

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

### **Introduced**

## **House Bill 4203**

BY DELEGATES ESTEP-BURTON, ROBINSON, ROWE,  
PUSHKIN, SPONAUGLE, LAVENDER-BOWE, CAPUTO,  
MILEY, C. THOMPSON, HANSEN AND PYLES

[Introduced January 14, 2020; Referred to the  
Committee on the Judiciary]

1 A BILL to amend and reenact §3-8-12 of the Code of West Virginia, 1931, as amended, relating  
 2 to prohibiting charging your campaign interest for personal loans to your campaign.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 8. REGULATION AND CONTROL OF ELECTIONS.**

**§3-8-12. Additional acts forbidden; circulation of written matter; newspaper advertising; solicitation of contributions; intimidation and coercion of employees; promise of employment or other benefits; limitations on contributions; public contractors; penalty.**

1 (a) A person may not publish, issue, or circulate, or cause to be published, issued, or  
 2 circulated, any anonymous letter, circular, placard, radio or television advertisement, or other  
 3 publication supporting or aiding the election or defeat of a clearly identified candidate.

4 (b) An owner, publisher, editor, or employee of a newspaper or other periodical may not  
 5 insert, either in its advertising or reading columns, any matter, paid for or to be paid for, which  
 6 tends to influence the voting at any election, unless directly designating it as a paid advertisement  
 7 and stating the name of the person authorizing its publication and the candidate in whose behalf  
 8 it is published.

9 (c) A person may not, in any room or building occupied for the discharge of official duties  
 10 by any officer or employee of the state or a political subdivision of the state, solicit orally or by  
 11 written communication delivered within the room or building, or in any other manner, any  
 12 contribution of money or other thing of value for any party or political purpose, from any  
 13 postmaster or any other officer or employee of the federal government, or officer or employee of  
 14 the state, or a political subdivision of the state. An officer, agent, clerk, or employee of the federal  
 15 government, or of this state, or any political subdivision of the state, who may have charge or  
 16 control of any building, office, or room, occupied for any official purpose, may not knowingly permit  
 17 any person to enter any building, office, or room, occupied for any official purpose, for the purpose  
 18 of soliciting or receiving any political assessments from, or delivering or giving written solicitations

19 for, or any notice of, any political assessments to, any officer or employee of the state, or a political  
20 subdivision of the state.

21 (d) Except as provided in §3-8-8 of this code, a person entering into any contract with the  
22 state or its subdivisions, or any department or agency of the state, either for rendition of personal  
23 services or furnishing any material, supplies, or equipment or selling any land or building to the  
24 state, or its subdivisions, or any department or agency of the state, if payment for the performance  
25 of the contract or payment for the material, supplies, equipment, land, or building is to be made,  
26 in whole or in part, from public funds may not, during the period of negotiation for or performance  
27 under the contract or furnishing of materials, supplies, equipment, land, or buildings, directly or  
28 indirectly, make any contribution to any political party, committee, or candidate for public office,  
29 or to any person for political purposes or use nor may any person or firm solicit any contributions  
30 for any purpose during any period.

31 (e) A person may not, directly or indirectly, promise any employment, position, work,  
32 compensation, or other benefit provided for, or made possible, in whole or in part, by act of the  
33 Legislature, to any person as consideration, favor or reward for any political activity for the support  
34 of or opposition to any candidate, or any political party in any election.

35 (f) A person may not, directly or indirectly, make any contribution in excess of the amounts  
36 permitted by §3-8-5c of this code, in connection with any campaign for nomination or election to  
37 or on behalf of any statewide office, in connection with any other campaign for nomination or  
38 election to or on behalf of any other elective office in the state or any of its subdivisions, or in  
39 connection with or on behalf of any person engaged in furthering, advancing, supporting, or aiding  
40 the nomination or election of any candidate for any of the offices.

41 (g) It is unlawful for any person to create, establish, or organize more than one political  
42 committee with the intent to avoid or evade the contribution limitations contained in this article.

43 (h) A person may not, directly or indirectly, make contributions to a state party executive  
44 committee or caucus campaign committee which, in the aggregate, are in excess of the amounts

45 permitted by §3-8-5c of this code in any calendar year.

46 (i) The limitations on contributions contained in this section do not apply to transfers among  
47 a state party executive committee, a caucus campaign committee, and a national committee of  
48 the same political party: *Provided*, That the moneys transferred may only be used for voter  
49 registration and get-out-the-vote activities of the state committees.

50 (j) A person may not solicit any contribution, other than contributions to a campaign for or  
51 against a county or local government ballot issue, from any nonelective salaried employee of the  
52 state government or of any of its subdivisions: *Provided*, That in no event may any person acting  
53 in a supervisory role solicit a person who is a subordinate employee for any contribution. A person  
54 may not coerce or intimidate any nonelective salaried employee into making a contribution. A  
55 person may not coerce or intimidate any nonsalaried employee of the state government or any of  
56 its subdivisions into engaging in or refraining from any form of political activity. The provisions of  
57 this subsection may not be construed to prevent any employee from making a contribution or from  
58 engaging in political activity voluntarily without coercion, intimidation, or solicitation.

59 (k) A person may not solicit a contribution from any other person without informing the  
60 other person at the time of the solicitation of the amount of any commission, remuneration, or  
61 other compensation that the solicitor or any other person will receive or expect to receive as a  
62 direct result of the contribution being successfully collected. Nothing in this subsection may be  
63 construed to apply to solicitations of contributions made by any person serving as an unpaid  
64 volunteer.

65 (l) A person may not place any letter, circular, flyer, advertisement, election paraphernalia,  
66 solicitation material or other printed or published item tending to influence voting at any election  
67 in a roadside receptacle unless it is: (1) Approved for placement into a roadside receptacle by the  
68 business or entity owning the receptacle; and (2) contains a written acknowledgment of the  
69 approval. This subdivision does not apply to any printed material contained in a newspaper or  
70 periodical published or distributed by the owner of the receptacle. The term "roadside receptacle"

71 means any container placed by a newspaper or periodical business or entity to facilitate home or  
72 personal delivery of a designated newspaper or periodical to its customers.

73 (m) A person may not charge his or her campaign interest on personal loans made to the  
74 campaign.

75 ~~(m)~~ (n) Any person violating any provision of this section is guilty of a misdemeanor and,  
76 upon conviction thereof, shall be fined not more than \$1,000, or confined in jail for not more than  
77 one year, or both fined and confined.

NOTE: The purpose of this bill is to prohibit a candidate from charging his or her campaign interest on personal loans made to the campaign.

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