

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Committee Substitute

for

House Bill 2688

BY DELEGATE HIGGINBOTHAM AND L. PACK

[Introduced February 23, 2021; referred to the Committee on the Judiciary]

1 A BILL to amend and reenact §3-8-2c of the Code of West Virginia, 1931, as amended, relating
2 to allowing county executive committees to create building funds in the same manner as
3 a party headquarters committee.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8. REGULATION AND CONTROL OF ELECTIONS.

§3-8-2c. Party headquarters committee; detailed accounts and verified financial statements; funding for headquarters; limitations; reporting requirements.

1 (a) Notwithstanding the definitions contained in section one-a of this article, for purposes
2 of this section:

3 (1) "Contribution" means a gift, subscription, loan, assessment, payment for services,
4 dues, advance, donation, pledge, contract, agreement, forbearance or promise of money or other
5 tangible thing of value, whether conditional or legally enforceable, or a transfer of money or other
6 tangible thing of value to a person, made for the purpose of funding the rental, purchase,
7 construction or financing of the lease, purchase or construction of a party headquarters, and for
8 the utilities, maintenance, furniture, fixtures, and equipment for the party headquarters. An offer
9 or tender of a contribution is not a contribution if expressly and unconditionally rejected or
10 returned. A contribution does not include volunteer personal services provided without
11 compensation: *Provided*, That a nonmonetary contribution is to be considered at fair market value
12 for reporting requirements and contribution limitations.

13 (2) "Party headquarters" means a physical structure or structures that is the physical
14 location of the office of a state executive committee of a political party.

15 (3) "Party headquarters committee" includes any person, organization or group of persons
16 soliciting or receiving contributions for the purpose of funding the lease, purchase, construction
17 or financing of the lease, purchase, or construction of a party headquarters, including utilities,
18 maintenance, furniture, fixtures, and equipment for the party headquarters, or for a county
19 executive committee's headquarters.

20 (4) “County executive committee” means the executive committee of a political party, as
21 defined by §3-1-8 of this code, which is situate in, and responsible for, the conduct of that party’s
22 business in one of the constituent counties of the state.

23 (b) A political party, or a county executive committee of a political party, may establish a
24 party headquarters committee to solicit and receive contributions for the exclusive purpose of the
25 purchase, construction or lease of an office building or financing of the lease, purchase, or
26 construction of a party headquarters, including utilities, maintenance, furniture, fixtures, and
27 equipment, to be used as a state political party’s headquarters, or, as a county executive
28 committee’s headquarters.

29 (c) Contributions received pursuant to this section may not be expended for:

30 (1) The purchase, construction or lease of satellite offices or other facilities;

31 (2) Utilities, maintenance, furniture, fixtures, equipment or signage for satellite offices or
32 other facilities; or

33 (3) Political purposes.

34 (d) A party headquarters committee may not accept contributions in excess of \$10,000, in
35 the aggregate, from any person for the purposes of this section.

36 (e) A party headquarters committee may not receive contributions or make expenditures
37 for the purpose of funding the rental, purchase, construction, or financing of a state executive
38 committee headquarters, or a county executive committee’s headquarters, which are in excess
39 of \$1 million.

40 (f) (1) A party headquarters committee, financial agent, or any person or officer acting on
41 behalf of the committee, that is subject to the provisions of this section, shall file a verified financial
42 statement with the Secretary of State, on a form prescribed by the secretary, within 90 days of
43 any contribution or expenditure in excess of \$250.

44 (2) Each financial statement shall contain, but is not limited to, the following information:

45 (A) The name, residence and mailing address and telephone number of the party
46 headquarters committee, financial agent, or any person or officer acting on behalf of the
47 committee, who is filing the financial statement.

48 (B) The balance of cash, and any other sum of money, on hand at the beginning and the
49 end of the period covered by the financial statement.

50 (C) The name of any person making a contribution, the amount of the contribution, and
51 the residence and mailing address of the contributor.

52 (D) The total amount of contributions received during the period covered by the financial
53 statement.

54 (E) The name, residence and mailing address of any individual or the name and mailing
55 address of each lending institution making a loan, the amount of any loan received, the date and
56 terms of the loan, including the interest and repayment schedule, and a copy of the loan
57 agreement.

58 (F) The name, residence, and mailing address of any individual, or the name and mailing
59 address of each partnership, firm, association, committee, organization, or group having
60 previously made or cosigned a loan for which payment is made or a balance is outstanding at the
61 end of the period, together with the amount of repayment on the loan made during the period and
62 the balance at the end of the period.

63 (G) The total outstanding balance of all loans at the end of the period.

64 (H) The name, residence, and mailing address of any person to whom each expenditure
65 was made, or liability incurred, together with the amount and purpose of each expenditure or
66 liability incurred, and the date of each transaction.

67 (I) The total amount of expenditures made during the period covered by the financial
68 statement.

69 (3) The Secretary of State shall file and retain the statements as public records for not less
70 than six years.

71 (g) Contributions received by a party headquarters committee may be contributed to any
72 educational, cultural, or charitable organization.

73 (h) The Secretary of State shall propose rules for legislative approval in accordance with
74 ~~the provisions of §29A-3-1 et seq.~~ of this code to effectuate the provisions of this section.

NOTE: The purpose of this bill is to allow county political executive committees to create building funds in the same manner as a party headquarters committee.

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