

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 2372

BY DELEGATES HOWELL, B. WARD, PAYNTER, BARRETT,

MARTIN, PHILLIPS, MANDT, STATLER, J. PACK, GRAVES

AND PINSON

[Passed March 19, 2021; in effect ninety days from passage.]

1 AN ACT to amend and reenact §3-8-5e of the Code of West Virginia, 1931, as amended, relating
2 to modifying the date to file pre-candidacy registration papers, receive contributions, and
3 make expenditures for persons undertaking to determine the advisability of becoming or
4 preparing to be a candidate for a public office or position.

Be it enacted by the Legislature of West Virginia:

CHAPTER 3. ELECTIONS.

ARTICLE 8. REGULATION AND CONTROL OF ELECTIONS.

§3-8-5e. Pre-candidacy financing and expenditures.

1 (a) Notwithstanding any other provisions of this code, it is lawful for a person, otherwise
2 qualified to be a candidate for any public office or position to be determined by public election, to
3 receive contributions or make expenditures, or both personally or by another individual acting as
4 a treasurer, to determine the advisability of becoming such a candidate or preparing to be such a
5 candidate: *Provided*, That an individual may file his or her pre-candidacy papers, and may receive
6 contributions and make expenditures related thereto, beginning on the day after the general
7 election is held for the term of office immediately preceding the term of office for which the person
8 may become a candidate, if such term of office is four years or less: *Provided, however*, That
9 such pre-candidacy papers may be filed, such contributions may be received, and such
10 expenditures may be made only during the four years immediately preceding the term of office
11 for which such person may be a candidate, if such term of office is more than four years: *Provided*
12 *further*, That no person is disqualified from receiving contributions or making expenditures as
13 permitted under the provisions of this section solely because such person then holds a public
14 office or position.

15 (b) Any person undertaking to determine the advisability of becoming or preparing to be a
16 candidate, who desires to receive contributions before filing a certificate of candidacy, shall
17 designate himself or another individual to act as a treasurer and shall file a designation of
18 treasurer in the manner provided in §3-8-4 of this code before receiving any contributions

19 permitted by this section. Any expenditures made before the filing of a designation of treasurer
20 shall be reported in accordance with the provisions of §3-8-5 of this code regardless of the source
21 of funds used for such expenditures.

22 (c) A person who receives a contribution who is acting for and by himself or herself or as
23 treasurer or agent for another pursuant to the provisions of this section shall keep detailed
24 accounts of every sum of money or other thing of value received by him or her, and of all
25 expenditures and disbursements made, and liabilities incurred, in the same manner as such
26 accounts are required by §3-8-5 of this code.

27 (d) Regardless of whether such person becomes a candidate as originally intended,
28 becomes a candidate for some office other than the office or position originally intended, or does
29 not become a candidate, all limits on campaign contributions and campaign expenditures
30 applicable to the candidacy of or advocacy of the candidacy of such person for the office he or
31 she actually seeks shall be applicable to and inclusive of the receipts had and expenditures made
32 during such pre-candidacy period as well as after the person becomes a candidate.

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

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The within this the
day of, 2021.

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Governor