

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Committee Substitute

for

House Bill 4001

(BY BY UPSON, MR. SPEAKER, MR. ARMSTEAD,
HAMILTON, HILL, KURCABA, WELD, MCCUSKEY,
ROHRBACH, STANSBURY, STORCH AND ZATEZALO)

[Introduced January 13, 2016;

referred to the Committee on the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §3-8-15, relating to candidates or candidate committees for election to the
 3 office of Governor, Board of Public Works, or legislative office to disclose contributions
 4 received while the Legislature is in session; requiring timely disclosure of certain
 5 contributions from persons while the Legislature is in session; clarifying that the legislative
 6 session includes special session; requiring timely disclosure of fund-raising events,
 7 including contributions, of candidates or candidate committees for legislative office while
 8 the Legislature is in session; defining terms; imposing the same reporting requirements
 9 upon former candidates or candidate committees for legislative office who are still in office;
 10 requiring the Secretary of State to create a form for disclosure; requiring the Secretary of
 11 State to publish information on the Secretary of State's website; authorizing the Secretary
 12 of State to establish a means for electronic filing and disclosure in the alternative; and
 13 authorizing the Secretary of State to promulgate legislative and emergency rules.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
 2 section, designated §3-8-15, to read as follows:

ARTICLE 8. REGULATIONS AND CONTROL OF ELECTIONS.

§3-8-15. Disclosure of contributions during legislative session.

1 (a) In addition to any reporting required under this article, when a candidate or candidate's
 2 committee for election to the office of governor, any member of the Board of Public Works, or any
 3 legislative office, receives and has actual knowledge of a contribution of \$250 or greater from any
 4 person or political committee while the Legislature is in regular or special session, they shall report
 5 to the Secretary of State the receipt of each known contribution within 10 calendar days after the
 6 contribution has been known and received.

7 (b) In addition to other reporting required under this article, a candidate or candidate
 8 committee who has a fund-raising event while the Legislature is in session, including special

9 sessions, shall disclose the existence of the event and the receipt of contributions, including the
10 source and amounts, within ten calendar days after the fund-raising event. For purposes of this
11 section, "fund-raising event" has the same meaning as it is defined in section one-a of this article.

12 (c) The reporting requirements under this section also apply to former candidates or
13 candidate committees who are still in office and collect contributions or fund-raise to retire or pay-
14 off debt of a campaign account while the Legislature is in session.

15 (d) The Secretary of State shall prepare a form for disclosure of these contributions and
16 publish the information on the Secretary of State's website within one business day of the
17 Secretary of State receiving the completed form: *Provided*, That in the alternative, the Secretary
18 of State is authorized to establish a means for electronic filing and disclosure.

19 (e) Pursuant to article three, chapter twenty-nine-a of this code, the Secretary of State
20 may propose rules and emergency rules for legislative approval relating to the creation and
21 maintenance of a publically accessible database available on the Secretary of State's website;
22 the establishment of forms and procedures for submission of information to the Secretary of State;
23 and for other procedures and policies consistent with this section.

NOTE: The purpose of this bill is to require members of the Legislature, Governor, or Board of Public Works to disclose contributions and fund-raising events while the Legislature is in session. The bill requires the information to be provided within 10 days of the event or receipt of contribution, and requires the Secretary of State to publish such information on the Secretary of State's website within 1 day.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.