WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2007

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 713

(SENSATOR 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
system or satellite system.

(3) "Candidate" means an individual who:

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

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

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

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

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

(5) "Clearly identified" means that the name, nickname, photograph, drawing or other depiction of the candidate appears or the identity of the candidate is otherwise apparent through an unambiguous reference, 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
radio and television stations, the cost of disseminating
printed materials, establishing a telephone bank, studio
time, use of facilities and the charges for a broker to
purchase airtime.

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

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

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

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

(11) (A) "Electioneering communication" means any
paid communication made by broadcast, cable or
satellite signal, mass mailing, telephone bank, leaflet,
pamphlet, flyer or outdoor advertising or published in
any newspaper, magazine or other periodical that:
(i) Refers to a clearly identified candidate for Governor, Secretary of State, Attorney General, Treasurer, Auditor, Commissioner of Agriculture, Supreme Court of Appeals or the Legislature;

(ii) Is publicly disseminated within:

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

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

(iii) Is targeted to the relevant electorate.

(B) "Electioneering communication" does not include:

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

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

(II) Is part of a general pattern of campaign-related news that gives reasonably equal coverage to all opposing candidates in the circulation, viewing or
(ii) Activity by a candidate committee, party executive committee or caucus committee, or a political action committee that is required to be reported to the State Election Commission or the Secretary of State as an expenditure pursuant to section five of this article or the rules of the State Election Commission or the Secretary of State promulgated pursuant to such provision: Provided, That independent expenditures by a party executive committee or caucus committee or a political action committee required to be reported pursuant to subsection (b), section two of this article are not exempt from the reporting requirements of this section;

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

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

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

(vi) A statement or depiction by a membership organization, in existence prior to the date on which the
individual named or depicted became a candidate, made
in a newsletter or other communication distributed only
to bona fide members of that organization;

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

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

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

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

(14) "Independent expenditure" means an expenditure
made by a person other than a candidate or a
candidate's committee in support of or opposition to the
9 [Enr. Com. Sub. for S. B. No. 713]

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

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

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

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

(18) "Person" means an individual, partnership,
committee, association and any other organization or group of individuals.

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

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

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

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

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

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

(22) "Political party committee" means a committee established by a political party or political party caucus for the purposes of engaging in the influencing of the election, nomination or defeat of a candidate in any election.
(23) "Political purposes" means supporting or opposing the nomination, election or defeat of one or more candidates or the passage or defeat of a ballot issue, supporting the retirement of the debt of a candidate or political committee or the administration or activities of an established political party or an organization which has declared itself a political party and determining the advisability of becoming a candidate under the precandidacy financing provisions of this chapter.

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

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

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

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

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

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

(b) In addition to any other reporting required by the provisions of this chapter, any person making an independent expenditure in the amount of one thousand dollars or more for any statewide, legislative or multicounty judicial candidate or in the amount of five hundred dollars or more for any county office, single-county judicial candidate, committee supporting or opposing a candidate on the ballot in more than one county, or any municipal candidate on a municipal election ballot, on or after the fifteenth day but more than twelve hours before the day of any election shall report the expenditure, on a form prescribed by the Secretary of State, within twenty-four hours after the expenditure is made or debt is incurred for a communication, to the Secretary of State by hand-delivery, facsimile or other means to assure receipt by
the Secretary of State within the 24-hour period:
Provided, That a person making expenditures in the
amount of one thousand dollars or more for any
statewide or legislative candidate on or after the
fifteenth day but more than twelve hours before the day
of any election shall report such expenditures in
accordance with section two-b of this article and shall
not file an additional report as provided herein.

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

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

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

§3-8-2b. Disclosure of electioneering communications.
(a) Every person who has spent:

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

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

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

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

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

(4) The elections to which the electioneering
communications pertain, the names, if known, of the
candidates referred to or to be referred to therein, whether the electioneering communication is intended to support or oppose the identified candidates and the amount of the total expenditure reported in subdivision (3) of this subsection spent to support or oppose each of the identified candidates; and

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

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

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

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

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

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

(5) The value in dollars and cents of the contribution.
(d) (1) Any person who makes a contribution for the purpose of funding the direct costs of purchasing, producing or disseminating an electioneering communication under this section shall, at the time the contribution is made, provide his or her name and address to the recipient of the contribution;

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

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

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

(2) Clearly identifies the person making the expenditure for the electioneering communication: Provided, That if the electioneering communication appears on or is disseminated by broadcast, cable or satellite transmission, the statement required by this subsection must be both spoken clearly and appear in clearly readable writing at the end of the communication.
(f) Within five business days after receiving a disclosure of electioneering communications statement pursuant to this section, the Secretary of State shall make information in the statement available to the public through the internet.

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

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

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

(j) This section does not apply to candidates for federal office. This section is not intended to restrict or to expand any limitations on, obligations of or
prohibitions against any candidate, committee, agent, contributor or contribution contained in any other provision of this chapter.

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

Every political committee shall appoint and retain a treasurer to receive, keep and disburse all sums of money which may be collected or received by such committee, or by any of its members, for election expenses, and, unless such treasurer is first appointed and thereafter retained, it shall be unlawful for any such committee or any of its members to collect, receive or disburse money for any such purposes. All moneys collected or received by any such committee, or by any of its members, for election expenses shall be paid over to, and pass through the hands of, the treasurer, and shall be disbursed by him, and it shall be unlawful for any such committee, or any of its members, to disburse any money for election expenses unless such money shall be paid to, and disbursed by, the treasurer. The same person may be designated to act as treasurer for two or more political party committees.

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

(a) No person may act as the treasurer of any political action committee or political party committee supporting, aiding or opposing the nomination, election or defeat of any candidate for an office encompassing an election district larger than a county unless a written statement of organization, on a form to be prescribed by the Secretary of State, is filed with the Secretary of State.
State at least twenty-eight days before the election at which that person is to act as a treasurer and is received by the Secretary of State before midnight, eastern standard time, of that day or, if mailed, is postmarked before that hour. The form shall include the name of the political committee; the name of the treasurer; the mailing address, telephone number and e-mail address, if applicable, of the committee and of the treasurer if different from the committee information; the chairman of the committee; the affiliate organization, if any; type of committee affiliation, as defined in subdivision (19), section one-a of this article, if any; and whether the committee will participate in statewide, county or municipal elections. The form shall be certified as accurate and true and signed by the chairman and the treasurer of the committee: Provided, That a change of treasurer or financial agent may be made at any time by filing a written statement with the Secretary of State.

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

(c) No person may act as treasurer of any committee or as financial agent for any candidate to be nominated or
enr. com. sub. for s. b. no. 713] 20

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
corporation, directly or indirectly, supporting a political
committee established pursuant to paragraph (C), subdivision (1), subsection (b), section eight of this
article or engaging in other activities permitted by this
section and also including the treasurer or equivalent
officer of the association or organization, advocating or
opposing the nomination, election or defeat of any
candidate and the treasurer of every political committee
shall keep detailed accounts of every sum of money or
other thing of value received by him or her, including all
loans of money or things of value and of all
expenditures and disbursements made, liabilities
incurred, by the candidate, financial agent, person,
association or organization or committee, for political
purposes, or by any of the officers or members of the
committee, or any person acting under its authority or
on its behalf.

(b) Every person or association of persons required to
keep detailed accounts under this section shall file with
the officers hereinafter prescribed a detailed itemized
sworn statement:

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

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

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

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

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

(e) Candidates for the office of conservation district supervisor elected pursuant to the provisions of article twenty-one-a, chapter nineteen of this code are required to file only the reports required by subdivisions (2) and (3), subsection (b) of this section immediately prior to and after the primary election: Provided, That during the election in the year two thousand eight, the statements required by this subsection shall be filed immediately prior to and after the general election.
§3-8-5a. Information required in financial statement.

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

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

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

4 (3) The name of any person making a contribution and the amount of the contribution. If the total contributions of any one person in any one election cycle amount to more than two hundred fifty dollars, the residence and mailing address of the contributor and, if the contributor is an individual, his or her major business affiliation and occupation shall also be reported. A contribution totaling more than fifty dollars of currency of the United States or currency of any foreign country by any one contributor is prohibited and a violation of section five-d of this article. The statement on which contributions are required to be reported by this subdivision may not distinguish between contributions made by individuals and contributions made by partnerships, firms, associations, committees, organizations or groups.
(4) The total amount of contributions received during the period covered by the financial statement.

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

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

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

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

(9) The total expenditure for the nomination, election or defeat of a candidate or any person supporting, aiding or opposing the nomination, election or defeat of
any candidate in whose behalf an expenditure was made or a contribution was given for the primary or other election.

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

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

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

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

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

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

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

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

(d) When any lump sum payment is made to any advertising agency or other disbursing person who does not file a report of detailed accounts and verified
Enr. Com. Sub. for S. B. No. 713] 26

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
amount of the contribution is known and reported.

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

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

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

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

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

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

(i) The name of the committee;

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

(iii) The location where the activity occurred;

(iv) The date of the fundraiser;
(v) The name of any individual who contributed more than fifty dollars worth of items to be sold;

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

(vii) The gross receipts of the fundraiser; and

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

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

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

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

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

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

(b) The statements may be filed by mail, in person, or
Enr. Com. Sub. for S. B. No. 713] 30

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

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

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

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

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

(a) Notwithstanding any other provisions of this code, it is lawful for a person, otherwise qualified to be a candidate for any public office or position to be
determined by public election, to receive contributions
or make expenditures, or both, personally or by another
individual acting as a treasurer, to determine the
advisability of becoming such a candidate or preparing
to be such a candidate: Provided, That such
contributions may be received and such expenditures
made only during the four years immediately preceding
the term for which such person may be a candidate or
during the term of office immediately preceding the
term for which such person may be a candidate,
whichever is less: Provided, however, That no person is
disqualified from receiving contributions or making
expenditures as permitted under the provisions of this
section solely because such person then holds a public
office or position.

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

(c) A person who receives a contribution who is acting
for and by himself or as treasurer or agent for another
pursuant to the provisions of this section shall keep
detailed accounts of every sum of money or other thing
of value received by him, and of all expenditures and
disbursements made, and liabilities incurred, in the
same manner as such accounts are required by section
five of this article, for the period prior to the date of
filing for candidacy for the office he is considering
seeking. Any person who has received contributions or
made expenditures subject to the provisions of this
section shall file annually on the last Saturday in March
or within six days thereafter preceding the election at
which the names of candidates would appear on the
ballot for the public office or position which the person
originally considered seeking, a detailed itemized
statement setting forth all contributions received and
expenditures made pursuant to the provisions of this
section concerning the candidacy of that person. If the
person on whose behalf such contributions are received
or expenditures are made becomes a candidate for any
office or position to be decided at such election then the
itemized statement shall be included within the first
statement required to be filed by the provisions of
section five of this article. If such person does not
become a candidate for any office or position to be
decided at such election, then the detailed itemized
statements required by this subsection shall be the only
statements required to be filed by such person.
Regardless of whether such person becomes a candidate
as originally intended, or becomes a candidate for some
office other than the office or position originally
intended, or does not become a candidate, all limits on
campaign contributions and campaign expenditures
applicable to the candidacy of or advocacy of the
candidacy of such person for the office he actually
seeks, shall be applicable to and inclusive of the receipts
had and expenditures made during such precandidacy
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.

Chairman Senate Committee

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