

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.]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §3-1A-9, relating to nonpublic funding sources for election administration and
3 related expenses; prohibiting public officials and bodies responsible for elections in West
4 Virginia from directly receiving or accepting money or anything of value for election
5 administration and related expenses from private parties; creating Nonpublic Funding for
6 Election Administration Fund for receipt of all gifts of money from private parties for
7 election administration and related expenses; prescribing use of monies in fund; providing
8 for balance to remain in fund; requiring investment of monies in fund; requiring Secretary
9 of State to administer fund with approval of State Election Commission; requiring
10 Secretary of State with approval of State Election Commission to accept, distribute, and
11 utilize private gifts of tangible property or non-monetary things of value for election
12 administration and related expenses; and authorizing Secretary of State to promulgate
13 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.

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

8 (b) There is created in the State Treasury a special revenue revolving fund account known
9 as the Nonpublic Funding for Election Administration Fund which shall be an interest-bearing
10 account. The fund shall consist of all monetary gifts, grants, contributions, and donations from

11 private individuals, corporations, partnerships, trusts, or any third party for election administration
12 and related expenses; and any accrued interest or other return on the monies in the fund. The
13 balance remaining in the fund at the end of each fiscal year shall remain in the fund and not revert
14 to the State General Revenue Fund.

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

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

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

25 (f) All gifts, grants, contributions, or donations of tangible property or any non-monetary
26 thing of value from private individuals, corporations, partnerships, trusts, or any third party for
27 election administration and related expenses shall be accepted, distributed, and utilized by the
28 Secretary of State, only with the approval of the State Election Commission, in accordance with
29 legislative rules promulgated by the Secretary of State in accordance with §29A-3-1 *et seq.* of this
30 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

The within this the.....
day of, 2022.

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Governor