

WEST VIRGINIA LEGISLATURE

EIGHTIETH LEGISLATURE

REGULAR SESSION, 2012



ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 628

**(SENATORS UNGER, SNYDER, HALL, BROWNING,
KESSLER (MR. PRESIDENT) AND KLEMPA, ORIGINAL SPONSORS)**

[PASSED MARCH 10, 2012; IN EFFECT NINETY DAYS FROM PASSAGE.]

SB 628

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2012 APR -2 PM 4:55

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(SENATORS UNGER, SNYDER, HALL, BROWNING,
KESSLER (MR. PRESIDENT) AND KLEMPA, *original sponsors*)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-8-2c, relating to funding for state executive party headquarters; defining terms; allowing funds to be raised; providing for allowable uses of the funds and prohibitions; setting certain fundraising limits; requiring reports; and requiring legislative rules.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §3-8-2c, to read as follows:

ARTICLE 8. REGULATION AND CONTROL OF ELECTIONS.

§3-8-2c. Party headquarters committee; detailed accounts and verified financial statements; funding for headquarters; limitations; reporting requirements.

- 1 (a) Notwithstanding the definitions contained in section
- 2 one-a of this article, for purposes of this section:

3 (1) "Contribution" means a gift, subscription, loan,
4 assessment, payment for services, dues, advance, donation,
5 pledge, contract, agreement, forbearance or promise of
6 money or other tangible thing of value, whether conditional
7 or legally enforceable, or a transfer of money or other
8 tangible thing of value to a person, made for the purpose of
9 purpose of funding the rental, purchase, construction or
10 financing of the lease, purchase or construction of a party
11 headquarters, and for the utilities, maintenance, furniture,
12 fixtures and equipment for the party headquarters. An offer
13 or tender of a contribution is not a contribution if expressly
14 and unconditionally rejected or returned. A contribution
15 does not include volunteer personal services provided
16 without compensation: *Provided*, That a nonmonetary
17 contribution is to be considered at fair market value for
18 reporting requirements and contribution limitations.

19 (2) "Party headquarters" means a physical structure or
20 structures that is the physical location of the office of a state
21 executive committee of a political party.

22 (3) "Party headquarters committee" includes any person,
23 organization or group of persons soliciting or receiving
24 contributions for the purpose of funding the lease, purchase,
25 construction or financing of the lease, purchase or construc-
26 tion of a party headquarters, including utilities, mainte-
27 nance, furniture, fixtures and equipment for the party
28 headquarters.

29 (b) A political party may establish a party headquarters
30 committee to solicit and receive contributions for the
31 exclusive purpose of the purchase, construction or lease of an
32 office building or financing of the lease, purchase or con-
33 struction of a party headquarters, including utilities, mainte-
34 nance, furniture, fixtures and equipment, to be used as a
35 state political party's headquarters.

36 (c) Contributions received pursuant to this section may
37 not be expended for:

38 (1) the purchase, construction or lease of satellite offices
39 or other facilities;

40 (2) utilities, maintenance, furniture, fixtures, equipment
41 or signage for satellite offices or other facilities; or

42 (3) political purposes.

43 (d) A party headquarters committee may not accept
44 contributions in excess \$10,000, in the aggregate, from any
45 person for the purposes of this section.

46 (e) A party headquarters committee may not receive
47 contributions or make expenditures for the purpose of
48 funding the rental, purchase, construction or financing of a
49 state executive committee headquarters in excess of \$1
50 million.

51 (f) (1) A party headquarters committee, financial agent or
52 any person or officer acting on behalf of the committee that
53 is subject to the provisions of this section, shall file a verified
54 financial statement with the Secretary of State, on a form
55 prescribed by the secretary, within ninety days of any
56 contribution or expenditure in excess of \$250.

57 (2) Each financial statement shall contain, but is not
58 limited to, the following information:

59 (A) The name, residence and mailing address and
60 telephone number of the party headquarters committee,
61 financial agent or any person or officer acting on behalf of
62 the committee, filing the financial statement.

63 (B) The balance of cash and any other sum of money on
64 hand at the beginning and the end of the period covered by
65 the financial statement.

66 (C) The name of any person making a contribution, the
67 amount of the contribution, and the residence and mailing
68 address of the contributor.

69 (D) The total amount of contributions received during the
70 period covered by the financial statement.

71 (E) The name, residence and mailing address of any
72 individual or the name and mailing address of each lending

73 institution making a loan, the amount of any loan received,
74 the date and terms of the loan, including the interest and
75 repayment schedule, and a copy of the loan agreement.

76 (F) The name, residence and mailing address of any
77 individual or the name and mailing address of each partner-
78 ship, firm, association, committee, organization or group
79 having previously made or cosigned a loan for which pay-
80 ment is made or a balance is outstanding at the end of the
81 period, together with the amount of repayment on the loan
82 made during the period and the balance at the end of the
83 period.

84 (G) The total outstanding balance of all loans at the end
85 of the period.

86 (H) The name, residence and mailing address of any
87 person to whom each expenditure was made or liability
88 incurred, together with the amount and purpose of each
89 expenditure or liability incurred and the date of each
90 transaction.

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

93 (3) The Secretary of State shall file and retain the
94 statements as public records for not less than six years.

95 (g) Contributions received by a party headquarters
96 committee may be contributed to any educational, cultural
97 or charitable organization.

98 (h) The Secretary of State shall propose rules for legisla-
99 tive approval in accordance with the provisions of article
100 three, chapter twenty-nine-a of this code to effectuate the
101 provisions of this section.

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

[Signature]
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Signature]
.....
Clerk of the Senate

[Signature]
.....
Clerk of the House of Delegates

[Signature]
.....
President of the Senate

[Signature]
.....
Speaker of the House of Delegates

FILED
2012 APR -2 PM 4:56
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

The within *is approved* this the *2nd*
Day of *April* , 2012.

[Signature]
.....
Governor

PRESENTED TO THE GOVERNOR

MAR 29 2012

Time 4:20 pm