

2007 MAR 28 PM 2: 39

OFFICE WEST GRAGINIA SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE SEVENTY-EIGHTH LEGISLATURE

REGULAR SESSION, 2007

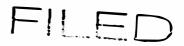
ENROLLED

Senate Bill No. 754

(By Senators Kessler, Oliverio, Foster, Green, Hunter, Minard, Wells, White, Barnes, Deem, Hall and McKenzie)

[Passed March 7, 2007; in effect ninety days from passage.]

SP3 754 S



2007 MAR 28 PM 2: 39

OFFICE WEST MEGINIA SECRETARY OF STATE

ENROLLED

Senate Bill No. 754

(BY SENATORS KESSLER, OLIVERIO, FOSTER, GREEN, HUNTER, MINARD, WELLS, WHITE, BARNES, DEEM, HALL AND MCKENZIE)

[Passed March 7, 2007; in effect ninety days from passage.]

AN ACT to amend and reenact §3-8-9 of the Code of West Virginia, 1931, as amended, relating to campaign expenditures; clarifying language on contributions from political committees to certain other political committees; clarifying language regarding expenditures and contributions; prohibiting candidate committees from contributing to another candidate committee except in certain circumstances; and prohibiting political action committees from contributing to other political action committees except in certain circumstances. Be it enacted by the Legislature of West Virginia:

That §3-8-9 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

2

ARTICLE 8. REGULATION AND CONTROL OF ELECTIONS.

§3-8-9. Lawful and unlawful election expenses; public opinion polls and limiting their purposes; limitation upon expenses; use of advertising agencies and reporting requirements; delegation of expenditures.

1 (a) No financial agent or treasurer of a political 2 committee shall pay, give or lend, either directly or 3 indirectly, any money or other thing of value for any

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

10 (2) In the case of a candidate who does not maintain a 11 headquarters, for reasonable office expenses, including, 12 but not limited to, filing cabinets and other office equipment and furnishings, computers, computer 13 14 hardware and software, scanners, typewriters, 15 calculators, audio visual equipment, the rental of the 16 use of the same, or for the payment for the shared use of 17 same with the candidate's business and for the payment 18 of necessary clerks, stenographers and typists actually 19 employed;

20 (3) For printing and distributing books, pamphlets,21 circulars and other printed matter and radio and

television broadcasting and painting, printing and
posting signs, banners and other advertisements,
including contributions to charitable, educational or
cultural events, for the promotion of the candidate, the
candidate's name or an issue on the ballot;

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

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

35 (6) For preparing, circulating and filing petitions for36 nomination of candidates;

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

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

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

47 (10) For conducting public opinion poll or polls. For
48 the purpose of this section, the phrase "conducting of
49 public opinion poll or polls" shall mean and be limited

Enr. S. B. No. 754]

to the gathering, collection, collation and evaluation of 50 51 information reflecting public opinion, needs and 52 preferences as to any candidate, group of candidates, party, issue or issues. No such poll shall be deceptively 53 54 designed or intentionally conducted in a manner calculated to advocate the election or defeat of any 55 candidate or group of candidates or calculated to 56 57 influence any person or persons so polled to vote for or against any candidate, group of candidates, proposition 58 59 or other matter to be voted on by the public at any 60 election: Provided, That nothing herein shall prevent the use of the results of any such poll or polls to further, 61 promote or enhance the election of any candidate or 62 63 group of candidates or the approval or defeat of any proposition or other matter to be voted on by the public 64 65 at any election;

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

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

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

78 (14) For the payment of dues or subscriptions to any79 national, state or local committee of any political party;

80 (15) For contributions to a county party executive
81 committee, state party executive committee or a state
82 party legislative caucus political committee; and

83 (16) For contributions to a candidate committee:
84 *Provided*, That a candidate committee may not
85 contribute to another candidate committee except as
86 otherwise provided by section ten of this article.

(b) A political action committee may not contribute to
another political action committee or receive
contributions from another political action committee: *Provided*, That a political action committee may receive
contributions from its national affiliate, if any.

92 (c) Every liability incurred and payment made shall be93 for the fair market value of the services rendered.

94 (d) Every advertising agency subject to the provisions 95 of this article shall file, in the manner and form 96 required by section five-a of this article, the financial 97 statements required by section five of this article at the times required therein and include therein, in itemized 98 99 detail, all receipts from and expenditures made on behalf of a candidate, financial agent or treasurer of a 100 101 political party committee.

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

5

Enr. S. B. No. 754]

6

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

3. 6 Clerk of the House of Delegates

Tomble President of the Senate

Speaker House of Delegates

bALA The within this the Day of .. 2007. Governor

PRESENTED TO THE GOVERNOR

MAR 2 0 2007

Time 3:30