

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3320

By Delegates Flanigan and Kump

[Introduced March 12, 2025; referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §3-8-5 and §3-8-5a of the Code of West Virginia, 1931, as amended
2 relating to limiting total candidate expenditures and disbursements to the approximate
3 salary payable for the office to which candidate seeks election.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8. REGULATION AND CONTROL OF ELECTIONS.

§3-8-5. Detailed accounts and verified financial statements required.

1 (a) Record-keeping requirements. —

2 (1) Except for candidates for party committeeman and committeewoman, all candidates for
3 nomination or election to state or local offices and all persons supporting, aiding, or opposing the
4 nomination, election, or defeat of any such candidate shall keep, for a period of two years, records
5 of receipts and expenditures which are made for political purposes.

6 (2) Every candidate or treasurer of every political committee shall keep detailed accounts
7 of every sum of money or other thing of value received by him or her, including all loans of money
8 or things of value and of all expenditures and disbursements made, or liabilities incurred, by the
9 candidate or political committee; Provided, That the total expenditures and disbursements shall
10 not exceed the approximate salary payable for the office to which candidate seeks election.

11 (3) A person that is not a political committee and makes independent expenditures or
12 electioneering communications must keep detailed accounts of every sum of money or other thing
13 of value received by him or her for the purpose of furthering any independent expenditure or
14 electioneering communication and of all disbursements made for independent expenditures or
15 electioneering communications.

16 (b) Financial reporting requirements. —

17 (1) Every person required to keep detailed accounts under subsection (a) of this section
18 shall file a detailed, itemized sworn statement, as prescribed in §3-8-5a and §3-8-5b of this code,
19 according to the following schedule:

20 (A) On April 1 of each year, the person shall file a statement of all financial transactions

21 dating from January 1 to March 31 of the same year, to be filed within six days thereafter;

22 (B) On July 1 of each year, the person shall file a statement of all financial transactions
23 dating from April 1 to June 30 of the same year, to be filed within six days thereafter;

24 (C) On October 1 of each year, the person shall file a statement of all financial transactions
25 dating from July 1 to September 30 of the same year, to be filed within six days thereafter; and

26 (D) On January 1 of each year, the person shall file a statement of all financial transactions
27 dating from October 1 to December 31 of the previous year, to be filed within six days thereafter.

28 (2) In addition to the statements required in subdivision (1) of this subsection, a candidate
29 or candidate's committee shall file detailed itemized sworn statements, as prescribed in §3-8-5a
30 and §3-8-5b of this code, according to the following schedule:

31 (A) On the 15th day preceding the primary election in which a candidate is on the ballot, the
32 candidate or committee shall file a statement of all financial transactions subsequent to the
33 previous statement, if any, to be filed within four business days after the 15th day; and

34 (B) On the 15th day preceding the general election in which a candidate, including an
35 official write-in candidate, is on the ballot, the candidate or committee shall file a statement of all
36 financial transactions subsequent to the previous statement, if any, to be filed within four business
37 days after the 15th day.

38 (c) A person required to file reports pursuant to 52 U.S.C. §30104 is exempt from the
39 requirements of subsection (b) of this section but is not exempt from the state-level electioneering
40 communication reports requirements in §3-8-2b of this code or the independent expenditure
41 reporting requirements in §3-8-2 of this code.

42 (d) Every person who is qualified as an official write-in candidate for any elective office
43 shall individually, or by candidate committee, comply with all of the applicable requirements of this
44 section.

45 (e) Candidates for the office of conservation district supervisor elected pursuant to the
46 provisions of §19-21A-1 *et seq.* of this code are required to file only the report required by

47 paragraph (A), subdivision (2), subsection (b) of this section immediately prior to the applicable
48 general election that is held concurrently with the state's primary election.

§3-8-5a. Information required in financial statement.

1 (a) Each financial statement required by the provisions of this article, other than a
2 disclosure of electioneering communications pursuant to section two-b of this article, shall contain
3 only the following information:

4 (1) The name, residence and mailing address and telephone number of each candidate,
5 financial agent, treasurer or person and the name, address and telephone number of each
6 association, organization or committee filing a financial statement.

7 (2) The balance of cash and any other sum of money on hand at the beginning and the end
8 of the period covered by the financial statement.

9 (3) The name of any person making a contribution and the amount of the contribution. If the
10 total contributions of any one person in any one election cycle amount to more than \$250, the
11 residence and mailing address of the contributor and, if the contributor is an individual, his or her
12 major business affiliation and occupation shall also be reported. A contribution totaling more than
13 \$50 of currency of the United States or currency of any foreign country by any one contributor is
14 prohibited and a violation of section five-d of this article. The statement on which contributions are
15 required to be reported by this subdivision may not distinguish between contributions made by
16 individuals and contributions made by partnerships, firms, associations, committees,
17 organizations or groups.

18 (4) The total amount of contributions received during the period covered by the financial
19 statement.

20 (5) The name, residence and mailing address of any individual or the name and mailing
21 address of each lending institution making a loan or of the spouse cosigning a loan, as
22 appropriate, the amount of any loan received, the date and terms of the loan, including the interest
23 and repayment schedule, and a copy of the loan agreement.

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

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

(8) The name, residence and mailing address of any person to whom each expenditure was made or liability incurred, including expenditures made on behalf of a candidate or political committee that otherwise are not made directly by the candidate or political committee, together with the amount and purpose of each expenditure or liability incurred and the date of each transaction.

(9) The total expenditure for the nomination, election or defeat of a candidate or any person supporting, aiding or opposing the nomination, election or defeat of any candidate in whose behalf an expenditure was made or a contribution was given for the primary or other election; Provided, That the total expenditure shall not exceed the approximate salary payable for the office to which candidate seeks election.

(10) The total amount of expenditures made during the period covered by the financial statement; Provided, That the total expenditure shall not exceed the approximate salary payable for the office to which candidate seeks election.

(b) Any unexpended balance at the time of making the financial statements herein provided for shall be properly accounted for in that financial statement and shall appear as a beginning balance in the next financial statement.

(c) Each financial statement required by this section shall contain a separate section setting forth the following information for each fund-raising event held during the period covered by the financial statement:

(1) The type of event, date held and address and name, if any, of the place where the event

50 was held.

51 (2) All of the information required by subdivision (3), subsection (a) of this section.

52 (3) The total of all moneys received at the fund-raising event.

53 (4) The expenditures incident to the fund-raising event.

54 (5) The net receipts of the fund-raising event.

55 (d) When any lump sum payment is made to any advertising agency or other disbursing
56 person who does not file a report of detailed accounts and verified financial statements as required
57 in this section, such lump sum expenditures shall be accounted for in the same manner as
58 provided for herein.

59 (e) Any contribution or expenditure made by or on behalf of a candidate for public office, to
60 any other candidate or committee for a candidate for any public office in the same election shall be
61 accounted for in accordance with the provisions of this section.

62 (f) No person may make any contribution except from his, her or its own funds, unless such
63 person discloses in writing to the person required to report under this section the name, residence,
64 mailing address, major business affiliation and occupation of the person which furnished the funds
65 to the contributor. All such disclosures shall be included in the statement required by this section.

66 (g) Any firm, association, committee or fund permitted by section eight of this article to be a
67 political committee shall disclose on the financial statement its corporate or other affiliation.

68 (h) No contribution may be made, directly or indirectly, in a fictitious name, anonymously or
69 by one person through an agent, relative or other person so as to conceal the identity of the source
70 of the contribution or in any other manner so as to effect concealment of the contributor's identity.

71 (i) No person may accept any contribution for the purpose of influencing the nomination,
72 election or defeat of a candidate or for the passage or defeat of any ballot issue unless the identity
73 of the donor and the amount of the contribution is known and reported.

74 (j) When any person receives an anonymous contribution which cannot be returned
75 because the donor cannot be identified, that contribution shall be donated to the General Revenue

Fund of the state. Any anonymous contribution shall be recorded as such on the candidate's financial statement, but may not be expended for election expenses. At the time of filing, the financial statement shall include a statement of distribution of anonymous contributions, which total amount shall equal the total of all anonymous contributions received during the period.

(k) Any membership organization which raises funds for political purposes by payroll deduction, assessing them as part of its membership dues or as a separate assessment, may report the amount raised as follows:

(1) If the portion of dues or assessments designated for political purposes equals \$25 or less per member over the course of a calendar year, the total amount raised for political purposes through membership dues or assessments during the period is reported by showing the amount required to be paid by each member and the number of members.

(2) If the total payroll deduction for political purposes of each participating member equals \$25 or less over the course of a calendar or fiscal year, as specified by the organization, the organization shall report the total amount received for political purposes through payroll deductions during the reporting period and, to the maximum extent possible, the amount of each yearly payroll deduction contribution level and the number of members contributing at each such specified level. The membership organization shall maintain records of the name and yearly payroll deduction amounts of each participating member.

(3) If any member contributes to the membership organization through individual voluntary contributions by means other than payroll deduction, membership dues, or assessments as provided in this subsection, the reporting requirements of subdivision (3), subsection (a) of this section shall apply. Funds raised for political purposes must be segregated from the funds for other purposes and listed in its report.

(l) Notwithstanding the provisions of section five of this article or of the provisions of this section to the contrary, an alternative reporting procedure may be followed by a political party committee in filing financial reports for fund-raising events if the total profit does not exceed \$5,000

per year. A political party committee may report gross receipts for the sale of food, beverages, services, novelty items, raffle tickets or memorabilia, except that any receipt of more than \$50 from an individual or organization shall be reported as a contribution. A political party committee using this alternative method of reporting shall report:

- (i) The name of the committee;
- (ii) The type of fund-raising activity undertaken;
- (iii) The location where the activity occurred;
- (iv) The date of the fundraiser;
- (v) The name of any individual who contributed more than \$50 worth of items to be sold;
- (vi) The name and amount received from any person or organization purchasing more than \$50 worth of food, beverages, services, novelty items, raffle tickets or memorabilia;
- (vii) The gross receipts of the fundraiser; and
- (viii) The date, amount, purpose and name and address of each person or organization from whom items with a fair market value of more than \$50 were purchased for resale.

NOTE: The purpose of this bill is to limit total candidate expenditures and disbursements to the approximate salary payable for the office to which candidate seeks election.

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