasurer
37 or financial agent may be made at any time by filing a
38 written statement with the Secretary of State.

39 (c) No person may act as treasurer of any committee or
40 as financial agent for any candidate to be nominated or

41 elected by the voters of a county or a district therein,
42 except legislative candidates, or as the financial agent
43 for a candidate for the nomination or election to any
44 other office, unless a written statement designating him
45 or her as the treasurer or financial agent is filed with
46 the clerk of the county commission at least twenty-eight
47 days before the election at which he or she is to act and
48 is received before midnight, eastern standard time, of
49 that day or if mailed, is postmarked before that hour:
50 *Provided*, That a change of treasurer may be made at
51 any time by filing a written statement with the clerk of
52 the county commission.

53 (d) Notwithstanding the provisions of subsections (a),
54 (b) and (c) of this section, a filing designating a treasurer
55 for a state or county political executive committee may
56 be made anytime before the committee either accepts or
57 spends funds. Once a designation is made by a state or
58 county political executive committee, no additional
59 designations are required under this section until a
60 successor treasurer is designated. A state or county
61 political executive committee may terminate a
62 designation made pursuant to this section by making a
63 written request to terminate the designation and by
64 stating in the request that the committee has no funds
65 remaining in the committee's account. This written
66 request shall be filed with either the Secretary of State
67 or the clerk of the county commission as provided by
68 subsections (a), (b) and (c) of this section.

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

1 (a) Every candidate, treasurer, person and association
2 of persons, organization of any kind, including every

3 corporation, directly or indirectly, supporting a political
4 committee established pursuant to paragraph (C),
5 subdivision (1), subsection (b), section eight of this
6 article or engaging in other activities permitted by this
7 section and also including the treasurer or equivalent
8 officer of the association or organization, advocating or
9 opposing the nomination, election or defeat of any
10 candidate and the treasurer of every political committee
11 shall keep detailed accounts of every sum of money or
12 other thing of value received by him or her, including all
13 loans of money or things of value and of all
14 expenditures and disbursements made, liabilities
15 incurred, by the candidate, financial agent, person,
16 association or organization or committee, for political
17 purposes, or by any of the officers or members of the
18 committee, or any person acting under its authority or
19 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 sworn statement:

24 (1) Of all financial transactions, whenever the total
25 exceeds five hundred dollars, which have taken place
26 before the last Saturday in March, to be filed within six
27 days thereafter and annually whenever the total of all
28 financial transactions relating to an election exceeds
29 five hundred dollars;

30 (2) Of all financial transactions which have taken
31 place before the fifteenth day preceding each primary or
32 other election and subsequent to the previous statement,
33 if any, to be filed within four business days after the
34 fifteenth day;

35 (3) Of all financial transactions which have taken
36 place before the thirteenth day after each primary or
37 other election and subsequent to the previous statement,
38 if any, to be filed within four business days after the
39 thirteenth day; and

40 (4) Of all financial transactions, whenever the total
41 exceeds five hundred dollars or whenever any loans are
42 outstanding, which have taken place before the forty-
43 third day preceding the general election day, to be filed
44 within four business days after the forty-third day.

45 (c) Every person who announces as a write-in
46 candidate for any elective office and his or her financial
47 agent or election organization of any kind shall comply
48 with all of the requirements of this section after public
49 announcement of the person's candidacy has been made.

50 (d) For purposes of this section, the term "financial
51 transactions" includes all contributions or loans
52 received and all repayments of loans or expenditures
53 made to promote the candidacy of any person by any
54 candidate or any organization advocating or opposing
55 the nomination, election or defeat of any candidate to be
56 voted on.

57 (e) Candidates for the office of conservation district
58 supervisor elected pursuant to the provisions of article
59 twenty-one-a, chapter nineteen of this code are required
60 to file only the reports required by subdivisions (2) and
61 (3), subsection (b) of this section immediately prior to
62 and after the primary election: *Provided*, That during
63 the election in the year two thousand eight, the
64 statements required by this subsection shall be filed
65 immediately prior to and after the general election.

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

1 (a) Each financial statement required by the
2 provisions of this article, other than a disclosure of
3 electioneering communications pursuant to section two-
4 b of this article, shall contain only the following
5 information:

6 (1) The name, residence and mailing address and
7 telephone number of each candidate, financial agent,
8 treasurer or person and the name, address and
9 telephone number of each association, organization or
10 committee filing a financial statement.

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

14 (3) The name of any person making a contribution and
15 the amount of the contribution. If the total
16 contributions of any one person in any one election
17 cycle amount to more than two hundred fifty dollars,
18 the residence and mailing address of the contributor
19 and, if the contributor is an individual, his or her major
20 business affiliation and occupation shall also be
21 reported. A contribution totaling more than fifty
22 dollars of currency of the United States or currency of
23 any foreign country by any one contributor is prohibited
24 and a violation of section five-d of this article. The
25 statement on which contributions are required to be
26 reported by this subdivision may not distinguish
27 between contributions made by individuals and
28 contributions made by partnerships, firms, associations,
29 committees, organizations or groups.

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

32 (5) The name, residence and mailing address of any
33 individual or the name and mailing address of each
34 lending institution making a loan or of the spouse
35 cosigning a loan, as appropriate, the amount of any loan
36 received, the date and terms of the loan, including the
37 interest and repayment schedule, and a copy of the loan
38 agreement.

39 (6) The name, residence and mailing address of any
40 individual or the name and mailing address of each
41 partnership, firm, association, committee, organization
42 or group having previously made or cosigned a loan for
43 which payment is made or a balance is outstanding at
44 the end of the period, together with the amount of
45 repayment on the loan made during the period and the
46 balance at the end of the period.

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

49 (8) The name, residence and mailing address of any
50 person to whom each expenditure was made or liability
51 incurred, including expenditures made on behalf of a
52 candidate or political committee that otherwise are not
53 made directly by the candidate or political committee,
54 together with the amount and purpose of each
55 expenditure or liability incurred and the date of each
56 transaction.

57 (9) The total expenditure for the nomination, election
58 or defeat of a candidate or any person supporting,
59 aiding or opposing the nomination, election or defeat of

60 any candidate in whose behalf an expenditure was made
61 or a contribution was given for the primary or other
62 election.

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

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

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

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

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

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

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

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

83 (d) When any lump sum payment is made to any
84 advertising agency or other disbursing person who does
85 not file a report of detailed accounts and verified

86 financial statements as required in this section, such
87 lump sum expenditures shall be accounted for in the
88 same manner as provided for herein.

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

94 (f) No person may make any contribution except from
95 his, her or its own funds, unless such person discloses in
96 writing to the person required to report under this
97 section the name, residence, mailing address, major
98 business affiliation and occupation of the person which
99 furnished the funds to the contributor. All such
100 disclosures shall be included in the statement required
101 by this section.

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

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

112 (i) No person may accept any contribution for the
113 purpose of influencing the nomination, election or
114 defeat of a candidate or for the passage or defeat of any
115 ballot issue unless the identity of the donor and the

116 amount of the contribution is known and reported.

117 (j) When any person receives an anonymous
118 contribution which cannot be returned because the
119 donor cannot be identified, that contribution shall be
120 donated to the General Revenue Fund of the state. Any
121 anonymous contribution shall be recorded as such on
122 the candidate's financial statement, but may not be
123 expended for election expenses. At the time of filing,
124 the financial statement shall include a statement of
125 distribution of anonymous contributions, which total
126 amount shall equal the total of all anonymous
127 contributions received during the period.

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

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

139 (2) If the total payroll deduction for political purposes
140 of each participating member equals twenty-five dollars
141 or less over the course of a calendar or fiscal year, as
142 specified by the organization, the organization shall
143 report the total amount received for political purposes
144 through payroll deductions during the reporting period
145 and, to the maximum extent possible, the amount of
146 each yearly payroll deduction contribution level and the

147 number of members contributing at each such specified
148 level. The membership organization shall maintain
149 records of the name and yearly payroll deduction
150 amounts of each participating member.

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

159 (l) Notwithstanding the provisions of section five of
160 this article or of the provisions of this section to the
161 contrary, an alternative reporting procedure may be
162 followed by a political party committee in filing
163 financial reports for fund-raising events if the total
164 profit does not exceed five thousand dollars per year. A
165 political party committee may report gross receipts for
166 the sale of food, beverages, services, novelty items, raffle
167 tickets or memorabilia, except that any receipt of more
168 than fifty dollars from an individual or organization
169 shall be reported as a contribution. A political party
170 committee using this alternative method of reporting
171 shall report:

172 (i) The name of the committee;

173 (ii) The type of fund-raising activity undertaken;

174 (iii) The location where the activity occurred;

175 (iv) The date of the fundraiser;

176 (v) The name of any individual who contributed more
177 than fifty dollars worth of items to be sold;

178 (vi) The name and amount received from any person or
179 organization purchasing more than fifty dollars worth
180 of food, beverages, services, novelty items, raffle tickets
181 or memorabilia;

182 (vii) The gross receipts of the fundraiser; and

183 (viii) The date, amount, purpose and name and address
184 of each person or organization from whom items with a
185 fair market value of more than fifty dollars were
186 purchased for resale.

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

1 (a) The financial statements provided for in this article
2 shall be filed, by or on behalf of candidates, with:

3 (1) The Secretary of State for legislative offices and
4 for statewide and other offices to be nominated or
5 elected by the voters of a political division greater than
6 a county;

7 (2) The clerk of the county commission by candidates
8 for offices to be nominated or elected by the voters of a
9 single county or a political division within a single
10 county; or

11 (3) The proper municipal officer by candidates for
12 office to be nominated or elected to municipal office.

13 (b) The statements may be filed by mail, in person, or

14 by facsimile or other electronic means of transmission:
15 *Provided*, That the financial statements filed by or on
16 behalf of candidates for Governor, Secretary of State,
17 Attorney General, Auditor, Treasurer, Commissioner of
18 Agriculture and Supreme Court of Appeals shall be filed
19 electronically by the means of an internet program to be
20 established by the Secretary of State.

21 (c) Committees required to report electronically may
22 apply to the State Election Commission for an
23 exemption from mandatory electronic filing in the case
24 of hardship. An exemption may be granted at the
25 discretion of the State Election Commission.

26 (d) For purposes of this article, the filing date of a
27 financial statement shall, in the case of mailing, be the
28 date of the postmark of the United States Postal
29 Service, and in the case of hand delivery or delivery by
30 facsimile or other electronic means of transmission, the
31 date delivered to the office of the Secretary of State or
32 to the office of the clerk of the county commission, in
33 accordance with the provisions of subsection (a) of this
34 section, during regular business hours of such office.

35 (e) The sworn financial statements required to be filed
36 by this section with the Secretary of State shall be
37 posted on the internet by the Secretary of State within
38 ten business days from the date the financial statement
39 was filed.

§3-8-5e. Precandidacy financing and expenditures.

1 (a) Notwithstanding any other provisions of this code,
2 it is lawful for a person, otherwise qualified to be a
3 candidate for any public office or position to be

4 determined by public election, to receive contributions
5 or make expenditures, or both, personally or by another
6 individual acting as a treasurer, to determine the
7 advisability of becoming such a candidate or preparing
8 to be such a candidate: *Provided*, That such
9 contributions may be received and such expenditures
10 made only during the four years immediately preceding
11 the term for which such person may be a candidate or
12 during the term of office immediately preceding the
13 term for which such person may be a candidate,
14 whichever is less: *Provided, however*, That no person is
15 disqualified from receiving contributions or making
16 expenditures as permitted under the provisions of this
17 section solely because such person then holds a public
18 office or position.

19 (b) Any person undertaking to determine the
20 advisability of becoming or preparing to be a candidate,
21 who desires to receive contributions before filing a
22 certificate of candidacy, shall name himself or another
23 individual to act as a treasurer and shall file a
24 designation of treasurer in the manner provided in
25 section four of this chapter before receiving any
26 contributions permitted by this section. Any
27 expenditures made before the filing of a designation of
28 treasurer shall be reported in accordance with the
29 provisions of this section, regardless of the source of
30 funds used for such expenditures.

31 (c) A person who receives a contribution who is acting
32 for and by himself or as treasurer or agent for another
33 pursuant to the provisions of this section shall keep
34 detailed accounts of every sum of money or other thing
35 of value received by him, and of all expenditures and
36 disbursements made, and liabilities incurred, in the

37 same manner as such accounts are required by section
38 five of this article, for the period prior to the date of
39 filing for candidacy for the office he is considering
40 seeking. Any person who has received contributions or
41 made expenditures subject to the provisions of this
42 section shall file annually on the last Saturday in March
43 or within six days thereafter preceding the election at
44 which the names of candidates would appear on the
45 ballot for the public office or position which the person
46 originally considered seeking, a detailed itemized
47 statement setting forth all contributions received and
48 expenditures made pursuant to the provisions of this
49 section concerning the candidacy of that person. If the
50 person on whose behalf such contributions are received
51 or expenditures are made becomes a candidate for any
52 office or position to be decided at such election then the
53 itemized statement shall be included within the first
54 statement required to be filed by the provisions of
55 section five of this article. If such person does not
56 become a candidate for any office or position to be
57 decided at such election, then the detailed itemized
58 statements required by this subsection shall be the only
59 statements required to be filed by such person.
60 Regardless of whether such person becomes a candidate
61 as originally intended, or becomes a candidate for some
62 office other than the office or position originally
63 intended, or does not become a candidate, all limits on
64 campaign contributions and campaign expenditures
65 applicable to the candidacy of or advocacy of the
66 candidacy of such person for the office he actually
67 seeks, shall be applicable to and inclusive of the receipts
68 had and expenditures made during such precandidacy
69 period as well as after the person becomes a candidate.

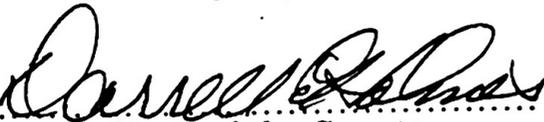
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

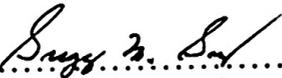

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Chairman Senate Committee

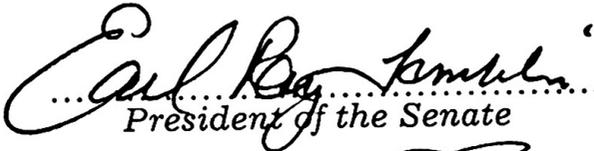

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Chairman House Committee

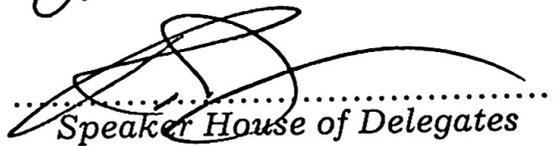
Originated in the Senate.

In effect ninety days from passage.


.....
Clerk of the Senate


.....
Clerk of the House of Delegates


.....
President of the Senate


.....
Speaker House of Delegates

The within *is approved* this
the *4th* Day of *April*, 2007.


.....
Governor

PRESENTED TO THE
GOVERNOR

APR 02 2007

Time 3:30 pm