

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

### **Introduced**

## **House Bill 2754**

By Delegates Ridenour, Martin, Petitto, Phillips,  
Maynor, Hillenbrand, Jennings, Roop, Butler, Mallow,  
and Jeffries

[Introduced February 21, 2025; referred to the  
Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,  
2 designated §3-1D-1, §3-1D-2, and §3-1D-3, relating to foreign donations towards  
3 elections; providing definitions; creating criminal penalties; requiring certification be  
4 provided to Secretary of State; provide records be maintained and published on website;  
5 requiring quarterly reports; providing rule-making ability; and establishing enforcement  
6 power and a private cause of action.

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

**ARTICLE 1D. BANNING FOREIGN BACKED SPENDING ON STATE BALLOT**  
**ISSUES.**

**§3-1D-1 Definitions.**

1 For purposes of this article:

2 "Donation" means a payment, gift, subscription, loan, advance, deposit, or anything of  
3 value given to a person without consideration.

4 "Election administration" means to participate in any way in the process of conducting and  
5 implementing an election. Election administration for the purposes of this article does not include  
6 post-election canvass, recount, contest and audit processes.

7 "Foreign donations" are donations provided by a foreign national.

8 "Foreign national" means:

9 (1) An individual who is not a citizen of the United States;

10 (2) A government, or subdivision, of a foreign country or municipality thereof;

11 (3) A foreign political party; or

12 (4) Any entity, such as a partnership, association, corporation, organization, or other  
13 combination of persons, that is organized under the laws of, or has its principal place of business  
14 in, a foreign country.

15 "Government entity" means a state, county, local, or municipal government entity or officer.

16 employee, or volunteer of one of these entities.

17 "Knowingly" means that a person must:

18 (1) Have actual knowledge that the source of the funds solicited, accepted or received is  
19 from a foreign national;

20 (2) Be aware of facts that would lead a reasonable person to conclude that there is a  
21 substantial probability that the source of the funds solicited, accepted, or received is from a foreign  
22 national; or

23 (3) Be aware of facts that would lead a reasonable person to inquire whether the source of  
24 the funds solicited, accepted or received is from a foreign national, but the person failed to conduct  
25 a reasonable inquiry.

26 "Person" includes an individual, partnership, association, corporation, organization, or any  
27 other combination or group of individuals.

28 "State officer" includes all elected officers and directors of the executive branch of state  
29 government.

**§3-1D-2. Certification to Secretary of State regarding foreign donations; penalties for**  
**failure to provide certification; penalties for providing inaccurate certification; duty**  
**to obtain, maintain and audit records.**

1 (a) At least 10 business days before any person other than a government entity enters into  
2 any agreement, membership, or program with any government entity to provide funds or in-kind  
3 goods or services for election administration, the person shall provide a certification to the  
4 Secretary of State stating whether the person is knowingly the recipient, directly or indirectly, of  
5 foreign donations. The certification provided to the Secretary of State shall:

6 (1) State whether the person is knowingly the recipient, directly or indirectly, of foreign  
7 donations;

8 (2) Be renewed on an annual basis;

9 (3) Be updated within five business days of the person obtaining information unknown at

the time of the initial certification to reflect whether the person is knowingly the recipient, directly or indirectly, of foreign donations; and

(4) Be dated and sworn by the person under penalty of perjury.

(b) Knowingly failing to provide an accurate or updated certification within the prescribed timeframe constitutes a misdemeanor with a fine of three times the amount of the donation plus court costs. If conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

(c) In addition to the penalties described in §3-1D-2(b), failure to provide the certification or providing an inaccurate certification to the Secretary of State prior to entering into any agreement, membership, or participating in a program with a state, county, or local government entity will invalidate any agreement, membership, or participation in any program and bar the state, county, or local entity from entering or continuing any agreement, membership, or participation in any program with the person.

(d) The Secretary of State shall maintain records of the certifications described in subsection (a). The Secretary of State shall publish these certifications on its website.

(e) The Secretary of State shall require government entities to provide the Secretary of State with a quarterly report listing any person or persons who are providing or have provided funds or in-kind goods or services for election administration. The Secretary of State shall audit the lists provided to ensure compliance with the certification requirement.

(f) The Secretary of State shall adopt rules as necessary to implement this section.

(g) Any existing or future ordinance enacted or adopted by a county, a municipality, or any other local governmental entity which is in conflict with this article is void.

### **§3-1D-3. Enforcement and private cause of action.**

(a) The Attorney General may initiate proceedings relating to a knowing violation of this article. Such proceedings may include, without limitation, an injunction, a civil penalty up to three times the amount of the donation, and all court costs for each knowing violation and additional

4 relief in a district court in the county where the state capitol is situated. The Attorney General may  
5 issue investigative demands, issue subpoenas, administer oaths and conduct hearings in the  
6 court investigating a violation of §3-1D-2(a).

7 (b) In addition to the penalties provided in §3-1D-3(a), any person that violates §3-1D-2(a)  
8 shall be subject to all penalties provided in §3-1D-2(b) and §3-1D-2(c). The remedies available in  
9 this section are cumulative and in addition to any other remedies available by law.

10 (c) Any state officer or other person registered to vote in the state may bring a civil action  
11 to:

12 (1) Enjoin a violation of this chapter;

13 (2) Enforce any provision of this chapter; or

14 (3) Bring both such actions.

15 (d) If a claimant prevails in an action brought under §3-1D-3(c), the court shall award:

16 (1) Injunctive relief sufficient to prevent the defendant from violating this article or engaging  
17 in acts that aid or abet violations of this article;

18 (2) Statutory damages in the amount of \$1,000 per day from the date of noncompliance  
19 until the defendant comes into compliance with this article; and

20 (3) Costs and attorney's fees.

21 (e) The remedies, duties, and prohibitions and penalties of this article are in addition to all  
22 other causes of action, remedies and penalties provided by law.

NOTE: The purpose of this bill is to ban foreign backed spending on state ballot issues.

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