WEST virginia legislature

2022 Regular session

ENROLLED

House Bill 4097

By Delegates Holstein, Steele,  
Summers, Maynard, Barnhart, Wamsley, Keaton and Mandt

[Passed March 12, 2022; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-1A-9, relating to nonpublic funding sources for election administration and related expenses; prohibiting public officials and bodies responsible for elections in West Virginia from directly receiving or accepting money or anything of value for election administration and related expenses from private parties; creating Nonpublic Funding for Election Administration Fund for receipt of all gifts of money from private parties for election administration and related expenses; prescribing use of monies in fund; providing for balance to remain in fund; requiring investment of monies in fund; requiring Secretary of State to administer fund with approval of State Election Commission; requiring Secretary of State with approval of State Election Commission to accept, distribute, and utilize private gifts of tangible property or non-monetary things of value for election administration and related expenses; and authorizing Secretary of State to promulgate legislative rules.

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

ARTICLE 1A. STATE ELECTION COMMISSION AND SECRETARY OF STATE.

§3-1A-9. Nonpublic funding sources for election administration and related expenses.

(a) No county commission, clerk of a county commission, municipal governing body, or other public official or body responsible for overseeing, administering, or regulating an election held within the State of West Virginia may directly receive or accept any gift, grant, contribution, or donation of money or anything of value for election administration and related expenses from any private individual, corporation, partnership, trust, or third party, and all such gifts, grants, contributions, or donations may only be accepted, received, expended, distributed, and utilized by the Secretary of State pursuant to the requirements of this section.

(b) There is created in the State Treasury a special revenue revolving fund account known as the Nonpublic Funding for Election Administration Fund which shall be an interest-bearing account. The fund shall consist of all monetary gifts, grants, contributions, and donations from private individuals, corporations, partnerships, trusts, or any third party for election administration and related expenses; and any accrued interest or other return on the monies in the fund. The balance remaining in the fund at the end of each fiscal year shall remain in the fund and not revert to the State General Revenue Fund.

(c) The monies in the Nonpublic Funding for Election Administration Fund shall be used only in the manner and for the purposes prescribed in this section. Notwithstanding any provision of law to the contrary, monies in the Nonpublic Funding for Election Administration Fund may not be designated or transferred for any purpose other than those set forth in this section.

(d) The monies in the Nonpublic Funding for Election Administration Fund shall be invested pursuant to §12-6-1 *et seq.* of this code.

(e) The Nonpublic Funding for Election Administration Fund shall be administered by the Secretary of State, with the approval of the State Election Commission, in accordance with legislative rules promulgated by the Secretary of State in accordance with §29A-3-1 *et seq.* of this code.

(f) All gifts, grants, contributions, or donations of tangible property or any non-monetary thing of value from private individuals, corporations, partnerships, trusts, or any third party for election administration and related expenses shall be accepted, distributed, and utilized by the Secretary of State, only with the approval of the State Election Commission, in accordance with legislative rules promulgated by the Secretary of State in accordance with §29A-3-1 *et seq.* of this code.

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 ..........................................................................................................., 2022.

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*Governor*