

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

ENGROSSED

House Bill 4419

BY DELEGATES PRITT, PHILLIPS, HOLSTEIN, KEATON,
PINSON, CLARK, BARRETT, HANNA, REED, AND HAYNES

[Introduced January 27, 2022; referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §3-8-5c, §3-8-9b, and §3-8-10 of the Code of West Virginia, 1931,
2 as amended, all relating to allowing candidate committees and campaign committees to
3 make contributions to affiliated state party executive committees.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8. REGULATION AND CONTROL OF ELECTIONS.

§3-8-5c. Contribution limitations.

1 (a)(1) A person, political party, or political action committee may not, in an election cycle:

2 (A) Contribute more than \$2,800, directly or indirectly, to a candidate's committee for a
3 candidate seeking nomination, including by making contributions to the candidate's committee;
4 or

5 (B) Contribute more than \$2,800, directly or indirectly, to a candidate's committee for a
6 candidate seeking election, including by making contributions to the candidate's committee:
7 *Provided*, That a candidate may receive contributions for the general election prior to nomination,
8 however, such funds may not be expended until after the date of the nomination is declared.

9 (2) The contribution limits of this section apply only to elections to be held after the effective
10 date of this section and do not apply to candidate committees that were created for elections held
11 prior to the effective date of this section.

12 (b) A person, except candidate committees and campaign caucus committees, may not,
13 directly or indirectly, make contributions to a state party executive committee, or any subsidiary,
14 branch, or local unit thereof, or a caucus campaign committee which, in the aggregate, exceed
15 \$10,000 in any calendar year: *Provided*, That a person may not earmark or otherwise designate
16 any portion of a contribution made pursuant to this subsection to be used to support or oppose
17 the election of a particular candidate: *Provided, however*, That any such designation or earmark
18 that accompanies a contribution made pursuant to this subsection may not be binding on the
19 entity that receives the contribution.

(c) A person may not, directly or indirectly, make contributions to a political action committee, related to a particular election, which, in the aggregate, exceed \$5,000.

(d) Candidate committees and campaign committees may make contributions to their affiliated state party executive committees, or any subsidiary, branch, or local unit thereof, or a caucus campaign committee up to \$75,000.

§3-8-9b. Coordinated expenditures by political party committees and political party caucuses in connection with certain statewide candidates.

(a) Notwithstanding the provisions of §3-8-9a of this code, the state committee of a political party and caucus campaign committee may make coordinated expenditures ~~in an amount not to exceed \$5,000 in connection~~ in any amount with the general election campaign of the candidate for each of the following offices: Governor, Attorney General, Auditor, Commissioner of Agriculture, Secretary of State, Treasurer, State Senate, and House of Delegates.

(b) Any communication that results from a political expenditure and is made in coordination with a state committee of a political party and caucus campaign committee must contain a disclaimer that clearly identifies that the expenditure is coordinated with the candidate or candidate's committee with whom it was coordinated.

§3-8-10. Use of certain contributions.

(a) Notwithstanding any provision of this code to the contrary, amounts received by a candidate as contributions that are in excess of any amount necessary to defray his or her expenditures may be:

(1) Used by the candidate to defray any usual and customary expenses incurred in connection with his or her duties as a holder of public office; and

(2) Contributed by the candidate, after the general election, to:

(A) Any charitable organization or subsequent campaign by the same candidate, without limitation;

(B) Any national committee in accordance with federal requirements;

10 (C) Any state party executive committee or state party legislative caucus committee, in an
11 ~~amount not to exceed \$15,000 in a calendar year~~ any amount; or

12 (D) Any local committee of any political party or any other candidate for public office, in
13 accordance with the existing limitations on contributions.

14 (b) The State Election Commission shall promulgate emergency and legislative rules, in
15 accordance with the provisions of §29A-1-1 *et seq* of this code, to establish guidelines for the
16 administration of this section.

NOTE: The purpose of this bill is to allow candidate committees and campaign committees to make contributions to affiliated state party executive committees.

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