

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 520

**FISCAL
NOTE**

By Senator Rucker

[Introduced January 20, 2026; referred
to the Committee on the Judiciary; and then to the
Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,
2 designated §3-13-1, §3-13-2, §3-13-3, and §3-13-4, relating to elections; providing
3 definitions; clarifying acts prohibited by a foreign national; establishing a cause of action;
4 creating civil and criminal penalties; and clarifying donor rights to privacy.

Be it enacted by the Legislature of West Virginia:

ARTICLE 13. REGULATION AND CONTROL OF ELECTIONS.

§3-13-1. Definitions.

1 For the purposes of this article:

2 "Ballot issue" has the same meaning as in §3-8-1a of this code.

3 "Contribution" means a gift subscription, assessment, payment for services, dues,
4 advance, donation, pledge, contract, agreement, forbearance or promise of money or other
5 tangible thing of value, whether conditional or legally enforceable, or a transfer of money or other
6 tangible thing of value to a person, made for the purpose of influencing the passage or defeat of a
7 ballot issue. An offer or tender of a contribution is not a contribution if expressly and
8 unconditionally rejected or returned. A contribution does not include volunteer personal services
9 provided without compensation: *Provided*, That a nonmonetary contribution is to be considered at
10 fair market value for reporting requirements and contribution limitations.

11 "Directly or indirectly" means acting either alone or jointly with, through, or on behalf of any
12 political committee, organization, person, or other entity.

13 "Expenditure" means a purchase, payment, distribution, loan, advance, deposit, gift of
14 money or anything of value, made by any person for the purpose of influencing a ballot issue, and
15 includes an agreement to make an expenditure.

16 "Foreign national" means:

17 (1) An individual who is not a citizen or lawful permanent resident of the United States;
18 (2) A government, or subdivision, of a foreign country or municipality thereof;
19 (3) A foreign political party;

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

23 (5) Any U.S. entity, such as a partnership, association, corporation, or organization, which
24 is wholly, or majority owned by any foreign national, unless:

25 (A) Any contribution or expenditure it makes derives entirely from funds generated by the
26 U.S. entity's U.S. operations; and

27 (B) All decisions concerning the contribution or expenditure are made by individuals who
28 are U.S. citizens or permanent residents, except for setting overall budget amounts.

29 "Person" includes an individual, partnership, association, corporation, organization,
30 political committee, or any other combination or group of individuals.

§3-13-2. Prohibited influence by foreign nationals.

1 (a) A foreign national may not, direct or indirectly, make any contribution, expenditure, or
2 other donation of money or other thing of value, or promise expressly or imply to make such
3 contributions in connection to any ballot issue.

4 (b) A foreign national may not direct, dictate, control or directly or indirectly participate in
5 the decision-making process of any person regarding that person's activities to influence a ballot
6 issue, such as decisions concerning the making of contributions or expenditures.

7 (c) A foreign national may not solicit, directly or indirectly, the making of a contribution,
8 expenditure, or donation of money or other thing of value by another person to influence a ballot
9 issue.

10 (d) No person shall knowingly or willfully solicit, accept, make, or receive any contribution,
11 expenditure, or donation of money or other thing of value to influence the passage of defeat of a
12 ballot issue, whether directly or indirectly, from a foreign national, nor shall any person knowingly
13 aid or facilitate a violation of this section.

§3-13-3. Enforcement and cause of action.

1 (a) The Attorney General may bring a civil action to enforce this article.

2 (1) A person alleged to have violated this article shall be provided a full opportunity of
3 notice, discovery, and an opportunity to be heard before being found liable for a violation of this
4 article.

5 (2) In all actions brought pursuant to §3-13-5(a) of this code, the burden of proof shall be on
6 the Attorney General.

7 (A) Prior to discovery, the court shall set a hearing to determine if there is probable cause to
8 believe that a committee or person has violated the article.

9 (B) If, after the hearing, the court determines that no probable cause exists to believe that a
10 violation of the article has occurred, the court shall enter an order of dismissal [with prejudice].

11 (C) If, after the hearing, the court determines that probable cause does exist to believe that
12 a violation of the article has occurred, the court shall enter an order to that effect and the case
13 should proceed to trial on an expedited basis.

14 (i) Subject to the provisions in §3-16-6 of this code, the entity alleged to have violated this
15 provision may, at a time to be determined by the court prior to the scheduling of trial, present
16 evidence sufficient to rebut the probable cause finding by making an ex parte presentation of
17 records to the court for in camera review.

18 (ii) A losing party under §3-13-5(a)(2)(C) has the right to:

19 (I) An interlocutory expedited appeal; and

20 (II) A stay of proceedings in the trial court.

21 (b) Within 30 days of a finding that a person has violated this article, the person shall
22 disgorge to the State General Fund, funds in an amount equal to the reported cost of the unlawful
23 contribution, expenditure, or donation. If the person is an entity that is unable to disgorge the
24 requisite funds, the directors, officers or executive members of the entity shall be liable in their
25 personal capacities, jointly and severally, for the payment of the amount due. In the event of an

26 appeal, the funds subject to disgorgement shall be placed in escrow, after which they shall be
27 disbursed in accordance with the final order.

28 (c) If any lobbyist violates any of the provisions of this chapter, the lobbyist's registration
29 may be revoked or suspended and the lobbyist may be enjoined from receiving compensation or
30 making expenditures for lobbying.

31 (d) If the Attorney General prevails in an action brought under §3-13-5(a) of the code, the
32 court shall award:

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

35 (2) Statutory damages up to twice the amount of the prohibited contribution or expenditure.

36 (e) In addition to the penalties provided in this article and any other remedies provided by
37 law, if the court finds a knowing or willful violation of this article, the court may assess a penalty of
38 up to three times the statutory damages.

§3-13-4. Restrictions on collection and release of donor information; penalty for violation.

1 (a) Lawful donors to a tax-exempt organization possess a right of privacy in their
2 donations. Any investigation of an alleged violation of this Act or a lawful court order in an action
3 brought under §3-13-5(a) of this code must occur in a manner that shields the identity of lawful
4 donors as much as possible. No state, local governmental entity, court, or officer of the court, may
5 collect or require the submission of information on the identity of any donor to a tax-exempt
6 organization other than those directly related to an alleged violation of this article.

7 (b) It is a misdemeanor for any state, local governmental entity, court, or officer of the court
8 to disclose to the public, or another government official not directly involved in the investigation,
9 information revealing the identity of any donor to a tax-exempt organization, unless the information
10 is regarding the identity of a donor that engaged in conduct prohibited by the article after a final
11 determination has been made that the donor violated the article. Knowing or willful violations of

12 this subsection shall be punishable by a fine of not more than \$100 or by imprisonment for not

13 more than ten days or by both such fine and imprisonment.

NOTE: The purpose of this bill is to safeguard election integrity and national sovereignty by preventing foreign governments, corporations, or individuals from influencing domestic political processes (elections, ballot initiatives, etc.) through financial contributions.

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