

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 494

By Senators Woodrum and Oliverio

[Introduced February 14, 2025; referred
to the Committee on Government Organization]

1 A BILL to amend §3-8-2b of the Code of West Virginia, 1931, as amended, relating to expanding
2 the time frame for certain electioneering communication reporting requirements from 15 to
3 30 days; reducing the spending threshold for reporting electioneering communications in a
4 calendar year; and requiring both written and spoken disclaimers on certain digital
5 communications.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8. REGULATION AND CONTROL OF ELECTIONS.

§3-8-2b. Disclosure of electioneering communication.

1 (a) Every person who has spent:

2 (1) A total of ~~\$5,000~~ \$1,000 or more for the direct costs of purchasing, producing, or
3 disseminating electioneering communications during any calendar year; or

4 (2) A total of \$1,000 or more on or after the ~~15th~~ 30th day, but more than 12 hours before
5 the day of any election, for the direct costs of purchasing, producing, or disseminating
6 electioneering communications during any calendar year shall, within 24 hours of each disclosure
7 date, file with the Secretary of State a statement which contains all of the information listed in
8 subsection (b) of this section.

9 (b) A person required, by subsection (a) of this section, to file a statement with the
10 Secretary of State shall provide the following information:

11 (1) The name and address of the person making the expenditure, the name and address of
12 any person sharing or exercising direction or control over the activities of the person making the
13 expenditure, and the name and address of the custodian of the books and accounts of the person
14 making the expenditure;

15 (2) If the person making the expenditure is not an individual, the principal place of business
16 and mailing address of the partnership, committee, association, organization or group which made
17 the expenditure;

18 (3) The amount of each expenditure of more than \$1,000 made for electioneering

communications during the period covered by the statement and the name and address of the person to whom the expenditure was made;

(4) The elections to which the electioneering communications pertain, the names, if known, of the candidates referred to or to be referred to therein, whether the electioneering communication is intended to support or oppose the identified candidates, and the amount of the total expenditure reported in subdivision (3) of this subsection spent to support or oppose each of the identified candidates; and

(5) The names and addresses of any contributors who contributed a total of more than \$1,000 between the first day of the preceding calendar year and the disclosure date, and whose contributions were made for the purpose of furthering the electioneering communications.

(c) With regard to the contributors required to be listed pursuant to subdivision (5), subsection (b) of this section, the statement shall also include:

(1) The month, day, and year that the contributions of any single contributor exceeded \$1,000;

(2) If the contributor is a political action committee, the name and address the political action committee registered with the State Election Commission;

(3) If the contributor is an individual, the name and address of the individual, his or her occupation, the name and address of the individual's current employer, if any, or, if the individual is self-employed, the name and address of the individual's business, if any;

(4) A description of the contribution, if other than money;

(5) The value in dollars and cents of the contribution.

(d)(1) Any person who makes a contribution for the purpose of funding the direct costs of purchasing, producing or disseminating an electioneering communication under this section shall, at the time the contribution is made, provide his or her name and address to the recipient of the contribution;

(2) Any individual who makes contributions totaling \$1,000 or more between the first day of

the preceding calendar year and the disclosure date for the purpose of funding the direct costs of purchasing, producing or disseminating electioneering communications shall, at the time the contribution is made, provide the name of his or her occupation and of his or her current employer, if any, or, if the individual is self-employed, the name of his or her business, if any, to the recipient of the contribution.

(e) In each electioneering communication, a statement shall appear or be presented in a clear and conspicuous manner that:

(1) Clearly indicates that the electioneering communication is not authorized by the candidate or the candidate's committee; and

(2) Clearly identifies the person making the expenditure for the electioneering communication: *Provided*, That if the electioneering communication appears on or is disseminated by broadcast, cable, or satellite transmission, or digital communication, the statement required by this subsection shall be both spoken clearly and appear in clearly readable writing at the end of the communication.

(f) Within five business days after receiving a disclosure of electioneering communications statement pursuant to this section, the Secretary of State shall make information in the statement available to the public through the Internet.

(g) For the purposes of this section, a person is considered to have made an expenditure when the person has entered into a contract to make the expenditure at a future time.

(h) The Secretary of State shall propose emergency and legislative rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code.

(i) If any person, including, but not limited to, a political organization (as defined in Section 527(e)(1) of the Internal Revenue Code of 1986) makes, or contracts to make, any expenditure for electioneering communications which is coordinated with and made with the cooperation, consent or prior knowledge of a candidate, candidate's committee, or agent of a candidate, the expenditure shall be treated as a contribution and expenditure by the candidate. If the expenditure is

71 coordinated with and made with the cooperation or consent of a state or local political party or
72 committee, agent or official of that party, the expenditure shall be treated as a contribution to and
73 expenditure by the candidate's party.

74 (j) This section does not apply to candidates for federal office. This section is not intended
75 to restrict or to expand any limitations on, obligations of, or prohibitions against any candidate,
76 committee, agent, contributor, or contribution contained in any other provision of this chapter.

NOTE: The purpose of this bill is to increase transparency in electioneering communications political communications by increasing the timeframe for when electioneering communications trigger a report, reducing the spending thresholds for reporting, and requiring written and spoken disclaimers for certain digital communications.

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