ENROLLED

Committee Substitute

for

House Bill 2588

BY E. Nelson, Lane, Howell, Kurcaba, O'Neal,

Westfall, McCuskey, Byrd, Gearheart, Storch and

Espinosa

[Passed March 10, 2016; in effect ninety days from passage.]
WEST VIRGINIA LEGISLATURE
2016 REGULAR SESSION

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BY E. NELSON, LANE, HOWELL, KURCABA, O’NEAL,
WESTFALL, MCCUSKEY, BYRD, GEARHEART, STORCH AND
ESPINOSA

[Passed March 10, 2016; in effect ninety days from passage.]
AN ACT to amend and reenact §3-8-5b of the Code of West Virginia, 1931, as amended, relating
to the filing of financial statements with Secretary of State; requiring all candidates who
file financial statements with Secretary of State to file electronically beginning January 1,
2018; making candidates required to file electronically eligible for exemption in the case
of hardship; providing for exceptions in instances where a candidate has been unable to
file the financial statement; directing candidates unable to file financial statement
electronically to file by certified mail; and providing for exceptions in the case of hardship.

Be it enacted by the Legislature of West Virginia:

That §3-8-5b of the Code of West Virginia, 1931, as amended, be amended and
reenacted to read as follows:

ARTICLE 8. REGULATION AND CONTROL OF ELECTIONS.

§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, circuit judge and family court judge, 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 except circuit
judge and family court judge; 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 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 that has been established by the Secretary of State on forms or in a format prescribed by the Secretary of State: Provided, however, That after January 1, 2018, unless a committee has been granted an exemption in case of hardship pursuant to subsection (c) of this section, all such statements required to be filed with the Secretary of State, on or behalf of a candidate for any elective office, shall be filed electronically by means of the internet program that has been established by the Secretary of State. If through or by no fault of the candidate, the candidate is unable to file the campaign financial statement, the candidate shall then file said statement in person, via facsimile or other electronic means of transmission, or by certified mail postmarked at the first reasonable opportunity.

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

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within is approved this the 21st day of March, 2016.

Governor
PRESENTED TO THE GOVERNOR

1:58 pm

Time 1:58 pm