

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

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.]

1 AN ACT to amend and reenact §3-8-5b of the Code of West Virginia, 1931, as amended, relating
2 to the filing of financial statements with Secretary of State; requiring all candidates who
3 file financial statements with Secretary of State to file electronically beginning January 1,
4 2018; making candidates required to file electronically eligible for exemption in the case
5 of hardship; providing for exceptions in instances where a candidate has been unable to
6 file the financial statement; directing candidates unable to file financial statement
7 electronically to file by certified mail; and providing for exceptions in the case of hardship.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 8. REGULATION AND CONTROL OF ELECTIONS.

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

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

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

6 (2) The clerk of the county commission by candidates for offices to be nominated or
7 elected by the voters of a single county or a political division within a single county except circuit
8 judge and family court judge; or

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

11 (b) The statements may be filed by mail, in person, or by facsimile or other electronic
12 means of transmission: *Provided*, That the financial statements filed by or on behalf of candidates
13 for Governor, Secretary of State, Attorney General, Auditor, Treasurer, Commissioner of

14 Agriculture and Supreme Court of Appeals shall be filed electronically by the means of an Internet
15 program that has been established by the Secretary of State on forms or in a format prescribed
16 by the Secretary of State: *Provided, however,* That after January 1, 2018, unless a committee has
17 been granted an exemption in case of hardship pursuant to subsection (c) of this section, all such
18 statements required to be filed with the Secretary of State, on or behalf of a candidate for any
19 elective office, shall be filed electronically by means of the internet program that has been
20 established by the Secretary of State. If through or by no fault of the candidate, the candidate is
21 unable to file the campaign financial statement, the candidate shall then file said statement in
22 person, via facsimile or other electronic means of transmission, or by certified mail postmarked at
23 the first reasonable opportunity.

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

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

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

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

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

The within this the.....
day of, 2016.

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Governor